

## ORDINANCE 2023-18

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA PERTAINING TO LAND USE; AMENDING TABLE 23-421, PERMITTED AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS, IN CHAPTER 23 OF THE CODE OF ORDINANCES OF THE CITY OF LAKE WALES; PROVIDING FOR SEVERABILITY, CODIFICATION, RATIFICATION, CONFLICTS AND AN EFFECTIVE DATE.**

**NOW THEREFORE, BE IT ENACTED** by the City Commission of the City of Lake Wales, Florida, as follows:

**SECTION 1. FINDINGS.** The effect of the amendment contained in Section 2 of this Ordinance is to amend Table 23-421.

**SECTION 2. AMENDMENT TO TABLE 23-421, CODE OF ORDINANCES OF THE CITY OF LAKE WALES, FLORIDA.** That Table 23-421, Division 2, Chapter 23, Zoning, Development, and Land Use Regulation of the Code of Ordinances of the City of Lake Wales, Florida (hereafter “Code”), is hereby amended to add the underlined language to read as follows:

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

P - Permitted Use S - Special Exception Use PDP - Planned Development Project MDP - Master Development Plan																				
	R-1A	R-1B	R-1C	R-1D	R-2	R-3	PF	PDM U	<del>D-</del> MU	C-1/ C-1A	C-2	C-2R	C-3	C-4	C-5 <sup>1</sup>	LC	B	I-I-1	C-2	R
RESIDENTIAL																				
Dwelling: Single-family	P	P	P	P	P	P	P	MDP				P			P					
<u>Dwelling: Single-family attached</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>MDP</u>	<u>S</u>			<u>P</u>			<u>P</u>					

Dwelling: Two-family					P	P	P	MDP	<u>S</u>			P			P					
Dwelling: Multi-family (up to 12 units on one parcel)						P				P	P	P	P		P					
							P	MDP	<u>P</u>											
Dwelling: Multi-family (more than 12 units/parcel)						PD	PD				PD	PD	PDP		PD					
						P	P			PD	P	P			P					
								MDP	<u>PD</u> <u>P</u>											
Dwelling unit for caretaker employed on premises							S			S	S	S	S		S	S	S	S	SSS	
								MDP	<u>P</u>											
Dwelling, accessory to single-family house*	S	S	S	S	S	S					S	S	S		S	S				
							S			P										
								MDP	<u>P</u>											
<u>Live / Work Unit</u>							<u>S</u>	<u>MDP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>								
Mixed-use - residential and nonresidential	PD P	PD P	PD P	PD P	PD P	PD P	S	MDP	<u>P</u>	P	P	S		PDP 2	PD P					
Manufactured and Modular Homes (individual lots)																				
Manufactured Home and Modular Home Parks	PD P	PD P	PD P	PD P	PD P	PD P														
Modular Home Subdivisions	PD P	PD P	PD P	PD P	PD P	PD P														
Manufactured Home Subdivisions																				
AMUSEMENT ESTABLISHMENTS																				

Amusement establishment—Indoor								MDP	<u>S</u>	S	S	S	P	S	S			S	
Amusement establishment—Outdoor								MDP	<u>S</u>		S		S		S			S	
Indoor shooting ranges								MDP					P			P	P	PP	
Movie theater—Indoor								MDP	<u>P</u>	P	P	P	P		P			P	
AUTOMOTIVE USES*																			
Auto and truck rental								MDP	<u>S</u>	S	P	S	P		S	P		P	
Auto and truck repair								MDP	<u>S</u>	S	S	S	S		S	S		SS	
Auto, truck, or motor cycle dealer								MDP	<u>S</u>	S	S	S	P		S	P	P	P	
Auto parking establishments (principal use)							S		<u>S</u>	P	P	S	P		S	P	P	PP	
Auto service station								MDP	<u>S</u>	S	S	S	P		S			S	
Car wash								MDP			S	S	P		S	S	S		S

