

ORDINANCE 2022-37

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AMENDING SECTION 23-303 SIDEWALKS, SECTION 23-306 OFF-STREET AND VEHICULAR AREAS, SECTION 23-307 LANDSCAPING, SECTION 23-342 ALCOHOLIC BEVERAGE SALES AND SERVICES, SECTION 23-353 OUTDOOR SEATING AREAS, SECTION 23-401 DISTRICT CLASSIFICATIONS, TABLE 23-405 CORRESPONDENCE OF ZONING DISTRICTS TO COMPREHENSIVE PLAN LAND USES, SECTION 23-421 PERMITTED USES, TABLE 23-422B DIMENSIONAL AND AREA STANDARDS – NONRESIDENTIAL DISTRICTS, SECTION 23-423 DOWNTOWN MIXED-USE DESIGN STANDARDS (NEW), SECTION 23-545.3 SIGNAGE DESIGN, TABLE 23-545 LOCATION, AREA, AND HEIGHT REQUIREMENTS FOR SIGNS FOR NONRESIDENTIAL USES, SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED, by the City Commission of the City of Lake Wales,

SECTION 1:

See Exhibit “A”

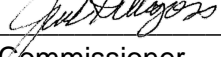
SECTION 2:

Severability: If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

SECTION 3:

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

CERTIFIED AS TO PASSAGE this 7th day of September 2022.

By: 
Mayor/Commissioner
City of Lake Wales, Polk County, FL

ATTEST: _____
City Clerk

EXHIBIT “A”

Article IV. District Regulations

Division 1. Zoning Districts

§ 23-401. District classifications.

§ 23-402. Maps.

§ 23-403. Interpretation of zoning district boundaries.

§ 23-404. Criteria for zoning district designations.

§ 23-405. Correspondence of zoning districts to comprehensive plan land uses.

Division 2. Standard Zoning District Regulations

§ 23-421. Permitted and special exception uses allowed in zoning districts.

§ 23-422. Dimensional requirements for use of land.

[§ 23-423. Downtown Mixed-use Design Standards](#)

Division 3. Special Exception Use Regulations

§ 23-431. Special exception uses.

§ 23-432. General standards.

§ 23-433. Review criteria.

§ 23-434. Discontinued use (moved to 23-216.6.b.)

Division 4. Planned Development Project Regulations

§ 23-441. Applicability.

§ 23-442. General standards and regulations.

§ 23-443. Residential PDPs.

§ 23-444. Commercial, industrial, and professional PDPs.

§ 23-445. Mixed-use PDPs.

Updates to Sec. 23-303.9 Sidewalks:

- a. Sidewalks shall be provided on at least one (1) side of all local streets and minor collectors and on both sides of arterials and major collectors. In the C-1, D-MU and C-2R districts, sidewalks shall be provided on both sides of the street, regardless of the street classification.
- b. Sidewalks shall be concrete and shall be a minimum of four (4) inches thick. Sidewalks shall be a minimum of five (5) feet wide in residential areas and eight (8) feet wide in mixed use and non-residential districts.
- c. Except in the C-1 and D-MU district, there shall be at minimum a three-foot wide strip of landscaped area (as defined in section 23-307) between the sidewalk and curb in which a tree as defined in section 23-307 shall be planted every fifty (50) feet, at minimum. In planned development projects where adequate provision for pedestrian circulation is provided, the requirements of this section may be modified by the approving body.

Updates to Sec. 23-306.2 Layout off-street parking areas:

- a. *Access points/curb cuts.* All off-street parking areas must have access from a street, except that access from an alley may be approved by the planning board for small parking areas. Alleys, when present, should be the primary means of access to off-street parking in the D-MU district; see Sec. 23-423.
- c. *Off-street parking loading and unloading space.* Off-street loading and unloading space shall be provided for all retail, restaurant, and industrial uses except those in the C-1 and D-MU districts. The loading space shall be accessible to delivery vehicles without blocking streets, access ways, or required parking spaces.

Updates to Sec. 23-307.2 Landscaping standards:

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

1. *Applicability.* Tree density requirements shall apply to all new construction and to all construction requiring a permit for additions, alterations and repairs in an aggregate cost exceeding twenty-five (25) percent of the assessed valuation of the building at the date a building permit for said additions, alterations or repairs is applied for.

2. *Non-residential density requirement.* A minimum of two (2) trees shall be required for each one-quarter ($\frac{1}{4}$) acre or ten thousand eight hundred ninety (10,890) square feet of land or fraction thereof in the non-residential development.

3. *Residential density requirements.*

Lots less than 10,000 s/f: two, two-inch caliper shade trees, minimum of eight feet at planting.

Lots 10,000 s/f or greater: three, two-inch caliper shade trees, minimum of eight feet at planting.

4. *Plan.* Tree location shall be designated on either a site plan or a landscape plan.

5. *Quality.* Trees shall be living and healthy. Dead, unhealthy or damaged trees shall not apply in meeting tree density requirements and shall be replaced until the density requirement is met.

6. *Spacing.* No tree shall be considered in meeting density requirements which is planted closer than fifteen (15) feet to the base of another tree.

7. *Density maintenance.* If any required tree dies, it shall be replaced to maintain the tree density. The replacement need not be at the same location as the dead tree.

8. *Downtown Landscape.* In the D-MU District, except for those areas within the Crystal Lake Overlay, in lieu of planting required on-site trees, the applicant may elect to make payment to the city's tree replacement fund. (See Table 23-242 "Land Use Applications—Required Fees"). Funds in the tree replacement fund shall be reserved for planting plans for public parks and streetscapes, including tree inventories, assessments and planting plans; and for the purchase, planting, and maintenance of trees and shrubs in public parks and streetscapes.

Updates to Sec. 23-342 Alcoholic beverage sales and service:

Zoning approval of applications for state alcoholic beverage licenses shall be granted only in accordance with the provisions of this chapter and chapter 5, Alcoholic Beverages, and with the following conditions:

- a. *Retail sales:* The retail sale of alcoholic beverages for consumption off-premises is permitted at a legally established "store," as defined in this chapter. Retail sales of alcoholic beverages for consumption off-premises is permitted as an accessory use, subject to the provisions of section 23-541, Accessory uses—Nonresidential properties.
- b. *Restaurants:* The sale or service of alcoholic beverages for consumption on premises is permitted at a legally established restaurant, including outdoor service areas, provided the establishment meets the definitions of "restaurant" in this chapter and in chapter 5, Alcoholic Beverages, ~~and provided the outdoor service area is defined by a fence or other barrier approved by the administrative official.~~
- c. ~~e. Bars, including *Wine-wine* and beer bars:~~ The sale or service of alcoholic beverages for consumption on premises is permitted as described below:
 1. A legally established "bar" that meets the definitions in this chapter and in chapter 5, Alcoholic Beverages may be permitted in the Downtown Historic Overlay. Up to 3 establishments may be permitted at one time, as tracked by the City by business tax receipt; additional establishments may be permitted by Special Exception.
 2. The sale or service of wine and beer for consumption on premises at a legally established "wine and beer bar" that meets the definitions in this chapter and in chapter 5, Alcoholic Beverages, is shall be permitted at a legally established wine and beer bar in the Downtown Historic Overlay. A wine and beer bar may be permitted in the D-MU outside of the Downtown Historic Overlay by Special Exception, including outdoor service areas, provided the establishment meets the definitions of "wine and beer bar" in this chapter and in chapter 5, Alcoholic Beverages.
 - ~~3.~~ Outdoor service areas are permitted for bars / wine and beer bars, and provided the outdoor service area is defined by a fence or other barrier approved by the administrative official. T and provided the business floor area of the bar / wine and beer bar shall be not less than one thousand (1,000) square feet in size and not more than five thousand five hundred (5,500) square feet in size.
- d. *Clubs:* The sale or service of alcoholic beverages for consumption on premises is permitted at a legally established club, provided the establishment meets the definition of "club" in this chapter and the definition of "fraternal or civic organization" in chapter 5, Alcoholic Beverages.
- e. *Outdoor seating areas on public sidewalks:* The sale or service of alcoholic beverages by a legally established food or beverage business in an outdoor seating area on a public sidewalk is permitted upon approval of the Administrative Official in the Downtown Historic Overlay; and in the C-1 and D-MU (downtown and downtown mixed-use) zoning districts only upon approval by the city commission. Approval shall be contingent upon compliance with the conditions for an outdoor seating area in this chapter (section 23-353, Outdoor seating area). The city commission may place special conditions on the approval and reserves the right to limit the number of establishments providing such service on public sidewalks. In conjunction with the application, the owner or operator of the business shall provide to the city indemnification in a form acceptable to the city and must also secure a policy providing commercial general

liability insurance in an amount not less than one million dollars (\$1,000,000.00) naming the City of Lake Wales as an additional insured. The business shall be responsible for providing notice to its customers that alcoholic beverages may be consumed or possessed only within the public open space approved by the city commission for consumption of such beverages. Approval shall be contingent upon the establishment's obtaining and holding a valid state alcoholic beverage license for service in the outdoor area.

Updates to Sec. 23-353 Outdoor Seating Area:

The addition of an outdoor seating area (see definition) to an establishment is considered an expansion of the use and must comply with the applicable district regulations and a site plan for the expansion must be approved pursuant to section 23-222. The following regulations shall apply:

a. The number of outdoor seats and tables shall be limited to that number which can be reasonably accommodated in the proposed outdoor seating area. Clear pedestrian access a minimum of thirty-six (36) inches in width shall be maintained at all times, and no seating or tables shall interfere with ingress/egress of buildings or create an unsafe situation for pedestrians.

b. Outdoor seating on public sidewalks—Additional requirements:

1. Approval for outdoor seating on public sidewalks may be granted by the Administrative Official in the Downtown Historic Overlay only. Approval by the city commission upon recommendation of the planning board is required for outdoor seating on public sidewalks in all other areas. (See also regulations on service of alcoholic beverages in outdoor seating areas on public sidewalks in section 23-342 and in chapter 5.)

2. Adjacent sidewalk areas, even if not located directly in front of the associated storefront, may be considered on an individual basis, when the affected storefront owner does not object.

3. The sidewalk cafe owner/operator shall remove from the sidewalk and place out of public view any seating or tables when the business is closed, or when an authorized agent of the city makes such a request.

4. Outdoor seating shall be properly maintained for safety and cleanliness by the owner/operator on a daily basis. Litter, dirt, grease, grime and food shall not be permitted to accumulate at any time.

5. An indemnity agreement, available from the administrative official, shall be signed and provided by the outdoor seating owner/operator, along with proof of public liability insurance as approved by the city attorney.

Add to Sec. 23-401 District classifications:

D-MU Downtown Mixed-use district. This district is designed to encourage and facilitate a mix of residential uses and commercial activities in a compact, traditional downtown setting including retail shopfronts, offices, restaurants, hotels, apartments, live/work units and rowhouses in street-oriented buildings that line walkable, pedestrian-oriented streets.

