

ORDINANCE 2015-04

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

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; AMENDING TABLE 23-220 LAND USE APPLICATIONS, REVIEW, APPROVAL AND PUBLIC HEARING; AMENDING SPECIAL EXCEPTION USE PERMIT; AMENDING VACATION OF PUBLIC RIGHTS-OF-WAY OR PUBLIC EASEMENT; AMENDING FINAL SUBDIVISION PLAT; AMENDING ACCEPTANCE OF DEVELOPER DONATIONS, DEDICATIONS, CONTRIBUTIONS, ETC; AMENDING STREET CLASSIFICATION SYSTEM; AMENDING STREET ACCESS REQUIREMENT; AMENDING TABLE 23-405; AMENDING CERTAIN PERMITTED AND SPECIAL PERMIT USES IN VARIOUS ZONING DISTRICTS; AMENDING AND ADDING DEFINITIONS; AMENDING LANDSCAPE STANDARDS; AMENDING FENCES AND HEDGES; AMENDING DIMENSIONAL STANDARDS – RESIDENTIAL; AMENDING ACCESSORY UNITS – RESIDENTIAL PROPERTIES; MAKING MISCELLANEOUS CORRECTIONS, CLARIFICATIONS, AND ADJUSTMENTS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: Planning Board Membership

Sec. 23-205.2 Composition of planning board and terms of members

The following subsection is amended to read as follows:

Sec. 23-205.2.a The planning board shall consist of seven (7) regular members who shall be appointed by the governing body. At least six (6) must be residents of the city, and one (1) member must either reside in or own property in the city.

SECTION 2: TABLE 23-220 – LAND USE APPROVAL PROCESS

Renumber table to Table 23-211 and move to follow sec. 23-211

Amend reference to table in sec. 23-211 as follows:

Sec. 23-211 – In general.

The permits and approvals specified in this division are required for development of any land within the city. Permits may be applied for at the office of the administrative official on forms supplied by that office. Deadlines and information required with applications shall be set forth in a procedures manual maintained by the administrative official. The administrative official may request additional information, including a survey, if such information is necessary for the processing of the application. Incomplete applications shall not be scheduled for review until all required information is submitted in a timely manner by the applicant. Table 23-211 below ~~–23-220 following this division~~ summarizes

approvals that are required for various types of applications. Application fees are set forth in section 23-242. All applications for development approval or changes of use are subject to the concurrency requirements set forth in Article VII, Division 1 (section 23-701 et seq.).

Amend Table 23-220 to read as follows:

TABLE 23-220 APPLICATIONS—REVIEW, APPROVAL
LAND USE & PUBLIC HEARING REQUIREMENTS

CODE SECTION AND TYPE OF APPLICATION	REVIEW & APPROVAL PROCESS			
	ADMINISTRATIVE	PLANNING BOARD	BOARD OF APPEALS	CITY COMMISSION
<u>23-212</u> Verification of Zoning Compliance	A			
<u>23-213</u> Certificate of Use	A			
<u>23-214</u> Tree Removal Permit	A			
<u>23-215</u> Land Alteration Permit	A			
<u>23-216</u> Special Exception Use Permit	R	A - PH		
<u>23-217</u> Site Development Permit	A			
<u>23-218</u> Zoning Map Amendment	R	R - PH		A - PH <u>ORD</u>
<u>23-219</u> Comprehensive Plan Amendment	R	R - PH		A - PH <u>ORD</u>
<u>23-220</u> Annexation	R			A - PH <u>ORD</u>

<u>23-221</u> Vacation of Easement	R			A - <u>RES</u>
<u>23-221</u> Vacation of Right-of-Way	R			A - PH <u>ORD</u>
<u>23-222</u> Site Plan—Minor	A			
<u>23-222</u> Site Plan—Major	R	A		
<u>23-223</u> Subdivision Plat—Preliminary	R	R		A
<u>23-223</u> Subdivision Plat—Final	R			A
<u>23-223</u> Vacation of Plat	R	R		A - PH
<u>23-224</u> Planned Dev Project— Preliminary	R	R - PH		A - PH
<u>23-224</u> Planned Dev Project—Final survey	A			
<u>23-225</u> Development of Regional Impact		R-PH		A - PH

