

ORDINANCE NO. 12, 1999

AN ORDINANCE OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32 (ZONING) ARTICLE III (DISTRICT REGULATIONS) SECTION 32-50 (TCC DISTRICT) BY IDENTIFYING THE PURPOSE AND INTENT OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN, PROVIDING FOR APPLICABILITY; PROVIDING PERMITTED, CONDITIONAL AND PROHIBITED USES; PROVIDING A PROCEDURE FOR DEVELOPMENT APPROVALS; PROVIDING ADMINISTRATIVE APPROVALS IN CERTAIN CIRCUMSTANCES; PROVIDING A PROCEDURE FOR OBTAINING A WAIVER FROM CERTAIN REQUIREMENTS; PROVIDING OFF-STREET PARKING AND LOADING REQUIREMENTS; PROVIDING LANDSCAPING REQUIREMENTS; PROVIDING ARCHITECTURAL REQUIREMENTS; PROVIDING FOR THE DISCONTINUATION OF NONCONFORMING USES; PROVIDING FOR THE USE AND PAYMENT OF OUTSIDE CONSULTANTS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AS FOLLOWS:

SECTION I

That Section 32-50 of the Lake Park Code is hereby amended to read as follows:

- a. **Sec. 32-50 Park Avenue Downtown District.**
- (1) **Purpose and Intent.** It is the purpose and intent of the Park Avenue Downtown District to provide for the following:
- a. urban development which is reflective of early master plans for a neighborhood and community commercial area;
 - b. buildings and structures of a human scale which, in conjunction with public investments, help to create a sense of place;

- c. downtown development and redevelopment which offer a mixture of retail, personal service, commercial, office, and residential uses;
- d. a pedestrian-oriented development pattern;
- e. concentration of certain types of uses, including live performance theaters, restaurants, arts and crafts, etc., which will attract both residents and non-residents for specialty shopping and entertainment;
- f. attracting a variety of uses which serve the needs of residents and non-residents;
- g. zoning regulations, consistent with the Town of Lake Park Comprehensive Plan, which support the reestablishment and redevelopment of an urban center;
- h. limitations on certain uses which do not support or enhance the pedestrian nature of the area;
- i. uses offering goods and services that will attract both Town residents and visitors from outside the Town; and
- j. uses offering goods and services that will possess a family orientation.

(2) **Definitions.** For the purposes of this Section, the following definitions shall apply. In the event of a conflict between the definitions in this Section, and the definitions contained in Sec. 32-2 of this Code, the definitions of this Section shall apply.

Administrative Approval means consideration of a development approval application by the Town Manager or designee.

Antique Shop means a shop selling items which are in demand and have a value due to being rare, old, historic, of a collectible nature, or an expectation of increasing value.

Antique items include furniture, art objects, housewares, glassware, jewelry, coins, stamps, and decorative objects, at least one hundred (100) years old.

Architectural terms as used in this Section shall have the meaning as indicated in Dictionary of Architectural and Construction, 2nd Edition, Cyril M. Harris, Ed., 1993, as revised.

Conditional Use means an activity or use that may be compatible with other activities or uses permitted in a specific zoning district, but requires a more detailed development review of proposed location, site design, architectural design, setbacks, screening and buffering, vehicular and pedestrian circulation, intensity or density of use, hours of operation, business practices, etc. A conditional use may require development approval to include specific conditions or limitations in order to ensure a use is appropriate at a specific location.

Consignment Shop means a retail establishment where the operator receives goods and merchandise, for display and sale, from another individual and will pay that individual only when the goods and merchandise are sold.

Department means the Town of Lake Park Department of Community Development, or successor agency.

Entertainment, Indoor means a commercial establishment offering to the public entertainment and games of skill which occur in an enclosed building. Typical uses include billiard parlors, bingo halls, and bowling alleys, but excluding computer or video arcades, fitness centers, and gun ranges.

Marquee means a cantilevered overhead structure projecting from and supported by the exterior wall of a building, and constructed of rigid materials on a supporting framework.

Mechanical Equipment means necessary or accessory equipment located on or adjacent to structure, including, but not limited to the following: central air conditioning equipment, ventilation equipment, heating equipment, antennas, satellite dishes, window- or wall-mounted air conditioners, refrigeration equipment, solar and conventional hot water heaters, and elevator machinery and equipment.

Minor Improvement means renovation, repair, repainting, restoration, resurfacing, refinishing, overhaul, etc., of the exterior walls or facades of an existing structure or building, installation or replacement of new doors or windows, installation or replacement of HVAC (heating, ventilation, and air conditioning) or other mechanical equipment, installation or replacement of awnings, installation or replacement of signs or sign faces, or similar improvements of a minor nature which affect the exterior appearance of such building or structure.

Novelty Shop means a retail establishment which sells new items such as games, gag gifts, magic tricks, magic instruction, and related goods of a humorous nature, and may rent or sell costumes.

Offices, Business and Professional mean an establishment providing executive, management, administrative, professional, medical, dental, and medical and dental laboratory services to the public. Such offices include, but are not limited to the following: advertising offices; business offices of private companies; business offices of utility companies, public or nonprofit agencies, and trade associations; employment agencies, excluding day labor and labor pool services; professional or consulting offices for accounting, architecture, design, engineering, landscape architecture, law, planning, and similar professions; property and financial management, and real estate; secretarial and telecommunication services; and travel agencies.

Pawn Shop means a business establishment that accepts goods or property owned by an individual in return for paying cash or loaning money for such property, and allowing redemption of such property.

Permitted Use means an activity or land use that may be subject to specific standards and criteria, which can be established without approval by the Town Commission or Town Staff.

Personal Services means an establishment providing services of a personnel nature that are necessary on frequent or recurring basis, but excluding those services specifically classified as an individual use. Personal services may include the accessory retail sale of items related to the service rendered. Personal services also include informational, instructional, personal improvement or services of a similar nature. Such services include, but are not limited to the following: art and music schools, beauty and barber shops, licensed massage therapists, manicurists, photography studios, etc.

Planner means an individual who is a member of the American Institute of Certified Planners (AICP) or is eligible for membership in AICP.

Retail and Commercial means an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as an individual use. Typical general retail uses include appliance sales, auto parts stores, boat and marine supply, boutiques, costume shops, mail and package services, linen shops, and specialty meat markets.

School, Post-Secondary means an institution offering either or both of the following: (1) academic training leading to an associate, undergraduate or graduate degree, or (2) technical or vocational training of a career nature, including administrative and secretarial skills, computer operations and repair, drafting, electronic equipment operations and repair, massage therapy, medical technology, nursing, physical therapy and other personal services.

Sign means a visual communication device used to convey a message to a viewer. A sign shall mean and include every advertising message, announcement, declaration, insignia, mural, surface, or space erected or maintained in view of an observer in order to identify, advertise, or promote any establishment, product, good, service, or the interests of any person or entity. A sign includes banners, flags, pennants, streamers, moving mechanisms, and light.

Sign Area means the actual area of a sign, advertisement, individual letters or symbols, graphics, message, logo, announcement, etc., enclosed by a series of straight lines and forming a polygon.

Sign, Awning means a sign painted on, printed on, or otherwise attached against the valance of an awning.

Sign, A-Frame/Sandwich Board means a temporary, two-sided sign that generally is hinged at the top, usually placed on a sidewalk or along a public right-of-way.

Sign, Balloon means an inflated, airborne sign used for advertising purposes on a temporary basis, and usually tied down to the ground or a building.

Sign, Banner means any sign constructed of fabric, plastic, or similar material that normally is freely waving, temporary in nature, and displayed outdoors, and containing advertising, information, lettering, etc.

Sign, Bench means advertising placed upon the front or back portions of a bench located on public or private property.

Sign, Billboard means any structure or framework for signs which advertises or announces merchandise, goods, services, entertainment, etc., that are sold, manufactured, produced, or furnished at a place other than the location on which the structure or framework is located.

Sign, Cabinet means a single faced sign enclosed in wood, plastic, metal or some combination thereof, normally mounted or installed upon a wall or facade, usually with four sides and the single sign face.

Sign, Changeable Copy means a sign whose informational content can be changed by manual, mechanical, or electronic means, or some combination thereof.

Sign, Electronic Message means a sign whose informational content can be changed by electronic means.

Sign, Freestanding means a sign placed in, upon, or supported by the ground, and not attached to any building or structure. Typical freestanding signs include, but are not limited

to, ground signs, monument signs, pylon signs, and pole signs.

Sign, General Product means a sign which advertises a product commonly available at a variety of commercial or retail establishments, including but not limited to alcoholic and non-alcoholic beverages, tobacco products, food products, candies, auto parts and accessories, clothes, etc.

Sign, Inflatable means an inflated sign that may be airborne or tethered to the ground or portion of a structure, used for advertising purposes on a temporary or permanent basis. An inflatable sign may be representational of a corporate logo, mascot, or advertising campaign.

Sign, Light Pole means a sign, banner, steamer, etc., mounted on a light pole or similar structure, approved by the Town Commission and installed by the Town, and providing holiday greetings, promotion for Town-sponsored or -approved public events.

Sign, Marquee means a sign attached to a marquee.

Sign, Menu means an outdoor display of a restaurant menu or offerings, attached to a wall or facade.

Sign, Neon means an illuminated wall sign, consisting principally of neon fixtures, which may indicate the name, logo, or similar information regarding the use of property which is advertised.

Sign, Off-premise means a sign which advertises or announces merchandise, goods, services, entertainment, etc., that are sold, manufactured, produced, or furnished at a place other than the location on which the structure or framework is located.

Sign, Painted Wall means a sign painted on a wall or facade of a building, visible from any public right-of-way.

Sign, Paper means a temporary sign, normally attached to a window, containing an advertisement or message intended to be viewed from the outside.

Sign, Parapet-mounted means a sign which is mounted or installed upon the parapet of a building.

Sign, Pennant means any sign constructed of fabric, plastic, or similar material that normally is freely waving, temporary in nature, and displayed outdoors, and containing distinctive colors, symbols, or patterns, and utilized as a means to attract attention.

Sign, Plastic Lettering means a sign which consists solely of plastic letters mounted or installed on a wall or facade of a building.

Sign, Political means a sign designed and used for the purpose of soliciting support for or opposition to a candidate or proposition at a public election.

Sign, Projecting means a sign located under a canopy, awning, arcade, or colonnade, which is viewed from overhead, and is attached to and projects perpendicularly from a building wall or facade.

Sign, Roof-mounted means a sign mounted or installed on or above a roof or parapet, and is completely or partially supported by the building.

Sign, Snipe means a sign made of any type of material, including but not limited to wood, paper, plastic, cardboard, and metal, which is attached to trees, poles, fences, etc.

Sign, Stab means a sign, mounted on angle iron or similar material, typically placed in the ground along public rights-of-way, announcing or advertising an establishment, goods or service, real estate for sale, real estate development, or political candidate or proposition.

Sign, Special Events means a temporary sign advertising or announcing any civic, patriotic, or special event of public interest.

Sign, Streamer means any sign constructed of fabric, plastic, or similar material that normally is freely waving, temporary in nature, and displayed outdoors, and containing distinctive colors, symbols, or patterns, and utilized as a means to attract attention.

Sign, Temporary means a sign installed for a limited period of time, and not constructed or intended for long-term use, including flags, banners, streamers, pennants, etc.

Sign, Wall means a sign installed, attached, painted, or otherwise affixed parallel to the wall or facade of a building, including murals or similar graphics.

Sign, Window means signs painted on, or hung inside or adjacent to a window, and intended to be viewed from the outside.

Substantial renovation means either of the following: (A) repair, rehabilitation, restoration, reconstruction, alteration, expansion, or similar improvement, in a calendar year, in excess of fifty percent (50%) of the value of the improvements of the property, as determined by the most recent certified tax roll prepared by the Palm Beach County Tax Collector; or (B) repair, rehabilitation, restoration, reconstruction, alteration, expansion, or similar improvement, over three (3) calendar years, in excess of fifty percent (50%) of the value of the improvements of the property, as determined by the most recent certified tax roll prepared by the Palm Beach County Tax Collector.

Theater, Indoor means an enclosed building which offers to the public live performances or motion pictures.

