



**AGENDA ITEM  
NUMBER**

**7h**

## AGENDA ITEM SUMMARY SHEET

<b>ITEM TITLE:</b>	Second Reading and Public Hearing - Ordinance 2016-022 Non-Residential Design Standards LDR Amendment			
<b>For the Meeting of:</b>	November 10 2016			
<b>Submitted by:</b>	Community Development Director/City Attorney			
<b>Date Submitted:</b>	October 6, 2016			
<b>Are Funds Required:</b>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
<b>Account Number:</b>	N/A			
<b>Amount Required:</b>	N/A			
<b>Balance Remaining:</b>	N/A			
<b>Attachments:</b>	Yes			
<b>Description of Item:</b> Proposed ordinance was considered before the LPA. <u>(The first reading was held on October 27, 2016.)</u>				
<b>Action to be Taken:</b> Enact Ordinance 2016-022				
<b>Staff's Recommendation:</b>				
<b>Additional Comments:</b>				

Reviewed by: \_\_\_\_\_  
City Manager

Authorized to be placed on the regular agenda: \_\_\_\_\_  
Mayor

## ORDINANCE 2016- 022

**AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR AMENDMENT OF THE CITY LAND DEVELOPMENT REGULATIONS; SPECIFICALLY AMENDING CHAPTER 154 OF THE LAND DEVELOPMENT REGULATIONS RELATING TO NONRESIDENTIAL DESIGN STANDARDS; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Fruitland Park finds and determines that it is in the best interests of the City to amend the Land Development Regulations; and

**WHEREAS**, the City Commission of the City of Fruitland Park finds and determines that amending the Land Development Regulations regarding nonresidential design standards will facilitate enhancement of the character of the existing commercial areas and further business growth and redevelopment; and

**WHEREAS**, Planning and Zoning Commission has made recommendations on such amendments to the City Commission.

**NOW THEREFORE BE IT ORDAINED** by the City Commission of the City of Fruitland Park, Florida, as follows:

**SECTION 1.** Section 154.050 in Chapter 154 of the City of Fruitland Park Land Development Regulations is created to read as follows:

**SECTION 154.050:           NONRESIDENTIAL DESIGN DISTRICT STANDARDS**

The purpose and intent of these Design District Standards is to guide development and redevelopment toward creating an interrelated and predictable pattern of buildings, streetscapes, and landscapes that improve the aesthetics of the built environment within Fruitland Park. To proactively prepare for impending growth the City of Fruitland Park has undertaken the establishment of these standards that will improve the image and appearance of all development. The basic premise is that quality appearance will result in quality development.

Design standards also protect the community's investment. When the aesthetic appearance of a community is maintained or improved, a sense of pride develops for the residents, owners, and merchants. Further, design standards improve the City's economic standing. In the absence of design standards, other areas in the region may position themselves with a more competitive advantage to attract residents and merchants. The City encourages economic growth and wants to provide a business atmosphere where the private sector can flourish.

Meanwhile the City is tasked with protecting its existing neighborhoods and businesses from the potential impacts of development. Special attention has been placed on the creation of a quality, safe, and functional environment. Buffers, landscaping, and building placement on a parcel can

mitigate potential impacts to surrounding properties.

These Design District Standards exhibit specific themes of expectations for development within Fruitland Park. An interconnected transportation network and pedestrian accessibility are primary concerns for new development and redevelopment. Land should be developed by utilizing infrastructure and resources efficiently. The City requires the design of new development to be visually sensitive to surrounding development and the environment through architectural standards, buffering, landscaping, and building placement.

a) Applicability of Design Standards

The Design District Standards cover all commercially zoned properties within the City limits and the Joint Planning Area (JPA) between the City and Lake County.

The design standards are applicable to nonresidential development and mixed-use development and redevelopment. The Design District Standards shall be applicable if one or more of the following criteria are met:

1) Nonresidential Development:

- A) The building floor area of a structure is being increased by more than thirty percent (30%).
- B) The property is subject to a change of use from residential to nonresidential.
- C) All Planned Developments (PD) and Developments of Regional Impact (DRI).

2) Additional Provisions:

- A) Section 154.060(e) (Colors) shall apply when the exterior of an existing building or any portion thereof, including trims or accents, is repainted. Section 154.060(e) shall apply even in those cases where no other work is being conducted. A submission of the proposed color theme including base, trim, and accent colors for approval by the Development Services Director is required prior to the issuing of the Commercial Structure Painting Permit. There is no charge for the Commercial Structure Painting Permit.

