

MEMORANDUM

DATE: August 17, 2021

TO: Honorable Mayor and City Commissioners

VIA: James Slaton, City Manager

FROM: Mark J. Bennett, Development Services Director
Autumn Cochella, Development Services Manager

SUBJECT: Ordinance 2021-20 Proposed Amendments to Zoning Regulations 1st reading (Public hearing **required**)

SYNOPSIS: *Staff proposes amendments to areas of the Land Development Regulations (LDRs), Chapter 23, Lake Wales Code of Ordinances. These amendments are necessary to streamline signage regulations in the Downtown Historic District, and create regulations to address solar power generation facilities.*

RECOMMENDATION

At a regular meeting on July 27, 2021, the Planning and Zoning Board made a recommendation of approval to City Commission of the proposed changes to the Land Development Regulations.

BACKGROUND

Areas of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances) have been identified as needing amendments. These amendments are necessary to address the growth and needs of the community, better align with current best practices, and facilitate a more business-friendly approach to development in Lake Wales.

Amendments are proposed to the following sections:

- a. Sec. 23-227 – Certificate of Appropriateness
- b. Chapter 23:
 - a. Article III, Division 2 – New Section titled “Solar Power Generation Facility”
 - b. Table 23-421 Permitted Uses & Special Exception Uses
 - c. Article VIII, Definitions – New Definition “Solar Power Generation Facility”

Certificate of Appropriateness for Vinyl Signage – The Historic District Regulatory Board reviews Certificate of Appropriateness applications for exterior improvements to buildings in the Historic Downtown District. In many cases, the signage proposed is insignificant and non-structural in nature; therefore, staff discussed an option with the Historic Board that would empower Staff to review and approve certain signs administratively. Below is the language recommended by the Historic District Regulatory Board:

Sec. 23-227.3.a.5.

5. An application for a Certificate of Appropriateness for vinyl, painted, etched, or other types of non-structural signs may be reviewed and approved by the Administrative Official. The Administrative Official's decision shall be based on an assessment of compliance according to section 23-545 and section 23-653. In any case, the Administrative Official has the right to determine that formal review and approval by the Historic Board is necessary.

Solar Power Generation Facilities – Staff has approached by potential applicants wishing to construct solar power generation facilities within the City. Also known as solar farms, these are typically located on large tracts, and are usually owned/operated by electric utilities.

However, the City currently does not have any regulations in place to address the location, siting, or any use-specific development standards. The proposed changes to Chapter 23 will provide criteria for locating these types of facilities. Key components of these regulations include the following:

- Only allowed in the R-1A Zoning District
- Special Exception (Planning Board Approval) required
- Delineation of permitted and ancillary activities within this use category
- Design Standards, to include development standards such as placement, setbacks, height, fencing/buffering, glare reduction, access, and similar criteria
- Addition of the proposed use on Table 23-421 Permitted and Special Exception Uses
- Inclusion of a Definition of Solar Power Generation Facility

The intent of these provisions is to allow for this type of use while any potential impacts, plus allow for public comment thru the Special Exception process (which requires a public hearing).

CODE REFERENCES AND REVIEW CRITERA

Section 23-227. Certificate of appropriateness.

FISCAL IMPACT

None.

ATTACHMENTS

Ordinance 2021-20