Thrift /Used Merchandise/Junk Store means a retail establishment, including a flea market, which sells ordinary used, secondhand, or junk merchandise, including but not limited to vehicular or marine engine and body parts, books, clothes, electronic and mechanical equipment and parts, furniture, household goods, jewelry, shoes, tools of all kinds, toys, etc., that are donated, purchased or otherwise acquired for resale.

Town means Town of Lake Park.

Town Manager means the duly appointed Town Manager of the Town of Lake Park or designee.

Waiver means a relaxation in property development regulations or other numeric or dimensional standards, including setbacks, lot coverage, height, number of parking spaces, etc., that may be granted by the Town Commission upon a showing of hardship or unique circumstances.

(3) ***Consistency with Comprehensive Plan.*** All land uses, structures, and related activities associated with property within the Park Avenue Downtown District shall be consistent with the Town of Lake Park Comprehensive Plan.

(4) ***Applicability.*** The provisions of this Section shall apply in any area zoned Park Avenue Downtown District by the Lake Park Town Commission, as indicated on the Official Zoning Map.

(5) ***Permitted and Conditional Uses.*** Permitted and conditional uses within the Park Avenue Downtown District are established by Table 32-50-1.

a. ***Conformance with Table 32-50-1.*** Following the effective date of this Section, the use of all new or existing buildings, structures, and properties shall conform with the requirements of Table 32-50-1.

b. ***Prohibited uses.*** Any use not listed as a permitted or conditional use in Table 32-50-1 or not recognized as a similar use is a prohibited use and may not be established in the Park Avenue Downtown District.

c. ***Similar uses.*** A use not listed in Table 32-50-1, but possessing similar

characteristics, such as size, intensity, density, operating hours, business practices, etc., may be established subject to development approval as established by this Section. The determination of the nature of such use shall be made by the Town Manager. Appeals of such determinations shall be made to the Town Commission.

- d. ***Utilities required.*** All uses within the Park Avenue Downtown District shall connect with water and sewer service prior to receiving an occupational license.

- e. ***Accessory uses.*** Uses customarily incidental and subordinate to the principal uses allowed by Table 32-50-1 and located within the same building or lot are permitted. An accessory use shall comply with all requirements applicable to the principal use. If a structure comprises all or part of a permitted accessory use, such structure shall be consistent with the architectural style, color, materials, etc., of the principal structure and use.

- f. ***Applicability of additional standards.*** The additional standards noted in the right-hand column of Table 32-50-1 shall apply to each use as indicated, in addition to any other requirements of this Section or this Code.

(6) ***Regulated Activities.*** The provisions of this Section shall apply to all requests for development approval within the Park Avenue Downtown District.

- a. ***Development approvals.*** The following categories of development approval are established:
 - 1 all requests for development approval to establish a permitted or conditional use;

- 2 all buildings and structures constructed, expanded, or altered following adoption of this Section;
- 3 all land uses, uses of structures and property, and accessory uses established following adoption of this Section;
- 4 all existing land uses, uses of structures and property, and accessory uses legally established prior to adoption of this Section as provided by this Section and Article VII of Chapter 32 of the Lake Park Code; and
- 5 all substantial renovation of any existing building or structure located within the Park Avenue Downtown District.

b. ***Appeals.*** Appeals of any decision by the Building Official regarding a determination of the exact valuation of any proposed substantial renovation of any existing building or structure shall be made to the Board of Adjustment subject to Section 7-92 of this code.

c. ***Development review.*** Review of all proposed development, or establishment of a new use, or change of use within the Park Avenue Downtown District shall occur as provided herein.

d. ***Authority to file.*** An application for development approval may be filed by the following:

- 1 the owner/owners of the property;
- 2 an individual, corporation, trustee, etc., authorized by the owner to file such application; and

e. ***Permitted and conditional uses.*** Any use classified by Table 32-50-1 as a "Permitted" or "Conditional Use" by this Section shall be subject to the development review procedure provided herein and shall:

- 1 conform to the requirements of this Section;
- 2 conform to the requirements of this Code;
- 3 obtain any necessary development order required by this Section;
- 4 conform to any applicable requirement of a prior development order issued by the Town;
- 5 obtain, if necessary, a building permit;
- 6 complete all requirements of the building permit;
- 7 apply for and obtain any other necessary permits issued by other governmental
- 8 agencies; and
- 9 obtain required occupational licenses from the Town and Palm Beach County.

f. ***Application materials and fees.*** Application materials required by this Section shall be submitted in a form and in such numbers as required by Table 32-50-2. Applications shall be accompanied by such fees as determined by the Town Commission. Fees shall be required for all applications, excluding those applications filed by the Town. The content of application materials shall be determined by the Town Manager.

g. ***Sufficiency of applications.*** Upon receipt of an application, the Town Manager shall determine if an application is sufficient for development review. This determination

shall be made within ten (10) days of application filing. If an application is determined to be insufficient, the applicant shall be notified of the deficiencies in writing by the Town Manager. An application deemed insufficient shall not be processed until all deficiencies are corrected. Absent good faith efforts to correct any deficiencies, an application shall be considered withdrawn when the deficiencies are not corrected within thirty (30) days. If an application is withdrawn, it shall be returned to the applicant.

h. **Consolidated applications.** Consolidated applications, which request simultaneous consideration of other applicable development approvals from the Town, are encouraged.

(7) **Agency Review.** As part of the Town's overall development review process, the Town Manager may distribute the application and supporting materials to such Town departments and other governmental agencies as deemed necessary for a complete review. Comments from other departments or agencies shall be solicited, and shall be included within any report prepared by the Department.

(8) **Permitted Uses.** The provisions of this Section shall apply to any use classified by Table 32-50-1 as a permitted use.

a. **Application.** If necessary, an application for a building permit shall be filed with the Community Development Department. If a building permit is required, an application for an occupational license shall be filed with and approved by the Community Development Department prior to issuance of a certificate of occupancy. If a building permit is not required, an application for an occupational license shall be filed with and approved by the Department of Community Development, prior to commencement of

the use or activity. Occupational licenses shall be filed, reviewed, and approved subject to Chapter 13 of this code.

b. ***Community Development Department review.*** The Community Development Department shall review the application for a building permit or occupational license to ensure compliance with the requirements of this Section and this code, and to determine if any other governmental permits are required prior to establishment of a proposed use.

c. ***Review criteria.*** An application for establishment of a permitted use shall comply with the criteria listed below:

- 1 conformance with the requirements of this Section, including any standards contained in Table 32-50-1, and applicable architectural, landscaping, parking, or supplemental standards;
- 2 conformance with the requirements of this Code;
- 3 conformance with applicable requirements of a prior development order issued by the Town;
- 4 conformance with all requirements of any other governmental agencies; and
- 5 conformance with occupational licenses from the Town and Palm Beach County.

d. ***Appeals.*** Appeals of a decision regarding establishment of a permitted use by the Town Manager shall be heard by the Town Commission.

(9) ***Administrative Approvals.*** The provisions of this Section shall apply to any use classified by Table 32-50-1 as requiring Administrative Approval.

- a. **Applications.** Applications for Administrative Approvals shall be filed with the Community Development Department.
- b. **Community Development Department review.** The Town Manager shall review each application for administrative approval within fourteen (14) days of a determination of application sufficiency pursuant to Section 32-50(6)g. Prior to expiration of the thirty (30) day period, the Town Manager may approve or deny the application, or approve the application with conditions consistent with the requirements of this Section. The Town Manager's action shall be consistent with all standards and criteria of this Section and this Code.
- c. **Review criteria.** An application for Administrative Approval shall comply with the criteria listed below:
- 1 conformance with the requirements of this Section, including any standards contained in Table 32-50-1, and applicable architectural, landscaping, parking, or supplemental standards;
 - 2 conformance with the requirements of this Code;
 - 3 conformance with applicable requirements of a prior development order issued by the Town;
 - 4 conformance with all requirements of any other governmental agencies; and
- d. **Appeals.** Appeals of a decision regarding an Administrative Approval by the Town Manager shall be heard by the Town Commission.

(10) **Conditional Uses.** The provisions of this Section shall apply to any use classified by Table 32-50-1 or this Section as a Conditional Use.

a. **Application.** Applications for Conditional Use approval shall be filed with the Community Development Department.

b. **Public notice.** Notice of public hearing shall be provided by the Community Development Department pursuant to Section 32-105 of this code.

c. **Community Development Department review.** The Town Manager shall review each application for Conditional Use approval subject to the applicable criteria and standards of this Code and Section. Subject to a determination of application sufficiency pursuant to Sec. 32-50(6)g, the application shall be scheduled for consideration by the Town Commission. There shall be at least twenty one (21) days between a sufficiency determination and consideration by the Town Commission. The Town Manager shall provide a report to the Town Commission recommending approval or denial of the application, or approval of the application with conditions.

d. **Town Commission public hearing.** The Town Commission shall hold a public hearing to consider the request for Conditional Use Approval. The Town Commission shall consider the review criteria of Sec. 32-50(10)f of this code, and approve or deny the application, or approve the application with conditions.

d. **Planning and Zoning Board.** The Town Commission, prior to any final decision, may refer an application for Conditional Use Approval to the Planning and Zoning Board. The Planning and Zoning Board shall provide to the Town Commission an advisory

recommendation subject to the review criteria of Section 32-50(10) of this Code. The Planning and Zoning Board recommendation shall be made within forty-five (45) days after the application is referred for review.

e. **Review criteria.** An application for Conditional Use Approval shall comply with the criteria listed below:

- 1 conformance with the requirements of this Section, including any standards contained in Table 32-50-1, and conformance with applicable architectural, landscaping or parking standards if there is new construction or substantial renovation associated with the application;
- 2 conformance with the requirements of this Code;
- 3 conformance with applicable requirements of a prior development order issued by the Town;
- 4 conformance with all requirements of any other governmental agencies; and
- 5 conformance with occupational licenses from the Town and Palm Beach County.

(11) **New Construction or Substantial Renovation.** The provisions of this Section shall apply to the following: construction of any new building or structure more than 2,500 square feet in size, any substantial renovation of an existing structure, and any new structure or expansion of an existing structure in excess of two (2) stories or twenty-five (25) feet in height. New construction and improvements of this nature shall be classified as a conditional use, subject to Town Commission approval as provided herein.

a. **Application.** Applications for development shall be filed with the Community Development Department.

- b. **Public notice.** Notice of public hearing to permit the construction shall be provided by the Community Development Department pursuant to Section 32-105 of this code.
- c. **Community Development Department review.** The Town Manager shall review each application for development subject to the applicable criteria and standards of this Code and Section. Subject to a determination of application sufficiency pursuant to Sec. 32-50(6)g, the application shall be scheduled for consideration by the Planning and Zoning Board. There shall be at least twenty-one (21) days between a sufficiency determination and consideration by the Planning and Zoning Board. The Town Manager shall provide a report to the Planning and Zoning Board recommending the Board approve or deny the application, or to approve the application with conditions.
- d. **Planning and Zoning Board public hearing.** The Planning and Zoning Board shall hold a public hearing on the request for development approval. The Planning and Zoning Board shall consider the criteria listed in Sec.32-50(11)f, and present an advisory recommendation to the Town Commission for approval or denial of the application, or approval of the application with conditions.
- e. **Town Commission public hearing.** Following action by the Planning and Zoning Board, the Town Commission, at its next available meeting, shall hold a public hearing to consider the request for development approval. The Town Commission shall consider the review criteria of Sec. 32-50(11)f of this code, and approve or deny the application, or approve the application with conditions.

f. **Review Criteria.** An application for development approval shall comply with the criteria listed below:

- 1 conformance with the requirements of this Section, including any standards contained in Table 32-50-1 and any applicable architectural, landscaping or parking standards;
- 2 conformance with the requirements of this Code;
- 3 conformance with applicable requirements of a prior development order issued by the Town;
- 4 conformance with all requirements of any other governmental agencies; and
- 5 conformance with occupational licenses from the Town and Palm Beach County.