Add to Table 23-405 correspondence of zoning districts to comprehensive plan land uses:

Downtown District (DD)	<u>D-MU (downtown mixed-use)</u>
	C-1 (commercial)
	C-2R (commercial/residential)

Updates to Table 23-421 Permitted uses and special exception uses in standard zoning districts:

P - Permitted Use S - Special Exception Use																						
PDP - Planned Development Project MDP - Master Development Plan																						
	R-1A	R-1B	R-1C	R-1D	R-2	R-3	PF	PD MU	<u>D-MU</u>	C-1/C-1A	C-2	C-2R	C-3	C-4	C-5 ¹	LCI	BP	I-1	I-2	CN	R	
RESIDENTIAL																						
Dwelling: Single-family	P	P	P	P	P	P	P	MDP				P			P							
<u>Dwelling: Single-family attached</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>MDP</u>	<u>S</u>			<u>P</u>			<u>P</u>							
Dwelling: Two-family					P	P	P	MDP	<u>S</u>			P			P							
Dwelling: Multi-family (up to 12 units on one parcel)						P	P	MDP	<u>P</u>	P	P	P	P		P							
Dwelling: Multi-family (more than 12 units/parcel)						PDP	PDP	MDP	<u>PDP</u>	PDP	PDP	PDP	PDP		PDP							
Dwelling unit for caretaker employed on premises							S	MDP	<u>P</u>	S	S	S	S	S	S	S	S	S	S	S		
Dwelling, accessory to single-family house*	S	S	S	S	S	S	S	MDP	<u>P</u>	P	S	S	S	S	S							
<u>Live / Work Unit</u>							<u>S</u>	<u>MDP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>										

Mixed-use - residential and nonresidential							S	MDP	<u>P</u>	P	P	S	PDP 2		PDP						
Manufactured Home																					
AMUSEMENT ESTABLISHMENTS																					
Amusement establishment—Indoor								MDP	<u>S</u>	S	S	S	P	S	S				S		
Amusement establishment—Outdoor								MDP	<u>S</u>		S		S		S				S		
Indoor shooting ranges								MDP					P			P	P	P	P		
Movie theater— Indoor								MDP	<u>P</u>	P	P	P	P		P				P		
AUTOMOTIVE USES*																					
Auto and truck rental								MDP	<u>S</u>	S	P	S	P		S	P			P		
Auto and truck repair								MDP	<u>S</u>	S	S	S	S		S	S		S	S		
Auto, truck, or motor cycle dealer								MDP	<u>S</u>	S	S	S	P		S	P	P		P		
Auto parking establishments (principal use)							S		<u>S</u>	P	P	S	P		S	P	P	P	P		
Auto service station								MDP	<u>S</u>	S	S	S	P		S				S		
Car wash								MDP			S	S	P	S	S	S			S		
Recreational vehicle, mobile home, or boat dealers								MDP			S	S	P		S	P	S	P	P		

EDUCATIONAL AND CULTURAL

Club ⁷							S	MDP	<u>P</u>	P	P	S	P	S	S	P				
Cultural facilities	S	S	S	S	S	S	S	MDP	<u>P</u>	P	P	P	P	P	P	P	P		P	P
Day care center ^{3*}	P	P	P	P	P	P	P	MDP	<u>P</u>	P	P	P	P	P	P					
Religious establishment	P	P	P	P	P	P	P	MDP	<u>P</u>	P	P	P	P		P				P	
Schools, athletic or music							S	MDP	<u>S</u>	S	P	S	P		S	S	P		S	
Schools, post secondary	S	S	S	S	S	S	S	MDP	<u>P</u>	S	S	S	S		S		S		S	
Schools, primary-secondary	P	P	P	P	P	P	P	MDP	<u>S</u>	P	P	P	P		P					
Schools, training (other than athletic or music)							S	MDP	<u>P</u>	P	P	P	P		P	S	P		P	

FARMING/OTHER AGRICULTURAL

Farming, crop ⁴ or nursery without retail sales	P	P	P	P	P	P	P	MDP	<u>S</u>	P	P	P	P	P	P	P	P	P	P	P
Nursery, plant with retail sales								MDP			P	S	P		S	S	S	P	P	

FOOD AND BEVERAGE BUSINESSES (See section 23-342 and chapter 5 for regulations on alcoholic beverages.)

Bar, wine and beer ⁷								MDP	<u>P / S (see note 7)</u>	P - C1-A only										
Bar									<u>P / S (see note 7)</u>											
Catering facility								MDP	<u>P</u>	S	P	S	P		S	P	S	P	P	

Food processing								MDP								P	S	P	P		
Mobile Food Vending/Mobile Food Dispensing Vehicles *								MDP	<u>P</u>	P		P	P	P		P	P	P			
Restaurants, eat-in5, 7							S	MDP	<u>P</u>	P	P	S	P	P	P	P	P		P		
Restaurants, drive-up								MDP			S		P		S						
Restaurant, outdoor cafe7							S	MDP	<u>P</u>	P	P	S	P	P	P						
Restaurant, take-out5								MDP	<u>P</u>	P	P	S	P	P	P	S	S	S	P		
HEALTH CARE																					
Health service							P	MDP	<u>S</u>	S	P	S	P		P	P	P		P		
Hospitals							P	MDP			S		P			P	S				
Medical Marijuana Dispensaries and Treatment Centers *							P	MDP					P								
Medical office (one practitioner)							P	MDP	<u>P</u>	P	P	P	P	P	P	P	P				
Nursing care homes*	S	S	S	S	S	S	P	MDP	<u>S</u>	S	S	S	P		S				S		
Veterinarian or small animal hospital							S	MDP	<u>S</u>		P	S	P		P	P	P		P		
Animal hospital								MDP			S		P			P	P		S		
LODGINGS																					
Bed and breakfast (accessory to single- family)*	S	S	S	S	S	S	S	MDP	<u>P</u>	S		S			S						

Boarding house					S	S	S	MDP	<u>S</u>	S		S			S						
Dormitory						S	S	MDP	<u>S</u>	S	S	S	S		S						
Hotel								MDP	<u>P</u>	P	P/S	S	P		P/S	S	P		S		
Motel								MDP			S	S			S	S			S		
INDUSTRIAL USES																					
Assembly and fabrication								MDP					S			P	P	P	P		
Laundry and dry cleaning plants								MDP								P	S	P	P		
Manufacturing—Light								MDP					S			P	P	P	P		
Manufacturing—Heavy																		S	S		
Warehouse/Distribution								MDP					S			P	P	P	P		
PROFESSIONAL AND COMMERCIAL USES**																					
Artisan Production, small scale								MDP	<u>S</u>	S	S		P	S	S	P	P				
Artisan Production, large scale								MDP					P			P	P				
Bank							P	MDP	<u>P</u>	P	P	P	P	P	P		P		P		
Bank with drive-up window							S	MDP		S	P	P	P	P	P		P		P		
Construction support—Light								MDP	<u>S</u>	P	P	P	P		P	P	P	P	P		
Construction support—Heavy											S		S			S	S	S	S		

Funeral home							P	MDP	<u>P</u>	P	P	P	P		P	S			P		
Kennel								MDP					S			S		S	S		
Laboratory, research							S	MDP	<u>S</u>		P	S	P			P	P	P	P		
Landscaping service								MDP			S		S			P	S	P	P		
Laundromat*						S		MDP	<u>P</u>	S	P	S	P	S	S				P		
Mini-storage						S	S	MDP	<u>S</u>		P	S	P	S	S	P	P	P	P		
Office, professional (except medical)							P	MDP	<u>P</u>	P	P	P	P	P	P	P	P	P	P		
Personal service						S	S	MDP	<u>P</u>	P	P	P	P	P	P	S					
STORES (See section 23-342 and chapter 5 for regulations on alcoholic beverages.)																					
Convenience store (incl. groceries, drugs, or liquor)								MDP	<u>P</u>	P	S	S	P	P	P						
Convenience store with gasoline service								MDP	<u>S</u>	S	S	S	P	S	S				S		
Outdoor display or sales (as principal or accessory use) ⁶								MDP	<u>S</u>	S	S	S	S	S	S	S	S	S	S		
Store, retail — up to 1,500 sq. ft./store								MDP	<u>P</u>	P	P	P	P	P	P	S			P		
Store, retail - up to 12,500 sq. ft./store								MDP	<u>P</u>	P	P	P	P	P	P				P		
Store, retail - from 12,500 to 100,000 sq. ft./store								MDP	<u>S</u>	S	P	S	P		P						
Store, retail - from 100,000								MDP	<u>S</u>	S			P		S						

to 300,000 sq. ft./store																				
PUBLIC AND GOVERNMENT																				
Aircraft establishment																		P	P	
Airports, heliports and related aviation facilities																		S	S	S
Public facilities and offices**	P	P	P	P	P	P	P	MDP	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P
Public transportation terminals								MDP	<u>S</u>	S	S	S	P	S	S			S	P	P
Solar Power Generation Facility*	S																			

* See special conditions for this use in article III, division 2 Conditional Use Regulations.

For conditions for a dwelling unit accessory to a single-family dwelling, see Table 23-521, Accessory Uses - Residential Properties.

** Public facilities and offices are permitted uses in all districts with the approval by the city commission and a courtesy review and recommendation from the planning board.

1 A development in a C-5 zoning district requires approval as a Planned Development Project. (See [section 23-224.](#))

2 Mixed-use and multi-family development may be approved through the PDP process only if consistent with the policies of the Comprehensive Plan for the Future Land Use classification of the property. Standards in [section 23-445](#) apply to all mixed-use planned developments and those in [section 23-443](#) apply to all residential planned developments.

3 A "day care home," a day care facility with 4 or fewer clients (See definition in article VIII) is a permitted use accessory to a single-family house pursuant to [section 23-521.](#)

4 A farm stand is permitted as accessory to an agricultural use.

5 A restaurant may be permitted as accessory to a nonresidential use pursuant to [section 23-541.](#)

6 For exceptions, see [section 23-343](#) "Auctions, sales, and events, temporary" and [section 23-355](#) "Yard sales."

7 See also [section 23-353](#), Conditional use regulations for "outdoor seating areas" and [section 23-342](#) for Conditional use regulations on alcoholic beverages.

8 C-2 zoning districts in the RAC land use category only.

9 Planned Development Mixed Use development may be approved through the MDP process only if consistent

Updates to Table 23-422B Dimensional and area standards—Nonresidential Districts

Zoning District	PF	<u>D-MU</u>	C-1	C-2	C-2R	C-3	C-4	C-5	LCI	BP	I-1	I-2	CN	R
Minimum Principal Building Setbacks (feet) [†]														
Front ¹	30	<u>0⁸</u>	02	35	35	35	35	35	35	35	35	35	35	35
Side - not adjacent to residential district	10	<u>0⁸</u>	0	10	10	20	10	PDP ³	20	20	20	10	10	10
Side or rear - adjacent to residential district ⁴	35 ⁵	<u>10⁸</u>	35 ⁵	35 ⁵	35 ⁵	35	35	PDP ³	35 ⁵	35	35	35 ⁵	35	35
Rear - not adjacent to a residential district ⁴	25 ⁵	<u>0⁸</u>	0	25 ⁵	25 ⁵	25	25	PDP ³	25 ⁵	25	25	25 ⁵	35	35
Maximum Building Height	45 ⁶	<u>45⁸</u>	45 ⁷	35 ⁶	35 ⁷	35 ⁶	35	PDP ³	35 ⁶	35 ⁶	45 ⁶	35 ⁷	35	35
Maximum Lot Coverage														
Maximum Building Coverage	35%	<u>100%</u>	100%	50%	50%	50%	35%	PDP ³	50%	50%	50%	50%	5%	35%
Maximum impervious surface	65%	<u>100%</u>	100%	75%	75%	75%	75%	PDP ³	75%	65%	75%	75%	10%	50%

* Deviation from dimensional requirements may be allowed through a Planned Development Project approval. See section 23-224

† The building setback shall be measured from the roof's vertical support member located nearest to the property line from which the setback is required. The roof overhang or other projection shall not extend beyond the vertical support member more than twenty-four (24) inches into the required setback.

¹ The minimum front setback shall be as designated or one-half (½) the width of the required right-of-way for the street on which the lot fronts, whichever is larger. For infill lots, the administrative official may grant a waiver allowing a reduction of the front yard setback requirement, provided the reduction is compatible with building setbacks in the immediate vicinity. Refer to Downtown Mixed-use Design Standards in Sec 23-423 for requirements in the D-MU.

² A front setback of more than five feet in a C-1 district requires a special permit from the Planning Board. In deciding upon the permit, the Planning Board shall consider the consistency of the proposed setback with other buildings within the district and on adjacent properties.

³ Setbacks in the C-5 districts shall be as approved for the planned development project. (See section 23-224.) In a C-5 district developed without a planned development project,

the building setbacks shall be as for the C-2 district.

⁴ A five-foot landscaped buffer meeting the requirements of section 23-307 must be provided along any rear or side property line adjacent to a residential district.

⁵ The Planning Board may allow lesser side and rear setbacks adjacent to a residential district to enable redevelopment or infill. However, a solid buffer shall be provided.

⁶ The maximum building height may be increased provided one additional foot is added to each of the required setbacks for each foot of building height in excess of the maximum specified.

⁷ The Planning Board may allow a building to exceed the maximum building height in a D-MU, C-1, C-2R, or I-2 district following a public hearing and a finding that the proposed height and architecture of the building are compatible with other buildings in the district and on properties in the area.

⁷⁸ Refer to Downtown Mixed-use Design Standards in Sec 23-423 for requirements.

Notes:

Dimensional requirements for the R-3 district apply for residential structures in non-residential districts. See Table 23-422A.

Dimensional requirements for accessory structures are set forth in article V.