A = Approve
 R = Review
 PH = Public Hearing Required
 ORD = Ordinance Required
 RES = Resolution Required

Approval Required
 and Recommend

SECTION 3. SPECIAL EXCEPTION USE PROCESS

Sec. 23-216 Special exception use permit

The following subsection is added to read as follows:

Sec. 23-216.6 Expiration regulations

a. A special exception use permit shall expire one (1) year after approval if the approved use has not been established, unless an extension of time is granted by the planning board prior to the end of the one-year period.

b. Whenever an approved special exception use has been discontinued for a period of one (1) year, no such use may be reestablished on those premises unless a time extension is granted by the planning board prior to the end of the one-year period. Expiration of the one-year period without the granting of a time extension, shall require application, review and approval in accordance with section 23-216 to resume the special exception use.

Delete section 23-434. Discontinued use (moved to 23-216.6.b.)

~~**Sec. 23-434. Discontinued use.** Whenever an approved special exception use has been discontinued for a period of one (1) year, no such use may be reestablished on those premises unless a time extension is granted by the planning board prior to the end of the one-year period. Expiration of the one-year period without the granting of a time extension, shall require application, review and approval in accordance with section 23-216 to resume the special exception use.~~

SECTION 4. VACATION OF PUBLIC RIGHTS-OF-WAY OR PUBLIC EASEMENTS

Sec. 23-221 Vacation of public rights-of-way or public easements

The following subsection is amended to read as follows:

Sec. 23-221.2.c.1 *Easement.* The city commission may enact ~~an ordinance~~ a resolution vacating an easement. The city commission may approve the vacation of an easement only with a favorable recommendation from the director of public works. Such approval may be conditioned upon the relocation of the easement and the utilities therein at the applicant's expense.

SECTION 5. DEDICATIONS OF PUBLIC IMPROVEMENTS

Sec. 23-223 Land Subdivision and Sec. 23-226 Acceptance of developer donations, dedications, contributions, etc.

The following subsections are amended to read as follows:

Sec. 23-223.4.c.2. *Final subdivision plat.* The final subdivision plat shall constitute the totality of land the applicant plans to develop. When a subdivision is being developed in phases, the final subdivision plat shall constitute only that portion of the approved development plan which the applicant proposes to record and develop at the time, provided, however, that such portion conforms to the phasing schedule approved with the preliminary subdivision plan and all requirements of these regulations. The final subdivision plat shall be consistent with the preliminary plat approved by the city commission and shall conform with all requirements of these regulations. The number of reproducible plats and copies shall be as set forth in the procedures manual maintained by the administrative official.

A. The final subdivision plat shall conform to the requirements of F.S. ch. 177.

B. ~~— The title page shall provide a signature block for the director of public works to certify that the public improvements have been completed and are acceptable to the city.~~

C. ~~B.~~ An executed dedication of public improvements to the city shall be made on the title page.

D. ~~C.~~ The title page shall provide a signature block for the city's surveyor to certify that the plat has been reviewed for conformity with the requirements of F.S. ch. 177.

~~Sec. 23-223.4.c.3.D. Cost of dedicated facilities. Dedicated public facilities. Dedications executed by the owner on the plat shall be accepted by the city through the process outlined in sec. 23-226 at such time as the city commission determines appropriate. The city may undertake re-inspection of such facilities and if necessary require corrective action by the owner prior to accepting the dedication(s). An itemized list with costs of all improvements to be dedicated shall be provided by the applicant at the time of platting. After verification of accuracy by the city engineer, the list shall be forwarded by the administrative official to the finance director for the purpose of updating the city's fixed assets. All cost documents shall be signed and sealed where appropriate.~~

Sec. 23-226. *Acceptance of developer donations, dedications, contributions, etc.*

- a. The city commission shall accept all donations or dedications of roads, sidewalks, water and sewer improvements, land or other developer contributions ~~not included on a subdivision plat by enacting a resolution that~~ includes the following:

SECTION 6. STREET CLASSIFICATION ADJUSTMENTS

Sec. 23-303 Streets.

