

ORDINANCE NO 3168

PROPOSED ODINANCE 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 STADNARDS AND GUIDELINES FOR THE COMMUNITY REDEVELOPMENT AREA, PROVIDING THAT MINIMUM MAINTNANCE STADNARDS AND GUIDELINES SHALL BE APPLICABLE TO ALL UNIMPORVED 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 are 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 program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the Community Redevelopment Plan, and

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA

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

SECTION 2 The minimum Maintenance Standards and Guidelines for the Community Redevelopment Area are hereby adopted by the City Commission of the City of Lakeland, Florida

**MINIMUM MAINTANANCE STANDARDS AND GUIDELINES FOR THE COMMUNITY
REDEVELOPMENT AREA**

A BUILDING FRONT, SIDE AND REAR WALLS ABUTTING STREETS OR PUBLIC AREAS

REQUIREMENTS

1 All deteriorated or damaged structural and decorative elements visible from a public right-of-way, including signage, shall be repaired or replaced to match as closely as possible the existing or original materials and construction of the building, except that changes shall be permitted that are otherwise required or encouraged by the Downtown Design Review Committee or the Munn Park Design Review Committee

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

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

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

Suggestions The original appearance (often seen in old photographs) is in most cases the most desirable for buildings Veneers such as metal, wood, brick or stone often hide original and interesting details of an older building when possible, removal of veneers and the repair, restoration or replacement of the original material (brick, stucco, wood, etc) is suggested Architectural details are important to the building's individuality and character and should be highlighted by color

B WINDOWS

REQUIREMENTS

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

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

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

4 All windows shall be kept clean and transparent and the visible interior neat and clean Any interior screening, including curtains, drapes and blinds, must be kept in good repair and appearance and set back at least three (3) feet from the glass storefront or as approved by the applicable Design Review Committee Active Office uses may be exempted from these provisions if approved by the applicable Design Review Committee Reflective glass is not permitted for any windows, except when specifically approved by the applicable Design Review Committee

Suggestions - General Storefront windows are a very important part of creating a rhythm of building openings, as well as offering the pedestrian an inviting view of the display area within the building The use of clear glass on the first floor will encourage visibility

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

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

Suggestions – Show Windows

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

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

C AWNINGS

REQUIREMENTS

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

2 Rigid or fixed awnings or canopies are permitted if they are original or an integral part of the structure and compatible and harmonious with the scale and character of the structure and adjacent

structures and pose no visual impediment to adjacent buildings New rigid or fixed awnings or canopies may be added to existing structures subject to restrictions outlined above with the prior approval by the applicable Design Review Committee

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

Suggestions Awnings are one of the most important parts in the total impression of a building, the location, size and color must be carefully chosen

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

The color and design of the awning should be compatible with the color and design of the building It is recommended that the name of the store be placed within the valance area of the awning

D ROOFS

REQUIREMENTS

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

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

E TRASH AND NON-CONTIGUOUS PARTS

REQUIREMENTS

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

F AUXILLARY STRUCTURES

REQUIREMENTS

1 Structures at the rear of buildings, whether attached or unattached to the principal commercial structure, which are structurally deficient shall be properly repaired or demolished All fences, lighting devices and supports, retaining walls, nonstructural walls, outdoor service and seating areas, signs and their supporting elements shall be structurally sound, kept free of overgrowth, trash and debris and be repaired and painted to present a neat and clean appearance

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

G SITES

REQUIREMENTS

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

2 Vacant Lots Where a vacant lot exists or is created through demolition, the owner must cover all areas not actively used for parking or loading with grass or other ground cover approved by the applicable Design Review Committee or its designee Said ground cover shall be maintained and the property kept free of trash and debris

3 Parking Lots All parking areas shall be paved with a consistent material and as provided in Sec 3 D(g) of the City of Lakeland Zoning Code parking areas shall be well maintained and kept free of overgrowth, potholes, weeds, trash and debris Paving and striping will be maintained in good repair and in a neat and clean appearance

H TEMPORARY COVERINGS

REQUIREMENTS

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

I COLOR OF THE BUILDING

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

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

SECTION 3 The minimum Maintenance standards and Guidelines shall be applicable to all unimproved and improved properties within the geographical boundaries prescribed by Resolution #2543 of the City of Lakeland, Florida Said Minimum Maintenance Standards and Guidelines shall be in addition to any other standards, codes, ordinances, rules, regulations or other statutory requirements applicable to such properties

SECTION 4 The minimum Maintenance Standards and Guidelines shall be enforced pursuant to the provisions of Chapter 7 of the Code of the City of Lakeland, Florida, entitled "Code Enforcement Board" The City manager shall designate the employee(s) to serve as the Minimum Maintenance Standards Official for purpose of enforcing compliance with these Minimum Maintenance Standards Such designated employee(s) shall work with property owners within the Community Redevelopment Area in an effort to achieve an understanding of and compliance with the minimum Maintenance Standards and Guidelines

SECTION 5 Upon receipt of written notification from the Minimum Maintenance Standards Official of noncompliance with the Minimum Maintenance Standards and Guidelines, a property owner

or his representative shall have ten (10) days to commence application for a Certificate of Review, as defined in Sec 8 02(6) of the Code, for approval of proposed correction of the cited deficiency In those instances where the cited property lies within Munn Park Historic District, application for Certificate of review will be made with the Design Review Committee for the City of Lakeland's Historic Preservation Board for that District, for all other cited properties within the Community Redevelopment Area, application shall be made with the Director of the Downtown Design Review Committee, as designated herein No building permit for the correction of deficiency shall be issued until a Certificate of Review has been issued and approved A failure to secure a Certificate of Review in any instance, including those in which no building permit is required, shall constitute a violation of this Ordinance, enforceable by the Code Enforcement Board

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

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

B Issue a Certificate of Review to a property owner as a condition precedent to the correction

SECTION 7 The City Commission does hereby expressly find that the provisions of this ordinance are in conformity with the Comprehensive Plan of the city of Lakeland adopted by ordinance 2202, as amended, and the Community Redevelopment Plan

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

SECTION 9 If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby

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

JOSPEH P MAWHINNEY
CITY ATTORNEY