§ 23-423. Downtown Mixed-use Design Standards

- a. **Purpose.** The purpose of the Downtown Mixed-use Design Standards is to provide standards for rehabilitating, restoring, and preserving buildings within the greater Downtown Mixed-use (D-MU) Area that includes the Historic Downtown and Crystal Lake. The Standards also recommend and shape new development and building reuse/restoration in a mixed-use, pedestrian-oriented manner and complementary to the form of historic buildings, according to the City’s Comprehensive Plan and the vision described in the *Lake Wales Connected* plan. The Downtown Mixed-Use District, and the Downtown Historic Overlay and the Crystal Lake Overlay have different requirements than other commercial areas, especially pertaining to setbacks, parking requirements, height limitations and permitted land uses. These Standards are designed to meet the primary goal of protecting and reinforcing the unique visual and historic character of Lake Wales, as well as improving the quality of new construction.
- b. **Applicability.** The Downtown Mixed-use Design Standards apply to all development within the D-MU District (see Figure 23-423.b) and any improvement that meets the definition of a Substantial Improvement as per Chapter 23 of the Lake Wales Code of Ordinances, with modified provisions governing properties in the Downtown Historic Overlay as defined in Section 23-423.c, and modified provisions governing properties in the Crystal Lake Overlay as defined in Section 23-423.d. In the event of a conflict with other sections of Chapter 23, the Downtown Mixed-use Design Standards (Sec 23-423) shall apply, except as noted for the Downtown Historic Overlay (Sec 23-423.c.1).

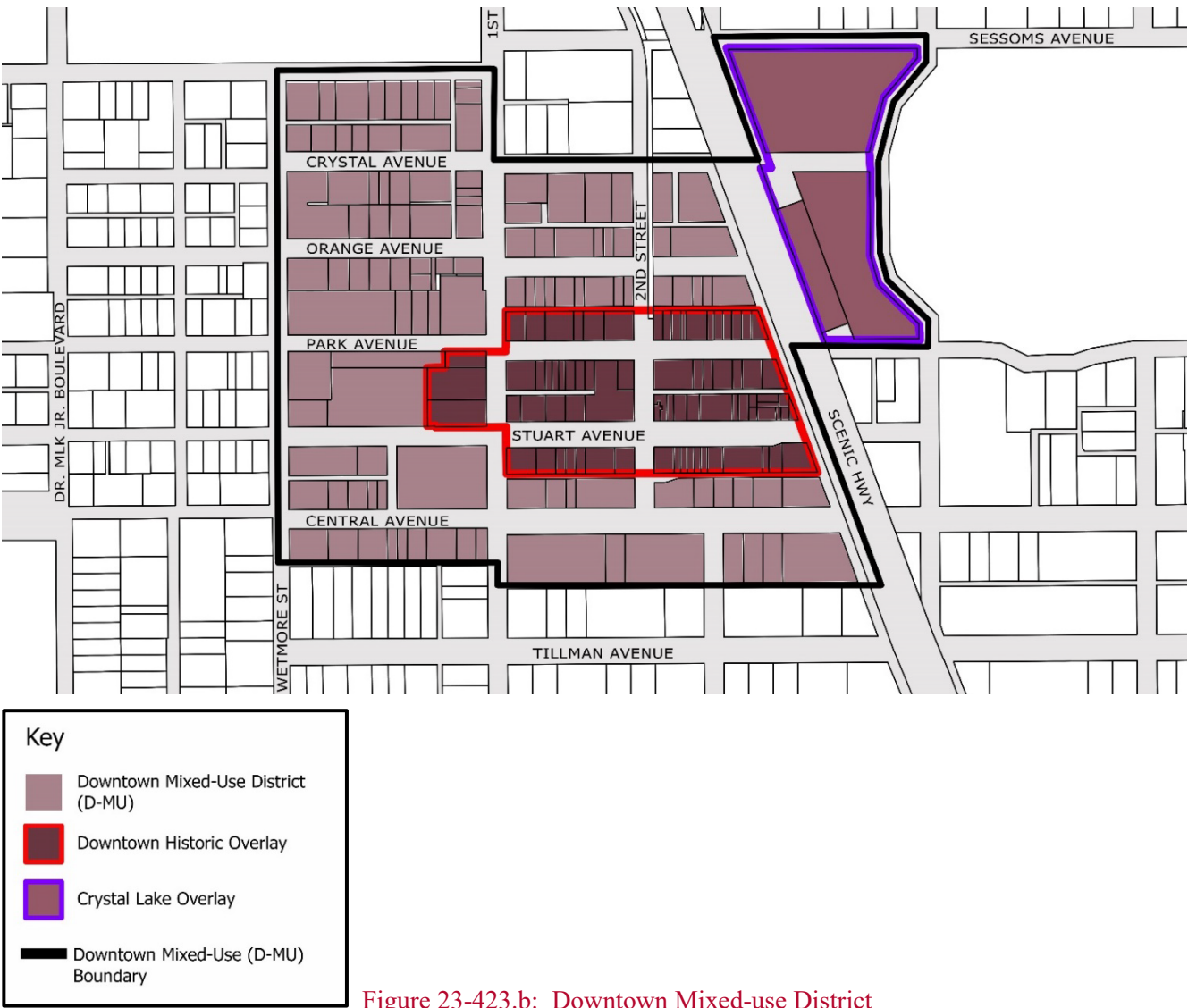


Figure 23-423.b: Downtown Mixed-use District

c. Downtown Historic Overlay. The Downtown Mixed-use Design Standards supplement but do not replace required review and approval by the Historic District Regulatory Board for the Historic District and/or historically-designated properties.

1. In the event of a conflict between the provisions of Sec. 23-423 “Downtown Mixed-use Design Standards” and the Historic Preservation sections of the Code of Ordinances (Sec. 23-208, 23-227, 23-651, 23-652, and 23-653), the provisions of the Historic Preservation sections shall supersede.
2. A Certificate of Appropriateness is required for all applicable work in the Local Ordinance Downtown Historic District, and for all designated Historic properties, as defined in Section 23-227 of the Code of Ordinances, “Certificate of Appropriateness” and Section 23-653 of the Code of Ordinances, “Certificates of Appropriateness.” All Certificate of Appropriateness applications shall be reviewed and considered for their compliance with the Downtown Historic Overlay Design Guidelines.

d. Crystal Lake Overlay. The Downtown Mixed-use Design Standards supplement but do not replace the required building form standards, design standards, and approval process for the Crystal Lake Overlay.

1. **Intent.** The intent of the Crystal Lake Overlay is to acknowledge the unique environmental and historical character of those commercially-zoned properties fronting Crystal Lake. These properties are the historic gateway to Lake Wales as we know it today, and they originally served as a municipal park, train depot, and hotel that welcomed the first residents of Lake Wales into the new City. The unique siting along the railroad line, but on a dramatic hill overlooking the steep shoreline of Crystal Lake, was a geographic feature that was the first impression of the earliest visitors and residents of Lake Wales. Over time, this unique environmental and historical condition has become more difficult to experience due to siting of roadways, siting of the library to face towards the Downtown, and the underutilized character of the old hotel site.
2. **Process.** All new construction in the Crystal Lake Overlay of more than 15,000 sf will require Site Plan Review by process of a Planned Development Project (PDP) application as described in Sec 23-224, with the following additions and modifications to the PDP Process:
 - i. At least one mandatory Public Design meeting shall be held prior to any public hearing, in order to establish the community vision for the future of these significant parcels of land.
 - ii. An Illustrative Master Plan shall be submitted as part of the required Site Plan application that demonstrates compliance with the Crystal Lake Design Standards (Sec 23-423.d.4) all applicable D-MU standards (Building Form, Sec 23-423.e; and Architecture, Sec 23-423.f), as well as community input from the mandatory Public Design meeting.
3. **Historic importance of Crystal Lake.** The historic significance of Crystal Lake as the premiere waterfront destination in Lake Wales will be incorporated into all site planning, urban design, and architectural decisions for properties within the Crystal Lake Overlay. This shall include, but are not limited to the Design Standards outlined in Section 23-423.d.4.
4. **Crystal Lake Design Standards.**
 - i. **North 3rd Street Setbacks.** All buildings, parking, service areas, and any improvements to the site shall be setback a minimum of 70’ from the property line along N. 3rd Street, which fronts Crystal Lake. This mandatory 70’ setback shall be a landscaped, publicly accessible open space that may be a passive open space that allows for uninterrupted views towards Crystal Lake and allows for the historic topography of the site to remain intact.

- ii. **Neighborhood Setbacks.** Setbacks from Sessoms Avenue and Park Avenue shall match the setback requirements for the civic and residential uses across the street.
 - iii. **Downtown / Commercial Setbacks.** Setbacks along Scenic Highway, Cypress Gardens Lane, and Crystal Avenue shall be a minimum of twenty feet (20'), or an alternative setback or build-to line may be established through the public design charrette and masterplan process.
 - iv. **Primary Frontage.** N. 3rd Street shall be considered the Front Lot Line / Primary Lot Frontage and shall be considered a Primary Frontage (Sec 23-423.e.2) for all development within the Crystal Lake Overlay.
 - v. **Historic Buildings.** Any structures associated with the original Lake Wales hotel that are still remaining within the Crystal Lake Overlay shall be preserved and repurposed on site. Structures may be adaptively reused for new purposes such as commercial use, retail, housing, tourism or civic use. Structures may be relocated on site in order to better accommodate new development on site. As a measure of last resort, these structures may be relocated and preserved off-site, however if this occurs, a detailed preservation and relocation plan shall be incorporated into the Site Plan application and must be approved as part of the Site Plan application.
 - vi. **Historic Landscape.** Specimen trees and any trees that are determined to have been part of the history of the site, such as the mature Sabal Palms, shall be preserved and incorporated into the Site Plan of any new development on site, particularly those trees located along the edge of the property and within the landscaped setback along North 3rd Street.
 - vii. **Historic Plaque.** A historic plaque documenting the history of Crystal Lake as the birthplace of Lake Wales, with the historic train depot, central park space, and the historic hotel, shall be provided along North 3rd Avenue.
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e. Building Form Standards

1. Building Location

A Build-to Zone is a range of allowable distances from a street right-of-way that a building's facade (the facade facing the street) shall be built to in order to create a moderately uniform line of buildings along the street. The Front-Build-to Zone faces the Front of the Lot / Primary Street (see Figure 23-423.e.1.ii).

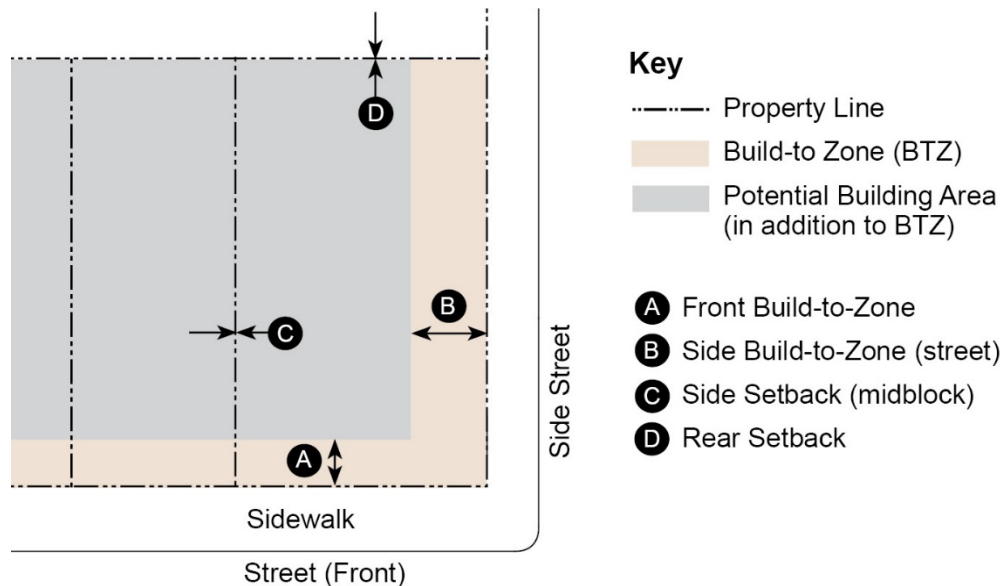


Figure 23-423.e.1.i: Building Location

- Front Build-to Zone: 0' min. to 5' max.
- Side Build-to Zone (street): 0' min. to 10' max.
- Side Setback (midblock): 0' min.
- Rear Setback: 0' min.
- Side or Rear setback adjacent to a residential district shall be 10' minimum, including a 5' minimum landscape buffer.
- Frontage Occupancy: 80% minimum

Frontage Occupancy is the percentage of the total primary lot frontage width (see Figure 23-423.e.1.ii) that is occupied by the primary building facade.

a. In the Downtown Historic Overlay:

- The primary building façade's principal plane shall be located in the front build-to zone for at least the length of the frontage occupancy minimum (see Figure 23-423.e.1.iii) and should align to other buildings on the same block.
- Consistent with historic precedents, the primary building façade should fill most of the frontage area (up to 100% is encouraged). If a primary building façade does not fill the frontage, the remaining frontage area may be used for a walkway, landscaped space or outdoor dining. Service areas, including mechanical equipment and trash facilities, shall not be visible from public streets, sidewalks, parks, or squares.

b. Outside of the Downtown Historic Overlay:

- Up to 50% of the width of the primary facade may be counted as meeting the frontage occupancy requirement even though it may be set back up to 10 feet further than the primary facade's principal plane (see Figure 23-423.e.1.iv).

