

# RECOMMENDATION OF PLANNING & ZONING BOARD

## January 14, 2015

### *Proposed amendments to* **FUTURE LAND USE ELEMENT**

#### **CITY OF LAKE WALES 2015 COMPREHENSIVE PLAN GOALS, OBJECTIVES, AND POLICIES**

##### ►NOTES

The Planning and Zoning Board held a public hearing on January 14, 2015 and voted to recommend to the City Commission amendments to the Goals, Objectives, and Policies of the Future Land Use Element of the Comprehensive Plan as set forth below.

A public hearing on the proposed changes is tentatively scheduled for the City Commission's February 17, 2014 meeting, which begins at 6 PM. If approved on a first reading, the ordinance to enact the changes will be sent to the state for review prior to adoption.

*Proposed are EAR-based changes (those identified in the City's Evaluation and Appraisal Report (EAR) adopted in 2010) and other amendments not related to the EAR.*

*Notes are added throughout text to explain proposed amendments and to identify which amendments are EAR-based amendments. If there is no note for an amendment, the changes are to improve wording or make minor updates. NOTES ARE ADDED FOR INFORMATION ONLY AND ARE NOT INTENDED FOR ADOPTION.*

*All references to state regulations 9J 5 are eliminated because the regulations are no longer in force.*

##### KEY

*Crossed-out wording is proposed for elimination. Underlining indicates new proposed text.*

### **GOALS, OBJECTIVES AND POLICIES**

**GOAL:** It shall be the goal of the City of Lake Wales to provide a system for orderly growth and development to ensure that the character, magnitude, and location of all land uses fosters a balanced natural, physical, social, and economic environment that meets the needs of the present and future population. ~~{9J-5.006(3)(a)}~~

#### **Objective 1: Land Development Regulations**

Management of Manage ~~future~~ growth and development through the preparation, adoption, implementation, and enforcement of land development regulations consistent with the policies of the Comprehensive Plan. ~~{9J-5.006(3)(b)10}~~

**Policy 1.01:** ~~Consistent with the time frames outlined in chapter 163, Florida Statutes, adopt land development regulations containing specific and detailed provisions sufficient to implement the adopted Comprehensive Plan.~~ The "Land Use and Development Regulations" and other local regulations pertinent to land development shall be reviewed

and updated on a regular basis for consistency with the Comprehensive Plan and for effective implementation of the growth management policies of the Plan. ~~Consideration shall be given to making the regulation of Land~~ and development regulations shall be as efficient and effective as possible and to integrating shall integrate all appropriate land development regulations into a unified code to the extent practical.

**Policy 1.02:** The adopted land development regulations shall regulate the use of land consistent with the Future Land Use Element and the Future Land Use Map Series, shall ensure the compatibility of adjacent land uses, and, at a minimum, shall:

1. Regulate the subdivision of land;
2. Regulate land development to provide for parks and open space;
3. Regulate land development to protect lakes, wetlands, and other environmentally-sensitive areas;
4. Regulate development in areas subject to periodic flooding, and provide for drainage and storm water management;
5. Regulate land development to protect potable wells and aquifer recharge areas;
6. Regulate signage; and
7. Regulate parking, vehicular site access, and onsite traffic flow.
8. ~~Include a~~ The concurrency management system will to ensure that issuance of a development order or development permit is conditioned upon the availability of public facilities and services necessary to serve new development., ~~consistent with the provisions of Chapter 163., Part II F.S., and 9J-5.~~

**Policy 1.03:** The adopted land development regulations shall establish zoning districts and standards for uses, densities and intensities of use consistent with the future land use classification system established under Objective 2. ~~for each future land use category on the Future Land Use Map Series consistent with the Future Land Use element. [9J-5.006(3)(c)1,7.]~~

► Note:

*Lake Wales has a two-map system: the Future Land Use Map and the Zoning Map. Land development regulations refer to zoning designations, which are assigned consistent with the Future Land Use Map classification of the property.*

**Policy 1.04:** The adopted land development regulations shall permit and encourage the use, where appropriate, of innovative development techniques such as mixed-use planned unit development (PUD) projects, traditional neighborhood development (TND) projects, zero-lot-line home subdivisions, and cluster housing. ~~[9J-5.006(3)(c)5]~~

**Objective 2: Future Land Use Classification System ~~Location and Density Criteria~~**

The location, intensity and density of future development and redevelopment shall be directed in appropriate areas as depicted on the Future Land Use Map Series consistent in consistency with the goals, objectives, and policies of the Comprehensive Plan.

**Policy 2.01:** The following land-use categories are established:

- Commercial and Employment Activity Centers
1. Regional Activity Center (RAC)
  2. Community Activity Center (CAC)
  3. Neighborhood Activity Center (NAC)

4. Business Park Center (BPC)
5. Downtown District (DD)
6. General Commercial (GC)
7. Industrial (IND)
8. Limited Commercial/Industrial (LCI)

Residential

9. Low Density Residential (LDR)
10. Medium Density Residential (MDR)
11. High Density Residential (HDR)
12. Rural Residential (RR)

Other

13. Residential Office (RO)
14. Public (PUB)
15. Conservation (CON)

► *Note: The Growth Management Act (Chapter 163 F.S.) requires a clear statement as to what land use classifications will allow public schools.*

Public schools shall be allowed in all land use classifications, subject to resource protection and other applicable regulations of the land development regulations.

► *Note: Terms are defined for clarity.*

Intensity terms:

GLA – Gross leasable area

FAR - floor area ratio – The ratio of all of the square footage of floor area of all floors in a building to the square footage of the site.

**Policy 2.02: Regional Activity Center (RAC)**

The Regional Activity Center (RAC) classification is established to create a concentration of commercial facilities to serve the region and to provide for "high density housing" integrated in conjunction with and in close proximity to these facilities.

An RAC is intended to be a major commercial area designed as a unit and integrated with surrounding developments in terms of layout; facilities for vehicles, bikes, and pedestrians; storm water management; green space; and design elements.

Location criteria: RACs shall

- be limited to one or two locations in the City;
- range from 400 to 1000 acres in size;
- be served by public transportation
- be located with direct access to a major arterial road (preferably at an intersection of arterial roads or arterial roads and collector roads)
- be served by City water and sewer services
- not be located within a wellhead protection area
- be at least 5 miles via arterial highways from any other area designated as RAC

► *Note*

*List of typical uses is expanded and the percentage of the RAC allowed for residential use is increased to encourage mixed use. These provisions are based on those in Lakeland's comprehensive plan.*

Typical uses/intensity:

Regional mall with more than one anchor department store and associated out-parcel commercial development, large retail outlets, entertainment establishments, professional offices, educational uses, and mixed-use development. 300,000 SQ. FT. GLA and over. To permit a beneficial mix of uses, up to thirty percent (25%) (30%) of the gross land area may develop as High Density Residential (HDR). Residential above the first floor of non-residential uses shall not be counted in the (30%) 25%.

► *Note*

*Development standards for the RAC are added below in lieu of developing a separate plan for the area. The city has only one RAC, located at the crossroads of Chalet Suzanne Rd. and US Highway 27.*

~~Land use regulation: The land development regulations shall be amended to implement the RAC master plan. Public green space shall be required to provide buffers, focal points, pedestrian and bikeway connections, and recreation.~~

~~RAC master plan:~~

Development Criteria – RAC

The land development regulations shall include provisions applicable to the RAC at the intersection of Chalet Suzanne Road and US Highway 27. By December 2005, an RAC master plan shall be adopted by the City to ensure coherent and integrated development, to avoid piecemeal development and inefficient transportation facilities, to protect natural resources, and to provide adequate green space and buffers.

