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ORDINANCE NO. 3168

PROPOSED ORDINANCE NO. 90-05

AN ORDINANCE RELATING TO THE LAKELAND DOWNTOWN DEVELOPMENT AUTHORITY IN ITS CAPACITY AS THE COMMUNITY REDEVELOPMENT AGENCY; MAKING FINDINGS; ADOPTING MINIMUM MAINTENANCE STANDARDS AND GUIDELINES FOR THE COMMUNITY REDEVELOPMENT AREA; PROVIDING THAT MINIMUM MAINTENANCE STANDARDS AND GUIDELINES SHALL BE APPLICABLE TO ALL UNIMPROVED AND IMPROVED PROPERTIES WITHIN THE GEOGRAPHIC BOUNDARIES OF THE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR ENFORCEMENT OF MINIMUM MAINTENANCE STANDARDS AND GUIDELINES; DESIGNATING THE LAKELAND DOWNTOWN DEVELOPMENT AUTHORITY AS THE CITY'S DOWNTOWN DESIGN REVIEW COMMITTEE; PROVIDING POWERS FOR THE DOWNTOWN DESIGN REVIEW COMMITTEE AND MUNN PARK DESIGN REVIEW COMMITTEE; FINDING CONFORMITY WITH THE COMMUNITY REDEVELOPMENT PLAN; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Lakeland, Florida, in adopting Ordinance #2155, determined the Lakeland Downtown Development Authority to be its "Community Redevelopment Agency"; and

WHEREAS, the City Commission, in adopting Resolution #2543, expressly defined the geographic boundaries of the area encompassed by the Community Redevelopment Agency; and

WHEREAS, pursuant to Ordinance #2155 and Section 163.370, Florida Statutes, the Lakeland Downtown Development Authority, as the Community Redevelopment Agency for the City of Lakeland, has the authority, subject to approval by the City Commission of the City of Lakeland, Florida, to undertake and carry out community redevelopment projects and related activities within its area of operation, including the carrying out of plans for a

1 program of voluntary or compulsory repair and  
2 rehabilitation of buildings or other improvements in  
3 accordance with the Community Redevelopment Plan; and

4 WHEREAS, the Lakeland Downtown Development Authority,  
5 acting as the Community Redevelopment Agency and in  
6 furtherance of the above objectives, has adopted Minimum  
7 Maintenance Standards for the Community Redevelopment Area  
8 and requested that the City Commission approve same; and

9 WHEREAS, the City Commission finds that the Minimum  
10 Maintenance Standards are in compliance with and in  
11 furtherance of the objectives of the Community  
12 Redevelopment Plan and in the best interests of the public  
13 health, safety and welfare of the citizens of the City of  
14 Lakeland, Florida.

15 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION  
16 OF THE CITY OF LAKE LAND, FLORIDA:

17 SECTION 1. The foregoing findings are incorporated  
18 herein by reference and made a part hereof.

19 SECTION 2. The Minimum Maintenance Standards and  
20 Guidelines for the Community Redevelopment Area are hereby  
21 adopted by the City Commission of the City of Lakeland,  
22 Florida:

23 **MINIMUM MAINTENANCE STANDARDS AND GUIDELINES**  
24 **FOR THE COMMUNITY REDEVELOPMENT AREA**

25 **A. BUILDING FRONT, SIDE AND REAR WALLS**  
26 **ABUTTING STREETS OR PUBLIC AREAS:**

27 **REQUIREMENTS:**

28 1. All deteriorated or damaged structural and  
29 decorative elements visible from a public right-of-way,  
30 including signage, shall be repaired or replaced to match as  
31 closely as possible the existing or original materials and  
construction of the building, except that changes shall be

1 permitted that are otherwise required or encouraged by the  
2 Downtown Design Review Committee or the Munn Park Design  
3 Review Committee.

4         2. Every such part of a structure visible from a  
5 public right-of-way or abutting a street shall be made  
6 structurally sound. Rotten or weakened portions shall be  
7 removed, repaired or replaced in such a manner as to be  
8 compatible with the rest of the structure or to match the  
9 original materials and construction techniques. All exposed  
10 wood shall be stained or painted. Every such part shall be  
11 clean of graffiti, litter, dirt, mildew or other debris; and  
12 where surfaces are painted, once painted or normally  
13 painted, not more than ten percent (10%) of such surface may  
14 be free of paint; painted surfaces must be maintained  
15 without peeling or chaulking.