**SECTION 154.060:        *DESIGN STANDARDS***

a) Landscape Buffers

A twenty-five foot (25') landscape buffer is required from the right-of-way. A five foot (5') paved sidewalk is required within the established buffer unless a sidewalk already exists. An additional path or trail may be required by the City to accommodate alternative forms of transportation. For internal streets, Florida Friendly Landscaping, including street trees, evergreen shrubs, planter boxes, or other approved designs should be used between the sidewalk and the travel lanes to buffer pedestrians from moving vehicles.

The buffer area is not to be utilized for stormwater management unless approved by the Community Development Director due to severe constraints of the site.



b) Big Box Stores

Big box stores, defined as any store which exceeds 50,000 square feet on a single level, are permissible in the Design District.

c) Outparcels

Frequently, large shopping and business centers have a few uses that develop stand-alone buildings, known as outparcels, at the perimeter of a site adjacent to the public right-of-way. Large-scale developments that have a primary building and/or anchor stores and secondary outparcels must conform to the following standards:

- 1) Interconnection of pedestrian walkways with the main structure and adjacent outparcels is required. Vehicular connection between outparcels, the main structure, and adjacent outparcels is required to provide for safe and convenient vehicular movement within a site.
- 2) Consolidated and shared parking is required to reduce the amount of impervious surface.

d) Circulation and Access

Development shall be designed to minimize the interaction of vehicles with pedestrians and bicyclists. Efficient and safe circulation systems for vehicles, pedestrians, and bicyclists will be required for all developments.

Cross-access and shared access shall be required between individual uses. Internal cross-access and shared use agreements for driveways shall be used to facilitate access and connections between adjacent sites. Frontage roads or service roads may also be considered to connect all parcels.

e) Drive-through Establishments

Drive-through lanes must be designed with pedestrian safety as the first priority. Drive-through designs must have the same detail of the principal structure and match the materials and roof of the principal structure.

A pass-through lane shall be required for all drive-through facilities. The pass-through lane shall be constructed adjacent to the stacking lane(s) in order to provide a way out of or around the stacking lane(s).

**SECTION 154.070: BUILDING DESIGN AND ARCHITECTURAL STANDARDS**

a) Building Facade

The front elevation of the building should be faced, with design features that give it a more pedestrian scale appearance. Large-scale features such as long uninterrupted storefront windows are to be avoided. The use of mullions and dividers in large windows is encouraged. Large areas of blank walls should be reserved for the rear of the building. Metal buildings are to be faced with other materials to break up the purely metal

facade.

When a building has elevations on more than one roadway or pedestrian area, the City may require that each elevation maintains the dominant theme of the main entrance.

The size, scale, materials and use of colors for the building facade design should be kept constant across the entire building facade in order to tie the complete composition together.

When using more than one material on the facade, it is recommended to have one as the dominant theme with the others acting only to complement or accentuate the design.

Architectural elements of the facade should be aligned with and compliment the architectural elements on adjacent buildings to maintain the rhythm of the block.

Entrances to smaller stores shall be recessed or framed by a sheltering element such as an awning, arcade, porch or portico.

The primary entry to a building is the best place to be creative with the use of depth in a facade. The added depth and articulation help to draw attention to the entry and highlight it as an important place.

#### b) Roof Design

The roof design of the building should be in keeping with the overall scale of the structure itself. Overly large, bold or inflated roof and fascia designs are discouraged.

Flat roof structures should utilize recognizable cornice treatments and be capped by an articulated parapet design that acts as a structural expression of the building facade and its materials.

Sloped roof structures should maintain a pitch between a 5/12 minimum and a 12/12 maximum on all primary roof areas. Buildings with sloped roofs are encouraged to employ the use of dormers and reversed gables along the front elevation to help maintain a prominent facade. Mansard and shed roof designs are discouraged.

Air handling units, condensers, satellite dishes and other equipment placed on the roof should be screened by building elements and not be visible from the street.

The roof structure should be designed so as to divert rainwater from the pedestrian areas such as walkways and doors. The use of canopies, awnings or similar protective designs is also encouraged at entry locations.

Breaks and fluctuations in the roofline are encouraged to highlight important areas of the building such as the main entrance and to break up longer runs of the facade/roof area.

#### c) Materials

The use of brick, stone (cast and natural), split-faced concrete block, glass block, ceramic



tile and fiber cement horizontal lap siding is required.

The use of decorative coursing and quoins in masonry walls is encouraged.

When making a transition from one material to the next, it is recommended that the change occur at a hard edge or "bump out" in the facade.

Acceptable materials for sloped roofs include pre-finished metal, terracotta tile and laminated 'architectural' asphalt shingles.