Recreational vehicle, mobile home, or boat dealers								MDP			S	S	P		S	P	S	PP		
EDUCATIONAL AND CULTURAL																				
Club7							S	MDP	<u>P</u>		P	P	S	P		S	S	P		
Cultural facilities	S	S	S	S	S	S	S	MDP	<u>P</u>		P	P	P	P		P	P	P	P	P
Day care center3*							P	P	MDP	<u>P</u>		P	P	P	P	P	P			
Religious establishment	P	P	P	P	P	P	P	MDP	<u>P</u>		P	P	P	P		P			P	
Schools, athletic or music							S	MDP	<u>S</u>		S	P	S	P		S	S	P	S	
Schools, post secondary	S	S	S	S	S	S	S	MDP	<u>P</u>		S	S	S	S		S		S	S	
Schools, primary- secondary	P	P	P	P	P	P	P	MDP	<u>S</u>		P	P	P	P		P				
Schools, training (other than athletic or music)							S	MDP	<u>P</u>		P	P	P	P		P	S	P	P	
FARMING/OTHER AGRICULTURAL																				

Farming, crop4 or nursery without retail sales	P	P	P	P	P	P	P	MDP	<u>S</u>	P	P	P	P	P	P	P	P	P	P	P	P
Nursery, plant with retail sales								MDP			P	S	P		S	S	S	PP			
FOOD AND BEVERAGE BUSINESSES (See section 23-342 and chapter 5 for regulations on alcoholic beverages.)																					
Bar, wine and beer7								MDP	<u>P / S (see note 7)</u>	P - C1-A only											
Bar									<u>P / S (see note 7)</u>												
Catering facility								MDP	<u>P</u>	S	P	S	P		S	P	S	PP			
Food processing								MDP								P	S	PP			
Mobile Food Vending/Mobile Food Dispensing Vehicles *								MDP	<u>P</u>	P		P	P	P		P	P	P			
Restaurants, eat-in5, 7							S	MDP	<u>P</u>	P	P	S	P	P	P		P	P			
Restaurants, drive-up								MDP			S		P		S						

Restaurant, outdoor cafe7							S	MDP	P	P	S	P		P	P					
Restaurant, take-out5								MDP	P	P	S	P		P	P		S	S	SP	
HEALTH CARE																				
Health service							P	MDP	S	S	P	S	P		P	P	P	P		
Hospitals							P	MDP			S		P			P	S			
Medical Marijuana Dispensaries and Treatment Centers *							P	MDP					P							
Medical office (one practitioner)							P	MDP	P	P	P	P		P	P	P	P			
Nursing care homes*	S	S	S	S	S	S	P	MDP	S	S	S	P		S				S		
Veterinarian or small animal hospital							S	MDP	S		P	S	P		P	P	P	P		
Animal hospital								MDP			S		P			P	P	S		
LODGINGS																				
Bed and breakfast (accessory to single- family)*	S	S	S	S	S	S	S	MDP	P	S		S			S					
Boarding house					S	S	S	MDP	S		S			S						

Dormitory						S	S	MDP	<u>S</u>	S	S	S	S	S						
Hotel								MDP	<u>P</u>	P	P/S	S	P		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								P	S	PP		
Manufacturing—Light								MDP					S			P	P	PP		
Manufacturing—Heavy																		PS		
Warehouse/Distribution								MDP					S			P	P	PP		
PROFESSIONAL AND COMMERCIAL USES**																				
Artisan Production, small scale								MDP	<u>S</u>	S	S		P	S	S	P	P			
Artisan Production, large scale								MDP					P			P	P			
Bank							P	MDP	<u>P</u>	P	P	P	P	P	P		P	P		

Bank with drive-up window							S	MDP		S	P	P	P	P	P		P	P	
Construction support—Light								MDP	<u>S</u>	P	P	P	P		P	P	P	PP	
Construction support—Heavy											S		S			S	S	SS	
Funeral home							P	MDP	<u>P</u>	P	P	P	P		P	S		P	
Kennel								MDP					S			S		SS	
Laboratory, research							S	MDP	<u>S</u>		P	S	P			P	P	PP	
Landscaping service								MDP			S		S			P	S	PP	
Laundromat*						S		MDP	<u>P</u>	S	P	S	P		S	S		P	
Mini-storage						S	S	MDP	<u>S</u>		P	S	P		S	S	P	P	PP
Office, professional (except medical)							P	MDP	<u>P</u>	P	P	P	P		P	P	P	PP	
Personal service						S	S	MDP	<u>P</u>	P	P	P	P		P	P	S		
STORES (See section 23-342 and chapter 5 for regulations on alcoholic beverages.)																			
Convenience store (incl. groceries, drugs, or liquor)								MDP	<u>P</u>	P	S	S	P		P	P	P		