- A portion of the building's primary facade may be set back up to 20 feet further from the primary facade's principal plane if this space is constructed as a forecourt/pedestrian entryway that is open to the sidewalk. This recessed portion may be up to 40% of the total width of the primary facade and shall not be used by vehicles or a parking lot (see Figure 23-423.e.1.v).
 - A garden wall that meets the requirements of 23-423.e.6.iii may be counted toward the primary building facade to meet the frontage occupancy requirement with approval of the Administrative Official.
- vii. A principal entrance for each building shall be located on the primary building facade, which should face the primary lot frontage; see Sec 23-423.f.3.iv.a.



Figure 23-423.e.1.ii: Front Lot Line / Primary Lot Frontage. The above map defines which lot line is considered the “front of the lot” or Primary Lot Frontage; this is the frontage where the Front Build-to Zone is located; where the Primary Building Façade shall face; and where the Frontage Occupancy requirement applies. Corner lots may have two Primary Frontages.

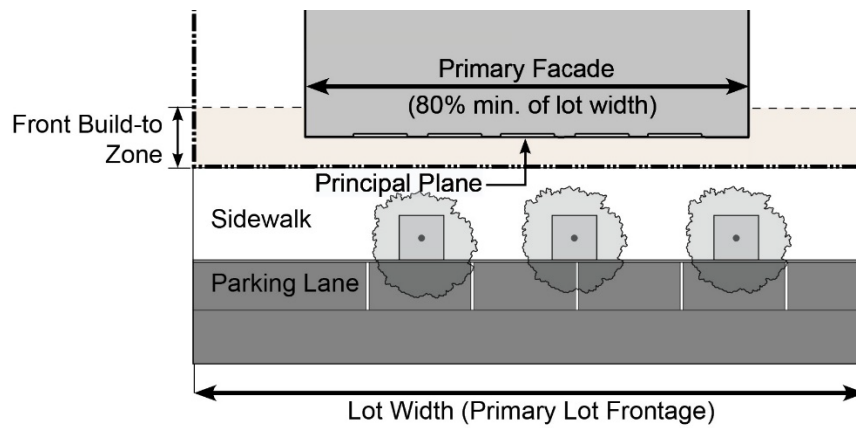


Figure 23-423.e.1.iii: Frontage Occupancy, the Primary Facade and its Principal Plane. The location of the primary facade's principal plane is not changed by facade extensions such as bay windows, awnings, porches, balconies, stoops, galleries, or by upper stories that are closer to or further from the street. (Applies to all of the D-MU, including the Downtown Historic Overlay.)

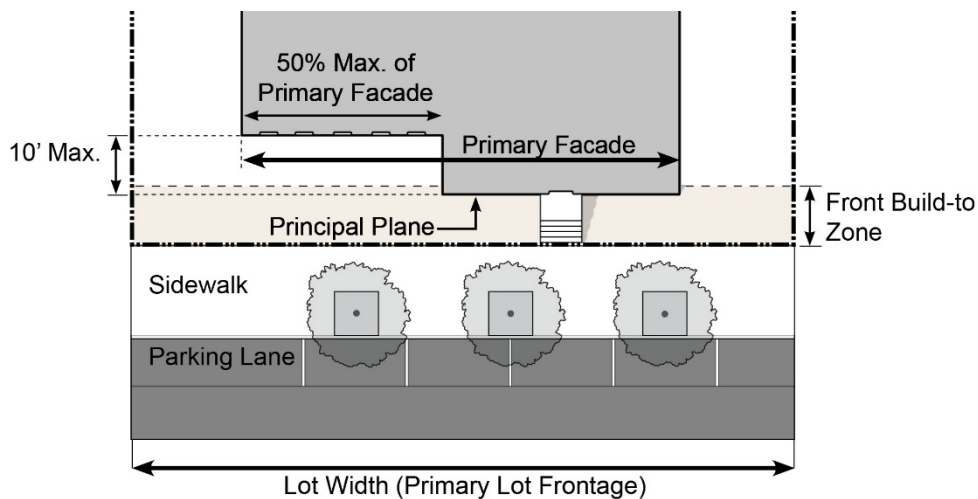


Figure 23-423.e.1.iv: Frontage Occupancy: Primary Façade and Permitted Setback (outside of the Downtown Historic Overlay)

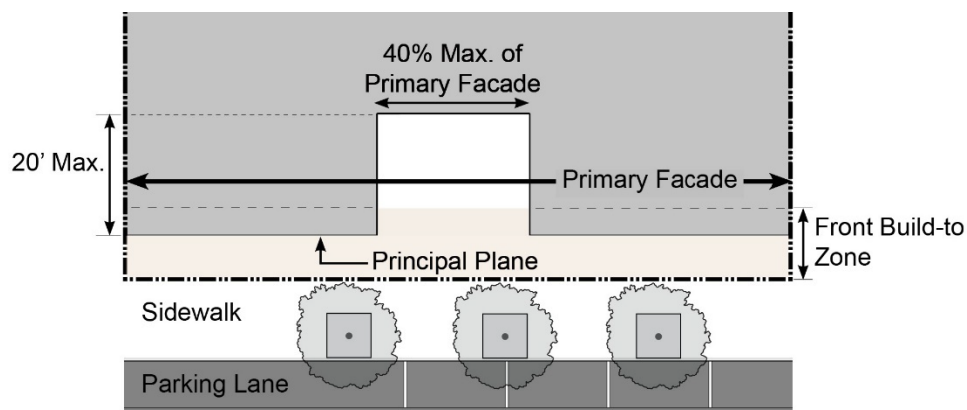


Figure 23-423.e.1.v: Frontage Occupancy: Primary Facade and Permitted Forecourts (outside of the Downtown Historic Overlay)

2. Primary Frontages

i. **Purpose.** Some street frontages in the D-MU are designed as “Primary” by virtue of their existing pedestrian-supportive qualities or their future importance to pedestrian connectivity (see Figure 23-423.e.2). Development facing Primary Frontages should be held to the highest standards for walkability and defining a high-quality public realm.

ii. Requirements:

- a. Driveways, curb cuts and service areas shall be provided from an alley when present. If no alley is present, access should be provided from streets other than Primary Frontages whenever possible. Curb cuts or driveways on Primary Frontages are discouraged.
- b. New curb cuts or driveways are not permitted in the Downtown Historic Overlay.
- c. Additional requirements for Parking and Liner Buildings along Primary Frontages are included in Sec 23-423.e.4 and 23-423.e.5.



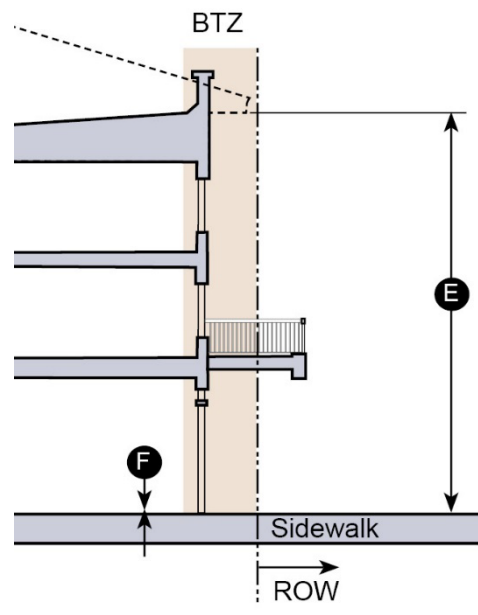
Key

- Primary Frontages
- Downtown Mixed-Use (D-MU) Boundary
- Downtown Historic Overlay
- Crystal Lake Overlay

Figure 23-423.e.2: Primary and Secondary Frontages

3. Building Height:

- i. Maximum Building Height in the D-MU shall be 3 stories / 45' maximum
- ii. Maximum Building Height shall be measured to the eave of the roof or roof deck (if flat).
- iii. Building Heights exclude attics or below grade parking that meets all parking standards in Section 23-423.e.4.
- iv. Outside of the Downtown Historic Overlay, one story of habitable attic space within a pitched roof is permitted above the designated height limit and does not count as a story. Dormers, if present, shall not be individually more than 15' wide and collectively not more than 50 percent of the facade elevation in length.
- v. Buildings may be one story in height, but their exterior walls must be at least 18 feet in height. This may be accomplished with higher ceiling heights and/or parapets.
- vi. Ground floor elevation is the distance of the first finished floor above adjacent sidewalk grade. Ground floor elevation for first floor commercial uses shall be sloped from the sidewalk between 0" and 6". Ground floor elevation for first floor residential uses shall be 24" minimum.
- vii. Existing historic buildings that exceed the maximum height limit may be renovated or rebuilt (to historically accurate conditions) to the same number of stories/height as existed at the time of adoption of this code.
- viii. Outside of the Downtown Historic Overlay, small footprint towers, cupolas, and other rooftop features may be designed to serve as visual landmarks and extend above the designated height limit as follows:
 - a. Towers/cupolas with a footprint smaller than 30 feet by 30 feet may extend up to 15 feet above the Maximum Building Height.
 - b. Towers/cupolas with a footprint smaller than 15 feet by 15 feet may extend up to 30 feet above the Maximum Building Height.



Key

- Property Line
- BTZ Build-to Zone (BTZ)
- E Maximum Building Height
- F Ground Floor Elevation

Figure 23-423.e.3: Building Height

4. Parking

- i. There shall be no minimum parking requirements for new development or building reuse / restoration within the Downtown Mixed-use District that meets the Design Standards of this Section. Each applicant shall provide a parking analysis justifying the proposed parking solution. Parking shall be provided as necessary to meet the requirements of the Americans with Disabilities Act.
- ii. Parking shall be located behind the primary facade of a building, and shall be setback 25 feet minimum from all public ROWs with the exception of alleys. Parking lot landscape areas shall be provided as described in 23-307.1.c. Perimeter landscape buffer requirements are not required where a building is located between the parking lot and the street.

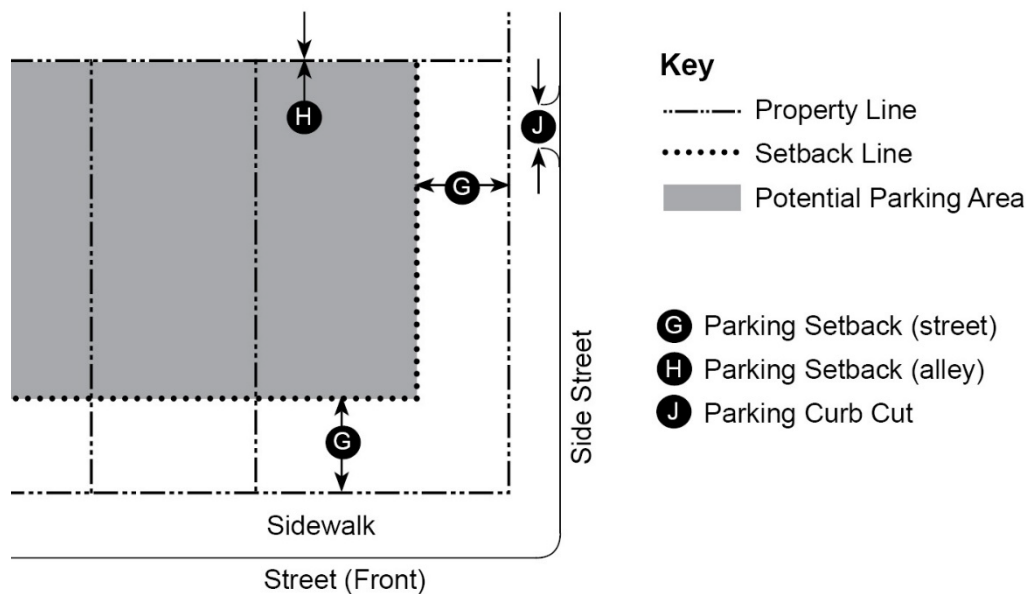


Figure 23-423.e.4: Parking Location

- a. The parking setback may be reduced when a liner building that meets the requirements of 23-423.e.5.ii is included.
 - b. The parking setback and required landscape buffer area on a Side Street (see Figure 23-423.e.1.ii) may be reduced to 8 feet when a garden wall that meets the requirements of 23-423.e.6 and trees planted at 30' center along the length of the proposed parking area (between the parking and garden wall or decorative fence) is provided.
 - c. The parking setback dimension on a Side Street (see Figure 23-423.e.1.ii) may be reduced upon approval of the Administrative Official if the parking lot paved area is less than 5,000 square feet in size.
- iii. Access to off-street parking:
- a. Alleys, when present, shall be the primary source of access to off-street parking. If alley access is not possible, the width of a parking driveway curb cut shall be 20' maximum.
 - b. Garage doors, if present, shall face toward a rear alley. In locations where space does not permit the garage door to face the rear, or where there are not alleys, garage doors shall be positioned no closer to streets or public spaces than 20 feet behind the primary building façade. Garage doors facing streets or public spaces are not permitted in the Downtown Historic Overlay.
 - c. New driveways and curb cuts from a Primary Frontage are prohibited within the Downtown Historic Overlay.