The following materials are prohibited in visible locations:

- 1) Corrugated or beveled metal siding
- 2) Corrugated fiberglass
- 3) Plywood, OSB or particleboard siding
- 4) Unfinished smooth concrete block

d) Lighting

Each building project will require the submission of an exterior Lighting Design Plan.

Exterior lighting of the building and site should be designed so that light is not directed off the site and the light source is to be shielded from direct offsite viewing.

All exterior light fixtures should be fully shielded or be designed with light angle cut-offs so as to eliminate spill light, trespass light and glare.  
Down-lighting full building walls and roof lighting is prohibited.

Mounting height of pedestrian walkways should not exceed twelve feet (12') with lower heights preferred.

The use of low, bollard-type fixtures mounted two feet (2') to four feet (4') in height are encouraged for lighting pedestrian sidewalks and building entrances.

Ensure that lighting enhances pedestrian safety.

e) Colors

The main color theme for a building should be of a natural, muted shade with brighter colors used only to create accents.

When using multiple colors on the exterior of the building only one color should be used as the main theme, with other colors used more sparingly to create accents.

No more than three (3) different colors or color shades (one primary/body color and no more than two accent/trim colors should typically be used on a single building.

Prohibited colors include the use of intense, florescent or day-glow colors, black as the

predominant exterior color and monochromatic color schemes. Colors that are determined to be garish, gaudy, loud, excessive and ostentatious or that otherwise constitute a glaring and invasive contrast to surrounding buildings shall be prohibited. A solid band of color or groups of color shall not be used for architectural detail.

**SECTION 2: Conflicts.** All ordinances that are in conflict with this Ordinance are hereby repealed.

**SECTION 3. Severability.** Should any section or part of this Ordinance be declared invalid by any court of competent jurisdiction, such adjudication shall not apply or affect any other provision of this Ordinance, except to the effect that the entire section or part of the section may be inseparable in meaning and effect from section to which such holding shall apply.

**SECTION 4. Effective Date.** This ordinance shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Christopher J. Bell, Mayor

Attest:

\_\_\_\_\_  
Esther Coulson, City Clerk

Commissioner Cheshire \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_  
(Absent)

Vice-Mayor Gunter \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_  
(Absent)

Commissioner Lewis \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_  
(Absent)

Commissioner Ranize \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_  
(Absent)

Mayor Bell \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_  
(Absent)

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved as to form and legality:

\_\_\_\_\_

Anita Geraci-Carver, City Attorney



## RESOLUTION 2004-014

### **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; RELATING TO QUASI-JUDICIAL HEARINGS; ESTABLISHING PROCEDURES FOR THE DISCLOSURE OF EX PARTE COMMUNICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statute 286.0115 allows municipalities to remove the presumption of prejudice attached to ex parte communications with local public officials in quasi-judicial proceedings through the adoption of a resolution or ordinance establishing a process for the disclosure of such communications; and

**WHEREAS**, the City Commission of the City of Fruitland Park desires to implement the provisions of F.S. 286.0115 with respect to quasi-judicial proceedings which occur before the City Commission as well as city boards and committees.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK:**

**Section 1.** The following procedures shall apply with regards to any quasi-judicial matters before the City Commission or any board or committee of the City:

#### **Procedures for quasi-judicial hearings; Disclosure of ex parte communications.**

(a) *Intent.* Pursuant to Section 286.0115(1), Florida Statutes, it is the intent of the city commission that this section is intended to remove the presumption of prejudice from *ex parte* communications with city officials and to permit, among other things, site visits, the receipt of expert opinion, and the review of mail and other correspondence relating to quasi-judicial proceedings by said city officials. .

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

- (1) "City official" means and refers to any elected or appointed public official holding a municipal position or office who recommends or takes quasi-judicial action as a member of a city board, commission, or committee, including, but not limited to, a member of the city commission, the code enforcement board, the planning and zoning board, or the local planning agency.
- (2) "*Ex parte* communication" means a communication involving a city official and a member of the public, regarding a pending quasi-judicial action, such that the city official may be exposed to only one perspective

or part of the evidence with regard to a quasi-judicial action pending before the commission or board on which the city official serves. *Ex parte* communications occur at other than a public meeting of the board on which the city official serves at which the quasi-judicial action discussed has been publicly noticed.