(12) **Waivers.** The provisions of this Section shall apply to any application to waive parking, signage, landscaping, height, property development regulations, district regulation, and certain other identified standards contained in Section 32-50. The intent of this Section is to allow the Town Commission to be the sole decision maker regarding uses and structures within the Park Avenue Downtown District.

a. **Prohibited waivers.** The Town Commission shall not grant a waiver that would allow a use to be established that is otherwise prohibited by this Section. The Town Commission shall not grant a waiver to the standards required in Table 32-50-1.

b. **Application.** Applications for Waiver Approval shall be filed with the Community Development Department.

c. **Public notice.** Notice of public hearing shall be provided by the Community Development Department pursuant to Section of this code.

- d. ***Community Development Department review.*** The Town Manager shall review each application for Waiver Approval subject to the criteria of Sec. 32-50(12)g. Subject to a determination of application sufficiency pursuant to Sec. 32-50(6)g, the application shall be scheduled for consideration by the Planning and Zoning Board. There shall be at least thirty (30) days between a sufficiency determination and consideration by the Planning and Zoning Board. The Town Manager shall provide a report to the Planning and Zoning Board recommending the Board approve or deny the application, or to approve the application with conditions.
- e. ***Planning and Zoning Board public hearing.*** The Planning and Zoning Board shall hold a public hearing on the request for Waiver Approval. The Planning and Zoning Board shall consider the criteria of Sec. 32-50(12)g, and present an advisory recommendation to the Town Commission for approval or denial of the waiver.
- f. ***Town Commission public hearing.*** Within sixty (60) days following action by the Planning and Zoning Board, the Town Commission shall hold a public hearing to consider the request for Waiver Approval. The Town Commission shall consider the review criteria of Sec. 32-50(12)g, and approve or deny the waiver, or approve the waiver with conditions.
- g. ***Review criteria.*** An application for Waiver Approval shall comply with a preponderance of the criteria listed below:
- 1 the application is consistent with the comprehensive plan;
 - 2 the application is consistent with the intent of this Section;

- 3 the application furthers the Town's goal to establish a neighborhood- and
community-serving urban center;
- 4 the application furthers the Town's goal to create a pedestrian-friendly
environment;
- 5 the application furthers the architectural and site design elements of this Section;
- 6 the application demonstrates that special conditions and circumstances exist which
are peculiar to the land, structure or building involved or proposed, and which are
not applicable to other lands, structures, or buildings in the Park Avenue
Downtown District;
- 7 the application demonstrates that the special conditions and circumstances do not
result from the actions of the applicant;
- 8 the application demonstrates that granting the waiver requested will not confer
upon the applicant any special privilege that is denied by this Section to other
lands, buildings, or structures in the Park Avenue Downtown District;
- 9 the application demonstrates that literal application of the provisions of this Section
would deprive the applicant of rights commonly enjoyed by other properties within
the Park Avenue Downtown District;
- 10 the application demonstrates that the waiver requested is the minimum waiver that
will make possible the reasonable use of the land, building, or structure;
- 11 the application demonstrates the request for waiver is not based solely upon
economic reasons; and
- 12 the application demonstrates the request for waiver will be in harmony with the
general intent and purpose of this Section, and that such waiver or waivers will not
be injurious to the area involved or otherwise detrimental to the public health,
safety, and welfare.

h. ***Additional waiver criteria for parking.*** The presence of on-street or alley parking adjacent to a property may be used as criterion to justify reduction of onsite parking requirements.

(13) ***Property Development Regulations.*** The property development regulations listed in Table 32-50-3 shall apply within the Park Avenue Downtown District.

(14) ***Supplemental District Regulations.*** The following regulations shall apply to all uses and structures within the Park Avenue Downtown District.

a. ***Screening of dumpsters and similar containers.*** Dumpsters and similar containers, including recycling bins, compactors, etc., shall be screened in a manner consistent with the requirements of the Town of Lake Park (see Figure1). Dumpster and container screening enclosures shall be constructed in a manner consistent with the architectural style, color, materials, etc., of the principal use. Dumpsters and similar containers shall be located only at the rear of a building or structure.

b. ***Screening of mechanical equipment.*** Roof-, wall-, and ground-mounted mechanical equipment shall be screened from public view. Mechanical equipment screening enclosures or structures shall be constructed in a manner consistent with the architectural style, color, materials, etc., of the principal use. All mechanical equipment shall be located only at the rear of a building or structure.

- c. ***Walkways.*** All new construction or substantial renovation of existing buildings and structures shall include one or more clearly delineated walkways from the public sidewalk to the private sidewalk, arcade, pedestrian way, etc. Walkways shall be constructed in a manner acceptable to the Town Manager. Walkways shall be constructed of materials consistent with or complementary to the public walkways or sidewalks installed along Park Avenue by the Town. Examples of other complementary materials include paver blocks or alternative style or color, new and used brick, and concrete stamped with a pattern.
- d. ***Awnings, Window and Door.*** Awnings above windows or doors may be constructed of plastic or canvas fabric and be solid or striped, and reflect a variety of colors, including white, black, and light or dark blue, red, green, and brown. Backlit awnings are subject to the approval of the Town Manager.
- e. ***Alley screening walls.*** All new construction or substantial renovation of existing buildings and structures shall construct or reconstruct a solid masonry or concrete wall eight (8) feet in height. The wall shall be located along the opposite side of that portion of the alley that is coterminus with the rear property line of the parcel being improved. Chain link and wooden fences are prohibited. Alley screening walls shall be constructed in a manner consistent with requirements adopted by the Town of Lake Park.
- f. ***Security bars, shutters, gates, and awnings.*** The use of security bars, shutters, gates, awnings, and related equipment visible from a public right-of-way is prohibited. Buildings constructed in the Mediterranean Revival architectural style may install

wrought iron window grilles or similar features, subject to approval by the Town Manager. The Town Manager may approve security devices which are consistent with an alternative architectural style as permitted by this Section.

- g. **Storage.** Outdoor storage of goods, materials, and equipment is prohibited. Indoor storage of goods, materials, and equipment visible from public or private sidewalks or public rights-of-way is prohibited. Indoor storage of goods, materials, and equipment is prohibited except as an accessory to the principal use of the structure. This section does not prohibit the display of merchandise in retail businesses.

- h. **Underground utilities.** The Town Commission may require existing overhead utilities to be placed underground when located on property subject to new construction or substantial renovation. The underground installation shall occur in a manner acceptable to the Town Manager.

- i. **Ground floor windows.** The windows of all ground floor businesses open to the public shall remain clear of curtains, shutters, or similar visual barriers which would obscure interior displays, activities, etc.

- j. **Sight triangles.** Land within the Park Avenue Downtown District is exempt from the requirements of Section 24-31 of this Code regarding sight triangles for public rights-of-way intersecting with Park Avenue.

- j. **Alley deliveries.** Deliveries of merchandise and goods shall be limited to the hours of 7:00 a.m. to 7:00 p.m. along all portions of the alley abutting a residential zoning district.

- k. ***Drive-in/Drive-through facilities.*** Drive-in or drive-through facilities are prohibited for any use within the Park Avenue Downtown District.

- l. ***Outdoor lighting.*** Freestanding outdoor lighting shall be installed in a manner consistent with requirements and specifications adopted by the Town of Lake Park. Wall-mounted outdoor lighting fixtures shall be consistent with the architectural style of the principal structure. Outdoor lighting shall comply with Chapter 7 of this Code, relating to safety and security.

- m. ***Public telephones.*** Wall-mounted and freestanding public telephones visible from a public right-of-way shall be fully or partially enclosed in a manner consistent with design requirements adopted by the Town.

- n. ***Vending machines.*** Vending machines dispensing beverages, food, ice, and related consumer products shall not be visible from a public right-of-way. Vending machines may be located in outdoor enclosures, provided such enclosures are constructed utilizing the same architectural style, materials, colors, etc., as the principal structure. All vending machines currently located within the Park Avenue Downtown District shall comply with this requirement within one hundred eight (180) days of the effective date of this ordinance.

- o. ***Minor improvements*** Minor improvements shall be consistent with applicable requirements of this Section, and are subject to approval by the Town Manager.

p. ***Exterior improvements.*** Exterior improvements which involve complete or partial removal, renovation, alteration, addition, demolition, etc., to the walls or facades of existing buildings shall be accompanied by architectural elevations. This requirement may be waived by the Town Manager for projects which are of minimal impact.

q. ***Enclosed buildings.*** All principal uses within the Park Avenue Downtown District shall occur within enclosed buildings or structures. This requirement shall not apply to permitted accessory uses such as outdoor seating or outdoor display of merchandise, mechanical equipment, dumpsters and related refuse disposal equipment, or other uses incidental and subordinate to the principal use. All unenclosed principal uses currently within the Park Avenue Downtown District shall comply with this requirement within one hundred eight (180) days of the effective date of this ordinance.

(15) ***Off-Street Parking and Loading.*** Parking and loading requirements for the Park Avenue Downtown District are provided herein.

a. ***Parking and loading requirements.*** Parking and loading requirements for all uses within the Park Avenue Downtown District are established by Table 32-50-4. As provided in Sec. 32-50(12), the Town Commission may grant a waiver from the required number of parking and loading spaces.

b. ***Loading spaces.*** Loading spaces shall not be located along Park Avenue or other public rights-of-way, excluding alleys. The Town Manager may approve a loading space located completely or partially in the public portion of an alley, provided such location will not adversely affect vehicular circulation.

c. *Shared Parking.* The Town Commission may, as part of an approval of a new or expanded use, new construction, substantial renovation, or alteration or expansion of an existing site, approve the use of shared parking to reduce overall parking requirements. The basis for approval of an application to establish shared parking includes the factors listed below.

1. Use of a building or structure for two or more uses which possess complementary, rather than competing, peak hours of usage.
2. Preparation, in a professionally accepted manner, of a shared parking study by a qualified professional engineer, architect, or planner.
3. Execution of an agreement, in a form acceptable to the Town, between the owners and tenants of buildings or structures affected by the shared parking. This agreement shall include the following:
 - (a) provide the Town a means to re-address the shared parking in the event future parking problems or changes in use occur;
 - (b) provide a legal description of the land and structures affected;
 - (c) provide for a term of at least five (5) years;
 - (d) provide a site plan to indicate uses, hours of operation, parking, etc.; and assure the availability of all parking spaces affected by the agreement.
4. The amount of parking provided pursuant to a shared parking agreement shall be determined as follows:
 - (a) multiply the individual uses by the minimum required parking percentages per time period as contained in the five (5) vertical columns of Table 32-50-5;
 - (b) add the sum of the calculations; and
 - (c) the required parking is the largest number of spaces resulting from the calculations.

d. **Offsite parking.** The Town Commission may, as part of an overall approval of new construction, substantial renovation, alteration or expansion of an existing site, or change in use of a new or existing site, approve the use of off-site parking to comply with parking requirements. The basis for offsite parking approval includes the factors listed below.

1. Location of offsite parking within the Park Avenue Downtown District or any property with the following zoning districts: Business District C1, Business District C2, Business District C4, and Campus Light Industrial & Commercial District CLIC.