- ~~• All development within and surrounding and RAC area shall comply with the RAC master plan adopted by the City.~~
- ~~• At minimum, the plan shall call for connecting commercial developments to surrounding residential areas via collector roads, bikeways, and pedestrian paths; provision of frontage roads and cross access among developments; provision for public transportation accessibility and facilities; creation and preservation of green space to buffer and connect various land uses and to provide for visual relief and recreation; and the protection of wetlands and trees.~~

The regulations shall implement the following development criteria:

Development criteria:

- ~~Located at intersections of arterial roads or arterials and collector roads.~~
- ~~Development through the Planned Development or DRI process is preferred.~~
- ~~Uses within development shall incorporate frontage roads or shared access to major roads.~~
- Construction of collector roads as shown on the Transportation Map in the Future Land Use Map series shall be required to provide interconnections as further development takes place in the northeast quadrant of the RAC and nearby residential areas.
- Mixed use and multi-family development are encouraged.
- Pedestrian, bicycle, and vehicular connections among residential and commercial uses shall be required.

- Developers shall provide for public transportation accessibility and facilities such as bus shelters.
- Green space shall be provided in developments to provide for visual relief, public gathering places, and buffering where necessary.
- Natural resources such as wetlands and ponds shall be protected and featured as integral components of developments for common open space and visual enhancement.
- ~~Spatially separated and buffered from residential areas.~~  
▶ *Note: Mixed use is encouraged – no separation is necessary.*
- Must be located outside of Wellhead Protection Areas and buffered from Conservation Areas.
- ~~Where central water and sanitary sewer are available.~~  
▶ *Note: covered in location criteria*

**Policy 2.03: Community Activity Center (CAC)**

The primary function of the Community Activity Center (CAC) classification is to encourage a variety of commercial and professional uses in shopping plazas to serve the City as a whole as well as surrounding residential areas and to allow residential uses in planned mixed-use developments.

A CAC is intended to provide an inter-connect grouping of commercial facilities and plazas conveniently accessible from a major highway and connected via collector roads, local roads, and pedestrian/bike facilities to nearby residential areas.

Location criteria: CACs shall

Development criteria:

- be located on arterial highway.
- be served by city ~~Where central water and sanitary sewer services are available.~~
- ~~CACs shall~~ be 200 to 800 acres in size and
- be located a minimum of 2 miles from any other land designated as a CAC or RAC

Typical uses/intensity: Supermarket, department store, drug store, movie theater, home improvement center, professional offices, ~~and~~ personal services, restaurants and other various commercial, professional, mixed-use, educational, medical and public uses. 90,000 to 300,000 SQ.FT. GLA. Maximum FAR = .60.

In a mixed-use development, residential uses shall constitute a maximum of 50% of the floor area on any site, and residential density shall not exceed 6 units per acre.

~~Land use regulation~~ Development criteria:

- Mixed use development including residential uses shall require a Planned Development Project approval.
- Cross access for vehicles, bikes, and pedestrians among shopping plazas and outparcels shall be required.
- Roadway, pedestrian, and bikeway connections to surrounding residential areas shall be required.
- Shared access to arterial highways shall be required.
- Consolidated signage for shopping plazas shall be required.
- Green space shall be required to buffer and connect adjacent land uses and to provide for visual relief and public gathering spaces, recreation, and to protect wetlands and trees.

► **Note:**

Policy 2.04 is strengthened to support EAR issues - ENCOURAGE INFILL AND REDEVELOPMENT and CONTROL URBAN SPRAWL

**Policy 2.04: General Commercial (GC)**

The primary function of the General Commercial (GC) classification is to allow redevelopment, infill and continued development and infill of areas on the periphery of central business districts and to allow the continuation of existing businesses in isolated pockets of older commercial development where desirable, and along highways.

Location criteria: The classification is intended primarily for developed commercial and mixed-use areas and is not intended for designation of undeveloped properties or the creation of new, isolated commercial areas or strip commercial development. This classification is not intended to be used in areas where phasing out isolated commercial pockets is in the best interest of the neighborhood.

Typical uses/intensity: Retail stores, financial institutions, auto repair, professional offices, and personal services. Maximum FAR = .40.

Development criteria:

- Must have access from arterial or collector roads.
- Existing "strip" commercial development may infill but shall not be extended.
- Cross-access to adjoining uses may be required where warranted by potential traffic impacts.
- Served by ~~Where central~~ municipal water and sanitary sewer are if available.  
► *Note: Some older areas may not have service, though most do.*
- Buffering shall be required where adjacent to residential use.
- Frontage roads, cross-access to adjoining uses, connections to local street networks, and pedestrian-bike path links shall be required as feasible when existing commercial uses are expanded or changed or when new uses and structures are permitted.

**Policy 2.05: Downtown District (DD)**

The primary function of the Downtown District (DD) classification is to maintain the historic or traditional central business district, including adjacent neighborhoods, as a vital and focal point of the city through continued enhancement of its accessibility, appearance, preservation, utilization, and facilities.

Priorities for the DD areas shall be: well designed public open space for special events and relaxation, streetscape improvements including a continuous and ADA accessible pedestrian circulation system, decorative and effective street lighting, benches and outdoor dining areas, decorative trash receptacles, screening around dumpsters, public restrooms, clear signage to identify business locations and public features, mixed residential and business uses, adequate public parking in and around the DD, well maintained public and private property, and preservation of the historic properties.

Location criteria: Existing central business districts and immediately surrounding areas.

Typical uses/intensity:

Financial institutions, specialty shops, restaurants, personal services, professional uses, cultural institutions, educational uses, mixed use, multi-family residential, public open space and

government buildings. The DD area is intended to be a walking district with a mix of traditional downtown uses and residential.

Maximum FAR of 4.0. Residential uses shall not exceed 50% of the DD area.

Development criteria: Development must be consistent with the historic and aesthetic character of the area. ~~Use of downtown Design Guidelines is preferred.~~ Multi-family and mixed commercial/residential use of structures is permitted up to 12 dwelling units per gross acre. On-street parking shall be retained where possible. Creative use of existing structures is preferred over new construction. Development shall be in accord with the CRA Redevelopment Plan.

Land use regulation:

- ~~By January 2006, architectural guidelines~~ Regulations for the Downtown Historic District and other tools shall be used to preserve and enhance the historical and architectural character of DD areas ~~shall be developed for use~~ in reviewing renovations of existing buildings as well as new construction. These may include local historic district regulations, demolition delay requirements, architectural and design guidelines, and zoning regulations consistent with the traditional development pattern of the central business districts.

► *Note:*

*Downtown Historic District was established in 2008. Historical/Architectural standards and demolition delay mechanism have been enacted.*

- ~~By January 2006, demolition delay requirements shall be adopted to encourage reuse of existing buildings rather than demolition and new construction.~~
- The number of parking spaces required for uses in the core portions of DDs shall be flexible and shall take into account that public parking lots and street parking is available to uses in the DD.

#### **Policy 2.06: Neighborhood Activity Center (NAC)**

The primary function of the Neighborhood Activity Center (NAC) classification is to accommodate businesses and services oriented to the needs of residents in the surrounding neighborhoods.

The NACs are also intended as village centers in planned residential developments. They should be designed as community centers and integral parts of residential neighborhoods, with businesses located in groups rather than in a strip along a roadway, and should be accessible via local roads and pedestrian/bike paths from nearby residential areas. Residential uses and mixed-uses are allowed only in planned developments.

The NAC classification is intended as an overlay district, optional to the primary designation of the land, usually residential.