The following subsections are amended to read as follows:

Sec. 23-303.2 Street classification system.

- a. *Street classification system.* The street classification system is established consistent with the Transportation Element and map of the Comprehensive Plan to ensure the expansion of a roadway network adequate to serve the needs of future development. The roadway functional classifications group streets and highways according to the character of service they are intended to provide in relation to the total road network. The Federal Highway Administration defines the basic categories as follows: ~~include arterial roads, major and minor collector roads, and local roads. subdivided into principal, major, or minor levels.~~ The city's street classification system is established as follows in accordance with the comprehensive plan's Existing and Future Traffic Circulation Map and is summarized as follows:

<u>Functional System</u>	<u>Services Provided</u>

<u>Arterial</u>	<u>Provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.</u>
<u>Collector</u>	<u>Provides a less highly developed level of service at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials.</u>
<u>Local</u>	<u>Consists of all roads not defined as arterials or collectors; primarily provides access to land with little or no through movement.</u>

b. Classification of Lake Wales Streets

Streets providing service within the city are classified as arterials, major or minor collectors, and local roads as follows:

1. Arterial highways. ~~A highway or street which provides a direct, relatively high-speed route for large volumes of traffic for long, local trips and provides access to major regional highways. The Lake Wales Comprehensive Plan defines an arterial as "A route that is relatively continuous, of high traffic volume, of long average trip length, of high operating speed, and of high mobility importance A. Arterials are part of a rural network of continuous routes serving substantial statewide travel by connecting urbanized areas. of linking counties and towns providing intrastate and intracounty service."~~

The existing arterials within the city include:

State Road 17(Alt. 25)

State Road 60

U.S. Highway 27

2. Major collector roads. A major collector means a street which conducts moderate volumes of traffic between arterials and minor collectors or local streets and also provides access to abutting properties. ~~The Lake Wales Comprehensive Plan defines a major collector as "A route providing service that is of relatively moderate traffic volume, moderately average trip length, and moderately average operating speed. These routes serve primarily intracounty travel."~~ Major collectors shall connect to arterials or other major collectors at both ends.

Major collectors in and immediately outside of the city that are part of the county road system include:

Buck Moore Road between Burns Avenue and State Road 60 (CR 17-B)

Burns Avenue, eastward from S.R. 17 (CR 17-A)

Central Avenue between U.S. 27 and S.R. 60

Eleventh Street southward from S. R. 60 (CR 17-B)

Masterpiece Rd. from Buck Moore Rd. to city limit

Mountain Lake Cut-off Road

~~Sunset Drive between Lake Shore Blvd. And Buck Moore Road~~

~~Washington Avenue between U.S. 27 and E Street~~

Chalet Suzanne Road eastward from U.S. 27 (CR 17-A)

State Road 17(Alt. 25)

Thompson Nursery Road westward from U.S. 27

3. *Minor collector roads.* ~~Minor collectors are streets which provide connections between local streets and major collectors or arterials. The Lake Wales Comprehensive Plan defines a minor collector as "A route that collects traffic from local roads and brings all developed areas within a reasonable distance of a major collector road."~~ Any new minor collector shall connect to another minor collector, an arterials, or a major collector at each end. Minor collectors shall not be dead-ends and shall not terminate at a local street.

The city street system includes a gridwork of street classified as minor urban collectors, including:

Campbell Avenue between Marietta Street and Eleventh Street

Central Avenue between U.S. 27 and Lake Shore Blvd.

Dr. Martin Luther King Blvd. between Dr. J.A. Wiltshire Avenue and S.R. 60

Dr. J.A. Wiltshire Avenue between G Street and North Wales Dr.

E Street between Florida Avenue and Dr. J.A. Wiltshire Blvd.

Eleventh Street between Lakeshore Blvd. and S.R. 60

Euclid Avenue between Seventh Street and Eight Street

First Street between Dr. J.A. Wiltshire Blvd. and Winston Avenue

Grove Avenue between 9th Street and 11th Street South

Hunt Brothers Road between US Highway 27 and City limit

Lake Shore Blvd.