2. Offsite parking shall not be permitted in any residential zoning district.

3. Execution of an agreement, in a form acceptable to the Town, between the owners and tenants of buildings or properties affected by the parking. This agreement shall including the following:

(a) clearly identify the number and location of parking spaces included within the agreement;

(b) provide the Town a means to re-address the offsite parking in the event future parking problems or changes in use;

(c) provide a legal description of the land, structures, and properties affected;

(d) provide a site plan to indicate how the offsite parking is to be located on the site, landscaping, lighting, etc.;

(e) provide for a term of at least five (5) years;

(f) assure the availability of all parking spaces affected by the agreement; and

(g) provide a survey or other acceptable documentation indicating the offsite parking spaces are within at least 600 lineal feet of the affected use; and

(h) provide a statement, if necessary, indicating manner in which the offsite parking agreement will not adversely affect the use of parking spaces by the principal use of the property.

e. ***Valet parking.*** The Town Manager may authorize the use of valet parking for any use within the Park Avenue Downtown District. Valet parking services shall not utilize public parking spaces. Valet parking shall not utilize more than fifty percent (50%) of the onsite parking of a use providing such service. A request to establish valet parking shall contain the following information:

- 1 the location of the valet parking booth or area;
- 2 the location and number of private parking spaces to be utilized for valet parking;
- 3 evidence that the business owns the parking spaces proposed for valet use or a copy of any agreement, lease, etc. which provides the business with the right to use spaces owned by another individual or entity for valet parking.
- 4 the impact of the valet parking service on users who do not patronize the service;
- 5 the hours of operation;
- 6 location and text of any signage associated with the valet parking spaces; and
- 7 buffering or screening that is necessary to mitigate any visual or noise-related impacts on any adjacent residential properties.

f. ***Parking dimensions.*** The minimum dimensions for parking spaces, travel aisles, etc., shall conform to requirements as indicated on Table 32-50-6 and Figure 32-50-1.

g. ***Through traffic/street closure.*** The Town may consider requests by adjacent commercial property owners to eliminate through traffic along those portions of Seventh,

e. ***Valet parking.*** The Town Manager may authorize the use of valet parking for any use within the Park Avenue Downtown District. Valet parking services shall not utilize public parking spaces. Valet parking shall not utilize more than fifty percent (50%) of the onsite parking of a use providing such service. A request to establish valet parking shall contain the following information:

- 1 the location of the valet parking booth or area;
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- 3 evidence that the business owns the parking spaces proposed for valet use or a copy of any agreement, lease, etc. which provides the business with the right to use spaces owned by another individual or entity for valet parking.
- 4 the impact of the valet parking service on users who do not patronize the service;
- 5 the hours of operation;
- 6 location and text of any signage associated with the valet parking spaces; and
- 7 buffering or screening that is necessary to mitigate any visual or noise-related impacts on any adjacent residential properties.

f. ***Parking dimensions.*** The minimum dimensions for parking spaces, travel aisles, etc., shall conform to requirements as indicated on Table 32-50-6 and Figure 32-50-1.

g. ***Through traffic/street closure.*** The Town may consider requests by adjacent commercial property owners to eliminate through traffic along those portions of Seventh, Eighth, and Ninth Streets located within the Park Avenue Downtown District. Elimination of through traffic may be used as a means to provide additional on-street parking. Street closures shall be approved based upon such factors as the following:

- 1 provision of emergency services would not be adversely affected;

- 3 balloon signs;
- 4 banners;
- 5 bench signs;
- 6 billboards;
- 7 cabinet signs;
- 8 changeable copy signs, excluding signs for activities whose principal use involves changes in performances, such as live theaters, movie theaters, comedy clubs, etc;
- 9 electronic message signs;
- 10 flags, excluding American, State of Florida, and Town of Lake Park flags as approved by the Town Manager;
- 11 freestanding signs, including monument signs, pole signs, and pylon signs;
- 12 general product signs;
- 13 inflatable signs;
- 14 marquee signs, unless otherwise provided herein;
- 15 neon used to outline windows, buildings, doors, etc;
- 16 off-premise signs;
- 17 painted wall signs, with the exception of murals that are commissioned by the Town depict historic scenes of Lake Park and;
- 18 paper signs attached directly to a window or other surface, including "open," "closed," or similar signs;
- 19 parapet-mounted signs;
- 20 pennants and streamers;
- 21 plastic lettering attached directly to a surface;
- 22 roof-mounted signs;
- 23 signs which involve moving or rotating parts, intermittent lights, animation, time and temperature display, or similar movements;

- 24 signs which emit smoke, sounds, odors, or any other visible matter;
- 25 snipe signs;
- 26 stab signs;
- 27 string lights, unless otherwise provided herein;
- 28 temporary signs, with the exception of real estate signs that advertise property for sale or space for lease; and
- 29 vending machines with product names, logos, lettering, etc., visible from a public right-of-way.

b. ***Permitted signs.*** The following types of signs are permitted within the Park Avenue

Downtown District:

- 1 awning signs;
- 2 light pole signs;
- 3 menu signs;
- 4 neon signs utilizing a business name or logo;
- 5 political signs;
- 6 projecting signs;
- 7 special events signs;
- 8 wall signs; and
- 9 window signs.

c. ***Size and location of permitted signs.*** The size, location, copy, and other limits of permitted signs are indicated in Table 32-50-7.

d. ***Master sign plan.*** A master sign plan approved by the Town Commission may further limit the number, size, location, color, copy, etc., of signs permitted for a specific use or

structure. A master sign plan for any new structure containing more than one use shall be required. Any application for substantial renovation of an existing structure containing more than one use shall include a master sign plan.

e. ***Design requirements.*** Signs installed within the Park Avenue Downtown District shall:

- 1 be consistent with the colors, materials, and architectural style of the building to which they are attached;
- 2 be of a scale that is consistent with the building to which they are attached;
- 3 not contain excessive illumination or ornamentation.

f. ***Illumination.*** Illumination for permitted signs shall be provided by indirect lighting.

- 1 Indirect lighting for signs shall be provided by “goose neck” fixtures, or other architecturally compatible equipment or fixtures.
- 2 Use of back-lit signs and awnings is prohibited, unless backlit awnings are approved by the Town Manager.

g. ***Sign removal.*** The face or copy of a sign or signs which advertise a business, product, service, or other use of property that has ceased such business or activity for more than thirty consecutive (30) days shall be removed and replaced with blank faces or appropriate light shields.

h. ***Nonconforming signs.*** The provisions of this Section shall apply to all signs constructed or installed prior to the effective date of this ordinance. All such signs are considered nonconforming signs. A sign illegally constructed or installed prior to the effective date of this ordinance shall continue to be considered an illegal sign.

- 1 Illegally constructed or installed signs shall be removed immediately or be the subject of code enforcement action by the Town of Lake Park.
- 2 Nonconforming signs may be repaired and maintained subject to Section 24-55 of this code.
- 3 The sign face or copy of a nonconforming sign may be replaced when a change occurs affecting a business, product, service, or other use of property.
- 4 By August 6, 2002, five (5) years after the date of adoption of the Town Core Commercial zoning district, all nonconforming signs shall be removed or brought into compliance with the requirements of this Section.
- 5 Within sixty (60) days following the effective date of this ordinance, the Town shall notify all property owners of the revised sign requirements and of the requirement to remove nonconforming signs or bring such signs into conformity.
- 6 A property owner or tenant may appeal to the Town Commission for a time extension or waiver from the requirement to remove a nonconforming sign or signs. An application to request a time extension or waiver from the sign removal requirement shall contain the following information:
 - (a) the name and address of the property owner;
 - (b) a survey or other similar document indicating the specific location and size of the affected sign;
 - (c) a copy of the building permit for the affected sign;
 - (d) a certified estimate of installation costs;
 - (e) a certified estimate of replacement costs;
 - (f) how the request for time extension or waiver complies with the waiver criteria contained in Sec. 32-50(12)g;
 - (g) other information in support of the request; and

(h) the additional amount of time requested prior to or waiver from removal of the sign.

7 The Town Commission may grant a waiver from the removal requirement, grant the entire time extension requested, grant a partial time extension, or deny the request. The waiver criteria contained in Sec. 32-50(12)g shall be utilized by the Town Commission when making its decision.

(17) **Landscaping.** The provisions of this Section are established to provide the Park Avenue Downtown District with landscaping that reinforces the visual features of the entire district, recognizes and provides shelter from the area's climatic characteristics, reinforces and is consistent with the architectural style of the area, and encourages pedestrian movement.

a. **Alleys.** Alleys shall be landscaped consistent with the Town-installed Greenbrier Court demonstration project, or similar plan as adopted by the Town Commission.

b. **Parking lots.** Parking lots, whether a principal or accessory use, shall provide landscaping consistent with the requirements of this Section.

1 A landscape buffer, at least five (5) feet in width shall be provided along all sides of the parking lot, excluding that side or sides which abut a building. Unless approved by the Town Manager, the landscape buffer shall not be utilized for drainage purposes. One or more pedestrian walkways may be provided through the landscape buffer. A waiver to the minimum landscape buffer may be requested pursuant to Section 32-50(12) if such buffer may reduce the number of parking spaces on a property.

2 The landscape buffer shall be protected from vehicular encroachment through the use of curbs or wheel stops.

- 3 The design of the parking lot shall be approved by the Town Manager.
- 4 Canopy trees shall be installed in the landscape buffer at a maximum of thirty (30) feet on center. The canopy trees, at maturity, shall be of a species which possess an average spread of at least twenty-five (25) feet and a clear trunk of at least five (5) feet. The Town Manager may approve the use of trees with a lesser mature canopy, provided that groupings of such species are utilized to achieve the average spread.
- 5 Within the landscape buffer, a group of three palm (3) trees may be substituted for one required canopy tree. Palms must attain a minimum twelve (12) feet in height at maturity. Palms must be resistant to lethal yellowing. Not more than fifty percent (50%) of the required canopy trees may be replaced by palm trees.
- 6 Within the landscape buffer, a hedge shall be installed at a minimum of two (2) feet in height and two (2) feet on center. Within two years, the hedge shall attain a minimum height of three (3) feet.
- 7 At least one planter island for each ten (10) parking spaces shall be provided. In addition, planter islands shall be located at each end of each row of parking. Planter islands shall be a minimum of seventy-five (75) square feet in area. The Town Manager may approve the use of landscape diamonds for interior parking lot tree planting, excluding islands at the end of parking rows. Each planter island shall contain at least one canopy tree for each 100 square feet of area or fraction thereof, in addition to shrubs and ground cover. Landscape diamonds shall be at least sixteen (16) square feet in size.
- 8 All landscaping buffers and islands within a parking lot shall be irrigated.
- 9 When accessory parking lots are installed as part of new construction or substantial renovation, the overall landscape plan for the principal structure and parking lot shall be consistent.

10 At least fifty percent (50%) of the landscape materials within a parking lot shall conform to the materials installed by the Town as part of the Park Avenue improvements. The remaining materials may be selected from the list in Sec.32-50(17)c10.

c. ***New construction and substantial revision.*** New construction or substantial renovation shall conform to the requirements of this Section.

1 ***Area to be landscaped.*** At least ten percent (10%) of the total lot area, excluding any area utilized for required parking, shall be landscaped.

2 ***Waiver of required landscaping.*** Town Commission may grant a waiver, subject to the criteria of Section 32-50(12)g, to the ten percent (10%) landscaping requirement.

3 ***Landscaping concept.*** There are no minimum planting, buffer, or other similar requirements. It is the Town Commission's intent that landscaping be provided in a manner that:

(a) is consistent with the landscaping and materials installed by the Town along Park Avenue;

(b) is consistent with the pedestrian-orientation of the Park Avenue Downtown District;

(c) is consistent with the landscape principles for urban landscaping in this climate; and

(d) is consistent with, and enhances, the overall architectural style of the Park Avenue Downtown District.

4 ***Overall landscaping.*** The required area to be landscaped may include any of the following:

(a) entry features;

- (b) massing of landscaping to produce focal points;
- (c) foundation plantings;
- (d) trellises, arbors, and similar structures;
- (e) planter and flower boxes;
- (f) freestanding planters and pottery;
- (g) sidewalk plantings;
- (h) landscaped courtyards, loggias, patios, and similar open areas available for public use;
- (i) materials installed within publicly-owned lands; and
- (j) materials installed at other locations that will benefit the public, pedestrians, and the overall appearance of the Park Avenue Downtown District.

5 ***Approval of landscape plans.*** Unless otherwise directed by a development approval granted by the Town Commission, all landscape plans shall be approved by the Town Manager.

6 ***Preparation and content of landscape plans.*** All landscape plans shall be prepared by a landscape architect licensed by the State of Florida. Landscape plans shall include the following elements:

- (a) location of all plant material;
- (b) quality of all plant material;
- (c) quantity of all plant material;
- (d) average size of all plant material;
- (e) spacing of all plant material;
- (f) name of all plant material, both common and botanical;
- (g) mulching to be utilized;
- (h) fertilizing to occur;

- (i) planting area preparation;
- (j) location of underground and above-ground utilities, easements, drainage proposed within landscaped area, and other similar improvements affecting the plant material;
- (k) approximate elevation of landscaped areas;
- (l) location of proposed improvements;
- (m) description of general installation techniques to be utilized;
- (n) planting details for trees, palms, shrubs, ground cover, turf, grass, etc.;
- (o) planting details for planting boxes, pottery, etc.;
- (p) location of proposed paving;
- (q) location of proposed walkways from public rights-of-way;
- (r) location of proposed building pass-throughs from the alley to front of buildings;
- (s) location of proposed parking areas, vehicular circulation, and access to public rights-of-way;
- (t) statement regarding proposed irrigation design and equipment specifications;
- (u) statement, if applicable, regarding compatibility of trees and palms with overhead power lines; and
- (v) other information as may be required by the Town.