Typical uses/intensity:

Convenience store, drug store, bakery, florist, professional offices and personal services. 20,000 - 90,000 SQ.FT. GLA. Maximum FAR = .25 except in village centers in planned developments where the maximum FAR shall be 2.0. Residential uses in planned developments shall constitute a maximum of 40% of the area within an NAC and shall not exceed 6 units per acre.

Location criteria: ~~Development criteria:~~

Accessible to surrounding residential neighborhoods. Where City central water and sanitary sewer are available. Direct access to a collector or arterial road. A minimum of a mile from another NAC or another activity center (CAC or RAC). ~~a Community Activity Center (CAC).~~

Maximum size 20 acres, except that a mixed-use NAC designed as a village center in a residential development may encompass up to 50 acres if approved as a planned development project.

► *Note:*

*Supports EAR-Based issue – CONTROL URBAN SPRAWL*

*Distance between NACs discourages strip commercial development and creates small nodes of commercial to serve outlying residential areas.*

Development criteria: Land use regulation:

- NACs shall be a planned grouping of businesses with a common access point rather than a strip commercial area;
- Access to an NAC shall be from an arterial road or from a collector road connecting residential areas to a larger roadway.
- Pedestrian/bike paths shall be required to connect the NAC to the surrounding neighborhoods it serves.
- Access to NAC businesses shall be designed primarily for accessibility by the pedestrian and bicycle rather than by the motorized vehicle. Drive-up banks and restaurants shall require a special permit. ~~Drive-up restaurants shall be prohibited.~~
- ~~Design guidelines shall be developed to encourage village center characteristics compatible with residential areas and to discourage strip commercial style development.~~
- New village centers shall be approved under the planned development process only and shall be designed to mimic traditional central business districts, with a mix of residential and non-residential uses and pedestrian oriented layouts.

► *Note*

*Supports EAR issue CONTROL URBAN SPRAWL by requiring compact mixed use development in a large NAC (village center).*

### **Policy 2.07: Business Park Center (BPC)**

The primary function of the Business Park Center (BPC) classification is to promote employment opportunities within the region by allowing for the establishment of office parks, research and development parks, light-industrial facilities, distribution centers, and mixed-use employment parks.

The BPC classification is intended for well planned, extensively landscaped business park development rather than piecemeal development of individual lots.

Typical uses/intensity: light manufacturing and assembly plants, warehouses, office centers.  
Maximum FAR = .75.

Location and development criteria: Access to primary shipping routes (highways and/or rail). Access to site by arterial or major collector only. Development through Planned Development process is preferred. Spatially separated and buffered from residential areas. Support commercial to serve employees of a business park shall not exceed 25% of an area designated BPC. Where ~~central~~ City water and sanitary sewer are available. Minimum BPC area shall be 10 acres. A master plan shall be required prior to the subdivision of any land for business park development. The plan shall show an overall lot and road layout, landscaped buffers to adjacent lands, extensive landscaping within the park, and design guidelines for site development.



**Policy 2.08: Industrial (IND)**

The primary function of the Industrial (IND) classification is to accommodate the facilities necessary for the processing, fabrication, manufacturing, recycling, or wholesale distribution of goods.

Typical uses/intensity: Manufacturing and processing plants, truck terminals, bulk products storage or sales facilities, heavy machinery sales or repair. Maximum FAR = .75.

Location and development criteria:

- Access to primary shipping routes, (highway and/or rail). Access to site by arterial or major collector only.
- Development through the Planned Development process is preferred.
- Spatially separated and buffered from residential areas.
- Must be located outside of Wellhead Protection Areas and buffered from Conservation Areas.
- Where central water and sanitary sewer are available.

Land use regulations:

- Maximum FAR = .75.
- Industrial areas shall be buffered from conservation areas, wetlands and other environmentally sensitive areas and from adjacent non-industrial land uses.
- Commercial uses Support businesses, as principal and accessory uses, to serve the employees in an industrial area shall not exceed 15% of an area designated as IND and shall be accessible by pedestrians, bikes and vehicles from the interior of the industrial park or development. the site's land area.

► *Note:*

*Supports EAR issue CONTROL URBAN SPRAWL*

*Allows a commercial component in an IND area, but requires it to be integrated into development rather than strip commercial.*

**Policy 2.09: Limited Commercial-Industrial (LCI)**

The primary function of the Limited Commercial-Industrial classification is to allow low traffic generating commercial and industrial uses fronting on major roadways that will not result in commercial strip development.

Location criteria: This classification will be used along major roadways outside of Commercial Activity Centers (CACs) and Regional Activity Centers (RACs).

Typical uses/intensity: auto dealerships, storage facilities, light manufacturing and assembly plants. Types of uses not appropriate to LCI areas are high traffic generating uses such as retail stores, gasoline stations, banks, and restaurants. Up to 200,000 GLA. Maximum FAR .60.

Development criteria: Cross access easements shall be required.

**Policy 2.10 Residential-Office (RO)**

The primary function of the Residential-Office (RO) classification is to permit low intensity office and commercial uses in conjunction with residential use.

Location criteria:

This classification may serve as a transition between commercial and residential use or as a buffer where a major highway intersects an existing residential neighborhood. The RO classification is

intended primarily for developed areas to provide viable economic use and redevelopment option for residential areas that have declined in value because of their location on major roadways.

Typical uses/intensity: ~~Commercial real estate, medical, professional~~ Professional offices, medical facilities, institutional and educational uses and public facilities. Single family dwellings, two- and three-family units, and multi-family units up to 6 units per gross acre. Up to ~~.25~~ 1.0 maximum FAR.

► *EAR-BASED AMENDMENT – CONTROL URBAN SPRAWL*

*Matrix calls for review of FARs for non-residential FLUM categories under FLU Policy 5.01. FAR proposed to increase to allow multi-story buildings.*

Development criteria: Mixed use developments are encouraged. ~~Uses may be office commercial or residential or combined.~~ Off-site residential uses shall be buffered from non-residential uses. ~~office commercial uses.~~ Office commercial uses shall be permitted only upon review of potential traffic impact and access roads. Access to major collector and arterial roadways.

### **Policy 2.11: Low Density Residential (LDR)**

The primary function of the Low Density Residential (LDR) classification is to provide areas for housing, primarily single-family, with an overall density of 3 or fewer dwelling units per acre.

The LDR classification is intended to preserve the character of existing single-family residential areas with large lots and to allow the continued development of these areas. It is also intended for classification of vacant parcels, particularly newly annexed lands on the periphery of the City.

Location criteria: LDR is appropriate for vacant lands a half mile or more from arterial roadways and CACs-Community Activity Centers and RACs-Regional Activity Centers. Existing residential areas with a density of 3 or fewer units per acre on average should also be assigned the LDR designation.

► *Note*

*EAR-BASED AMENDMENT – CONTROL URBAN SPRAWL*

*EAR under FLU Objective 5 calls for adding policies decreasing residential densities away from developed centers.*

Typical uses: Uses/density. Housing up to 3 units per acre. Single-family houses. Two- and three-family units, multi-family units allowed by planned developments only, depending on compatibility with adjoining residential areas, the development suitability of the site, and the availability of public facilities and services. Uses that are customarily found in residential neighborhoods and compatible with residential development, such as religious, educational, public facility uses, and assisted living facilities with a maximum FAR of .25. Development through the planned development process is preferred. Clustering of housing units with planned development approval is encouraged to preserve open space and natural resources.

### **Policy 2.12: Medium Density Residential (MDR)**

The primary function of the Medium Density Residential (MDR) classification is to provide areas for housing in compatible groupings at a density of up to 6 units per gross acre.

A density bonus of up to 33% may be granted through the planned development process for an affordable housing development meeting current federal criteria for affordability in Polk County, provided that the development is located in a multi-family zoning district, has in excess of 12 units, and provided the requirements for open space, recreation, buffers, pervious area and parking are not reduced.

