### ORDINANCE 2021-09

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 23-223 LAND SUBDIVISION AND TABLE 23-421 PERMITTED USES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

## SECTION 1:

## 23-223 – Land Subdivision.

Sec. 223-4 Final subdivision plat and supplementary information. *d. Review and Certification Process. Each final-subdivision plat shall be subjected to a standard review and certification process as follows.* 

### 4. Maintenance Bonds.

a. Public Improvements - To ensure that any improvements dedicated to the City (such as, but not limited to, streets, drainage, water, reclaimed water, sanitary sewer, storm sewer facilities, street lights and traffic signs) do not contain construction, design, or material defects or failures, a letter of credit or other surety shall be required. The surety shall be 10% of the cost of the improvements, based on the engineer's cost estimate approved by the City. Said surety shall be reviewed and approved by the City prior to final plat. The surety shall be held by the City for a minimum of 24 months. The City reserves the right to hold the surety for a maximum of 60 months if special conditions encountered during design or construction make normal inspection and testing insufficient to assure structural integrity. Examples of special conditions include the use of marginal soils in construction, application of geotextile material precludes the removal of unsuitable material, and construction practices resulting from experimental design concepts.

b. Project Landscaping – A letter of credit or other surety shall be required in order to ensure that landscape improvements in project common areas remain viable and are not diseased, damaged or dying. The surety shall be for 120% of the total landscaping cost, based on the review and approval of the project costs by the Administrative Official. Said surety shall be reviewed and approved by the City prior to final plat. The surety shall be held by the City for a minimum of 24 months. The City reserves the right to hold the surety for a maximum of 60 months to ensure that the project common area landscaping remains healthy and viable.

# TABLE 23-421 PERMITTED USES AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS

			R- 1C			R-3	PF	PDMU	C- 1A		C- 2R	C-3	C- 4	C-51	LCI	BP	I- I 1 2		N:
RESIDENTIAL																			
Dwelling: Single-family	Ρ	Р	Ρ	P	Р	Р	Р	MDP			Р			Р					
Dwelling: Two-family					Р	Р	Ρ	MDP			Р			Р					
Dwelling: Multi-family (up to 12 units on one parcel)						P	P	MDP	P	P	P	P		P					
Dwelling: Multi-family (more than 12 units/parcel)						PDP	PDP	MDP	PDP		PDP	PDP		PDP					
Dwelling unit for caretaker employed on premises							s	MDP	s	S	s	S	s	s	S	s	s	ss	;
Dwelling, accessory to single-family house*	S	s	S	s	s	S	s	MDP	Р	s	s	S	s	s					
Mixed-use - residential and nonresidential							s	MDP	Ρ	Ρ	S	PDP2		PDP					

Amusement															
establishment—Indoor					MDP	s	s	s	Р	s	s			s	
	_		-		MDF	$\vdash$	+	+		+		$\vdash$		$\square$	$\vdash$
Amusement															
establishment—Outdoor							s		s		s			s	
			+		MDP	$\vdash$	-	-		+		$\vdash$	$\vdash$	$\left  \right $	++
Indoor shooting ranges									Р			Р	Р	ΡP	
			+		MDP	$\vdash$	+	+		+	-	$\vdash$	$\vdash$	$\left  \right $	$\vdash$
Movie theater— Indoor						Р	Р	Р	Р		Р			P	
					MDP										
AUTOMOTIVE USES*															
Auto and truck rental						s	Р	s	Р		s	Р		P	
					MDP	5		5			5				
Auto and truck repair					MDP	S	S	S	S		S	s		ss	
Auto, truck, or motor															
cycle dealer					MDP	s	S	S	Ρ		S	Ρ	Ρ	P	
Auto parking															
establishments (principal				_											
use)				S		P	P	S	P		S	P	۲	PP	
Auto service station					MDP	S	s	S	Р		s			s	
										┢		$\square$			$\square$
Car wash					MDP		s	s	Р	s	s	s		s	
		$\vdash$	+-				+	+	+	+		$\vdash$	$\vdash$	$\left  \right $	++
Recreational vehicle,															
mobile home, or boat															
dealers					MDP		s	s	Р		s	Ρ	s	ΡP	
					אַטוען	1									

## EDUCATIONAL AND CULTURAL

Club7							s	MDP	Р	Р	s	P	s	s	Р			
Cultural facilities	s	s	s	S	s	s	s	MDP	Р	Р	Р	Р	Р	Р	Р	Р	P	F
Day care center3*	P	P	P	P	P	Р	Р	MDP	Р	Р	Р	P	Р	Р				
Religious establishment	Р	Р	Р	Р	Р	Р	Р	MDP	Р	Р	Р	P		Р			P	
Schools, athletic or music							s	MDP	s	P	S	P		s	S	Р	s	
Schools, post secondary	s	s	s	s	s	s	s	MDP	s	s	s	S		s		s	s	
Schools, primary- secondary	P	Р	P	Р	P	P	Р	MDP	Р	P	P	Р		P				
Schools, training (other than athletic or music)							s	MDP	Р	Ρ	Ρ	Ρ		Ρ	s	Р	P	
FARMING/OTHER AGR	ICU	ILTU	JRA	L														
Farming, crop4 or nursery without retail sales	Ρ	Ρ	Ρ	P	P	Ρ	Р	MDP	Ρ	P	Ρ	Ρ	Ρ	Ρ	P	Ρ	ΡP	ΡF
Nursery, plant with retail sales								MDP		Р	S	P		s	s	s	ΡP	
FOOD AND BEVERAGE beverages.)	BL	JSIN	IES	SES	5 (S	ee se	ectio	n 23-34	2 ar	nd cha	apter	5 for r	egu	Ilatio	ns c	n a	lcoh	olic