7 ***Installation, maintenance, and plant material quality.*** Installation, maintenance, and plant material quality of all landscape materials shall be consistent with Article VIII of this code.

8 ***Materials utilized.*** At least fifty percent (50%) of all trees utilized shall be consistent with the species used for the Park Avenue improvements or species utilized or required by the Town for alley improvements.. The remaining trees shall be selected from the list provided in Section 32-50(17)c10.

- 9 **Permitted plant material.** The following landscape materials are permitted within the Park Avenue Downtown District.
- 10 **Permitted trees.** Trees may be selected from the list presented below:
- (a) Beauty Leaf (*Calophyllum inophyllum*);
 - (b) Black Calabash (*Enallagma latifolia*);
 - (c) Black Olive (*Bucida buceras*);
 - (d) Blolly (*Guapira discolor*);
 - (e) Buttonwood/Silver Buttonwood (*Conocarpus erectus*);
 - (f) Coconut Palm (*Cocos nucifera* "malayan");
 - (g) Cuban Tamarind (*Lysioma sabicu*);
 - (h) Dahoon Holly (*Ilex Cassine*);
 - (i) Flowering Dogwood (*Cornus florida*);
 - (j) Frangipani (*Plumeria spp.*);
 - (k) Geiger Tree (*Cordia Sebestena*);
 - (l) Gumbo Limbo (*Bursera simaruba*);
 - (m) Hackberry (*Celtis laevigata*);
 - (n) Lignum Vitae (*Guaiacurn sacaturn*);
 - (o) Jacaranda (*Jacaranda acutifolia*);
 - (p) Magnolia (*Magnolia grandiflora*);
 - (q) Mahogany (*Swietenia mahogani*);
 - (r) Mimusops (*Manilkara roxburghiana*);
 - (s) Oak (*Quercus sp.*);
 - (t) Orchid Tree (*Bauhinia spp.*);
 - (u) Paradise Tree (*Simarouba glauca*);
 - (v) Pigeon Plum (*Coccoloba diversifolia*);
 - (w) Pink Trumpet (*Tabebuia pallida*);

- (x) Pitch Apple (*Clusia rosea*);
- (y) Red Bay (*Persia burbonia*);
- (z) Red Maple (*Acer rubrum*);
- (aa) Royal Palm (*Roystonea elata*);
- (bb) Royal Poinciana (*Delonix regia*);
- (cc) Satin Leaf (*Chrysophyllum oliviforme*);
- (dd) Sea Grape (*Coccoloba uvifera*);
- (ee) Sea Hibiscus (*Hibiscus tiliaceus*);
- (ff) Slash Pine (*Pinus elliottii*);
- (gg) Soapberry (*Sapindus saponaria*);
- (hh) Strong Bark (*Bareiro succulenta var. revoluta*);
- (ii) Stoppers (*Eugenia spp.*);
- (jj) Tamarind (*Lysiloma tatisilique*)
- (kk) Tamarind (*Tamarindus indica*);
- (ll) Tree of Gold (*Tabebuia argentea*);
- (mm) Twinberry (*Myricanthes fragrans*);
- (nn) Washington Palm (*Washingtonia robusta*); and
- (oo) Wax Myrtle (*Myrica cerifera*).

- 11 ***Bushes and shrubs.*** Bushes and shrubs shall be consistent with the species used for the Park Avenue improvements or alley improvements landscape plan adopted by the Town.
- 12 ***Ground cover.*** Ground cover shall be consistent with the species used for the Park Avenue improvements or alley improvements landscape plan adopted by the Town.
- 13 ***Alternative landscape materials.*** Subject to approval by the Town Manager, a landscape plan may utilize one or more materials not specifically authorized by this

Section. Alternative landscape materials must be demonstrated to be consistent with the purposes and intent of this Section.

(18) ***Architectural Requirements.*** The provisions of this Section are established to provide the Park Avenue Downtown District with an overall, harmonious architectural style that is consistent with the area's history, provides a human-scale environment, and will assist in revitalizing and redevelopment of the entire area.

a. ***Architectural environment.*** The overall, harmonious architectural environment envisioned by the Section shall include the following elements:

- 1 an overall, unified design and character for the Park Avenue Downtown District;
- 2 an overall style utilizing Mediterranean Revival architecture as indicated conceptually in Figures 32-50-4 and 32-50-5;
- 3 a massing of buildings, which helps create a pedestrian environment;
- 4 ground level retail space or other ground level amenities which are of interest to pedestrians;
- 5 avoidance of blank walls, dead spaces, or similar features without pedestrian interest;
- 6 a use of common features such as parapet or clay tile roofs, the shape of windows and doors, and ornamentation;
- 7 a variety of protective features, attentive to the South Florida climate, such as arcades and awnings, building overhangs, landscaping, and the size, location, and shape of windows and doors; and
- 8 the use of textured or smooth stucco, roof tiles, painted window frames, and stucco moldings.

b. *Alternative architectural styles.* The Town Commission, following an advisory recommendation by the Planning and Zoning Board, may authorize the use of either Spanish Mission, Spanish Colonial, Mizner, Florida Vernacular, Key West, Bermuda/Island, or similar complementary architectural style. However, the use of such alternative architectural style shall be consistent with the overall pedestrian-oriented character as provided herein.

c. *Architectural examples.* The following are cited as examples of Mediterranean Revival architecture, appropriate to be considered for design purposes for new construction or substantial renovation within the Park Avenue Downtown District.

- 1 Lake Park Town Hall;
- 2 918 Building, Park Avenue, Lake Park;
- 3 Paramount Theatre and Shops, 145 N. County Road, Palm Beach;
- 4 Via Mizner, Worth Avenue, Palm Beach;
- 5 Via Parigi, Worth Avenue, Palm Beach;
- 6 Worth Avenue, between the Everglades Club and Memorial Fountain and Plaza, Palm Beach;
- 7 Seaboard Coastline Railroad Station, West Palm Beach;
- 8 Florida East Coast Railroad Station, Boca Raton
- 9 71 North Federal Highway, Old Boca Raton City Hall, Boca Raton; and
- 10 Boynton Beach Women's Club, Boynton Beach.

d. *Town Commission approval required.* As provided by Section 32-50(10), the Town Commission, following an advisory recommendation by the Planning and Zoning Commission, may deny, approve, or approve with conditions all new buildings in excess of 2,500 square feet, any substantial renovation of an existing structure, or any expansion

or alteration of an existing structure which creates a building height in excess of twenty-five (25) feet or two (2) stories. This approval shall include specific architectural elevations or renderings of such proposed construction, renovation, expansion, or alteration, including building colors, roof treatments and materials, style and location of windows and doors, etc. This approval shall include a site plan and landscape plan.

e. **Major architectural elements.** The following is a list of major architectural elements that may be included within an overall plan to construct, substantially renovate, expand, or alter a structure or building within the Park Avenue Downtown District.

1 **Roofs.** Roof characteristics include:

- (a) flat roofs with parapet an average of four (4) feet in height;
- (b) hip or gable roofs, minimum of 4:12 pitch,
- (c) red barrel, "S" shape, or similar style clay or cement tiles, or equivalent material; and
- (d) exposed rafter tails.

2 **Pedestrian walkways.** Pedestrian walkways shall be provided along the front and sides of buildings. Pedestrian walkways shall be integrated with adjacent properties which provide similar facilities. Pedestrian walkway characteristics include:

- (a) arcades, with minimum width of eight (8) feet and minimum height of twelve (12) feet;
- (b) awnings, with minimum width of eight (8) feet and minimum clearance of eight (8) feet;
- (c) colonnades with a minimum width of eight feet and a minimum clearance of twelve (12) feet; and

(d) arcades, awnings, or colonnades present along all sides of a structure facing a public right-of-way, excluding alleys.

3 **Windows.** Window characteristics include:

- (a) predominantly semicircular arches integrated into window designs;
- (b) frames, etc., to be contrast with principal color of structure;
- (c) large ground level storefront windows, with windows consisting of at least fifty percent (50%) of the wall area of the storefront;
- (d) smaller, multi-paned windows as non-storefront and above-ground windows;
- (e) use of clear glass or similar alternative;
- (f) avoidance of reflective glass;
- (g) recessed openings;
- (h) wrought iron window grilles or gates; and
- (i) hurricane/security panels which are either removable, recessed, or architecturally compatible with overall design, and consistent with wind load resistance standards.

4 **Building and pedestrian linkages.** Characteristics of such linkages are landscaped or shaded courtyards, loggias, patios, fountain areas, and pedestrian walkways or vias to parking areas and sidewalks.

5 **Vertical features.** Vertical features characteristic of this style include bell towers and chimneys, especially for larger structures.

6 **Building features and ornamentation.** Characteristics of such features include:

- (a) Cornices and parapets, moldings, pilasters, stringcourses, low relief carvings, window surrounds, asymmetrical facades, multi-level roofs, and similar elements;
- (b) wood, tile, plaster, poured concrete, or brick materials, consistent with overall design and style;

- (c) arcades designed with predominantly semicircular arches; and
- (d) functional and ornamental balconies and balustrades located on the walls or facades facing public rights-of-way, excluding alleys.

7 **Doors.** Doors may be characterized by:

- (a) predominantly semicircular arches integrated into door design;
- (b) recessed openings;
- (c) fan lights above or next to openings;
- (d) scaled and proportionate to balance of structure;
- (e) articulated and ornamental door design;
- (f) use of wood, wrought iron, etc., or similar materials to convey mass, strength, etc.; and
- (g) natural stain, dark stain, or dark paint with flat finish;

8 **Pedestrian access.** Pedestrian access shall be provided as follows:

- (a) principal public entrances located along or facing Park Avenue;
- (b) secondary public entrances located along public rights-of-way, excluding alleys; and
- (c) secondary public entrances, unless authorized by the Town Commission, not located along alleys;
- (d) doors and storefront entrances located not more than fifty (50) feet apart; and
- (e) entrances to be a focal points, clearly visible from streets and pedestrian ways.

9 **Colors and finish.** Buildings to reflect the following characteristics:

- (a) principal walls and facades to be painted a uniform color. Different colors for individual storefronts is subject to approval of Town Manager.
- (b) colors to be utilized for walls and facades are white, light gray, coral, pastels (pink, peach, and yellow), buff, beige, and sand;

- (c) wall and facade colors and contrasting colors associated with the Mizner style, including Mizner blue, light blue, Valencia blue, light green, Mizner yellow, red, brown, and blue;
- (d) ornamentation, trim, courses, etc., may be painted white or a contrasting color such as dark brown, dark gray;
- (e) window frames, door frames, etc., may be painted white or a contrasting color such as dark brown, dark gray;
- (f) walls to be a smooth or textured stucco or plaster, or stone; and
- (g) awnings may be solid or striped, and reflect a variety of colors, including white, black, and light or dark blue, red, green, and brown, and;
- (h) roof materials may be red, brown, white or other color consistent with the overall color scheme of the structure.

Additional colors which complement or are compatible with the colors listed above may be approved by the Town Commission or Town Manager as part of the overall approval process.

- 10 **Other Features.** Other features, such as gutters, down spouts, flashing, etc., shall be incorporated as follows:
 - (a) gutters and down spouts shall be designed as a continuous architectural feature;
 - (b) gutters and down spouts shall be painted to match the feature on which it is located (wall, fascia, etc.); and
 - (c) exposed flashing, vent stacks, vent pipes, etc., shall be painted to match the feature upon which installed (roof, wall, etc.).
- 11 **Building height.** A minimum of two (2) stories is required for all new structures, and a maximum of four stories for all new construction or substantial renovation.