► *Note*

*Density bonus provision for affordable housing is proposed at the request of the Housing Authority.*

The MDR classification is intended to preserve the character of existing single-family residential areas and to allow the continued development of these areas. It is also intended to encourage redevelopment of declining residential areas and to allow a variety of housing types on vacant lands within a half-mile of commercial areas and arterial highways.

Location criteria: The MDR designation is appropriate for lands within a half mile of arterial roadways and CACs-Community Activity Centers and RACs-Regional Activity Centers. MDR should also be assigned to existing residential areas with densities greater than 3 and up to 6 units per acre on average.

► *Note*

*EAR-BASED AMENDMENT – CONTROL URBAN SPRAWL*

*EAR under FLU Objective 5 calls for adding policies decreasing residential densities away from developed centers.*

Typical uses: Uses/density: Housing up to 6 units per gross acre. Single-family houses. Two- and three-family units, and multi-family units allowed by planned development only, depending on compatibility with adjoining residential areas, the development suitability of the site, and the availability of public facilities and services. Clustering of units with planned development approval is encouraged to preserve open space and natural resources.

Uses that are customarily found in residential neighborhoods and compatible with residential development, such as religious, educational, public facility uses, and assisted living facilities with a maximum FAR of .40. Development through the planned development process is preferred.

**Policy 2.13: High Density Residential (HDR)**

The primary function of the High Density Residential (HDR) classification is to allow for housing at a density not to exceed 12 dwelling units per acre located within a quarter mile of commercial centers and along major roadways.

The HDR classification is intended to encourage redevelopment of declining urbanized areas along major roadways and to allow for new multi-family development convenient to commercial centers.

Location criteria: HDR is appropriate for lands within a quarter mile of a CAC-Community Activity Center or RAC-Regional Activity Center and an arterial roadway. HDR should also be assigned to existing residential areas with a density of 12 units or greater per acre.

► *Note*

*EAR-BASED AMENDMENT – CONTROL URBAN SPRAWL*

*EAR under FLU Objective 5 calls for adding policies decreasing residential densities away from developed centers.*

Typical uses: ~~Uses/density: Single family houses, two and three family units, m~~ Multi-family developments ~~units~~ up to 12 units per gross acre depending on the development suitability of the site and the availability of public facilities and services. Uses that are customarily found in residential neighborhoods and compatible with residential development, such as religious, educational, public facility uses, and assisted living facilities with a maximum FAR of .60. Development through the Planned Development process is preferred.

**Policy 2.14: Public (PUB)**

The primary function of the Public (PUB) classification is to designate or identify existing government owned facilities, parks, and open space areas.

Development criteria: Future government facilities, recreation and park sites shall be permitted in all Future Land Use categories except Conservation (CON) consistent with protection of the environment. Existing government facilities and recreation and park sites shall be designated PUB on the Future Land Use Map.

**Policy 2.15: Conservation (CON)**

The primary function of the Conservation (CON) classification is to provide for the use and protection of wetlands and habitat areas that are recognized as significant by the city. Protection of these areas shall be through a combination of resource identification as outlined under Objective 3 in the future Land Use Policy 3.07 and transfer of density as outlined below. ~~in Future Land Use Policy 2.16.~~

Location criteria: ~~Development criteria~~ Wetlands and scrub habitat may be identified CON on the Future Land Use Map, or through designation of the Wetland Overlay District. ~~as provided in Policy 3.12.~~ Lands that have been dedicated for conservation by legal instrument or through a transfer of density rights shall be designated as CON and shall not be eligible for reclassification..

► *Note*

*Added to ensure that a transfer of density rights is recognized as permanent.*

Development criteria: Wetlands and scrub habitats shall be preserved within areas designated CON. If non-environmentally sensitive areas are identified through an environmental survey as outlined in under Objective 3 – Protection of Natural Resources, Future Land Use Policy 3.07, a Comprehensive Plan amendment may be requested to reclassify those areas for development. Density rights may be transferred from wetlands and scrub habitats to those non-environmentally sensitive portions of the same site during a Planned Development Review.

**Policy 2.16:**

Where a site or a portion of a site is classified as Conservation and non-environmentally sensitive portions of the site have been identified through an approved site survey, development may be clustered on the non-environmentally sensitive portions of the same site through a transfer of density rights upon amendment to the Comprehensive Plan. Use of the Planned Development process shall be required for a transfer of density rights to ensure protection of the environmentally sensitive areas. Density rights on wetlands may be transferred at the rate of up to one dwelling unit per acre for residential land use and .05 FAR for commercial/industrial use. Density rights on scrub habitat may be transferred at a rate of up to five dwelling units per acre for residential land use and .25 FAR for commercial/industrial use. A density bonus of up to one dwelling unit per acre may be granted.

**Policy ~~2.16:~~ 2.17: Rural-Residential (RR)**

The primary function of the Rural-Residential (RR) classification is to permit agricultural activities, rural-density residential development, environmental protection of sensitive lands, and to also serve as a reserve for future urban development.

Development criteria: Agricultural uses, residential development at a density of one unit per five acres (1DU/5AC) and Rural Planned Development shall be permitted.

► *Note:*

*Rural Planned Development (RPD) is proposed for elimination as recommended by the Planning Board. A development of this nature can be approved under the Planned Development process without a special provision in the Comprehensive Plan. Designation of NACs- Neighborhood Activity Centers on the Future Land Use Map is preferred over allowing 5% of a development to be neighborhood commercial by right.*

**Policy 2.18: — Rural Planned Development (RPD)**

~~The primary function of the Rural Planned Development (RPD) shall be to permit limited urban development in areas identified as Rural Residential where due to environmental characteristics only a portion of a site is suitable for development purposes.~~

~~Development criteria: single family houses, two and three family units and multi family units shall be permitted depending on the development suitability of the site and the availability of public facilities and services. A Planned Development is required. To permit a beneficial mix of uses up to five percent of the gross land area may be developed as neighborhood commercial or office. Typical uses include convenience stores, drug stores, beauty parlors, and professional offices. Commercial and office uses shall be compatible with the scale of the surrounding residential development. The Floor Area Ratio (FAR) shall not exceed .25. RPDs shall contain a minimum of 160 acres; be served by a municipal potable water and wastewater system; be adjacent to, or front on, a paved public collector or arterial road; and reserve, via a conservation easement, site plan approval condition, or other similar land reservation mechanism; no less than 50 percent of the development site as agricultural land use, open space, of habitat protection. The maximum number of dwelling units to be approved for a RPD project shall be calculated based upon the RPD site area (including the minimum 50% reservation area) with the total permitted dwelling units to be clustered on the non reservation portion of the site.~~

**Policy 2.17: 2.19: Development of Regional Impact (DRI)**

The Development of Regional Impact (DRI) Overlay District is created to recognize developments that have received approval as a DRI.

Location criteria: Developments that have received a Development Order pursuant to Chapter 380, F.S., shall be granted a DRI designation upon approval of a Comprehensive Plan Amendment. The permitted densities/intensities of DRIs in the City of Lake Wales are listed as follows:

Eagle Ridge Mall - This DRI is permitted for 1,200,000 SF of retail commercial uses on 179.1 acres.