Marietta Street from Lake Shore Blvd. to Campbell Avenue

Mountain Lake Cut-off Road from U.S. 27 to S. R. 17

Ninth Street South south of Cohasset Avenue

North Wales Drive between Burns Avenue and Lake Shore Blvd.

Orange Avenue between Wetmore Street and S.R. 17

Palm Avenue

Park Avenue between Lake Shore Blvd. and Dr. Martin Luther King Blvd.

Polk Avenue between S.R. 60 and Lake Shore Blvd.

Sessoms Avenue between Dr. Martin Luther King Blvd. and North Wales Dr.

Stuart Avenue between Dr. Martin Luther King Blvd. and S.R. 17

Third Street between S.R. 17 and Winston Avenue

Tillman Avenue between S.R. 17 and Wetmore Street

Tower Blvd. between Burns Avenue and Lake Shore Blvd.

Wetmore Street between Sessoms Avenue and Briggs Avenue

4. *Local street.* Local streets provide connections between individual properties and collectors or arterials. A local street is a route that has the function of providing accessibility to individual parcels of property in residential areas. Local streets carry light volumes of traffic and should be designed to discourage through traffic and encourage low vehicular speeds. Local streets existing in the city are all of those street not listed in this subsection as arterials, major collectors or minor collectors.

Sec. 23-303.3 Street Access Requirements, subsec. c.

~~c. Residential development.~~ 2. Residential development

Sec. 23-303.3.b.2.C. No lots in new residential developments and no new or multi-family buildings shall be approved or permitted on a local street unless the distance via local streets from the site to a minor collector street or street of higher classification is one thousand two hundred (1,200) feet or less.

Sec. 303.4 Entrance roads, intersections and blocks.

TABLE – DWELLING UNITS AND REQUIRED LENGTH OF ACCESS ROAD

<i>Number of dwellings</i>	<i>Length of Primary Entrance Road (Meeting major collector design standards)</i>
Up to 100	150 feet
100-199	200 feet
200-299	350-250 feet
300-399	400-300 feet
400-499	450-350 feet

Sec. 23-303.11.b . Streets shall be designed so as to make them flood-free in order that properties served by such streets will not be isolated by floods. In flood-prone areas, the director of public works may require profiles and elevations of streets in order to determine the adequacy of design. Fill may be permitted by the director of public works provided that it does not adversely affect flood conditions of the surrounding properties. Street construction shall comply with Art. IV, Div. 1. Development in Flood Prone Areas as applicable.

SECTION 7. LANDSCAPE STANDARDS

Sec. 23-307 Landscaping requirements

The following subsections are amended as follows:

Sec. 23-307.1.a. *Applicability*. The provisions of this subsection apply to all areas used for the display or parking of any and all types of vehicles, boats, or heavy construction equipment, whether such vehicles, boats or heavy construction equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, hereinafter referred to as "other vehicular uses" which include but are not limited to activities of a drive-in nature such as, but not limited to, filling stations and grocery stores. All uses covered by this subsection shall conform to the minimum landscaping requirements hereinafter provided, save and except areas which are used for parking or other vehicular uses but which are located under or within buildings. ~~Parking areas serving single and two-family dwellings are exempt from the provisions of this section except that paragraph (e), Tree Density, shall apply to all residential and non-residential construction as specified herein.~~

Sec. 307.1.b.6. *Tree*: ~~Any~~ A woody perennial plant with an elongated stem or trunk supporting branches and leaves excluding Queen Palm and Citrus of a species which normally grows to an overall height of at least fifteen (15) feet in this area.

Sec. 23-307.2.b.Plant Material 1 General quality:

D. The use of invasive, poisonous, or commonly objectionable species is prohibited.

Sec. 23-307.2.b. Plant Material 2. Trees,

A. Trees shall be of a species which in this area will have a mature crown spread of greater than fifteen (15) feet and a trunk of five (5) feet of clear wood. Species excluded from the requirement for a tree removal permit (sec. 23-214) shall not be used in meeting landscaping requirements.