- 12 ***Vehicular access.*** Vehicular access to Park Avenue for newly constructed buildings or substantially renovated structures shall be prohibited. However, such access may be permitted subject to a waiver granted by the Town Council pursuant to Sec. 23-50(12).
- 13 ***Building location.*** At least fifty percent (50%) of the building line of all new construction, all substantial renovation, and any new structure or expansion of an existing structure in excess of two (stories) or twenty-five feet in height shall provide a front setback of zero (0) feet. Recesses in the required zero setback building line for architectural features such as doors, courtyards, storefront entrances, etc., may be allowed when part of an overall design consistent with the requirements of this section.
- 14 ***Uniformity of building treatment.*** Architectural treatments, including screening of mechanical equipment, shall be provided along all sides of a building or a structure.
- 15 ***Encroachments.*** The Town Staff may authorize encroachments of not more than thirty-six (36) inches over public sidewalks for architectural features such as eaves, balconies, balustrades, etc., when features are part of an overall architectural design for new construction or substantial renovation. Overhead clearance of at least twelve (12) feet shall be provided.
- (19) ***Nonconformities.*** In addition to the provisions of Chapter 32, Article VII of this code, the following requirements shall apply.
- a. ***Discontinuation of nonconforming uses.*** A nonconforming use which has been discontinued for more than ninety (90) consecutive days shall not be re-established.

- b. ***Evidence of discontinuation.*** One or more of the following items may be used by the Town to determine if a nonconforming use has been discontinued:
- 1 failure to obtain or renew required occupational license or licenses;
 - 2 failure to obtain or renew required county or state licenses or permits;
 - 3 termination of electric, water, sanitary sewer, natural gas, or telephone service; and
 - 4 failure to provide business receipts to demonstrate business activity.
- c. ***Security bars, shutters, gates, and awnings.*** Security bars, shutters, gates, awnings and related equipment visible from a public right-of-way that do not conform to the requirements of this Section shall be removed within five (5) years after the effective date of this Section. The provisions of this Section shall apply to all such equipment legally constructed or installed prior to the effective date of this ordinance. All such equipment is considered legal nonconforming improvements. Equipment illegally constructed or installed prior to the effective date of this ordinance shall continue to be considered illegal improvements.
- 1 Illegally constructed or installed equipment shall be removed immediately or be the subject of code enforcement action by the Town of Lake Park.
 - 2 Legal nonconforming equipment may be repaired and maintained subject to Chapter 32, Article VII of this code.
 - 3 Within five (5) years following the effective date of this ordinance, all legal nonconforming equipment shall be removed or brought into compliance with the requirements of this Section.
 - 4 Within sixty (60) days following the effective date of this ordinance, the Town shall notify by certified mail all property owners of the revised equipment requirements and of the requirement to remove nonconforming signs or bring such signs into conformity.

5 A property owner or tenant may appeal to the Town Commission for a time extension or waiver from the requirement to remove nonconforming equipment. An application to request a time extension or waiver from the equipment removal requirement shall contain the following information:

- (a) the name and address of the property owner;
- (b) a photograph indicating the specific location and size of the affected improvements;
- (c) a copy of the building permit for the affected improvements;
- (d) a certified estimate of installation costs;
- (e) a certified estimate of replacement costs;
- (f) how the request for time extension or waiver complies with the waiver criteria contained in Sec. 32-59(12)g;
- (g) other information in support of the request; and
- (h) the additional amount of time requested prior to or waiver from removal of the sign.

6 The Town Commission may grant a waiver from the removal requirement, grant the entire time extension requested, grant a partial time extension, or deny the request. The waiver criteria contained in Sec. 32-50(12)g shall be utilized by the Town Commission when making its decision.

(20) ***Use and payment of outside Consultants.*** In order to more thoroughly review site plans, landscape plans, architectural plans and elevations, traffic impact studies, shared parking studies, or any similar professional study or document submitted as part of an application for development approval, the Town Manager may authorize the use of one or more consultants to review such studies or documents.

- a. ***Selection of consultants.*** Consultants shall be selected in accordance with applicable Town requirements or policy.
- b. ***Consultant payment.*** An applicant for development approval shall provide an agreement, in a form acceptable to the Town Manager and Town Attorney, to guarantee payment of all reasonable expenses incurred by consultants employed by the Town. The agreement shall include payment or surety in an agreed-upon amount to meet such reasonable consultant expenses.
- c. ***Development approvals.*** The Town Commission or Town Staff may withhold issuance of a development approval, administrative approval, site plan approval, occupational license, or similar forms of approval if costs incurred by a Town consultant have not been fully reimbursed.

**Table 32-50-1
Permitted and Conditional Uses
Park Avenue Downtown District**

Notes.

X= Not Permitted

AA= Administrative Approval Required.

P= Permitted, may be subject to additional standards.

<= Less Than.

C= Conditional Use, Town Council Approval Required.

>= More Than.

USE CATEGORY	<1,500 Square Feet	1501 - 2500 Square Feet	>2500 Square Feet	Additional Standards
I. RESIDENTIAL				
Apartment/Dwelling Unit (including Home Occupation per Section 32-96)	C	C	C	1
II. BUSINESS & PROFESSIONAL OFFICES				
Business Office	P	P	P	2
Employment Office, excluding Day Labor, Labor Pools, etc.	P	AA	AA	2
Laboratories, Medical/Dental	P	P	P	2
Medical/Dental Office, excluding Outpatient Clinics	P	P	P	2
Professional Office	P	P	P	2
Veterinary Office and Animal Grooming, excluding Animal Boarding	P	AA	AA	2,3
III. PERSONAL SERVICES				
Appliance and Electronic Repair, Small	P	P	P	
Art Studio	P	P	P	
Bakery	P	AA	AA	4
Barber Shop	P	P	P	
Beauty Salon	P	P	P	
Broker, Stock Market	P	P	P	
Dance Studio	P	P	P	5

USE CATEGORY	<1,500 Square Feet	1501 - 2500 Square Feet	>2500 Square Feet	Additional Standards
Drama Studio, Instructional	P	P	P	
Dry Cleaning and Laundry, Drop-off and Pick-up Only	P	P	P	6
Financial Institutions, including Banks, Savings and Loan, Thrifts, and Credit Unions	P	P	P	7
Gymnasium, Spa, and Health Club	P	AA	AA	
Interior Design Studio, including Sales	P	P	P	
Massage, Therapeutic	P	P	P	8
Music Studio	P	P	P	
Parking Lot, Public or Private	P	P	P	9
Photography Studio	P	P	P	
Printing, Blueprinting, and Related Services	P	P	P	
Shoe Repair	P	P	P	
Tailor/Dressmaker	P	P	P	
Travel Agency	P	P	P	10
IV. RETAIL & COMMERCIAL				
Antique Shop	P	P	P	
Apparel Store, Women's, Men's & Children's	P	P	P	
Arts and Crafts Shop	P	P	P	
Art Gallery, including Artist's Studio	P	P	P	
Automobile, Motorcycle, Truck, Recreational Vehicle, Mobile Home, and Boat Body and Paint Shop	X	X	X	
Automobile, Motorcycle, Truck, Recreational Vehicle, Mobile Home, and Boat Sales and Rental	X	X	X	
Automobile, Motorcycle, Truck, Recreational Vehicle, Mobile Home, and Boat Repair Shop	X	X	X	
Automobile Gasoline Service Station	X	X	X	
Beauty Supply Shop	P	P	P	
Bars and Lounges	X	X	X	

USE CATEGORY	<1,500 Square Feet	1501 - 2500 Square Feet	>2500 Square Feet	Additional Standards
Bicycle Sales and Rental	P	P	P	11
Book Store, including New and Used Books	P	P	P	
Business, Computer, and Electronic Machinery Sales and Service	P	P	P	
Consignment Shop	P	AA	AA	
Convenience Store	X	X	X	
Department Store, including Apparel, Housewares, Dry Goods, Notions, Jewelry, Home Furnishings, etc.	P	AA	AA	
Discount Sales Store	X	X	X	
Drapery and Slipcover Shop, excluding Workroom	P	P	P	
Fabric, Sewing, and Knitting Supply Store	P	P	P	
Florists, excluding Nurseries	P	AA	AA	12
Fruit and Vegetable Market	P	AA	AA	13
Gift Shop, including Greeting Cards, Glassware, China, etc.	P	P	P	
Grocery Store, General	X	X	X	
Grocery Store, Specialty	P	AA	C	14
Hardware, Paint, and Garden Supply Store	P	P	P	
Hobby Shop	P	P	P	
Jewelry Shop	P	P	P	
Laundry, Self-Service	X	X	X	
Leather Goods and Luggage Shop	P	P	P	
Mail, Shipping and Packing Stores (Private)	P	P	P	
Micro brewery	P	P	P	15
Music Store, including CDS, Tapes, and Records	P	P	P	

USE CATEGORY	<1,500 Square Feet	1501 - 2500 Square Feet	>2500 Square Feet	Additional Standards
Musical Instruments, including Music Lessons	P	P	P	
Newsstand	P	P	P	16
Novelty Shop	P	P	P	
Office Supply Store	P	P	P	
Pawn Shop	X	X	X	
Pet Shop and Animal Grooming, excluding Animal Boarding	P	AA	AA	17
Pharmacy/Drug Store	P	AA	C	
Photography Supplies and Film Developing, including Studio	P	P	P	
Restaurant, Fast Food	X	X	X	
Restaurant, General	P	AA	C	18
Restaurant, Specialty	P	AA	C	19
Restaurant, Take Out	X	X	X	
Retail, General	P	P	P	
Sporting Goods Store, New and Used	P	P	P	
Storage, Indoor/Outdoor, as a Principal Use	X	X	X	
Thrift/Used Merchandise/Junk Store	X	X	X	
Tobacco Shop	P	P	P	
Toy Store	P	P	P	
Video Store	P	P	P	
Warehouse and Warehouse Sales	X	X	X	
Wholesale and Wholesale Sales	X	X	X	
V. RECREATION				
Adult Entertainment	X	X	X	
Arcades, Video/Computer	X	X	X	
Entertainment, Indoor	P	AA	C	

USE CATEGORY	<1,500 Square Feet	1501 - 2500 Square Feet	>2500 Square Feet	Additional Standards
Theater, Indoor	P	AA	C	
Temporary Uses, Public and Private	AA	AA	AA	20
VI. CIVIC USES				
Churches	X	X	X	
Government Offices	P	AA	C	21
Schools, Elementary and Secondary, Public and Private	X	X	X	
Schools, Post-Secondary	C	C	C	22

ADDITIONAL STANDARDS (for Table 32-50-1)

- (1) **Residential Dwelling Units.** Residential dwelling units shall not be located on the ground floor of any building or structure.
- (2) **Ground Floor Offices.** Business, medical, dental, or other professional offices on the ground floor of any building or structure are prohibited.
- (3) **Veterinary Office.** Overnight boarding of animals, except for bona fide emergencies, is prohibited.
- (4) **Bakery.** A bakery shall be limited to retail sales only, and shall sell only products baked on premises. Sale of sandwiches, salads, soups, and beverages is permitted as an accessory use.
- (5) **Dance Studios.** Studios shall provide instruction only, commercial dance halls or ballrooms are prohibited.
- (6) **Dry Cleaning.** Dry cleaning on premises is prohibited.
- (7) **Financial Institutions.** Drive-in or drive-through facilities are prohibited, however, pedestrian walk-up facilities and automatic teller machines are permitted.
- (8) **Massage Therapists.** Massage therapists shall be licensed pursuant to Chapter 480, Florida Statutes.
- (9) **Parking Lot, Public or Private.** Commercial parking lots shall comply with the standards listed below.
 1. Vehicular access to commercial parking lots shall be approved by the Town Engineer.
 2. Landscaping shall be provided pursuant to Sec. 32-50(17) of this code.
 3. Parking lot and security lighting shall be directed downward and away from adjacent residential zoning districts.
 4. A commercial parking lot of less than fifty (50) spaces shall be reviewed pursuant to the administrative approval.
 5. Commercial parking lots in excess of fifty (50) spaces shall be approved by the Town Commission as a conditional use.
- (10) **Travel Agencies.** Travel agencies on the ground floor of any building or structure are prohibited.
- (11) **Bicycle Sales and Rental.** Bicycle sales and rental shops may provide outdoor display of merchandise, subject to the following:
 1. the outdoor display is limited to not more than fifty percent (50%) of the width of the store front;
 2. the outdoor display shall not impede pedestrian traffic; and
 3. at least five (5) feet of clear area shall exist between the outdoor display and the edge of pavement or sidewalk.
- (12) **Florists.** Florists may establish greenhouses as an accessory use, provided such use shall not occupy more than twenty percent (20%) of the gross floor area of the shop.
- (13) **Fruit and Vegetable Markets.** Fruit and vegetable markets may provide outdoor display of merchandise, subject to the following:
 1. the outdoor display is limited to not more than fifty percent (50%) of the width of the store front;
 2. the outdoor display shall not impede pedestrian traffic; and
 3. at least five (5) feet of clear area shall exist between the outdoor display and the edge of pavement or sidewalk.
- (14) **Grocery Stores, Specialty.** Specialty grocery stores shall comply with the standards listed below.
 1. Specialty grocery stores shall be at least 2,000 square feet and shall not exceed 10,000 square feet.
 2. At least fifty percent (50%) of the sales area, including shelves, must be foods of a specialty or ethnic nature.