**Objective 3: Protection of Natural, Historical, and Cultural Resources**

To the maximum extent possible, protect natural, historical, and cultural resources from the negative impacts of development and redevelopment. The land development regulations shall incorporate provisions to protect resources as delineated by the policies of this objective. The Development Limitation Overlay System shall be incorporated into the Land Development Regulation by 2001. [915.006(3)(b)1,4]

► *Note*

*Changes in Policy 3.01 combine the two flood categories and recognize that maps other than the Future Land Use Map series (such as Airport Buffer Area and FEMA flood maps) will be used to regulate resource areas. (This policy coordinates with the FLUM series. New FLUM series maps are being proposed simultaneously primarily to replace 2000 maps which are out of date.) The new FLUMs can be viewed on the City's web site under Planning Dept.*

**Policy 3.01: Overlay Districts for Resource Protection**

~~Identify as Development Limitation Overlay on the Future Land Use Map Series areas with potential development limitations necessitated by~~ The land use and related regulations shall restrict and limit development in areas natural conditions and areas where development could adversely affect or be adversely affected by significant natural resources and man-made facilities and features. Control the density and intensity of development within such overlays. The following Development Limitation Overlays are established for the City of Lake Wales:— The following overlay districts are established and are specifically identified on the Future Land Use Map Series and other official maps for limitation:

- a) Floodplain Protection Areas
- b) Soils-limited ~~Sites~~ Areas
- c) Airport Buffer Areas
- d) Wellhead Protection Areas
- e) Historic Preservation Areas
- f) Wetland Overlay District
- g) ~~100-Year Flood Study Overlay District~~

► *Note*

*Changes in floodplain policies update references and terminology. The flood zones are shown on the proposed Conservation map of the FLUM series, but a new set of maps is due from FEMA soon.*

**Policy 3.02: Floodplain Protection Areas**

Floodplain Protection Areas are established to indicate areas subject to potential periodic flooding and to limit uses and intensities to those for which the risk of loss would be minimal and which do not alter the natural function of the floodplain. Floodplain Protection Areas shall be defined as those areas identified by the Federal Emergency Management Agency (FEMA) in its most recent Flood Insurance Study for Lake Wales as within a 100-year floodplain or having a 1% chance of being flooded in any given year. Standards conforming to FEMA requirements for construction in the regulatory floodplains shall be maintained in the land development regulations. (See “Conservation” map in Future Land Use Map Series.)

~~The Future Land Use Map Series shall designate as Floodplain Protection Areas those areas classified by the Federal Emergency Management Agency (FEMA) as being within the 100-year floodplain. Standards regarding floor slab elevation and other requirements shall be established in land development regulations as directed in Conservation Element Policy 3.01.~~

Development within Floodplain Protection Areas ~~the 100-year Flood Study Overlay District~~ shall be discouraged and shall be encouraged to locate on the non-floodplain portions of a development site and density/intensity may be transferred through the planned development process from undeveloped floodplain areas to contiguous non-floodplain areas within the same 100-year flood basin. Development or redevelopment within Floodplain Protection Areas shall meet the requirements of the land development regulations. Chapter 11 of the City of Lake Wales Code of

~~Ordinances~~, and shall not result in post development run-off rates which exceed pre-development run-off rates for storm frequencies at least as stringent as those rates established by the Southwest Florida Water Management District. When there are no reasonable alternatives, encroachment, including fill, new construction, substantial improvements, and other development, shall only be permitted upon certification by a registered professional engineer that encroachments shall not result in any increase in flood levels during occurrence of the 100-year base-flood discharge. Additionally, no new residential lots shall be created that are entirely within the 100-year flood zone.

Development within the floodplain protection areas ~~100-year Flood Study Overlay District~~ shall conform to the following criteria: All permits from an agency with jurisdiction shall be approved prior to, or concurrently with, the City issuing the final development order for the ~~project~~ development. Impacts shall first be avoided. Secondly, where they cannot be avoided, impacts shall be minimized and shall be mitigated. Impacts where unavoidable and where properly mitigated, as determined by the City of Lake Wales and by agencies having jurisdiction, shall be permitted for the purpose of beneficial use of the property.

### **Policy 3.03: Soils-limited Sites**

~~Soils-limited sites Areas are established to indicate areas are sites where soils are unsuitable for development or on-site wastewater treatment. Such sites include those in where development may be limited due to poor soil conditions. The Future Land Use Map Series shall designate as Soils-Limited Areas those areas delineated by the U.S. Soil Conservation Service (SCS) as having severe limitations for septic-tank adsorption fields and the foundations of dwelling without basements. New buildings in areas rated severe for foundations may, at the option of the city, be required to have a soil test performed at the developer's expense prior to approval of a building permit. Standards regarding on-site wastewater treatment systems shall be as directed in Sanitary Sewer Sub-Element. Policy 1.02.12. (See "Soils" map in Future Land Use Map Series.)~~

#### **► Note**

*The Airport Zoning Board of the TPO regulates development within the Airport Buffer areas. Lake Wales has adopted the regulations of the Zoning Board through inter-local agreement.*

### **Policy 3.04: Airport Buffer Areas**

Airport Buffer Areas are established to protect the Lake Wales and Chalet Suzanne Airports from encroachment of incompatible land uses, such as the construction of tall structures, or from activities that would create potential safety hazards or problems for aircraft or that would be negatively impacted by airport operations. ~~The Future Land Use Map Series shall designate as Airport Buffer Areas the Federal Aviation Administration Regulations Part 77 "Imaginary Surfaces" established by the Lake Wales Airport Master Plan. Standards regarding height restrictions, land use performance standards, and other requirements shall be established in land development regulations as directed in Future Land Use Element Policy 3.11.~~

~~By October 1, 2001, adopt land development regulations that establish standards to control Control incompatible land uses and activities within Airport Buffer Areas through continued participation in the Polk Transportation Planning Organization's Airport Zoning Board by local agreement. The standards shall address controls for tall structures and performance standards for land uses that may negatively affect or be negatively affected by airport operations. The standards shall be consistent with the provisions of Chapter 333 F.S. **MOVED – WAS POLICY 3.08**~~

► *Note*

*Wellhead protection areas are shown on the Natural Resources Map of the FLUM series. A Wellhead Protection ordinance was incorporated into the Land Development Regulations in 2004.*

**Policy 3.05: Wellhead Protection Areas**

Wellhead Protection Areas are established to protect existing and future public water wells from contamination. The Natural Resources Map of the Future Land Use Series shall designate as Wellhead Protection Areas, zones of protection around existing or future wellheads, based on contaminant travel time as determined by a professional hydrologist. Standards regarding restricted or prohibited uses or activities within such areas shall be maintained ~~established~~ in the land development regulations as directed in Conservation Element. ~~Policy 2.02. Wellhead Protection Areas shall be established and mapped on the Future Land Use Map Series for any existing and proposed municipal water well.~~ **REDUNDANT**

**Policy 3.06: Historic Preservation Areas**

Historic preservation areas as shown on the Historic Districts Map of the Future Land Use Map Series are established to indicate concentrations of historic structures and ~~are established~~ to protect significant historic areas from unwarranted alteration or the encroachment of incompatible land uses that would detract from the historic character of the area. ~~The Future Land Use Map Series shall designate as Historic Preservation Areas those areas delineated in the Historic Preservation Element as having concentrations of historic structures.~~ Standards regarding official designation, creation of review boards, land use controls, and decision criteria shall be ~~established~~ maintained in the land development regulations to designate and regulate locally adopted historic districts, such as the Downtown Historic District. ~~in an Historic Preservation Ordinance as directed in Historic Preservation Element Policy 1.02.~~

► *Note*

*Revisions consolidate wetland policies under 3.07.*

**Policy 3.07: Wetland Overlay District**

The Wetland Overlay District is created to recognize those areas identified on the National Wetlands Inventory and by other applicable authorities as wetlands, the boundary of which may be more accurately defined as set forth in this Plan. **WAS POLICY 3.12**

Development within the Wetland Overlay District shall conform to the following criteria: All permits from an agency with jurisdiction shall be approved prior to, or concurrently with, the City issuing the final development order. Wetland impacts shall first be avoided. Secondly, where they cannot be avoided, impacts shall be minimized and shall be mitigated by wetland compensation or wetland enhancement. Wetland impacts, where unavoidable and where properly mitigated, as determined by agencies having jurisdiction, shall be permitted for the beneficial viable use of the property. **WAS POLICY 3.15.**

**Policy 3.07**

For any development proposed in an area designated as Conservation on the Future Land Use Map, require developers to perform a predevelopment survey of the site at their expense to more accurately determine the extent of wetlands and scrub habitat. Surveys of scrub habitat shall include identifying the presence of endangered species, threatened species, or species of special concern. The qualification of those performing the survey and methodology used shall be acceptable to the city.