16         3. Walls shall be repaired and painted to present a  
17 neat and clean appearance. Side walls where visible from the  
18 street shall be finished or painted so as to be harmonious  
19 with the front of the building.

20         4. Existing miscellaneous non-functional elements on  
21 the building, such as empty electrical conduit, unused sign  
22 brackets, etc., shall be removed and the building surface  
23 repaired or rebuilt as required to match adjacent surfaces  
24 and original or former condition. Wires and conduit shall be  
25 secured and located as inconspicuously as possible.

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27 Suggestions: The original appearance (often seen in old  
28 photographs) is in most cases the most desirable for  
29 buildings. Veneers such as metal, wood, brick or stone often  
30 hide original and interesting details of an older building.  
31 When possible, removal of veneers and the repair,

1 restoration or replacement of the original material (brick,  
2 stucco, wood, etc.) is suggested. Architectural details are  
3 important to the building's individuality and character and  
4 should be highlighted by color.

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6 B. WINDOWS:

7 REQUIREMENTS:

8 1. Every broken or missing window or window glass  
9 shall be repaired or replaced. New windows shall closely  
10 resemble the building's other existing windows.

11 2. All windows must be tight fitting and have sashes  
12 of proper size and design. Sashes with rotten wood, broken  
13 joints or loose mullions or muntins shall be repaired or  
14 replaced with a similar design and material.

15 3. Window openings in the building shall not be  
16 boarded or filled except as approved by the applicable  
17 Design Review Committee. Window panes or glass shall not be  
18 painted and single-sheet fixed glass shall not be used as a  
19 substitute for traditional operable windows when repair or  
20 replacement is undertaken.

21 4. All windows shall be kept clean and transparent  
22 and the visible interior neat and clean. Any interior  
23 screening, including curtains, drapes and blinds, must be  
24 kept in good repair and appearance and set back at least  
25 three (3) feet from the glass storefront or as approved by  
26 the applicable Design Review Committee. Active office uses  
27 may be exempted from these provisions if approved by the  
28 applicable Design Review Committee. Reflective glass is not  
29 permitted for any windows, except when specifically approved  
30 by the applicable Design Review Committee.  
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1 Suggestions - General: Storefront windows are a very  
2 important part of creating a rhythm of building openings, as  
3 well as offering the pedestrian an inviting view of the  
4 display area within the building. The use of clear glass on  
5 the first floor will encourage visibility.

6 Second and third story windows, as viewed from  
7 across the street or from a distance, can use slightly  
8 tinted or "filmed" glass with a minimum of fifty percent  
9 (50%) light transmission.

10 Storefront windows should remain the same size as  
11 the original openings. Remodeled windows should be as large  
12 as possible with some allowance at the ground level to allow  
13 room for a bulkhead. Original transom heights should be  
14 maintained. Windows with aluminum trim, mullions or muntins  
15 not consistent or compatible with the overall facade design  
16 should be replaced or the trim painted.

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18 Suggestions - Show Windows:

19 Show windows include the building face, porches and  
20 entrance area leading to the door, the sidelights, transoms,  
21 display platforms, devices, including lighting and signage  
22 designed to be viewed from the public right-of-way.

23 Show windows, entrances, signs, lighting, sun  
24 protection, awnings, porches, security grills, etc., should  
25 be compatible and harmonious with the original scale and  
26 character of the structure. All show window elements should  
27 be located within their original dimension.

1 C. AWNINGS

2 REQUIREMENTS:

3 1. Soft, retractable, flame proof awnings are  
4 permitted over the first floor and on upper floors above the  
5 windows only. They shall not project more than seven (7)  
6 feet from the building front, shall not be lower than seven  
7 (7) feet above grade and shall terminate against the  
8 building at a height not to exceed fourteen (14) feet above  
9 the pavement, except with the prior approval of the  
10 applicable Design Review Committee.

