

## MEMORANDUM

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August 26, 2014

**TO:** Honorable Mayor and City Commissioners  
**VIA:** Kenneth Fields, City Manager  
**FROM:** Kathy Bangley, Assistant Director of Planning and Development  
**RE:** Ordinance 2014-08 – 2nd Reading and public hearing  
Amendments to *Zoning, Land Use, and Development Regulations*

**SYNOPSIS:** This ordinance addresses housekeeping issues related to site development permitting, comprehensive plan future land use map amendments, public notice requirements, and landscaping requirements.

### RECOMMENDATION

Staff recommends adoption of Ordinance 2014-08 after second reading and public hearing.

Commission approved Ordinance 2014-08 on first reading at its August 19, 2014 meeting. Public notice requirements have been met.

### BACKGROUND

The amendments are housekeeping in nature. The intent is to clarify some requirements, remove redundancy, and respond to changes in State Statute.

The City amended its policy on when permitting fees were due during the site development process in 2010, the wording in section 23-217.4 was overlooked at the time those amendments were made.

Amendments to the comprehensive plan portion of the code are based on changes in Florida Statute that were passed in 2012. Staff has been abiding by the statutory changes since they went into effect.

Amendment to the public notice section is also in response to changes in State Statute.

The Landscaping requirement amendment deals with undesirable tree species, buffering for drives and travelways internal to a shopping center, and meeting tree density requirements through preservation.

### FISCAL IMPACT

The amendments have no identifiable fiscal impact themselves.

### OTHER OPTIONS

None

### ATTACHMENTS

Ordinance 2014-08

**ORDINANCE 2014-08**

(Zoning Amendment – Chapter 23 Zoning, Land Use and Development)

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AS IT PERTAINS TO SITE DEVELOPMENT REVIEW AND PERMITTING; COMPREHENSIVE PLAN AMENDMENT CYCLES; PUBLIC NOTICE; AND LANDSCAPING REQUIREMENTS PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1: Site development permit.**

***Sec. 271.4 Review and permitting.***

The following subsection is to be amended as follows:

Sec. 217.4.a. – The administrative official shall review the application for completeness within ten (10) 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 ~~the land alteration fee that ½ 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 ~~outstanding~~ all required information.

**SECTION 2: Comprehensive plan future land use map amendment.**

***Sec. 23-219.1 “Amendment cycle.”***

The following subsections are to be amended as follows:

Sec. 23-219.1a. *Small scale amendments – Parcels of ten (10) acres or less in area.* Amendments for parcels of ten (10) acres or less will be processed throughout the calendar year in accordance with a schedule and procedures developed by the administrative official. ~~A request for a small scale comprehensive plan amendment may not involve the same property granted a change within the prior twelve (12) months or the same owner’s property within two hundred (200) feet of the property granted a change within the prior twelve (12) months.~~ and pursuant to s. 163.3187 F.S.

Sec. 23-219.1.b *Large scale amendments – Parcels in excess of ten (10) acres in area.* ~~The administrative official will initiate two (2) comprehensive plan amendment cycles per year for transmittal of proposed large scale amendments to the Department of Community Affairs in March and September.~~ Amendments for parcels in excess of ten (10) acres in area will be processed throughout the calendar year in

accordance with a schedule and procedures developed by the administrative official and pursuant to s. 163.3184 F.S.

**Sec. 23-219.4 “Review and action.”**

The following subsection is to be amended as follows:

Sec. 23-219.4.c *Administrative official.* The administrative official shall forward proposed and adopted amendments to the future land use map to the Department of ~~Community Affairs~~ Economic Opportunity for review and approval as required by F.S. ch. 163.

**SECTION 3:**

**Public notice requirements**

**Sec. 23-241.1 “General Requirements”**

The following sub-sections are to be amended as follows:

Sec. 23-241.1(a)3 – Zoning map amendment. F.S. §166.041. ~~In addition, a sign will be posted on the property as additional notice in accordance with subsection 23-241.2(e).~~

Sec. 23-241.1(b)6 – Appeal of decision or interpretation by the administrative official, planning and zoning board, or historic regulatory board.

~~Sec. 23-241.1(b)7 – Appeal of decision or interpretation by the historic preservation board.~~

**Sec. 23-241.2 “Public hearings”**

The following sub-sections are to be amended as follows:

Sec. 23-241.2(b)1 – Written notice. – No less than ten (10) days before a public hearing for a special exception use permit or a variance, the administrative official shall mail a notice by first class mail to owners of all lands within three hundred (300) feet in any direction of the applicant property. The notice shall be in the same form as that specified in paragraph (a) and shall be mailed to the owners at their current address of record as shown on the latest ad valorem tax records. In the event that the owners are members of a condominium association, notice shall be mailed to the condominium association in lieu of individual notices.

~~Sec.23-241.2(c) – *Sign.* No less than ten (10) days before the first public hearing for a zoning map amendment, the administrative official shall post a sign on the applicant property stating the change in zoning, and the time, date and place of both public hearings. The sign shall remain on the property until all public hearings are completed.~~

**SECTION 4:**

**Sec. 23-307 “Landscaping requirements”** is amended as follows:

Sec. 23-307.1(b)6 – *Tree*: Any self-supporting woody plant, excluding Queen Palm and Citrus, of a species which normally grows to an overall height of at least fifteen (15) feet in this area. Species listed in Sec. 23-214.b shall not be planted to meet landscaping requirements.

Sec. 23-307.1(c)1. *Perimeter*

A. A landscape buffer shall be permanently maintained and located on the perimeter of all off-street parking areas. Such buffers shall meet the following width requirements, at minimum:

abutting an arterial or major collector roadway: 25 feet

abutting a minor collector, local roadway or access drive or travelway: 10 feet

abutting a single-family residential property or zoning district: 10 feet

abutting a non-residential property or zoning district: 5 feet

all others: 5 feet

Sec. 307.2.a *Tree Density*. Credit shall be granted toward tree density requirements for trees preserved on site. Replacement ratios in Table 23-302A shall be used to calculate credit.

**SECTION 5:** **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 6:** **Effective date:** This ordinance shall become effective immediately upon its passage by the City Commission.

**CERTIFIED AS TO PASSAGE** this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

BY: \_\_\_\_\_  
Mayor/Commissioner  
City of Lake Wales, Polk County, Florida

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