**Policy 3.08** **MOVED TO POLICY 3.04**



~~By October 1, 2001, adopt land development regulations that establish standards to control incompatible land uses and activities within Airport Buffer Areas. The standards shall address controls for tall structures and performance standards for land uses that may negatively affect or be negatively affected by airport operations. The standards shall be consistent with the provisions of Chapter 333 F.S.~~

**Policy 3.09:**

~~The 100-year Flood Study Overlay District is created to recognize those areas that are considered to be appropriate for development, but may have potential areas that could be subject to 100-year flooding. SEE POLICY 3.02.~~

**Policy 3.10:** SEE POLICY 3.02.

~~The 100-year Flood Study Overlay District shall designate and map possible floodplain areas on the Future Land Use Map. The specific boundaries of the floodplains may be determined based upon either of the following criteria:~~

- ~~1. The preliminary FEMA maps dated September 30, 1996, or any subsequent revision thereof; or~~
- ~~2. Site-specific documentation, exhibits, studies, etc. All such studies are required to be signed and sealed by a registered professional engineer and have the boundaries verified and approved by the City's Engineer based upon best available data at the time of submission to the City.~~

~~The 100-year Flood Study Overlay District shall apply to all areas annexed into the City Limits which have any area which is designated as lying within a 100-year flood zone by the most current adopted FEMA maps in existence at the time of such annexation.~~

**Policy 3.11:** SEE POLICY 3.02

~~Development within the 100-year Flood Study Overlay District shall be encouraged to locate on the non-floodplain portions of a development site and density/intensity may be transferred from undeveloped floodplain areas to contiguous non-floodplain areas within the same 100-year flood basin. Development or redevelopment shall meet the requirements of Chapter 11 of the City of Lake Wales Code of Ordinances, and shall not result in post-development run-off rates which exceed pre-development run-off rates for storm frequencies at least as stringent as those rates established by the Southwest Florida Water Management District. When there are no reasonable alternatives, encroachment, including fill, new construction, substantial improvements, and other development, shall only be permitted upon certification by a registered professional engineer that encroachments shall not result in any increase in flood levels during occurrence of the 100-year base flood discharge. Additionally, no new residential lots shall be created that are entirely within the 100-year flood zone. Development within the 100-year Flood Study Overlay District shall conform to the following criteria: All permits from an agency with jurisdiction shall be approved prior to, or concurrently with, the City issuing the final development order for the project development. Impacts shall first be avoided. Secondly, where they cannot be avoided, impacts shall be minimized and shall be mitigated. Impacts where unavoidable and where properly mitigated, as determined by the City of Lake Wales and by agencies having jurisdiction, shall be permitted for the purpose of beneficial use of the property.~~

**WETLAND POLICIES ARE CONSOLIDATED UNDER POLICY 3.07**

**Policy 3.12:**

~~The Wetland Overlay District is created to recognize those areas identified on the National Wetlands Inventory and by other applicable authorities as wetlands, the boundary of which may be more accurately defined as set forth in this Plan.~~

**Policy 3.13:**

~~The Wetland Overlay District shall designate and map wetlands areas. This overlay area is generally shown on the Future Land Use Map. The specific boundaries of the wetlands may be verified by site specific studies which delineate specific wetland boundaries. It is the responsibility of the owner and/or developer to submit documentation, exhibits, studies, etc., for the purpose of establishing that properties should not be included in the Wetland Study Overlay District when the adopted land use map indicates that the property is within such an area. All studies to verify the boundaries of wetlands are required to be signed and sealed by an appropriate professional consultant and have their boundaries verified and approved by the City's Engineer and by the agencies having jurisdiction. **MOVED TO POLICY 3.07**~~

**Policy 3.14: REDUNDANT**

~~The designation and mapping of the Wetland Overlay District shall be based on areas delineated as wetlands by the National Wetlands Inventory and/or as determined to be jurisdictional by appropriate regulatory agencies having the authority to designate areas as wetlands and exercise jurisdiction over the wetlands so designated (such as Southwest Florida Water Management District, the Department of Environmental Protection, and the Army Corps of Engineers).~~

**Policy 3.15:**

~~Development within the Wetland Overlay District shall conform to the following criteria: All permits from an agency with jurisdiction shall be approved prior to, or concurrently with, the City issuing the final development order. Wetland impacts shall first be avoided. Secondly, where they cannot be avoided, impacts shall be minimized and shall be mitigated by wetland compensation or wetland enhancement. Wetland impacts, where unavoidable and where properly mitigated, as determined by agencies having jurisdiction, shall be permitted for the beneficial viable use of the property. **MOVED TO POLICY 3.07**~~

► *Note*

**EAR Amendments**

EAR-BASED AMENDMENTS – OBJECTIVE 4 AND POLICIES ADDRESSES URBAN SPRAWL, UTILITIES AND INFILL AND REDEVELOPMENT

**Objective 4: Concurrency of Development with the Availability of Public Facilities and Services**

Ensure that urban services and facilities, including central potable water and wastewater services, roadways, public safety (law enforcement, fire protection and EMS), parks, libraries, and schools, are available to all existing and new development within the city limits to meet their needs at service levels established by the city and other agencies providing such services to the city. Establish the density and intensity of land use on the availability of necessary public facilities and services as part of the concurrency Management System by 2001. {9J-5.006(3)(b)1}

**Policy 4.01:**

Direct higher densities and intensity of uses to areas where public facilities and services are available or are projected to be available concurrent with the impacts of development. Limit the density and intensity of use in areas where public facilities and services are not available or projected to be available concurrent with the impacts of development. {9J-5.006(3)(e)3}

**Policy 4.02:**

Continue to require in the land development regulations ~~Ensure~~ that development orders or permits for future development and redevelopment are issued only if the public facilities and services necessary to meet the city's adopted level of service standards for urban services established in the Capital Improvements Element and, as applicable, those of other agencies

providing urban services to the city are available concurrent with the impacts of the development. [9J-5.006(3)(e)3]

**Policy 4.03:**

Continue to maintain agreements with and coordinate development reviews with other agencies which provide urban services to the city, including the Florida Department of Transportation, Polk County, the Polk County School Board and the Lake Wales Charter School Board to ensure that their services will be available at appropriate levels of service concurrent with the impacts of any development proposed in the city.

~~Require that utility service facilities which provide service to the various land uses established on the Future Land Use Map shall be authorized at the same time the land uses are authorized. [9J-5.006(3)(e)3]~~

*Note*

*Impact fees are updated periodically to reflect increases in construction costs.*

**Policy 4.04:**

Require new development to pay for all capital improvements for public facilities needed to serve the development at the adopted levels of service at a cost proportionate to the additional capacity or improvement needed through the use of impact fees and other mechanisms.