- (3) "Member of the public" refers to any person interested in a quasi-judicial action, including, but not limited to, an applicant, an officer or member of a homeowner's association, an officer or member of an environmental, homebuilding/development, or concerned citizen's organization, an official or employee of a governmental entity other than the City, a developer, a property owner, or an interested citizen, or a representative of or attorney for any of the foregoing.
- (4) "Quasi-judicial" refers to a land use, land development, zoning, or building related permit, application or appeal, as set forth below, in which city officials give notice and an opportunity to be heard to certain substantially affected persons, investigate facts, ascertain the existence of facts, hold hearings, weigh evidence, draw conclusions from the facts, and apply the law to the facts, as the basis for their decision.
- (5) "Site visit" means an inspection of real property subject to an application for any quasi-judicial action prior to a public hearing on the application conducted by a city official. The mere act of driving by a site in the daily course of driving to a particular location, such as work or a particular store, which act is not undertaken for the purpose of inspecting a particular parcel of real property is not a site visit for purposes of this section.

(c) *Ex parte communications between city officials and members of the public.*

- (1) A member of the public not otherwise prohibited by statute, charter provision or ordinance may have an *ex parte* communication with any city official regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below.
- (2) Except as otherwise provided by statute, charter provision, or ordinance, any city official may have an *ex parte* communication with any expert witness or consultant regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below. Nothing here,

however, shall restrict a city official access to city staff or expert witness or consultant retained by the City.

(3) Disclosure.

- (A) All city officials shall disclose the occurrence of all *ex parte* communications or discussions with a member of the public or an expert witness or consultant involving said city official which relate to the quasi-judicial action pending before the commission or board on which the city official serves.
  - (B) Disclosure shall occur by no later than the final public hearing, or if no formal public hearing is held, then any hearing at which the final decision regarding the quasi-judicial matter is made. The city official shall disclose the *ex parte* communication verbally or by memorandum. Any such memorandum disclosing the occurrence of the *ex parte* communication shall be placed in the official file regarding the pending quasi-judicial matter which file shall be maintained in the City Clerk's records.
  - (C) At the time of disclosure, the city official shall identify the person, group, or entity with whom the *ex parte* communication took place, the substance of the *ex parte* communication, and any matters discussed which are considered by the city official to be material to said city official's decision in the pending quasi-judicial matter.
- (d) *Oral or written communications between city staff and city officials.* City officials may discuss quasi-judicial matters pending before the commission or board on which said city official serves with city staff without the requirement to disclose pursuant to sub-section (c)(3) above.
- (e) *Site visits by city officials.* Any city official may conduct a site visit of any property related to a quasi-judicial matter pending before the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) above. Any disclosure of a site visit pursuant to sub-section (c)(3) shall disclose the existence of the site visit, and any information obtained by virtue of the site visit considered by the city official to be material to said official's decision regarding the pending quasi-judicial matter.
- (f) *Review of mail, correspondence, and written communications by city officials.* Any city official may review mail, correspondence, or written communications, related to a quasi-judicial matter pending before the commission or board on which the city official serves. Upon review of the mail, correspondence, or



written communication, the document shall be placed in the official file regarding the pending quasi-judicial matter and maintained in the city clerk's records.

- (g) *City clerk's file.* All correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter shall be placed in the official file regarding said matter and maintained by the city clerk. Said correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter, or any disclosure memoranda as described in sub-section (c)(3)(B), shall be available for public inspection. By no later than the final public hearing, or if no formal public hearing is held, then at any hearing at which the final decision regarding the quasi-judicial matter is made, the city clerk shall make said correspondence, mail, written communications, or other matters, and any disclosure memoranda placed in the official file, a part of the record. All of the foregoing documents shall be received by the commission or board as evidence, with the exception of disclosure memoranda, subject to any objections interposed by participants at the hearing.
- (h) *Opportunity to comment upon substance of disclosure.* At such time that a disclosure regarding an *ex parte* communication, receipt of an expert opinion, site visit, or review of mail, correspondence, or other written communication is made a part of the record at a hearing, persons who may have opinions or evidence contrary to those expressed in the *ex parte* communication, expert opinion, or mail, correspondence, or other written communication, or noted during the site visit, shall be given a reasonable opportunity to refute or respond and provide contrasting information, evidence, or views.

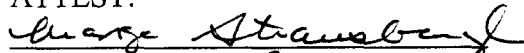
**Section 2.** If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

**Section 3.** This resolution shall be effective upon passage.

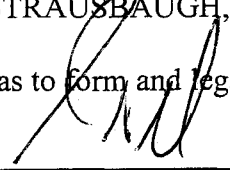
**PASSED AND RESOLVED** this 24<sup>th</sup> day of June, 2004, by the City Commission of the City of Fruitland Park, Florida.

  
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:

  
MARGE STRAUSEBAUGH, CITY CLERK

Approved as to form and legality:

  
Scott A. Gerken, City Attorney