5. Special Building Types

- i. Large-Footprint Buildings: Buildings covering more than 15,000 square feet and/or with a building frontage of greater than 150 feet may be built within D-MU district by process of special exception only as defined in Section 23-216. Such buildings must abide by all standards of Section 23-423 and should reinforce the urban character of the downtown and its connected system of walkable street frontages in order to encourage use by pedestrians. Large-footprint buildings footprints may not be larger than a single block and may span an alley only if alley access to all other lots on the block is unimpeded.
- ii. Liner Building Requirements: The character of some uses of land, such as parking lots, parking structures, theaters, or grocery stores, may preclude buildings from complying with the Facade Composition requirements of 23-423.f.1. Such buildings shall be constructed in a manner that they are separated from adjacent streets (but not alleys) by liner buildings:
 - a. Liner buildings are required for new parking areas (surface lots as well as above or below grade structures) facing Primary Frontages.
 - b. Liner buildings are required for new buildings that cannot meet the facade transparency requirements of 23-423.f.1.iii.
 - c. Liner buildings shall be a minimum of two stories in height and fifteen (15) feet in depth. Liner buildings are encouraged to be greater than 15' in depth in the Downtown Historic Overlay.
 - d. Liner buildings may be detached from or attached to the primary building.
 - e. Liner buildings may be used for any purpose allowed on the lot on which they are located except for parking.
 - f. Liner buildings shall meet the Facade Composition requirements of 23-423.f.1.

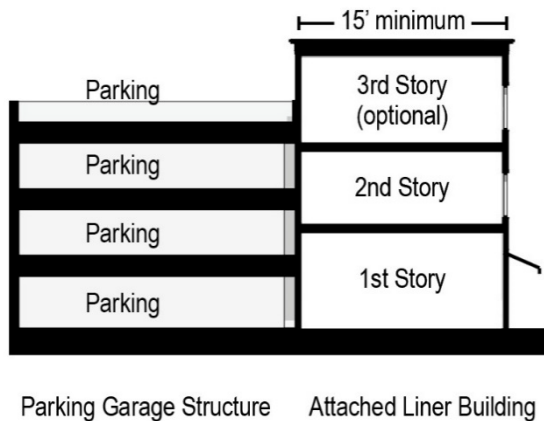


Figure 23-423.e.5.ii.a: Attached Liner Building

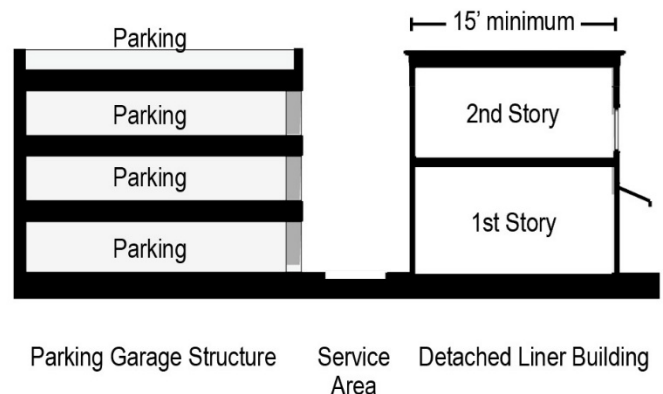


Figure 23-423.e.5.ii.b: Detached Liner Building

6. Garden Walls and Fences

A garden wall is a wall that defines the frontage line and/or the perimeter of a property. Garden walls are encouraged along all un-built street rights-of-way to shield views to parking, provide privacy to a side yard, and strengthen the spatial definition of the public realm.

- i. All garden walls or fences along property lines at public street rights-of-way shall be a maximum of three (3) feet in height.
- ii. All garden walls or fences that run along a side and/or rear property lines and do not front a public street right-of-way shall be a maximum of eight (8) feet in height. Garden walls or fences over 3 feet high should be a minimum of 30% permeable or articulated.
- iii. Specific to Garden Walls along a right-of-way:
 - a. Garden walls shall be constructed of brick, stone, cast stone, or other masonry faced with stucco, or may be constructed with iron, steel, or a combination of masonry, iron and steel.
 - b. When both the building walls and the garden walls are faced with stucco, the finish and color shall be identical on both.
 - c. Garden walls may include hedges between masonry piers. A hedge may be planted in lieu of a required garden wall.
 - d. All garden walls and piers shall have a cap (see Masonry Detailing).
- iv. Specific to Fences along a right-of-way:
 - a. Fences shall be constructed of wood (picket fences with corner posts) or metal. Dark colors for metal fences (black, bronze, or dark green) are required.
 - b. Fences are not permitted along a street right-of-way in the Downtown Historic Overlay.
 - c. Chain link fences are not permitted.

7. Mechanical Equipment & Service Areas

- i. For the purposes of these standards, mechanical equipment shall include any heating, ventilation, and air conditioning (HVAC) or electrical machinery but also includes air compressors, hoods, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, generators, geothermal wells, and similar elements.

 - a. Mechanical equipment shall not be located on a front building facade where visible from streets and public spaces
 - b. If mechanical equipment is located at-grade, and is visible from an adjacent street or sidewalk, it shall be screened by a garden wall or fence. When equipment is taller than the maximum height for garden walls and fences, the height may be extended to match that of the mechanical equipment.
 - c. All mechanical equipment or penthouse screening to be placed on the roof shall be set back from the roof line by a distance at least equivalent to the height of the screening in order to minimize visibility from surrounding streets. In no case shall the height exceed 10 feet above the Building Height limitations; and equipment shall be located to minimize visibility to surrounding streets.
- ii. Service areas, including loading docks and trash disposal facilities shall not be visible from public streets, sidewalks, parks, or squares, but may be visible from alleys.

f. Architectural Standards

The intent of the Architectural Standards is to shape future development in a walkable, mixed-use form that reflects and complements the materials, configurations and general scale of Lake Wales' historic downtown area and employs techniques that will result in long-lasting structures both in durability and design expression.

1. Facade Composition

i. Expression Lines and Cornice

- a. Expression Lines shall either be moldings extending a minimum of two inches, or jogs in the surface plane of the building wall greater than two (2) inches.
- b. Facades may feature a change of colors, materials or textures at an expression line.
- c. A building mass may be subdivided by expression lines into one or two horizontal layers (see Figure 23-423.f.1.i).
- d. An expression line shall always be used at the top of shopfronts. This expression line may incorporate a band for signage.
- e. The top of each building may be emphasized with a projecting cornice. This cornice should feature a deeper projection, and therefore stronger shadow line, than any other expression line on a facade.

ii. Centerlines / Facade Configuration

- a. Facades shall feature alternating structural centerlines and fenestration (window and door opening) centerlines.
- b. These centerlines shall extend from the top of a mass to the bottom of a mass.
- c. Multiple windows and/or doors may be grouped symmetrically around a single fenestration centerline.
- d. The spacing of centerlines may be identical across a facade, or may vary. When varying the spacing between centerlines of any one facade, using a ratio of proportion, or a repetitive sequence of bays as justification is recommended to provide order and balance.
- e. In the Downtown Historic Overlay, the size, proportion, and rhythm of windows should generally be similar to other buildings on the block, as described in the standards for Certificate of Appropriateness (Sec 23-653) and the Downtown Historic Overlay Design Guidelines.

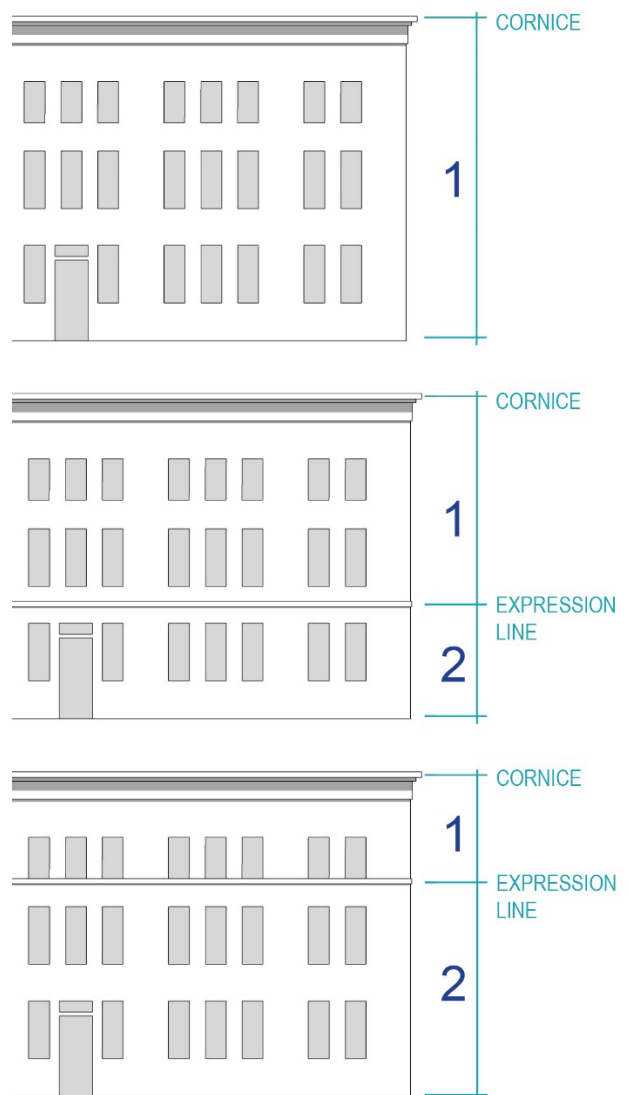


Figure 23-423.f.1.i: Facades divided into 1 and 2 horizontal layers.

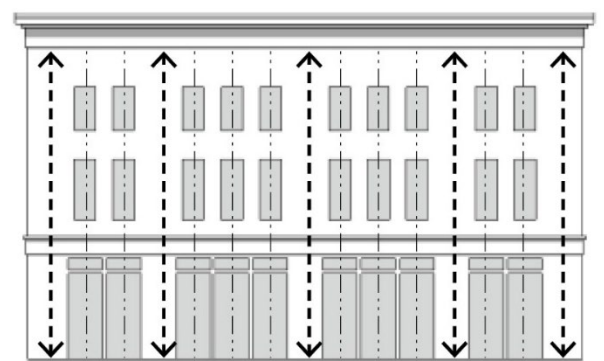


Figure 23-423.f.1.ii: Structural and fenestration centerlines, showing how the solid and voids in the facade align vertically.

iii. Facade Transparency Requirements. All building facades which face onto a street or public space shall meet the minimum transparency requirements outlined below. The percentage of transparency (door and window openings) per story shall be calculated within the area between finished floors and shall be a total percentage of doors and windows along that portion of the facade. Upper floor transparency is measured to the finished ceiling. Applicants shall provide a diagram to demonstrate compliance with this provision.

- a. Building facade transparency for ground story (any retail shopfront, and any building within the Downtown Historic Overlay): 60% minimum.

Building facade transparency for ground story for any building within the Downtown Historic Overlay should aspire to be 80% minimum, in keeping with historic precedent. This shall be enforced by the Historic District Regulatory Board by way of the Certificate of Appropriateness process.