Convenience store with gasoline service								MDP	<u>S</u>	S	S	S	P	S	S	P	S	
Outdoor display or sales (as principal or accessory use)6								MDP	<u>S</u>	S	S	S	S	S	S	S	SS	
Store, retail — up to 1,500 sq. ft./store								MDP	<u>P</u>	P	P	P	P	P	P	S	P	
Store, retail - up to 12,500 sq. ft./store								MDP	<u>P</u>	P	P	P	P	P	P		P	
Store, retail - from 12,500 to 100,000 sq. ft./store								MDP	<u>S</u>	S	P	S	P		P			
Store, retail - from 100,000 to 300,000 sq. ft./store								MDP	<u>S</u>	S			P		S			
PUBLIC AND GOVERNMENT																		
Aircraft establishment																	PP	
Airports, heliports and related aviation facilities																S	SS	
Public facilities and offices**	P	P	P	P	P	P	P	MDP	<u>P</u>	P	P	P	P	P	P	P	PPP	P

[illegible]

\* 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.

\*\* Public facilities and offices are permitted uses in all districts with the approval by the city commission and a courtesy review and recommendation from the planning board.

1 A development in a C-5 zoning district requires approval as a Planned Development Project. (See section 23-224.)

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

3 A "day care home," a day care facility with 4 or fewer clients (See definition in article VIII) is a permitted use  
 accessory to a single-family house pursuant to section 23-521.

4 A farm stand is permitted as accessory to an agricultural use.

5 A restaurant may be permitted as accessory to a nonresidential use pursuant to section 23-541.

6 For exceptions, see section 23-343 "Auctions, sales, and events, temporary" and section 23-355 "Yard sales."

7 See also section 23-353, Conditional use regulations for "outdoor seating areas" and section 23-342 for Conditional use regulations on alcoholic beverages.

8 C-2 zoning districts in the RAC land use category only.

9 Planned Development Mixed Use development may be approved through the MDP process only if consistent with Policy 2.18 of the Comprehensive Plan and Section 23-450.

10 Single-family attached in the C-1/C1A zoning districts not permitted on the ground floor.

NOTES:

- Conversion of a dwelling unit to a non-residential use requires a special exception use permit, regardless of whether the new use is a permitted (P) or special exception use (S).
- Outdoor storage 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](#).
- Planned Development Projects may be approved in any district per the procedure set forth in [section 23-224](#) and per the regulations set forth in [section 23-443](#).
- The addition of an accessory use to a property where the principal use is a special exception use requires is considered an expansion of the special exception use requiring a new special exception use permit prior to construction or commencement of the use. (See also [section 23-501](#), accessory uses and structures).
- Outdoor seating for any establishment must meet conditional use regulations in [section 23-353](#).
- Non-residential uses are permitted as a subordinate part of a residential Planned Development Project and are limited to those uses permitted in the C-4 Neighborhood Commercial zoning district.

**SECTION 3. SEVERABILITY.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

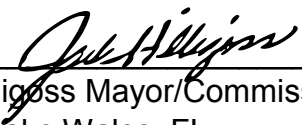
**SECTION 4. CODIFICATION.** The amendments in Section 2 of this Ordinance shall be codified and made part of the official Code of Ordinances of the City of Lake Wales.

**SECTION 5. RATIFICATION.** Except for the revisions in Section 2 of this Ordinance, all other provisions of the City's Code of Ordinances are hereby ratified and shall remain in full force and effect.

**SECTION 6. CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect in accordance with state law.

**CERTIFIED AS TO PASSAGE** this 22nd day of July, 2023.

By:   
Jack Hilligoss Mayor/Commissioner  
City of Lake Wales, FL

ATTEST: \_\_\_\_\_  
Jennifer Nanek, CMC, City Clerk