11 2. Rigid or fixed awnings or canopies are permitted  
12 if they are original or an integral part of the structure  
13 and compatible and harmonious with the scale and character  
14 of the structure and adjacent structures and pose no visual  
15 impediment to adjacent buildings. New rigid or fixed awnings  
16 or canopies may be added to existing structures subject to  
17 restrictions outlined above and with the prior approval by  
18 the applicable Design Review Committee.

19 3. Awnings that are torn, badly faded or  
20 structurally compromised shall be repaired or replaced.

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22 Suggestions: Awnings are one of the most important parts in  
23 the total impression of a building; the location, size and  
24 color must be carefully chosen.

25 For first floor awnings, the highest point should  
26 not be higher than the midpoint between the storefront  
27 windows and the second story window sills. They should not  
28 cover or interfere with any original architectural features  
29 of the building.

30 The color and design of the awning should be  
31 compatible with the color and design of the building. It is

1 recommended that the name of the store be placed within the  
2 valance area of the awning.

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4 D. ROOFS

5 REQUIREMENTS:

6 1. Chimneys and all other rooftop structures shall  
7 be repaired and cleaned in the same manner as required for  
8 rear and side walls. Any part of the building visible from  
9 the street or from other buildings shall be finished so as  
10 to be harmonious with other visible building walls.  
11 Television and radio antennas, pipes, ductwork and  
12 mechanical equipment such as air conditioning units and  
13 auxiliary enclosures or sheds, shall be located so as to be  
14 as inconspicuous as possible.

15 2. All roofs and existing gutters and downspouts  
16 shall be maintained to prevent damage to the structure and  
17 adjoining properties and the public. Leaking roofs shall be  
18 repaired or replaced.

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20 E. TRASH AND NON-CONTIGUOUS PARTS

21 REQUIREMENTS:

22 1. There shall be no trash placed on sidewalks or  
23 other areas open to the public except on those days when  
24 such trash is to be picked up by the City. All private trash  
25 receptacle areas shall be screened from the view of the  
26 public right-of-way, except where trash receptacle placement  
27 is authorized in alleyways. Such areas shall be kept neat  
28 and clean in appearance.

1 F. AUXILIARY STRUCTURES

2 REQUIREMENTS:

3 1. Structures at the rear of buildings, whether  
4 attached or unattached to the principal commercial  
5 structure, which are structurally deficient shall be  
6 properly repaired or demolished. All fences, lighting  
7 devices and supports, retaining walls, non-structural walls,  
8 outdoor service and seating areas, signs and their  
9 supporting elements shall be structurally sound, kept free  
10 of overgrowth, trash and debris and be repaired and painted  
11 to present a neat and clean appearance.

12 2. All vending machines, including refrigerated  
13 storage machines but excluding well maintained and stocked  
14 newspaper vending machines, shall be located within an  
15 enclosed building or area. Machines dispensing advertising  
16 circulars cannot be located in the public right-of-way or in  
17 view of the public right-of-way.

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19 G. SITES

20 REQUIREMENTS:

21 1. Landscaping: All green areas (front, side and  
22 rear yards) shall be kept free of overgrowth, weeds, trash  
23 and debris. All dead tree limbs and dead trees shall be  
24 removed.

25 2. Vacant Lots: Where a vacant lot exists or is  
26 created through demolition, the owner must cover all areas  
27 not actively used for parking or loading with grass or other  
28 ground cover approved by the applicable Design Review  
29 Committee or its designee. Said ground cover shall be  
30 maintained and the property kept free of trash and debris.  
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1           3. Parking Lots: All parking areas shall be paved  
2 with a consistent material and as provided in Sec.3.D.3(g)  
3 of the City of Lakeland Zoning Code. Parking areas shall be  
4 well maintained and kept free of overgrowth, potholes,  
5 weeds, trash and debris. Paving and striping will be  
6 maintained in good repair and in a neat and clean  
7 appearance.

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9                           H. TEMPORARY COVERINGS

10           REQUIREMENTS:

11           1. No temporary covering of any part of a structure  
12 may remain more than fifteen (15) days after ongoing  
13 construction has been completed or sixty (60) days total,  
14 whichever is longer. An example of a temporary covering is a  
15 board covering a broken or missing window.