- b. Building facade transparency for ground story (uses other than retail, and buildings outside of the Downtown Historic Overlay): 30% minimum

- c. Building facade transparency for upper stories: 20% minimum

- d. Blank wall areas (facade areas without doors or windows) shall not exceed 20' in length along any story facing a Primary Frontage. Blank wall areas shall not exceed 30' in length along any story facing a Secondary Frontage.

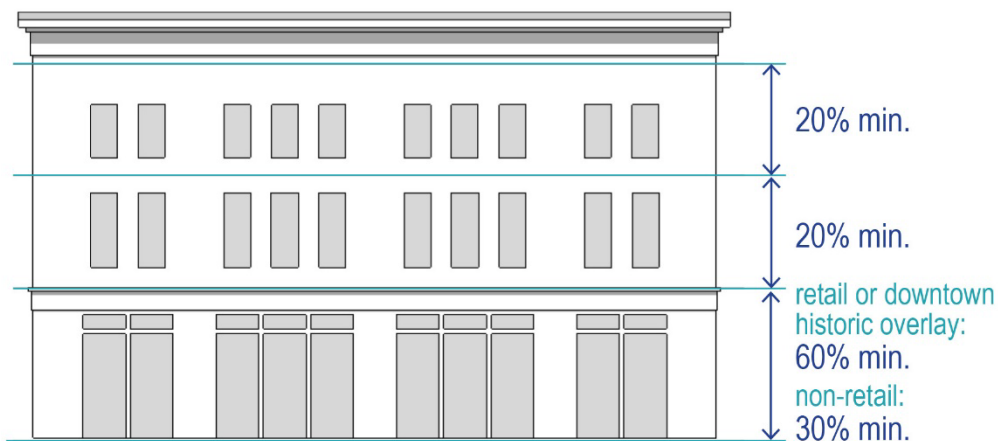


Figure 23-423.f.1.iii: Example of compliant facade transparency

2. Shopfront Design Requirements

- i. The top of all shopfront windowsills shall be between one (1) and three (3) feet above the adjacent sidewalk. In the Downtown Historic Overlay kickplates shall be the same height as on other buildings on the same block.
- ii. Shopfront windows shall extend up from the sill at least eight (8) feet above the adjacent sidewalk and shall be the same height as on other buildings on the same block.
- iii. Shopfronts shall have a cornice or expression line above, between the first and second story.
- iv. Shopfront windows may not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space). Reflective, tinted (of any degree), and frosted glass is prohibited on shopfronts.
- v. Doors or entrances for public access shall be provided on all shopfront building facades at intervals no greater than fifty (50) feet, unless otherwise approved as a Special Exception by the Planning Board, or by the Historic Board in the Downtown Historic Overlay. The intent is to maximize street activity, to provide pedestrians with frequent opportunities to enter buildings, and to minimize any expanses of inactive wall.
- vi. Shopfront doors shall be predominately glass. Solid doors are prohibited.
- vii. A minimum of fifteen (15) feet of depth of habitable space shall be provided behind each shopfront on the primary facade. This ensures that the area behind shopfronts is sufficient enough to be an actively used retail space.
- viii. There should generally be more glass and less wall at the storefront level, balanced by more wall and less glass on the upper façade (see Facade Transparency Requirements, 23-423.f.1).
- ix. Transoms help break up the effects of large sheets of glass and are encouraged. Transoms can be clear, tinted or stained glass. When feasible, transoms should align with adjacent storefronts.
- x. Within the Downtown Historic Overlay, facade improvements shall use traditional storefront design and similar architectural features to maintain continuity (e.g. color, canopy, window treatment). Old photographs of the building can be consulted for inspiration.

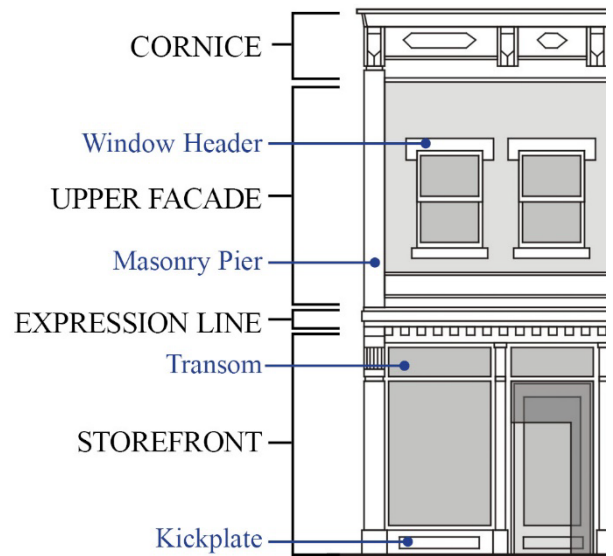


Figure 23-423.f.2: Shopfront Elements

3. Building Elements

i. Building Wall Requirements

- a. Permitted finished building wall materials include: brick masonry, stone, cast stone, stucco, and pre-engineered metal and glass systems (for windows, doors, and shopfront conditions). Horizontal lap siding (of wood, cementitious, or composition board, such as HardiPlank®) is permitted outside of the Downtown Historic Overlay. Use of imitation materials, such as E.I.F.S., imitation wood or stone is prohibited as a wall material.
- b. Other siding materials (which may include metal or cementitious panels for ornamentation) shall not be used as a primary building wall material. Unfinished aluminum or steel is not appropriate. Vinyl and aluminum siding are not permitted.
- c. All siding materials shall incorporate vertical corner boards on outside building corners. Corner boards shall be a minimum of three (3) nominal inches in width and a minimum of one (1) inch thick.
- d. When materials are combined on a building facade horizontally, heavier materials should generally be located below lighter materials.
- e. For buildings with three (3) stories, the ground floor should be differentiated from those floors above in order to reinforce the pedestrian realm.
- f. Brick masonry should generally be comprised of a standard unit size and height. Oversized or utility dimensions are to be avoided.
- g. E.I.F.S., Fiberglass (as cornice material), and composite materials as an ornamental feature must be located out of reach of pedestrians and must visually appear to have a hand troweled finish.
- h. All stucco surfaces shall have a smooth or sand finish, be hand-troweled in texture, and painted. Sprayed on stucco finishes are prohibited.
- i. See also requirements for Facade Composition and Masonry Detailing.

ii. Roofs and Parapets

- a. In the Downtown Historic Overlay, the roof shall be flat or shed and concealed behind a parapet.
- b. For civic buildings in the Downtown Historic Overlay, a gabled or hipped roof may be permitted.
- c. In the D-MU, outside of the Downtown Historic Overlay, roofs may feature the following configurations: Gabled, Hipped, or Flat / Shed. Mansard roofs (a roof having two slopes, with the lower slope steeper than the upper one, which is often used to accommodate an additional habitable story) are prohibited.
- d. The minimum slope for a gabled or hip roof shall be 3:12, and the maximum slope shall be 9:12.
- e. Gabled and hipped roofs may either rise from a projecting cornice, or from behind a parapet.
- f. Visible gabled roof ends should be symmetrically pitched.
- g. Flat / Shed roofs shall always be concealed behind a parapet.
- h. The profile of parapets may be sculpted, with additional vertical emphasis corresponding to a prominent facade fenestration centerline.
- i. A taller portion of a sculpted parapet may incorporate a signage panel.

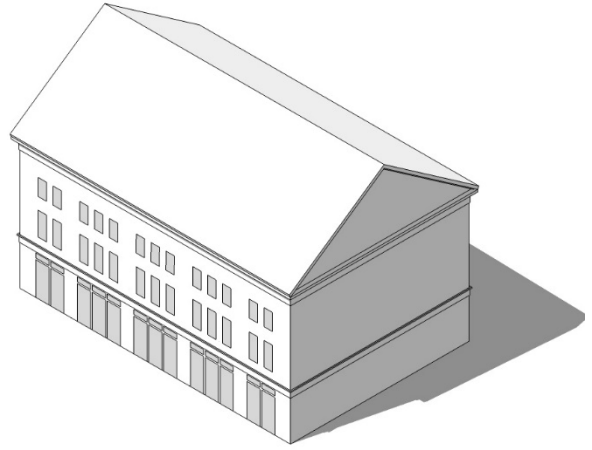


Figure 23-423.f.3.ii.a Gabled Roof

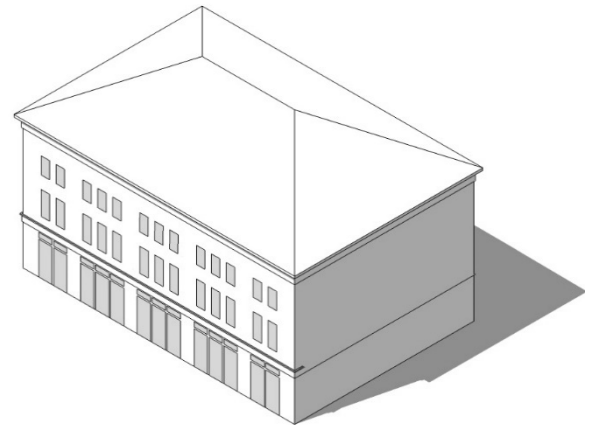


Figure 23-423.f.3.ii.b Hipped Roof

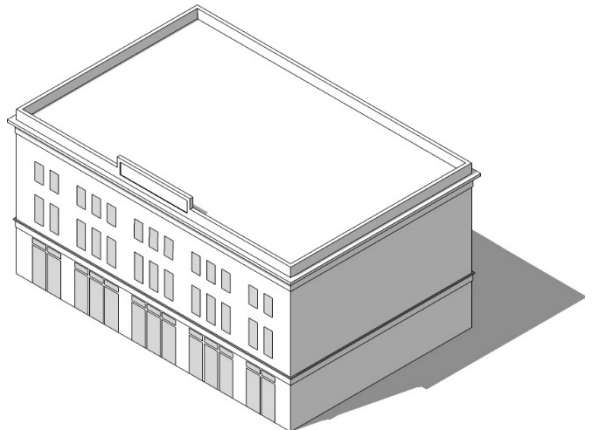


Figure 23-423.f.3.ii.c Flat Roof with Parapet

iii. **Masonry Detailing.** These masonry standards shall apply to the facades and building walls of all structures which are faced with brick masonry, stone, or cast stone.

a. Headers: A header is the horizontal member (or assembly of members) visibly spanning the top of an opening.

- All openings in masonry construction should be spanned by a header.
- Permitted header forms shall be the lintel, arch, and jack arch (see Figure 23-423.d.3.iii.a).
- Headers may be composed of more ornate moldings or pediments. The header shall visually appear able to carry the wall load above.
- Headers may be comprised of a variety of materials, including: brick, stone, cast stone, cast concrete, wood, and metal.
- All headers on a building should be of a matching style and material.
- Headers shall be wider than the opening they span.

b. Sill: A sill is the horizontal member (or assembly of members) at the base of a window.

- All window openings in masonry construction shall have a sill at their base.
- Sills shall be generally rectangular in form, and slope slightly away from the opening to shed water.
- Sills may be comprised of a variety of materials. Permitted materials include: brick, stone, cast stone, and concrete.
- All sills on a building should be of a matching style and material.
- Sills shall be a minimum of two (2) inches in height and should project from the wall surface a minimum of one half (1/2) inch. Sills shall be slightly wider than the opening.

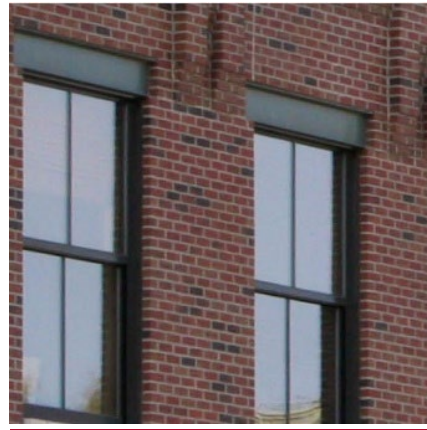


Figure 23-423.f.3.iii.a Headers
Steel Lintel (above) and Brick Jack Arch (below)

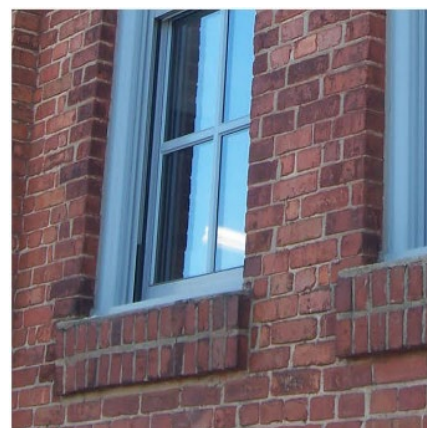


Figure 23-423.f.3.iii.b Sills
Cast Concrete (above) and Brick (below)

c. Cap: A cap is the protective top layer of a masonry structure exposed to weather from above, such as a wall, parapet, or chimney.