3. Specialty grocery stores shall stock a wide variety of specialty fresh merchandise, including poultry, beef, vegetables, fruits, breads, dairy products, and similar items of a specialty or ethnic nature.
 4. Specialty grocery stores may offer a limited variety of convenience and household goods.
 5. Specialty grocery stores may offer florist, bakery, pharmaceutical, and delicatessen goods and services.
 6. Sale of gasoline is prohibited.
 7. Specialty items that can be offered include baked goods prepared on the premise, candies, cheeses, confections, gourmet foods, fruits and vegetables, ice creams and frozen desserts, and delicatessen items.
 8. Specialty grocery stores must sell all goods on-premises.
 9. Accessory sale of food and prepared goods for take out is permitted.
 10. Consumption of food on the premises is allowed.
- (15) **Micro Breweries.** Micro breweries are permitted only as an accessory use to and shall not occupy more than thirty percent (30%) of the gross floor area of a general restaurant.
- (16) **Newsstands.** Up to ten percent (10%) of the gross floor area of a newsstand may be used for sale of convenience items, including sodas, candies, packaged foods, etc.
- (17) **Pet Shops.** Overnight boarding of cats and dogs in a pet shop is prohibited.
- (18) **Restaurant, General.** A general restaurant shall comply with the standards listed below.
1. Patrons shall be seated at counters or tables.
 2. Patrons shall be served by waiters/waitresses.
 3. A wide variety of cooked to order food shall be available from the menu.
 4. Food generally is not pre-cooked or pre-packaged.
 5. Alcoholic beverages may be served, in accordance with a "4COP/SRX" or equivalent license issued by the Florida Department of Revenue.
 6. Take out service may be available, but is accessory and subordinate to the serving of meals within the restaurant.
 7. Drive-in/drive-through service is prohibited.
 8. Outdoor seating of patrons is allowed, subject to the following:
 - (a) the outdoor seating is limited to not more than one hundred (100%) of the frontage of the restaurant;
 - (b) the outdoor seating shall not impede pedestrian traffic; and
 - (c) at least five (5) feet of clear area shall exist between the outdoor seating and the edge of pavement or sidewalk.
- (19) **Restaurant, Specialty.** A specialty restaurant shall comply with the standards listed below.
1. Patrons shall be seated at counters or tables.
 2. Patrons shall be served by waiters/waitresses.
 3. The menu is generally limited to specialty or ethnic foods, and is cooked to order.
 4. Food generally is not pre-cooked or pre-packaged.
 5. Alcoholic beverages may be served, in accordance with a "4COP/SRX" or equivalent license issued by the Florida Department of Revenue.
 6. Take out service may be available, but is accessory and subordinate to the serving of meals within the restaurant.
 7. Drive-in/drive-through service is prohibited.
 8. Outdoor seating of patrons is allowed, subject to the following:
 - (a) the outdoor seating is limited to not more than one hundred (100%) of the frontage of the restaurant;
 - (b) the outdoor seating shall not impede pedestrian traffic; and
 - (c) at least five (5) feet of clear area shall exist between the outdoor seating and the edge of pavement or sidewalk.

- (20) **Temporary Uses.** Temporary uses of public or private property, for such events as street fairs, holiday sales, holiday celebrations, arts and craft shows, amusements, etc., may be approved by the Town Manager or designee subject to the standards listed below.
1. Adequate sanitary bathroom, solid waste disposal, and related facilities will be available.
 2. Adequate crowd and traffic control will be available.
 3. Adequate parking will be available.
 4. All tents and temporary structures, electricity, plumbing, etc., are approved by the Building Official and Fire Department.
 5. Hours of operation will not cause a nuisance to adjoining residential property owners.
- (21) **Government Offices.** Administrative government offices, other than Town of Lake Park offices, on the ground floor of any building or structure are prohibited. Pedestrian-oriented governmental activities, such as retail post offices, are permitted on the ground floor. Municipal public safety functions, such as fire stations and police offices are permitted on the ground floor.
- (22) **Schools, Post-Secondary.** Post-secondary schools shall comply with the standards listed below.
1. Academic and technical course offerings are allowed.
 2. All classes and training shall be conducted indoors.
 3. Training which involves the use of vehicles, heavy equipment, etc., is prohibited.
 4. All school activities and uses, including classrooms, offices, labs, etc., shall not be located on the ground floor.

**Table 32-50-2
Application Requirements**

Application Requirement	Permitted Use	Admin. Approval	Conditional. Use	Waiver	Number Req'd.
Application Form	R	R	R	R	1
Owner's Consent	R	R	R	R	1
Agent's Authority	R	R	R	R	1
Statement of Proposed Use	R	R	R	R	*
Site Plan	D	D	D	D	*
Exterior Design Features/Architectural Elevations (A)	D	D	D	D	*
Traffic Study	D	D	D	D	*
Landscape Plan	D	D	D	D	*
Survey	D	D	D	D	3
Sign Plan	D	D	R	D	*
Address Labels	NR	NR	R	R	1 Set, 1 copy

NOTES

R = Required.

D = Discretionary, based upon nature of application. To be determined by Community Development Director.

* = 5 Copies with initial application for initial review by Town Staff. Additional copies to be provided for Town Commission and Planning and Zoning Board at discretion of the Town Manager.

A= Required for any change to exterior portions of a building or structure.

NR = Not Required.

**Table 32-50-3
Property Development Regulations**

Dimension	Required
Lot Size	5,000 square feet (minimum)
Lot Width	50 feet (minimum)
Lot Depth	100 feet (minimum)
Building Height (Maximum)	Lesser of four (4) stories or 45 feet
Building Height (Minimum)	Two (2) stories
Building Height (Interior)	8 feet
Building Coverage	100 percent (100%)
Front Setback	None (1)
Side Setback (Interior)	None
Side Setback (Corner)	5 feet
Rear Setback	Zero (0) feet
Residential Density	15.78 units per gross acre

NOTE

1. At least fifty percent (50%) of the building line of all new construction and all substantial repair, renovation, rehabilitation, or restoration of existing buildings shall provide a front setback of zero (0) feet. Recesses in the required zero setback building line for architectural features such as doors, courtyards, store front entrances etc., may be allowed when part of an overall design consistent with the requirements of this Section.

**Table 32-50-4
Required Parking and Loading Spaces**

Use Category	Parking Spaces Required(*)	Loading Spaces Required (*)
Residential	1.25 per unit	None
Business & Professional Offices	1 per 500 SF	1 per 10,000 SF (1)
Personal Services	1 per 500 SF	1 per 10,000 SF
Outdoor Display	None	None
Outdoor Restaurant Seating	None (if less than 25% of total seating area)	None
Restaurants	1 per 3 seats, plus 1 per 2.2 lineal feet of bar surface	1 per 5,000 SF
Retail and Commercial	1 per 500 SF	1 per 5,000 SF
Theater, Indoor	1 per 3 Seats	1 per use, excluding movie theaters

NOTES

At least one (1) loading space required for all uses less than minimum gross square feet.

(*) All square footage calculations based upon gross square feet of building area.

**Table 32-50-5.
Shared Parking Calculations**

USE	Weekday: Midnight to 6:00 am	Weekday: 9:00 am to 4:00 pm	Weekday: 6:00 pm to Midnight	Weekend: 9:00 am to 4:00 pm	Weekend: 6:00 pm to Midnight
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Commercial and Retail	5%	70%	90%	100%	70%
Hotel	80%	80%	100%	80%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%
Others	100%	100%	100%	100%	100%

**Table 32-50-6
Minimum Parking Lot Dimensions**

Angle (A)	Stall Width (B)	Stall Depth (C)	Aisle Width (D)	Curb Length (E)	Wall to Wall Width (F)	Interlock to Interlock Width (G)	Stall Depth to Interlock (H)	Land Use (I)
45	10'0"	17'6"	12'0"1	14'0"	47'0"	44'0"	15'6"	G
	12'0"	17'6"	2'0"	17'0"	47'0"	44'0"	15'6"	H
60	10'0"	19'0"	14'0"	11'6"	53'0"	50'0"	17'6"	G
	12'0"	19'0"	14'0"	14'0"	53'0"	50'0"	17'6"	H
70	10'0"	19'6"	17'0"	10'6"	56'0"	54'0"	18'6"	G
	12'6"	19'6"	17'0"	12'6"	56'0"	54'0"	18'6"	H
75	10'0"	19'6"	21'0"	10'6"	60'0"	58'0"	18'6"	G
	12'0"	19'6"	21'0"	12'6"	60'0"	58'0"	18'6"	H
80	10'0"	19'6"	22'0"	10'0"	61'0"	60'0"	19'0"	G
	12'0"	19'6"	22'0"	12'0"	61'0"	60'0"	19'0"	H
90	10'0"	18'6"	24'0"	10'0"	61'0"	61'0"	18'6"	G
	12'6"	18'6"	24'0"	12'0"	61'0"	61'0"	18'6"	H

NOTES.

G = General. Applies to parking spaces designated to serve all commercial uses and residential uses.

H = Handicapped.

**Table 32-50-7
Permitted Signs**

Sign Type	Maximum Size	Maximum Number	Copy Limit	Other Limits
Awning Sign	3 square feet	1 per front or side	Business name, address, and logo	<ul style="list-style-type: none"> ■ Letters, numbers, and logo shall not exceed 6 inches in height ■ Located only on valance
Changeable Copy Sign	50 square feet	1 per street frontage	Business name, and name, time, and date of current and upcoming events	<ul style="list-style-type: none"> ■ May substitute as a wall sign, shall not be used in addition to a permitted wall sign ■ Marquee sign may be used ■ Marquee sign may extend over walkways, minimum 8 foot clearance required ■ Marquee shall not extend beyond top of roof ■ Marquee sign shall be proportionate to size of building
Flags	None, Proportionate to size and height of flag pole	1 flag pole per business	US, Florida, and Town of Lake Park flags	<ul style="list-style-type: none"> ■ Freestanding flagpoles shall not exceed 50 feet in height. ■ Building-mounted flag poles shall not extend into any public right-of-way
Light Pole Sign	Per Town Commission	1 per pole	Per Town Commission	<ul style="list-style-type: none"> ■ Must be approved by Town Commission
Menu Sign (Restaurants only)	3 square feet	1 per restaurant	Restaurant menu	<ul style="list-style-type: none"> ■ Within 2 feet of front door ■ Mounted on exterior wall ■ May be enclosed
Neon Sign	15 square feet	1 per business	Business logo, name, or depiction of product	<ul style="list-style-type: none"> ■ Mounted flush with wall ■ First floor location only ■ One face only ■ Shall not project more than 8 inches ■ Shall not be located on arcade or similar facade ■ May be located above or below canopy or arcade ■ May be used as a substitute for or part of a wall or window sign
Projecting Sign	3 square feet	1 per business	Business name and logo	<ul style="list-style-type: none"> ■ Letters, numbers, and logo shall not exceed 6 inches in height ■ Minimum clearance of 8 feet above sidewalk or public walkway
Political Signs	None	None	None	<ul style="list-style-type: none"> ■ Allowed pursuant to Chapter ____.

