

## **ORDINANCE 2023-13**

**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 23-423.D. DOWNTOWN MIXED-USE DESIGN STANDARDS: CRYSTAL LAKE OVERLAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on September 7<sup>th</sup>, 2022, a new section of the Lake Wales Development Code was adopted, Section 23-423: Downtown Mixed-Use Standards. This new section implemented most of the provisions in the Lake Wales Connected plan Action Items; and

**WHEREAS**, some of the items included in Section 23-423 were a Downtown Historic Overlay, a Crystal Lake Overlay, Building Form Standards, Building Height, Parking, and Architectural Standards; and

**WHEREAS**, the Crystal Lake Overlay was specifically included to recognize the unique environmental and historical character of the commercially zoned properties fronting Crystal Lake; and

**WHEREAS**, following the adoption of the Crystal Lake Overlay, community stakeholders raised questions about the intent of the Crystal Lake Overlay's 70' setback from North 3<sup>rd</sup> Street; and

**WHEREAS**, in response to these inquiries, City Planning Staff is bringing forward text amendments to clarify the use and function of the land within the North 3<sup>rd</sup> Street setback, as well as to provide design flexibility for the North 3<sup>rd</sup> Street setback based on the illustrative master plan process; and

**WHEREAS**, a technical edit to the terminology for the public meeting was made, changing the word "charrette" to the word "meeting" to be consistent with the terminology in other sections of the Crystal Lake Overlay; and

**WHEREAS**, the Lake Wales Main Street Board reviewed the Crystal Lake Overlay text amendments and provided a letter of support on January 13, 2023; and

**WHEREAS**, the Historic District Regulatory Board (HDRB) considered the Crystal Lake Overlay text amendments on January 19<sup>th</sup>, 2023 and unanimously recommended approval of the amendments, with an additional text amendment to address the preservation, relocation or reuse of historic buildings and historic building materials; and

**WHEREAS**, the Planning and Zoning Board reviewed the proposed Crystal Lake Overlay text amendments, including the additional text amendment addressing historic buildings, and unanimously approved the amendments on February 28, 2023; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, AS FOLLOWS:**

**Section 1. Incorporation of Recitals.**

The above recitals are true and correct and are incorporated into this Ordinance by reference.

**Section 2. Adoption of Crystal Lake Overlay text amendments.**

**§ 23-423.Downtown Mixed-use Design Standards**

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- d. Crystal Lake Overlay. The Downtown Mixed-use Design Standards supplement but do not replace the required building form standards, design standards, and approval process for the Crystal Lake Overlay.
  1. Intent. The intent of the Crystal Lake Overlay is to acknowledge the unique environmental and historical character of those commercially-zoned properties fronting Crystal Lake. These properties are the historic gateway to Lake Wales as we know it today, and they originally served as a municipal park, train depot, and hotel that welcomed the first residents of Lake Wales into the new City. The unique siting along the railroad line, but on a dramatic hill overlooking the steep shoreline of Crystal Lake, was a geographic feature that was the first impression of the earliest visitors and residents of Lake Wales. Over time, this unique environmental and historical condition has become more difficult to experience due to siting of roadways, siting of the library to face towards the Downtown, and the underutilized character of the old hotel site.
  2. Process. All new construction in the Crystal Lake Overlay of more than 15,000 sf will require Site Plan Review by process of a Planned Development Project (PDP) application as described in Sec 23-224, with the following additions and modifications to the PDP Process:
    - i. At least one mandatory Public Design meeting shall be held prior to any public hearing, in order to establish the community vision for the future of these significant parcels of land.
    - ii. An Illustrative Master Plan shall be submitted as part of the required Site Plan application that demonstrates compliance with the Crystal Lake Design Standards (Sec 23-423.d.4) all applicable D-MU standards (Building Form, Sec 23-423.e; and Architecture, Sec 23-423.f), as well as community input from the mandatory Public Design meeting.
  3. Historic importance of Crystal Lake. The historic significance of Crystal Lake as the premiere waterfront destination in Lake Wales will be incorporated into all site planning, urban design, and architectural decisions for properties within

the Crystal Lake Overlay. This shall include, but are not limited to the Design Standards outlined in Section 23-423.d.4.

4. Crystal Lake Design Standards.

- i. North 3<sup>rd</sup> Street Setbacks. All buildings, parking, service areas, and any improvements to the site shall be setback a minimum of 70' from the property line along N. 3<sup>rd</sup> Street, which fronts Crystal Lake; or an alternative setback or build-to line may be established through the public design meeting and master plan process. This mandatory 70' setback shall be a landscaped, ~~publicly accessible~~ unenclosed open space that may be a passive open space that allows for uninterrupted views towards Crystal Lake and allows for the historic topography of the site to remain intact.
- ii. Neighborhood Setbacks. Setbacks from Sessoms Avenue and Park Avenue shall match the setback requirements for the civic and residential uses across the street.
- iii. Downtown / Commercial Setbacks. Setbacks along Scenic Highway, Cypress Gardens Lane, and Crystal Avenue shall be a minimum of twenty feet (20'), or an alternative setback or build-to line may be established through the public design charrette meeting and master plan process.
- iv. Primary Frontage. N. 3<sup>rd</sup> Street shall be considered the Front Lot Line / Primary Lot Frontage and shall be considered a Primary Frontage (Sec 23-423.e.2) for all development within the Crystal Lake Overlay.
- v. Historic Buildings. Any structures associated with the original Lake Wales hotel that are still remaining within the Crystal Lake Overlay shall be preserved and repurposed on site. Structures may be adaptively reused for new purposes such as commercial use, retail, housing, tourism or civic use. Structures may be relocated on site in order to better accommodate new development on site. As a measure of last resort, these structures may be relocated and preserved off-site. If a structure is determined not to be structurally feasible to relocate by the City Building Official, the building may be documented, dismantled, and as much of the original materials as possible should be reused. ~~however if this~~ If relocation or dismantling of a historic building occurs, a detailed preservation and relocation plan shall be incorporated into the Site Plan application and must be approved as part of the Site Plan application.
- vi. Historic Landscape. Specimen trees and any trees that are determined to have been part of the history of the site, such as the mature Sabal Palms, shall be preserved and incorporated into the Site Plan of any new development on site, particularly those trees located along the edge of the property and within the landscaped setback along North 3<sup>rd</sup> Street.
- vii. Historic Plaque. A historic plaque documenting the history of Crystal Lake as the birthplace of Lake Wales, with the historic train depot, central park space, and the historic hotel, shall be provided along North 3<sup>rd</sup> Avenue.

### **Section 3. 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 4. Scrivener's Errors.**

Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the City Manager without need of public hearing following review by the City Attorney, by filing a corrected or re-codified copy of the same with the City Clerk.

### **Section 5. Effective Date.**

This ordinance shall become effective immediately upon its passage by the City Commission.

**PASSED FIRST READING:** March 21, 2023

**PASSED SECOND READING:** April 18, 2023

**CERTIFIED AS TO PASSAGE** this 19th day of April 2023.

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

ATTEST: \_\_\_\_\_  
City Clerk