						P - C1-										
Bar, wine and beer7					MDP	A only										
Catering facility					MDP	s	Р	s	Р		s	Р	s	P	-	
Food processing					MDP							Р	s	P	5	
Mobile Food Vending/Mobile Food																
Dispensing Vehicles *					MDP	Р		Р	Р	Р		Р	Р	Р		
Restaurants, eat-in5, 7				s	MDP	Р	Р	s	Ρ	Ρ	Р	<u>Р</u>	Р	F	5	
Restaurants, drive-up					MDP		S		P		s					
Restaurant, outdoor cafe7				s	MDP	P	Ρ	S	Ρ	Ρ	P					
Restaurant, take-out5					MDP	Р	P	s	P	Р	Р	<u>s</u>	s	SI	5	
HEALTH CARE																
Health service				Ρ	MDP	s	Р	s	P		Р	Ρ	Р	F	5	
Hospitals				Р	MDP		s		P			Р	s			
Medical Marijuana Dispensaries and Treatment Centers *				P	MDP				P							

Medical office (one practitioner)							Р	MDP	P	P	P	P	P	P	P	P		
Nursing care homes*	s	S	S	S	s	s	Р	MDP	s	s	s	P		s			S	
Veterinarian or small animal hospital							s	MDP		P	s	P		P	P	Р	Ρ	
Animal hospital								MDP		S		Р			Ρ	Ρ	S	
LODGINGS			_	_		_												
Bed and breakfast (accessory to single- family)*	S	S	S	S	S	S	s	MDP	S		s			S				
Boarding house					s	s	S	MDP	s		s			s				
Dormitory						s	s	MDP	s	s	s	s		s				
Hotel								MDP	Р	P/S	s	Р		P/S	s	P	S	
Motel								MDP		s	s			s	s		S	
INDUSTRIAL USES			_	_		_												
Assembly and fabrication								MDP				S			P	P	PP	
Laundry and dry cleaning plants								MDP							Р	s	PP	

Manufacturing—Light								MDP				<u>s</u>			P	P	Р	P	
Manufacturing—Heavy																	s	s	
Warehouse/ <b>Distribution</b>								MDP				<u>s</u>			Ρ	Ρ	Ρ	Р	
PROFESSIONAL AND C	ЮМ	ME	RCI	AL (	JSE	ES**													
Artisan Production, small scale								MDP	S	S		Р	S	S	P	P			
Artisan Production, large scale								MDP				P			P	P			
Bank							P	MDP	P	Р	P	Р	Р	Р		P		P	
Bank with drive-up window							s	MDP	s	P	Р	Р	Р	Р		Р		P	
Construction support— Light								MDP	P	P	P	Р		P	P	P	Ρ	P	
Construction support— Heavy										S		S			s	S	s	S	
Funeral home							Р	MDP	Р	Р	Р	Р		Р	s			P	
Kennel								MDP				S			s		s	s	
Laboratory, research							s	MDP		Р	s	Ρ			Р	Ρ	Р	Р	

Landscaping service								MDP		S		s			Р	s	Ρ	Р	
Laundromat*						s		MDP	s	Р	s	Р	s	s				Р	
Mini-storage						s	s	MDP		Р	s	Р	s	s	Р	Р	Р	Р	
Office, professional (except medical)							Ρ	MDP	P	P	P	Ρ	Р	Ρ	Р	P	Р	Р	
Personal service						s	s	MDP	Р	Ρ	Р	Ρ	Р	Р	s				
STORES (See section 23	3-34	2 ar	nd cl	napt	er	5 for	regu	lations	on a	lcoho	olic b	everaç	jes.	.)			_		
Convenience store (incl. groceries, drugs, or liquor)								MDP	P	S	S	P	P	P					
Convenience store with gasoline service								MDP	s	S	S	P	s	s				s	
Outdoor display or sales (as principal or accessory use)6								MDP	s	S	S	S	s	s	S	S	s	s	
Store, retail — up to 1,500 sq. ft./store								MDP	Р	P	Ρ	P	P	Ρ	s			Р	
Store, retail - up to 12,500 sq. ft./store								MDP	P	P	Р	P	P	P				Р	
Store, retail - from 12,500 to 100,000 sq. ft./store								MDP	S	P	S	Р		P					

Store, retail - from 100,000 to 300,000 sq. ft./store								MDP	s			P		S					
PUBLIC AND GOVERN	MEN	Т																	
Aircraft establishment																	Р	Р	
Airports, heliports and related aviation facilities																s	s	s	
Public facilities and offices**	P	P	P	Ρ	Р	P	Р	MDP	Ρ	P	P	Р	P	P	Р	Ρ	Ρ	ΡP	P
Public transportation terminals								MDP	S	S	S	Р	s	s		s	Ρ	Р	

## 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	June	2021.

By: \_\_\_\_\_ L. 7 the

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

ATTEST:

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City Clerk