Sign Type	Maximum Size	Maximum Number	Copy Limit	Other Limits
Special Events Signs	None	None	None	<ul style="list-style-type: none"> ■ Signs, pennants, flags, streamers, banners, etc., as approved by the Town Manager for special events ■ Number, size, and location of signs to be approved by the Town Manager ■ Display of signs shall not exceed 14 days ■ Not more than 4 special events may occur on the same site or at the same use for each calendar year
String Lights	None	None	None	<ul style="list-style-type: none"> ■ String lights may not spell out or resemble the logo of any commercial product or use ■ Installation shall be approved by the Town Manager ■ Installation in landscaping can be permanent ■ Installation as a seasonal decoration may be displayed for a period not more than 45 days ■ Installation as a seasonal decoration may occur not more than 3 times per year ■ Installation as a seasonal decoration, may be used for the following holidays: Christmas, New Year's, Thanksgiving, and Hanukkah ■ Additional holidays may be recognized by the Town Manager
Wall Sign	50% of building frontage facing Park Ave., 30% of building frontage for side streets	1 per business	Business name, logo and address	<ul style="list-style-type: none"> ■ Mounted flush with wall ■ First floor location only ■ One face only ■ Shall not project more than 8 inches ■ Shall not be located on arcade or similar facade ■ May be located above or below canopy or arcade ■ May be painted directly on wall only if commissioned by the Town and depicting a scene of historic Lake Park
Window Sign	25% of window area, up to a maximum of 4 square feet	1 per window	Business name, address, logo, and telephone number	<ul style="list-style-type: none"> ■ Must be painted directly onto window surface or hang within 6 inches of window ■ Neon sign may be used for all or part of permitted signage. ■ Shall be located only on the first floor.

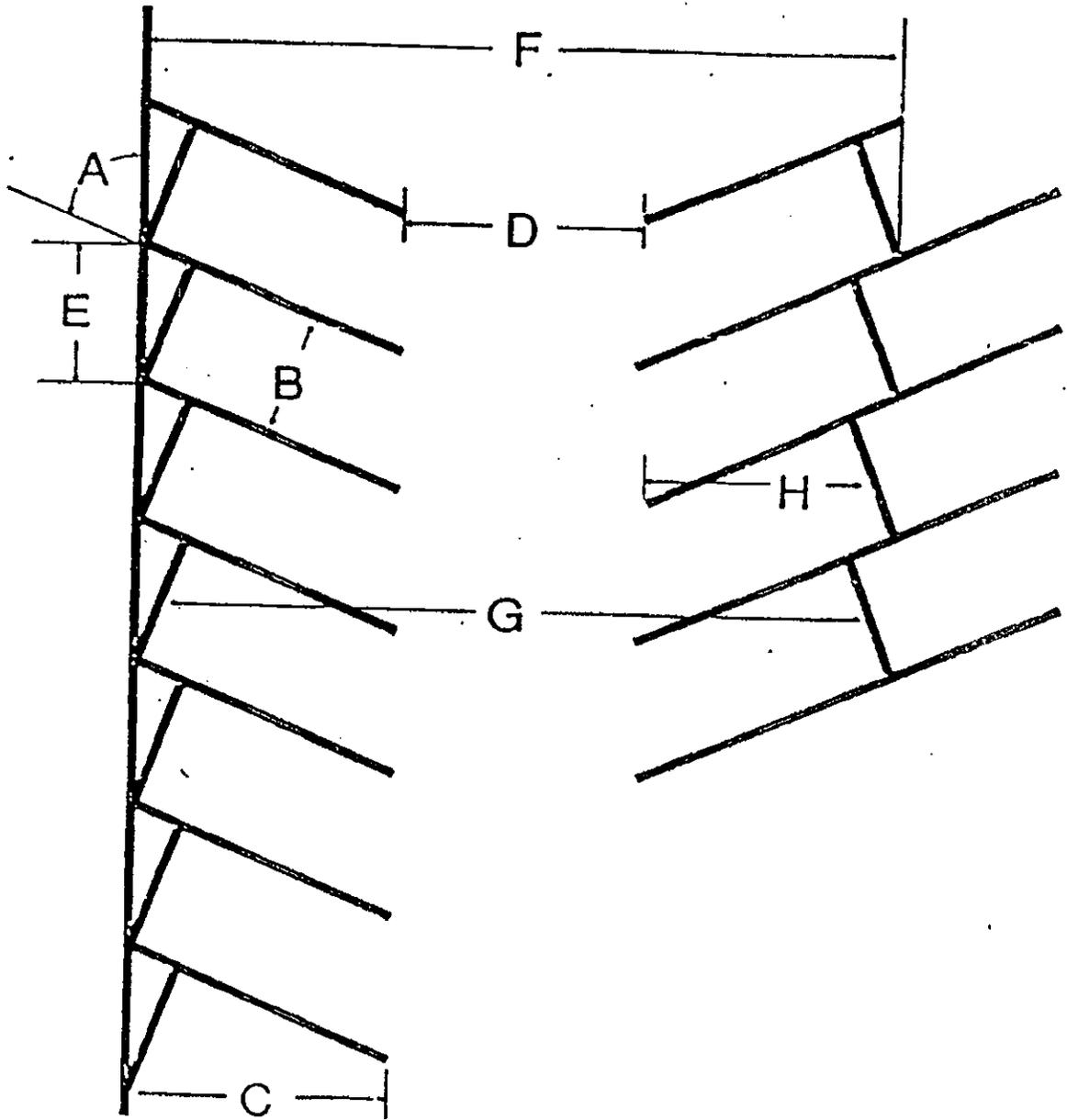


Figure 32-50-2
Conceptual Architectural Style
for
Park Avenue Downtown District

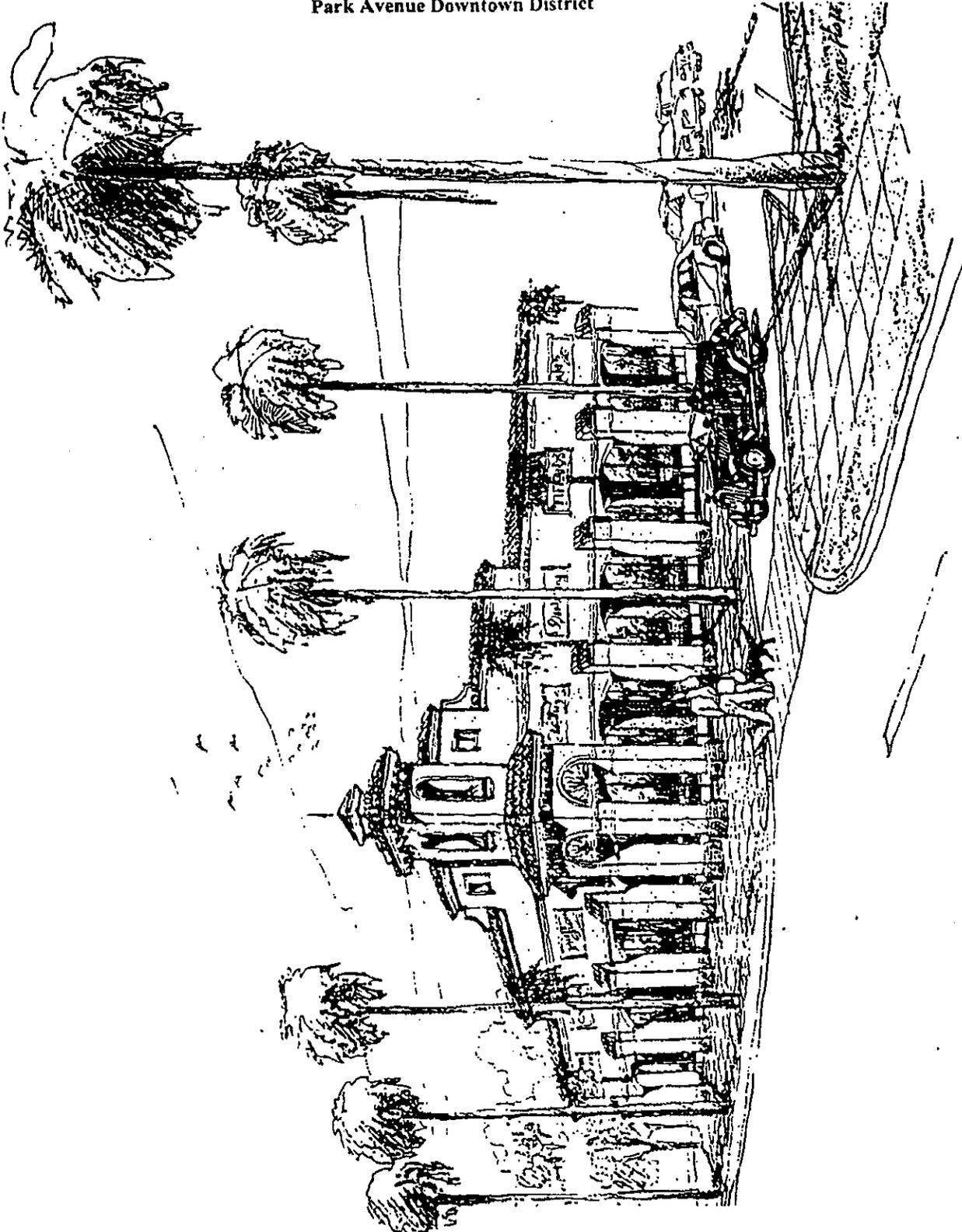


Figure 32-50-3
Conceptual Architectural Style
for
Park Avenue Downtown District



SECTION II

That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part to be declared invalid.

SECTION III

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the Town of Lake Park, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish such; and the word "Ordinance," may be changed to "Section," "Article," or other appropriate word.

SECTION IV

All ordinances of the Town of Lake Park in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION V

This Ordinance shall take effect immediately upon passage.

PLACED ON FIRST READING THIS 2nd DAY OF JUNE, 1999. PUBLISHED IN THE PALM BEACH POST THIS DAY OF , 1999.

PLACED ON SECOND, FINAL READING AND ADOPTED THIS 16th DAY OF JUNE, 1999.



William F. Wagner

MAYOR

Mary Wolcott

Town Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Justin M. Magan

Town Attorney

NOTICE OF ZONING CODE TEXT CHANGE

The Town of Lake Park proposes to adopt the following Ordinance:

ORDINANCE NO. 12, 1999

AN ORDINANCE OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32 (ZONING) ARTICLE III (DISTRICT REGULATIONS) SECTION 32-50 (TCC DISTRICT) BY IDENTIFYING THE PURPOSE AND INTENT OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR APPLICABILITY; PROVIDING PERMITTED, CONDITIONAL AND PROHIBITED USES; PROVIDING A PROCEDURE FOR DEVELOPMENT APPROVALS; PROVIDING ADMINISTRATIVE APPROVALS IN CERTAIN CIRCUMSTANCES; PROVIDING A PROCEDURE FOR OBTAINING A WAIVER FROM CERTAIN REQUIREMENTS; PROVIDING OFF-STREET PARKING AND LOADING REQUIREMENTS; PROVIDING LANDSCAPING REQUIREMENTS; PROVIDING ARCHITECTURAL REQUIREMENTS; PROVIDING FOR THE DISCONTINUATION OF NONCONFORMING USES; PROVIDING FOR THE USE AND PAYMENT OF OUTSIDE CONSULTANTS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

A Public Hearing on the Ordinance revising the Zoning Code will be held May 19, 1999 at 7:30 p.m. or as soon thereafter as this item can be heard at the Town Commission Chambers, 535 Park Avenue, Lake Park, Florida, 33403. This Public Hearing may be continued from time to time and place to place as necessary. A copy of the proposed Ordinance which is proposed for first reading can be inspected and copied at the office of the Community Development Director during normal business hours of 8:30 a.m. to 5:00 p.m. Monday through Friday. Second and final adoption is scheduled for June 2, 1999 at 7:30 p.m. at the same location. All interested persons are encouraged to come to the public hearing and be heard.

If a person decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting or hearing, he or she will need to ensure that a verbatim record of the proceedings is made which record should include the testimony and evidence from which the appeal is to be based. The Town of Lake Park does not provide such a record.

Mary Wolcott
Town Clerk
Town of Lake Park

PUBLISH:

PALM BEACH POST, Wednesday, May 12, 1999