SECTION 8. CORRESPONDENCE OF ZONING DISTRICTS TO COMPREHENSIVE PLAN LAND USES

Amend Table 405 as follows:

Add asterisk to "Business Park (BP)"

SECTION 9. PERMITTED AND SPECIAL EXCEPTION USES – ZONING DISTRICTS

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

Under "Amusement establishment – Indoor"
Allow as a permitted use in C-3.

Under "Dwelling: Multi-family (more than 12 units/parcel)"
Allow by PDP process in C-2 and C-3

Amend Footnote * to read as follows:

*See special conditions for this use in article III, division 2, Conditional Use Regulations. For conditions for a dwelling unit accessory to a single-family dwelling, see Table 23-521, Accessory Uses - Residential Properties.

Amend footnote #2 to read as follows:

Mixed-use and multi-family development may be approved through the PDP process only ~~where mixed use is a designated use under~~ if consistent with the policies of the Comprehensive Plan for the Future Land Use classification of the property. Standards ~~for mixed-use planned developments~~ in section 23-445 apply to all mixed-use planned developments and those in section 23-443 apply to all residential planned developments.

Amend Notes to read as follows:

•~~Outdoor storage or sales at an otherwise permitted business or enterprise requires a special exception use permit.~~ in BP, I-1, and I-2 is allowed with site plan approval.

•Outdoor display and sales at an otherwise permitted business or enterprise are subject to conditions in Sec. 23-343

SECTION 10. RESIDENTIAL ACCESSORY USES AND STRUCTURES

Table 23-521 Accessory Uses – Residential Properties

Accessory unit (apartment or guesthouse) at single-family residence is to be amended as follows:

Special exception use permit required for the addition of an accessory unit. ~~Lot on which the accessory unit is located must be a minimum of 5,000 square feet in excess of the minimum lot area for a single-family dwelling in the zoning district.~~ Living floor area of accessory unit shall be a minimum of 450 square feet and shall not exceed 50% of the living floor area of the principal dwelling.

SECTION 11. DIMENSIONAL REQUIREMENTS

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

To be amended as follows:

Minimum Lot Width at the building line (feet) R-2 ~~60-75~~

Footnote 1

On any lot approved with reduced frontage, the lot width between the front lot line (street frontage) and the building line shall not be less than 25 feet at any

point. ~~Lots which front on turnarounds of culs-de-sac shall have a minimum street frontage of 30 ft. In new single-family subdivisions, up to 10% of the lots may be approved with reduced street frontage, provided that no frontage is less than 30 feet in width. One single-family house may be constructed on a panhandle lot with reduced street less than 50 feet of frontage, provided that, excluding any portion of the lot less than 50-feet in width, the lot meets the minimum required lot area and other dimensional requirements the lot has at least two times the area required for a single-family house in the zoning district, and provided the lot has a minimum of 25 feet of frontage.~~

SECTION 12. FENCES AND HEDGES

Sec. 23-524. Fences and hedges.

The following subsection is amended to read as follows:

Sec. 23-524.c.1 Fence materials must be generally compatible with surrounding properties. Traditional materials such as wood, masonry, wrought iron, or other metal are preferred materials for fences in front yards. Fences constructed of vinyl or other plastic materials are not permitted ~~in front yards~~ as the exterior perimeter wall of a development. Chain link and solid fences such as stockade fences may be located in front yards provided shrubs are planted and maintained along the side of the fence facing any public right-of-way. Such shrubs must be at least two and one-half (2½) feet in height at the time of planting and shall be planted as a continuous hedge or shall be spaced a maximum of fifteen (15) feet apart. Chain link and solid fences constructed behind the front building line and parallel to the right-of-way must also be landscaped per these requirements, unless the administrative official determines that screening is not necessary because of site topography, adequate existing landscaping in the front yard, short length of fence, sufficient setback behind the building line, or other condition specific to the property.

Sec. 23-543 Fences and Hedges.