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17                           I. COLOR OF THE BUILDING

18           Suggestions: When choosing a color for the building the  
19 following considerations should be made:

20           Buildings should not be painted the same color as  
21 the adjoining buildings. Building details, window frames,  
22 window sash, door frames and doors should be painted in a  
23 different color, generally a lighter shade than the wall  
24 color.

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26           SECTION 3. The Minimum Maintenance Standards and  
27 Guidelines shall be applicable to all unimproved and  
28 improved properties within the geographical boundaries  
29 proscribed by Resolution #2543 of the City of Lakeland,  
30 Florida. Said Minimum Maintenance Standards and Guidelines  
31 shall be in addition to any other standards, codes,

1 ordinances, rules, regulations or other statutory  
2 requirements applicable to such properties.

3 SECTION 4. The Minimum Maintenance Standards and  
4 Guidelines shall be enforced pursuant to the provisions of  
5 Chapter 7 of the Code of the City of Lakeland, Florida,  
6 entitled "Code Enforcement Board". The City Manager shall  
7 designate the employee(s) to serve as the Minimum  
8 Maintenance Standards Official for purposes of enforcing  
9 compliance with these Minimum Maintenance Standards. Such  
10 designated employee(s) shall work with property owners  
11 within the Community Redevelopment Area in an effort to  
12 achieve an understanding of and compliance with the Minimum  
13 Maintenance Standards and Guidelines.

14 SECTION 5. Upon receipt of written notification from  
15 the Minimum Maintenance Standards Official of non-  
16 compliance with the Minimum Maintenance Standards and  
17 Guidelines, a property owner or his representative shall  
18 have ten (10) days to commence application for a  
19 Certificate of Review, as defined in Sec. 8.02(6) of the  
20 Code, for approval of proposed correction of the cited  
21 deficiency. In those instances where the cited property  
22 lies within the Munn Park Historic District, application  
23 for Certificate of Review will be made with the Design  
24 Review Committee for the City of Lakeland's Historic  
25 Preservation Board for that District; for all other cited  
26 properties within the Community Redevelopment Area,  
27 application shall be made with the Director of the Downtown  
28 Design Review Committee, as designated herein. No building  
29 permit for the correction of deficiency shall be issued  
30 until a Certificate of Review has been issued and approved.  
31 A failure to secure a Certificate of Review in any

1 instance, including those in which no building permit is  
2 required, shall constitute a violation of this Ordinance,  
3 enforceable by the Code Enforcement Board.

4 SECTION 6. The City Commission of the City of  
5 Lakeland, Florida, does hereby designate and authorize the  
6 Lakeland Downtown Development Authority, in its capacity as  
7 the Community Redevelopment Agency, to act as the City's  
8 Downtown Design Review Committee, for the area prescribed  
9 in Section 5 above. In the LDDA's capacity as the Downtown  
10 Design Review Committee and, to the extent that the Design  
11 Review Committee for the Munn Park Historic District is not  
12 expressly empowered by Sec. 8 of the Code, said Committees  
13 shall have the power to:

14 A. Review all plans prior to commencement of  
15 correction of any deficiencies cited by any  
16 Minimum Maintenance Standards Official.

17 B. Issue a Certificate of Review to a property  
18 owner as a condition precedent to the  
19 correction.

20 SECTION 7. The City Commission does hereby expressly  
21 find that the provisions of this ordinance are in  
22 conformity with the Comprehensive Plan of the City of  
23 Lakeland adopted by Ordinance 2202, as amended, and the  
24 Community Redevelopment Plan.


25 SECTION 8. All ordinances or parts of ordinances in  
26 conflict herewith are hereby repealed.

27 SECTION 9. If any word, sentence, clause, phrase, or  
28 provision of this ordinance, for any reason, is held to be  
29 unconstitutional, void, or invalid, the validity of the  
30 remainder of this ordinance shall not be affected thereby.  
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SECTION 10. This ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 22nd day of January , A.D. 1989.

  
FRANK J. O'REILLY, MAYOR

ATTEST:   
PAULA KAY HOFFER  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:   
JOSEPH P. MAWHINNEY  
CITY ATTORNEY