MOVED FROM OBJECTIVE 5 (Policy 5.18)

**Policy 4.05:**

To the extent that public facility improvements paid for by a developer are used by others outside of the development, reimburse the developer for capital costs from assessments to those others on a basis proportionate to the use. **MOVED FROM OBJECTIVE 5 (Policy 5.19)**

**Policy 4.06:**

Require new development to provide bonding or other financial guarantees to ensure the completion of required public facilities improvements.

MOVED FROM OBJECTIVE 5 Policy 5.20.

**Policy 4.07**

~~By October 1, 2001, adopt as~~ As part of the Concurrency Management System, continue to a system to reserve public facility and service capacity for approved development and to assess the cumulative effect of such approvals on public facility and service capacity. **MOVED FROM OBJECTIVE 5 – Policy 5.16.**

*Note*

*New policy.*

**Policy 4.08:**

Expand urban services as necessary to promote economic growth in targeted areas such as industrial and business parks.

► *Note*

**EAR-BASED AMENDMENTS**

*Objective 5 and its policies address all of the EAR issues: CONTROL URBAN SPRAWL, ENCOURAGE INFILL AND REDEVELOPMENT AND PROVIDE SEWER AND WATER SERVICES FOR GROWTH*

► *Note*

*Objective 5 is reworded to emphasize desire for growth close to developed centers, as called for in the EAR .*

**Objective 5: Desired Urban Growth Pattern**

A compact, efficient, and sustainable pattern of development that provides convenient access for residents to urban services and amenities, avoids urban sprawl, strip development and leap-frog development, protects natural and historic resources, is compatible with existing land uses and is coordinated with and consistent with the adopted growth management plans of Polk County, adjacent municipalities, and with applicable regional and state agency plans and regulations.

~~Promote an urban growth pattern within the Lake Wales Planning Area that is orderly, compact, compatible with the existing and proposed land uses and character of the City of Lake Wales, and that is coordinated with Polk County, adjacent municipalities, and any appropriate resource planning, and management plan prepared pursuant to Chapter 380 F.S. Encourage mixed use and infill development as part of the Land Development Regulations by 2001.~~

► *Note*

*In relation to policy 5.01, the EAR calls for reviewing floor area ratios for non-residential FLU categories. Changes were made in FARs for NAC – Neighborhood Activity Centers and RO – Residential Office. Policy 5.01 was expanded to strengthen the link between the FLUM and the growth management policies.*

**Policy 5.01: Future Land Use Map (FLUM)**

The Future Land Use Map is the key instrument for achieving Objective 5. The distribution of land use designations on the FLUM shall be carefully chosen and maintained to promote the desired growth pattern as expressed in this comprehensive plan, particularly under this objective (Objective 5 – Desired Urban Growth Pattern) and Objective 2 – Location and Density Criteria.

Locate future land uses on the Future Land Use Map at densities and intensities that will discourage urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the city. ~~{9J-5.006(3)(c)3}~~

**Policy 5.02: Functional mix of land uses**

The land development regulations shall promote an integrated mix of residential and non-residential land uses consistent with the future land use classification system of this element and shall include mechanisms to promote innovative site design, through appropriate use designations on the Future Land Use Map and through the use of innovative development techniques as established in Future Land Use Element Policy 1.04.

► *Note*

*Policy 5.03 is broadened to promote infill and redevelopment through other means beyond affordable housing.*

**Policy 5.03: Infill and redevelopment**

Promote infill development and redevelopment of existing urban areas through flexible land use regulations and quick turn-around times for reuse inspections and permit reviews, and financial incentives such as development impact fee exemptions for desirable uses. Land use regulations for redevelopment target areas shall promote affordable housing and make liberal use of the special permit process to allow a wide range of uses without compromising neighborhood integrity and land use compatibility.

~~Promote infill development and redevelopment of existing urban areas by streamlining the development review and approval process through Housing Element Policy 1.02 and by modifying land development regulations through Housing Element Policy 1.03.~~

**Policy 5.04: Commercial nodes**

~~Concentrate intense commercial uses in Activity Centers on the Future Land Use Map as established in Objective 2 – Location and Density Criteria. Future Land Use Policies 2.02, 2.03, and 2.04. High and medium density residential developments are appropriate within and in close proximity to commercial nodes. Integrated, inter-connected, planned developments shall be required.~~

► *Note*

***EAR-Based amendment***

*EAR in CONTROLLING URBAN SPRAWL matrix calls for rewriting Policy 5.05 to expand ways to limit strip development.*

**Policy 5.05: Discourage strip commercial development**

Along major roadways outside of commercial nodes, lower intensity land use classifications shall be assigned such as LCI-Limited Commercial-Industrial and RO-Residential Office and medium to high density residential (MDR and HDR) classifications are also appropriate. Integrated, planned developments with common access roads and service roads shall be encouraged and required as feasible to reduce traffic congestion.

NACs-Neighborhood Activity Centers shall be designated for convenience shopping to serve residential areas at a distance from commercial nodes.

~~Limit the expansion of strip commercial areas as directed in Future Land Use Policy 2.06.~~

► *Note*

***EAR-Based amendment*** – *Matrix for Providing Water and Wastewater Services for Growth - Obj. 5 calls for evaluating the urban service area map. The Urban Services Area map concept was re-evaluated after the EAR preparation. Mapping where future growth will occur was found to be problematic. Concurrency management and capital improvements planning will be used to ensure urban services are available when needed. Policies 5.06, 5.07, 5.08, and 5.09 are eliminated in favor of concurrency management policies under Objective 4.*

**Policy 5.06:**

~~Establish Urban Service Area overlays on the Future Land Use Map Series to indicate areas of potential urban service extension within the Lake Wales Planning Area. The following Urban Service Area overlays are established:~~

- ~~a) Five Year Urban Service Area (USA 5)~~
- ~~b) Ten Year Urban Service Area (USA 10)~~
- ~~c) Rural Area (RA)~~

**Policy 5.07:**

~~The Five Year Urban Service Area (USA 5) is established as the area currently served, or programmed to be served within the next five years, by central sanitary sewage and potable water systems; an urban road network; a developed parks system; elementary schools; and public safety (law enforcement, fire protection, EMS). Low Density Residential and Medium Density Residential are permitted within the Five Year Urban Expansion Area depending on the~~

~~availability of necessary public facilities and services and the suitability of the site. Most commercial development will be centered within designated Activity Centers.~~

**Policy 5.08:**

~~The Ten Year Urban Service Area (USA 10) is established as the area under consideration to be served within the next ten years by central sanitary sewage and potable water systems; an urban road network; a developed parks system; elementary schools; and public safety (law enforcement, fire protection, EMS). Residential use will be limited to Low Density Residential and Medium Density Residential depending on the availability of necessary public facilities and services and the suitability of the site. Most commercial development will be centered within designated Activity Centers. As areas within the Ten Year Urban Expansion Area are provided with public facilities and services or are annexed into the city, the Comprehensive Plan will be amended accordingly.~~

**Policy 5.09:**

~~The Rural Area (RA) is established as the area within the Lake Wales Planning Area not located with the Five Year or Ten Year Urban Service Area. The Rural Area lacks all or most of the public facilities and services required for urban development. The primary use will be agriculture with low density residential (up to 3 dwelling units per acre) encouraged in and near existing clusters of residential development.~~

**Policy 5.06: 5.10:**

~~Coordinate future land use planning with Polk County for areas outside of the City of Lake Wales but within the Lake Wales Planning Area by participating in joint planning efforts such as the development of Selected Area Plans and interlocal agreements where applicable. establishment of a joint planning effort and development of a model interlocal planning agreement through Intergovernmental Coordination Element Policy 2.02.~~