- A cap shall protect the tops of all masonry structures exposed to the weather including: garden walls, stair treads, planter edges, parapets, and freestanding piers.
- Caps shall be comprised of stone, cast stone, brick, concrete, tile, or slate.
- The edges of caps may be rectangular, or may be more ornate.
- Caps should project past the edge of the masonry structure below by a minimum of one half (1/2) inch.



Figure 23-423.f.3.iii.c Caps
Concrete Pier (above) and
Cast Stone Cornice (below)

iv. Doors and Windows

- a. Principal entrances of every building must directly face a Primary Lot Frontage or public space accessible from the Primary Lot Frontage (see Figure 23-423.e.1.ii). Public space may include a central garden or courtyard when that public space opens directly onto the street. Additional building entrances are permitted.
- b. Entry / Exit Doors: Public entry and exit doors which swing outward shall be recessed into the facade a minimum of three feet from the property line.
- c. Window and door openings in masonry facades should express a structural lintel above to express the conveyance of building weight (see Masonry Detailing). A similar method using wood trim can be used on wood-clad facades.
- d. Windows and doors shall be vertically proportioned. Window openings may be horizontally proportioned, but only if composed of vertically proportioned windows grouped together and each separated by a mullion, column, or wall section with a minimum width of four (4) inches. Horizontally proportioned transom windows are permitted if part of an overall vertical composition.
- e. Permitted window types include: single-, double-, and triple-hung, sash, casement, and transom. Fixed glass windows may be used only within shopfronts or for small accent windows no more than ten (10) square feet in size. Specialty shopfront conditions, such as retractable windows that allow the frontage to open completely, may be permitted by the Administrative Official.
- f. Shutters are not permitted in the Downtown Historic Overlay. When used in the D-MU, shutters shall be appropriately sized to cover the window opening, constructed of wood, metal, or composite material, and must be fully operable. "Shutter Dogs" shall be used to hold all shutters in place while open.

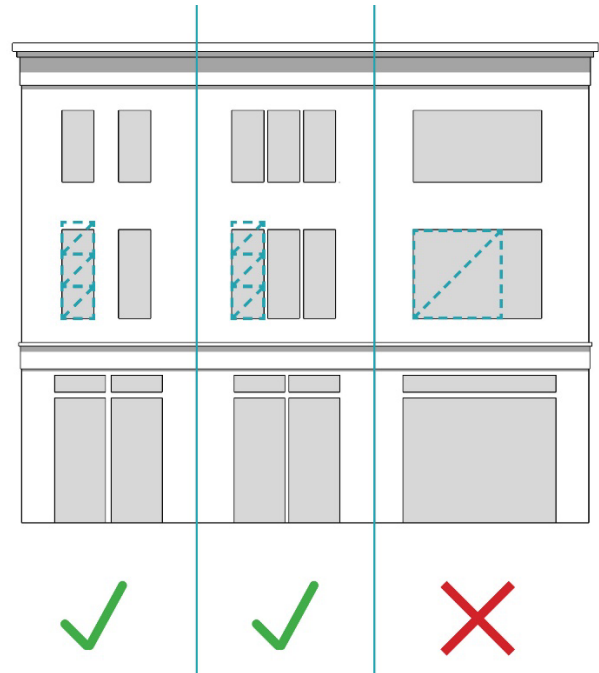


Figure 23-423.f.3.iv.a: Window proportions



Figure 23-423.f.3.iv.b: Shutter dog

v. Columns & Railings

a. General Regulations for Columns

- All columns shall be either round or square in section.
- All columns shall be spaced at regular intervals and shall create openings which are square or vertically proportioned. (See Figure 23-423.f.3.v.a1)
- Columns shall be constructed of wood, metal, stone, cast stone, brick, or fiberglass.
- Columns shall be a minimum of six (6) inches in width and depth.
- Columns should always support a structural spanning element, such as a beam, arch, or entablature. (See Figure 23-423.f.3.v.a2)
- Columns shall always be positioned so that the outside edge of the beam, arch, or entablature above aligns with the neck of the column. (See Figure 23-423.f.3.v.a3)

b. Railings

- Railings shall be constructed of wood or metal. A balustrade may be constructed of cast stone.
- All railings shall be supported at the ends by posts or building walls.
- All railings shall be comprised of a top and bottom rail, between which balusters and rungs are affixed.
- Balusters shall never be affixed directly to the floor.
- Parapet walls may be used in place of railings.

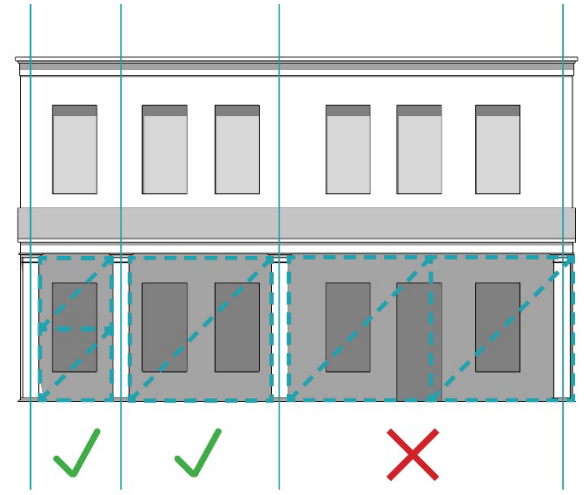


Figure 23-423.f.3.v.a1: Column spacing

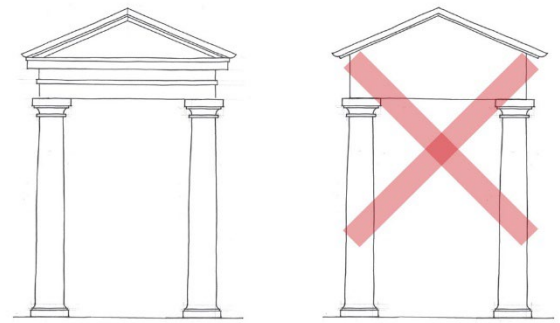


Figure 23-423.f.3.v.a2: Columns spanned by a visually structural element

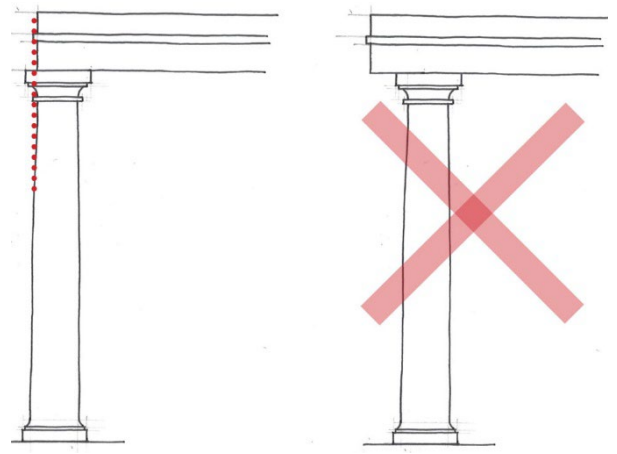
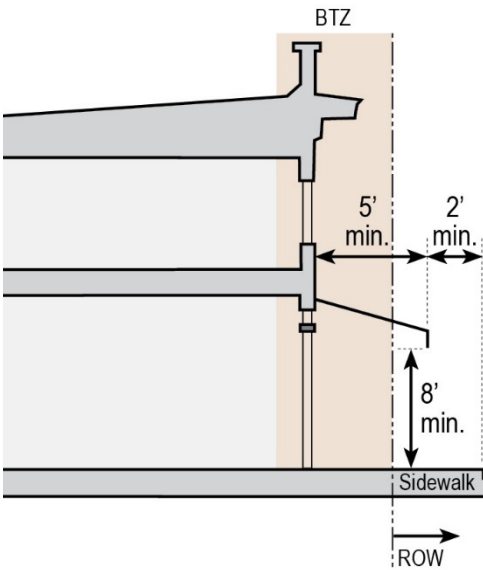
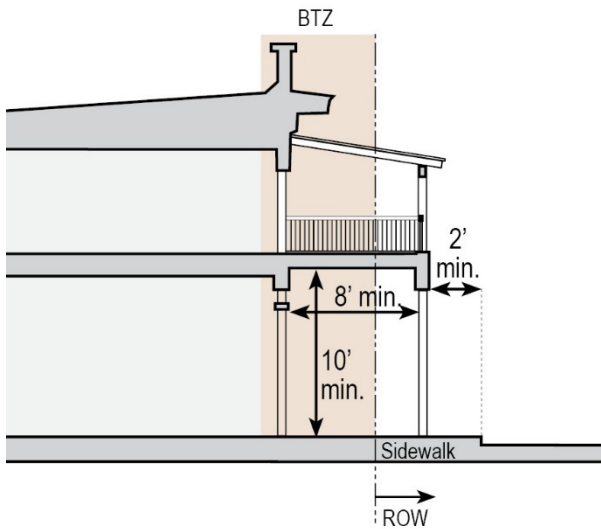


Figure 23-423.f.3.v.a3: Alignment of column neck and face of entablature

4. Permitted Frontage Elements. The frontage elements in Table 23-423 may encroach forward of the build-to zone and may encroach into the public right-of-way with approval of the Administrative Official and including indemnification in a form acceptable to the City. Shopfront buildings with the exception of Contributing Buildings in the Downtown Historic Overlay, are required to have an Awning/Canopy, Gallery, or Second-story Balcony extend over at least seventy (70) percent of the building facade, to provide shelter for pedestrians on the sidewalk, reduce glare, and reduce the heat island effect. Contributing Buildings in the Downtown Historic Overlay may have an Awning/Canopy frontage, as provided through the Certificate of Appropriateness process.

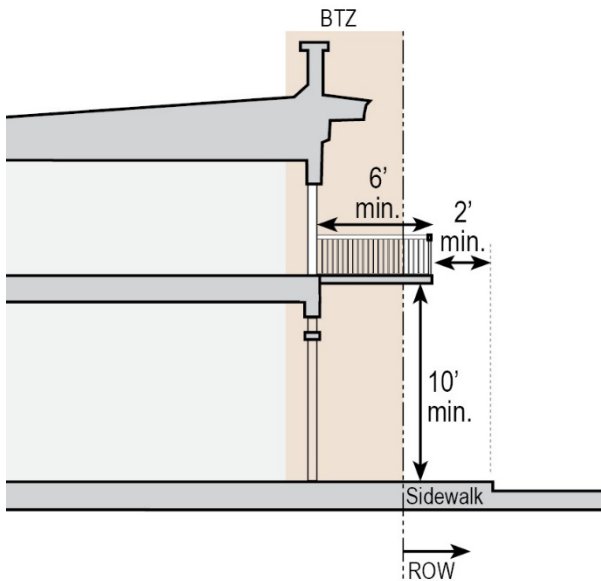
TABLE 23-423	
Frontage Element	Conditions or Limits
Awning / Canopy	
	<p>A Canopy is a structural cantilevered shed roof; an Awning is canvas or similar material and may be fixed or retractable.</p> <ul style="list-style-type: none"> • Awnings or Canopies over ground-story doors or windows must have a depth of at least five (5) feet and a clear height of at least eight (8) feet above the sidewalk. Awnings or Canopies may not project within 2' of the curb. • Awnings shall fit within the frame or masonry openings of a window or door and should not cover-over character-defining features of a historic building, including the buildings' vertical piers. • Awnings shall follow the lines of window openings, for example, a round or bell-shaped awning shall be installed on an arched window, and a flat or shed shaped awning shall be installed on a rectangular window. • Quarter-round, bubble awnings or so called "long dome" awnings are not appropriate and not permitted unless historically documented. • Awnings or canopies that cover or obscure transom windows or conceal upper floor architectural features are not permitted. • Awnings shall be made of treated, weather-durable fabric, such as canvas or woven acrylic. Vinyl, metal, and plastic are not appropriate. • Backlit and internally illuminated awnings and canopies are not permitted.