The following subsections are amended as follows:

Sec. 23-543.c *Dimensional requirements*. No fences shall be installed, constructed or erected without complying with the following regulations:

1. *Maximum height*. The maximum height of a fence shall be four (4) feet in the front yard and six (6) feet in the rear and side yards except in the I-1, I-2 and BP zoning Industrial district, where the maximum height shall be eight (8) feet in any yard. The planning board may waive the height requirements for a valid purpose related to compatibility with the character of the neighborhood, addressing problems with slope or architecture, screening an adjacent land use, or security for industrial uses.

The following uses shall be exempt from maximum height requirements:

Utility and power substations;

Water and wastewater facilities;

Municipal facilities;

Public swimming facilities;

Storm water retention ponds (when fence is required by water management district).

3. *Materials.* Fences must be constructed of new materials designed for that purpose or aged for proper architectural effect. Fences having a side with exposed or irregular structural components, and a more finished, uniform and aesthetically attractive side, shall be constructed and installed so that the more finished side faces outward from the fenced property toward the adjoining property. Chain link and solid fences abutting or parallel to public right-of-way or abutting a residential property shall be screened on the exterior side of the fence by a hedge having a minimum height of two (2) feet and fifty (50) percent view blockage at the time of planting with the capability of attaining a minimum height of four (4) feet and one hundred (100) percent view blockage within two years. Such fences shall be set back from the property line a minimum of three (3) feet to accommodate the hedge. Walls shall be of masonry construction. No fence shall contain any substance designed or reasonably likely to inflict injury to any person or animal, including, but not limited to, razor wire, glass, or electrically charged wire. In Industrial zoning districts and on industrial properties ~~upon the granting of a special permit by the planning board~~, three (3) strands of barbed wire may be used on top of a ~~six-foot~~ fence a minimum of six (6) feet in height. Barbed wire may also be used on agricultural lands.

SECTION 13. FLOOD HAZARD REDUCTION IN NEW DEVELOPMENTS

Sec. 23-604. Provisions for flood hazard reduction.

The following subsection is amended to read as follows:

Sec. 23-604.d. *Standards for ~~subdivision proposals~~ new development*

1. ~~All subdivision proposals shall be consistent with the need to~~ All new development shall be designed to minimize flood damage.
2. All new development ~~subdivision proposals~~ shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
3. All new development ~~subdivision proposals~~ shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development ~~(including manufactured home parks and subdivision)~~ which is greater than the lesser of fifty (50) lots or five (5) acres.

SECTION 14. DEFINITIONS

The following definitions are amended to read as follows:

Amusement establishment, indoor. A building or premises used for the provision of entertainment, exercise, or games, such as bowling alleys, health clubs, and game rooms, but not including theaters or movie theaters. See also theater; theater, movie and cultural facilities.

Light uses. Those uses which are nonhazardous and whose processing, fabricating, assembly or disassembly take place wholly within an enclosed building and whose premises do not contain any outdoor storage, open storage or aboveground tank storage of merchandise, products, materials, equipment or other items utilized by establishments that are visible from any travel way, in practicing their vocation or occupation except for automobiles, delivery trucks or service trucks.

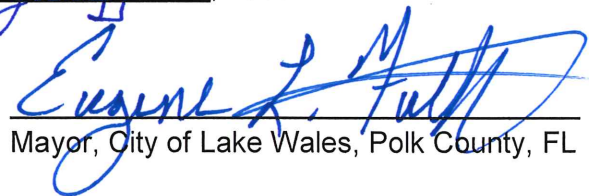
Service, personal. An establishment which provides for the needs of customers, whether individuals or businesses, and their possessions. Personal service establishments include beauty and barber shops, dry cleaning pick-up services, printing shops, frame shops, photo shops, health clubs, spas, and appliance repair shops, but not laundromats.

SECTION 15. All ordinances or parts of ordinances in conflict herewith as hereby repealed.

SECTION 16. 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 17. This ordinance shall become effective immediately upon passage by the City.

CERTIFIED AS TO PASSAGE this 7th day of July, 2015.
CITY OF LAKE WALES, FLORIDA



Mayor, City of Lake Wales, Polk County, FL

ATTEST:



City Clerk Clara VanBlargan, MMC