**Policy 5.07: 5.11:**

~~During the site plan review process, city staff shall review the impact of future land use activities having potential impacts outside the Lake Wales city limits with the appropriate staff of Polk County, adjacent municipalities, or agency responsible for any applicable resource planning and management plan prepared pursuant to Chapter 380, F.S. in an effort to reduce potential conflicts.~~

**Policy 5.08: 5.12:**

~~Promote compact urban growth through the location of public facility expansions contiguous to existing developed areas through policies in the Sanitary Sewer Sub-Element, Policies 1.2.08, 1.2.09, 1.2.10, 1.2.12, and 1.2.13; Potable Water Sub-Element Policies 2.2.03, 2.2.04, and 2.2.05, and Drainage Sub-Element Policies 4.2.03 and 4.2.04. [9J 5.006(3)(c)3]~~

**Policy 5.09: 5.13:**

~~Direct public facility investments in and near existing urban areas through capital improvement funding priorities as established in Capital Improvements Element. Policy 1.02.~~

**Policy 5.10: 5.14:**

~~The utility regulations shall discourage Discourage the establishment of new private on-site wastewater treatment systems as called for in through Sanitary Sewer Sub-Element policies. Policy 1.2.11.~~

► *Note*

**EAR – Based Amendment** – *Matrix for Water and Sewer Services calls for discouraging on-site systems and requiring concurrency.*

**Policy 5.11: 5.15:**

Encourage the use of centralized water and wastewater systems through an interlocal utility service agreement with Polk County as established in Intergovernmental Coordination Policy 2.02.

**Policy 5.16:**

~~By October 1, 2001, adopt as part of the Concurrency Management System, a system to reserve public facility and service capacity for approved development and to assess the cumulative effect of such approvals on public facility and service capacity.~~ **MOVED TO OBJECTIVE 4 CONCURRENCY**

**Policy 5.12: 5.17:**

~~By October 1, 2001, reach an agreement with-~~ The land development regulations shall require continued coordination with Polk County and the Florida Department of Transportation to mitigate the traffic impacts of development adjacent to Highway 27 and S.R. 60 in the Lake Wales Planning Area and with agencies as appropriate on ~~At a minimum, this agreement should address access management, facility design options, right-of-way needs, and on-site traffic flow.~~ [9] 5.006(3)(c)3,4]

► *Note*

*An agreement is not necessary to have coordination and joint planning with these agencies.*

**Policy 5.18:**

~~Require new development to pay for all capital improvements for public facilities needed to serve the development at the adopted levels of service at a cost proportionate to the additional capacity or improvement needed.~~ **MOVED TO OBJECTIVE 4**

**Policy 5.19:**

~~To the extent that public facility improvements paid for by a developer are used by others outside of the development, reimburse the developer for capital costs from assessments to those others on a basis proportionate to the use.~~ **MOVED TO OBJECTIVE 4**

**Policy 5.20:**

~~Require new development to provide bonding or other financial guarantees to ensure the completion of required public facilities improvements.~~ **MOVED TO OBJECTIVE 4**

**Policy 5.13 5.21:**

Use the Planned Development Process where use and design control is needed to assure land use compatibility, prevent urban sprawl, promote the infill development of vacant properties, and maximize the efficient cost effective provision of public services and facilities.

**Policy 5.22:**

~~In recognition of the demand for regional commercial development occurring as a result of the Eagle Ridge Mall, the Regional Commercial Overlay District is hereby created and graphically depicted on Future Land Use Map 2. The District contains approximately 456 acres. To ensure appropriate timing of development relative to regional commercial demands, no more than 225 acres of the developable acreage can be developed. The subject area and acreage limitation set forth in this policy may be amended from time to time based on data and analysis provided as part~~

**Objective 6: ~~Redevelopment and Renewal of Downtown Business Districts and Blighted Areas~~**  
Revitalization of older business areas and rehabilitation of areas of substandard housing.

~~Actively identify, develop, and implement programs for the redevelopment or renewal of downtown business districts and blighted areas by 2005. [9J-5.006(3)(b)2]~~

**Policy 6.01:**

Continue to support downtown redevelopment in the designated Community Redevelopment Agency Area and fund public improvements in accordance with the Redevelopment Plan.

**Policy 6.02:**

Implement Housing Element directives for the renewal and revitalization of substandard housing.

**Policy 6.03:**

Promote infill development and redevelopment through designation of appropriate land uses and densities on the Future Land Use Map Series and through incentives. (See also Objective 5, Policy 5.03.)

**Objective 7: Elimination of Incompatible Uses**

Eliminate existing land uses, conditions, and zonings that are inconsistent with the Comprehensive Plan and the proposed future land uses as depicted on the Future Land Use Map Series. ~~Establish a schedule of actions to implement this objective by 2001. [9J-5.006(3)(b)2,3]~~

**Policy 7.01:**

Identify, reevaluate, and work towards the elimination of existing land uses that are inconsistent with the city's character and the proposed future land uses. ~~[9J-5.006(3)(c)3]~~

**Policy 7.02:**

Assign zoning designations consistent with the Future Land Use Classification of land and amend the zoning map as may be necessary to ~~By October 1, 2001, identify, reevaluate, and where necessary, eliminate zoning that is inconsistent with this Comprehensive Plan. [9J-5.006(3)(c)3]~~

**Policy 7.03:**

The land development regulations shall provide ~~By October 1, 2001, adopt an ordinance providing~~ for the vesting of pre-existing development rights and for conditions and procedures under which a grace period of up to two years may be granted to permit development in existing zoning districts that are inconsistent with the Comprehensive Plan.

► *Note*

*Land development regulations were amended to implement this policy.*

► *Note*

*Non-EAR Amendment*

*Objective 8 is expanded to include other essential public facilities, not limited to utilities. Schools are specifically listed as allowed in all future land use classifications.*

**Objective 8: Availability of Utility Public Facilities**



In conformance with the concurrency objective of the Comprehensive Plan, ensure that suitable land is available for utility public facilities as necessary to support proposed development. ~~and incorporate into the Land Development Regulations and Concurrency Management System by 2001. [9J-5.006(3)(b)8]~~

**Policy 8.01:**

Public ~~utilities~~ facilities, including schools, that provide essential service to existing and future land uses authorized by the Comprehensive Plan shall be permitted in all future land use categories subject to restrictions in state and federal law ~~provided the performance standard in the Power Plant Siting Act, Transmission Line Siting Act, Lake Wales Future Land Use Element, and applicable land development regulations. are met.~~

**Policy 8.02:**

~~By October 1, 2001, amend or adopt~~ The land development regulations shall continue to require developers to confirm that required utility public facilities and services required by the Comprehensive Plan are available or are committed to be available concurrently with completion of the development prior to the issuance of a development order. ~~[9J-5.006(3)(b)9]~~

► *Note*

*Amendments to policies for utilities correspond to the City's current policies and regulations in Chapter 21 "Utilities" of the Lake Wales Code of Ordinances. The one exception is the proposed addition of the double-underlined words in Policy 8.03 "or for non-residential properties on which development would be of economic benefit to city residents.*

**Policy 8.03**

To conserve capacity for city property owners and honor commitments to owners who annexed property into the city limits for future development, new potable water and sanitary sewer service shall be provided only to those properties that lie within the city limits or are in an area designated by the city under Chapter 180, F. S. In cases where annexation is not feasible, exceptions may be made at the discretion of the city for properties on which existing on-site wastewater treatment systems are failing or for non-residential properties on which development would be of economic benefit to city residents. Annexation agreements shall be required from all owners whose property is to be serviced under an exception.

**Policy 8.04**

The terms of active utility service area agreements between the City and adjacent municipalities, Polk County or private utility systems shall be adhered to. The Director of Utilities shall maintain a map showing the limits of the City's future service area as established in any such agreements.