Gallery



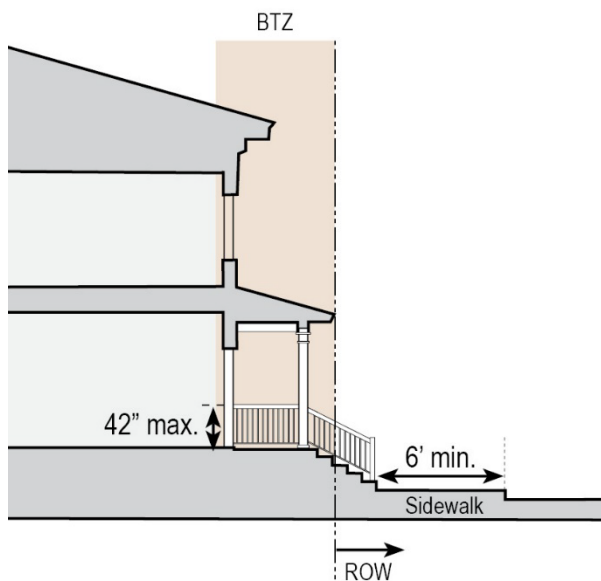
- Galleries are only permitted on new construction within the Downtown Historic Overlay, as approved through the Certificate of Appropriateness process. Galleries are permitted on all buildings in the D-MU outside of the Downtown Historic Overlay.
- A Gallery must have a clear width from its support columns to the building's primary façade of at least eight (8) feet and a clear height above the sidewalk of at least ten (10) feet. Support columns can be spaced no farther apart than they are tall and must be placed to allow at least two (2) feet and up to three (3) feet from their outer face to the curb.
- When a gallery extends over a public sidewalk, the property owner shall be required to enter into a right-of-way agreement including indemnification in a form acceptable to the City.

Balconies



- Balconies are only permitted on new construction within the Downtown Historic Overlay, as approved through the Certificate of Appropriateness process. Balconies are permitted on all buildings in the D-MU outside of the Downtown Historic Overlay.
- Second-story Balconies shall have a depth of at least 6 feet and a clear height below of at least ten (10) feet above the sidewalk. Balconies may not project within 2' of the curb.
- Balconies may have roofs but must be open toward the primary street.

Stoops & Porches



- Stoops and porches are permitted in D-MU areas outside of the Downtown Historic Overlay.
- Stoop stairs may be perpendicular or parallel to the building facade. Stoops extending into the right-of-way must maintain a 6' min. clear zone for pedestrians on the sidewalk. When a stoop extends over a public sidewalk, the property owner may be required to enter into a right-of-way agreement including indemnification in a form acceptable to the City.
- Porches may extend into the front Build-to Zone and up to 10 feet into a side setback. Front and side porches that extend into the setback shall be at least eight (8) feet deep.
- Partial walls, screened areas, and railing on porches and stoops may be no higher than forty-two (42) inches.

g. Process for Review and Administrative Waiver.

1. Prior to the issuance of a building permit for the construction, renovation, or remodeling of any building exterior façade and/or new development, an approval by the Administrative Official is required. For purposes of this subsection, replacements, renovations or changes to canopies, awnings and to signage on walls, canopies or awnings shall be considered remodeling of the building façade.
2. The Administrative Official's decision shall be either an approval, an approval with conditions, or denial. Any applicant may elect to appeal a decision.
3. Waivers to the Downtown Mixed-use Design Standards may be granted by the Administrative Official (per Sec 23-422) as follows:
 - i. The Building Location requirements of 23-423.e.1 may be adjusted:
 - a. Where development envisioned by the code is not feasible due to irregularly-shaped parcels or environmental constraints, including mature trees; or
 - b. To allow for a new public green or plaza in front of the building facade. A parking lot is not permitted in front of the building façade.
 - c. Building location standards may not be adjusted for parking, stormwater retention, mechanical equipment, service, loading, or private walled gardens for individual residential units.
 - ii. Exceptions to the standards of 23-423.f (Architectural Standards) may be granted on the basis of architectural merit or where the requirements create undue hardship (as defined in Chapter 23), such as for building reuse or additions in which required elements are incompatible with existing or adjacent structures.
 - iii. Administrative Waivers are discouraged in the Downtown Historic Overlay and on Primary Frontages in the D-MU.

Updates to Sec 23-545.3 Signage Design

It is the intent of these regulations to promote high quality design in signage. The administrative official may provide guidelines to assist applicants in designing signage, and the city may adopt guidelines separate from this chapter for use in reviewing and deciding upon "master signage plans" and signs in C-1 and D-MU zoning districts.

Updates to Table 23-545 Location, Area and Height Requirements for Signs for Nonresidential Uses

TYPE OF SIGN	<u>D-MU</u> , C-1, C-2, C-3, C-5 & LCI DISTRICTS	I and BPC DISTRICTS	PF, C-4, C2R, and R Districts
WALL SIGN			
A sign affixed to or painted on the wall or window of a building, mounted parallel to the wall and projecting not more than 12 inches, not extending above the roof line or facade, and not interrupting the building's architectural features.	One wall sign may be permitted for each side of a building that is visible from a common travelway, pedestrian or vehicular. In a shopping center or other business complex, wall signs for tenants shall be as provided in the approved master signage plan filed by the owner under sec. 23-545.3.	Same requirements as for C-3 district.	Same requirements as for C-1 and C-5 districts.
	In the <u>D-MU</u> , C-1 and C-5 districts, no wall sign may be permitted above the expression line ¹ of a building except for window signs not exceeding 2 square feet		
	Maximum size: 2 sq. ft. (1 sq. ft. in C-1A district) of sign for each linear foot of the side of the building on which the sign is placed, not to exceed 60 sq. ft. in the <u>D-MU</u> , C-1 and C-5 districts and 90 sq. ft. in the C-2 district.		
BUSINESS COMPLEX SIGN			
A ground sign for a shopping center, professional office center, industrial park or other grouping of two or more buildings or businesses.	Allowed only with an approved master signage plan under sec. 23-545.3 One ground sign permitted on the primary street frontage of a business complex and a one ground sign permitted on each secondary street frontage, provided the distance between the primary ground sign and secondary ground sign is at least 150 feet measured along abutting roadways; not permitted in C-1 <u>and D-MU</u> districts.	Same as for "C" districts.	Same as for "C" districts except as noted.

Landscaping shall be planted at the base of ground-mounted signs; plant materials shall be sufficient to screen the sign's supports to a height of 50% of the distance from the ground to the bottom of the sign within a period of 2 years.	Maximum area: Primary frontage sign - 36 sq. ft. or 1.5 times the total business floor area in the complex divided by 1,000, not to exceed 225 square feet.		Maximum area: Primary frontage sign - 36 sq. ft. or 1.5 times the total business floor area in the complex divided by 1,000, not to exceed 100 square feet.
	Secondary frontage sign - 50 percent of the permitted primary frontage sign area, not to exceed 36 sq. ft.		Secondary frontage sign - 50 percent of the permitted primary frontage sign area, not to exceed 20 sq. ft.
All ground signs shall be located 35 feet from the intersection of the edge of pavement of any travel lanes or ways, including entrance roads and alleys unless the sign does not block visibility between 3 and 10 feet in height.	Maximum height: Primary frontage sign - 18 ft. or 0.9 times the total business floor area in the complex divided by 1,000, not to exceed 30 feet. Secondary frontage sign - 15 ft.		Maximum height: Primary frontage sign - 15 feet Secondary frontage sign - 10 ft.
	Lettering requirements: The name of the business complex shall be legibly displayed on the sign and shall be written in letters with a minimum height of 10 inches in a space or band a minimum of 18 inches measured vertically. Tenant signs shall be designed as integral components of the sign and not as "add-ons." Each tenant band on the sign shall be a minimum of 12 inches and shall have a minimum lettering size of 6 inches. The maximum lettering size for a tenant name shall be 2/3 of the size of the lettering of the business complex name. Lettering styles and colors shall be consistent.		Lettering requirements: Same as for C-2, C-3, C-5, and LCI districts except minimum lettering size for the name of the business complex shall be 8 inches in a space or band a minimum of 12 inches measured vertically and tenant bands shall be a minimum of 9 inches and shall have a minimum lettering size of 6 inches.
GROUND SIGN			
Any sign which is supported by masonry, wood, metal or similar structure uprights or braces and is permanently installed in or on the ground on a permanent base.	One ground sign permitted on the primary street frontage. The sign may be placed at the intersection of two streets. A secondary ground sign is permitted only where the street frontage where the sign is to be located is opposite of, rather than at a right angle to, the primary frontage. A monument style sign is permitted in C-1 <u>and D-MU</u> district provided the front yard setback of the building is 20 feet or greater.	Same as for "C" districts.	Same as for "C" districts except as noted below.

	If the nearest edge of a building wall is set back from the edge of the adjacent street 35 ft or more, a ground sign is allowed in addition to a wall sign.		
Landscaping shall be planted at the base of ground-mounted signs; plant materials shall be sufficient to screen the sign's supports to a height of 50% of the distance from the ground to the bottom of the sign within a period of 2 years.	May be displayed only on a frontage of 75 ft or more and may not be closer than 75 ft to any other ground sign.		
	Maximum area: Primary frontage sign - 32 sq. ft. or 1.2 times the total business floor area divided by 1,000, not to exceed 180 square feet. Secondary frontage sign - 20 sq. ft.		Maximum area: 32 sq. ft. or 1.2 times the total business floor area divided by 1,000, not to exceed 70 sq. ft.
	Maximum height: Primary frontage sign - 15 ft. or 0.6 times the total business floor area divided by 1,000, not to exceed 24 ft. Secondary frontage sign - 10 ft.		Maximum height: 15 ft.
	Lettering requirements: The minimum height of lettering on a sign on an arterial roadway shall be 6 inches.		
RIGHT-ANGLE SIGN			
Any sign which is affixed to any building, wall or structure and which extends more than 12 inches horizontally from the building wall and projects from the wall at an angle of 90 degrees. Also includes signs hung under a canopy.	Each business in a building set back no more than 10 feet from a public sidewalk or a sidewalk in a business complex may have a right-angle sign. Signs in a business complex shall conform to an approved master signage plan filed by the owner. (See 23-545.3(b)).	N/A	Same as for "C" districts
	Sign must clear the sidewalk by at least 8 ft and project no more than 5 ft from the building or ½ the width of the sidewalk, whichever is less. Sign should be mounted at least 6 inches from the wall and may not be placed above the expression line of the building facade. Sign may not project at the corner of the building and may not be displayed closer than 20 ft from any other right-angle sign.		
WINDOW SIGN			
A sign painted, etched or otherwise affixed to a window.	Permanent window signs may be displayed and the area of the window sign will be counted as part of the wall sign allowance.	Same as for "C" districts.	Same as for "C" districts.

AWNING SIGN			
A sign on a shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.	An awning sign with a message covering up to 50% of the area of the awning may be permitted, provided that the area of the awning sign combined with the area of the wall sign does not exceed the allowable sign area for the side of the building where the awning is located. Note that an awning without printing is not a sign.	Same as for "C" districts.	Same as for "C" districts.
A-FRAME SIDEWALK SIGNS			
A portable sign which has no legs or solid base and which is supported on two display boards hinged at the top.	Allowed in portions of C-1 and <u>D-MU</u> districts only pursuant to § 23-545.6 a.		

¹"Expression line" means the architectural feature on the façade of a building delineating the transition between the ground floor and the upper façade.

NOTES:

1. *Sign area.* The area of a sign shall be measured to include the entire area within a continuous perimeter and a single plane composed of a square, circle or rectangle which encloses the extreme limits of the advertising message or announcement of wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. The owner may not increase the allowed total area, but may use more than one (1) square, circle or rectangle in order to calculate the area. Sign area of a ground-mounted sign is the entire area of one (1) side of such sign so that two (2) sides which are back to back are counted only once.
2. *Sign height measurement.* The height of a sign shall be measured from the average grade within a ten-foot radius of the base of the sign.

Add to Sec 23-802 Definitions

Bar means any establishment with a principal or predominant use of selling, providing or allowing the consumption of alcoholic beverages on the premises.

Civic Building: A building designed specifically for a Civic Use. Civic uses are those that are open to the public at least some of the time, provides a focal point for community interaction and fosters citizen participation in civic activities including religious facilities, college or university facilities, exhibition halls or museums, schools, libraries, meeting halls, performance theaters, post office, fire house, public administration offices, or similar uses.

Live/Work Unit: A mixed-use residential unit that is allowed to house a flexible combination of limited commercial functions and the primary residential function. The commercial function may be anywhere in the unit.