

Not Adopted

ORDINANCE NO. 08-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE III, SECTION 78-70(n)(9) OF THE TOWN CODE RELATED TO GROUND FLOOR WINDOWS IN STRUCTURES LOCATED WITHIN THE PARK AVENUE DOWNTOWN DISTRICT (PADD); PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted a Land Development Code in Subpart B of Chapter 78 of the Town Code; and

WHEREAS, the Land Development Code within Chapter 78 consists of several Chapters and identifies the Town's various zoning districts and the land development regulations to be applied within these districts; and

WHEREAS, one of these districts is the Park Avenue Downtown District (PADD); and

WHEREAS, the Community Development staff has recommended that the Town Commission amend Town Code, Chapter 78, Article III, Section 78-70(n)(9), to provide consistency in the regulations governing ground floor windows within the structures in the Park Avenue Downtown District.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

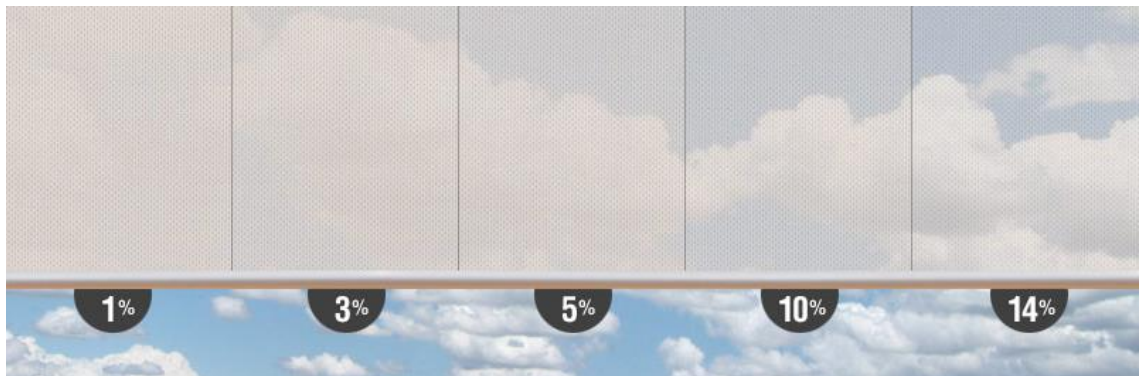
Section 2. Chapter 78, Article III, Section 78-70(n)(9) of the Town Code is hereby amended to read as follows:

Park Avenue Downtown District
Chapter 78, Article III, Section 78-70 (n) (9)

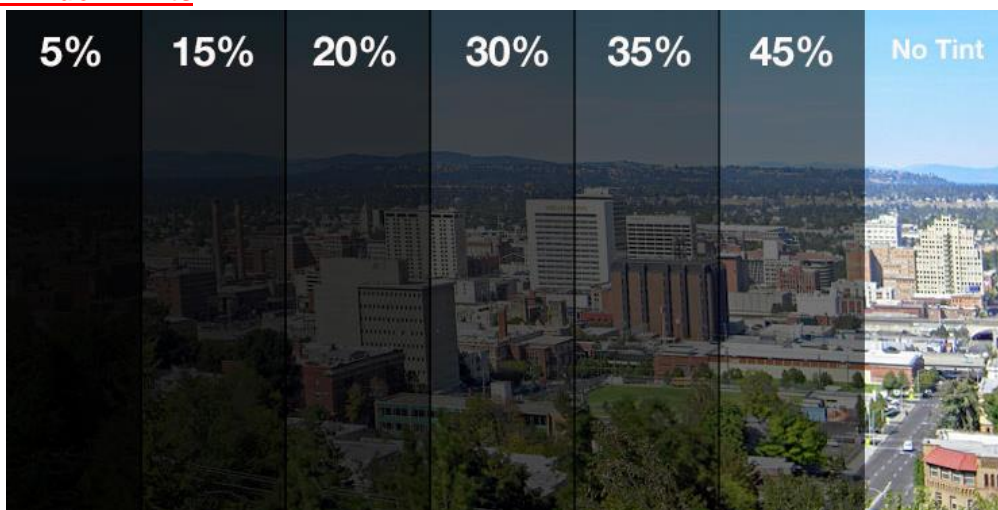
Ground floor windows. Window coverings are prohibited on all ground floor windows. Windows shall remain clear of coverings or treatments so as to ensure visibility into ground floor units so as to provide the connectivity of uses along the street and for public safety purposes. All facades shall maintain a neat and clean appearance. Visual merchandising, or window trim or displays for retail shops and art-related uses used to attract customers and patrons while obscuring the remaining inside contents may be permitted as an alternative to covering the window. Solar shades having no more than 10% opaqueness, or light window tints having no more than 45% opaqueness which are consistent with illustration 78-90(n)(9)(a) may be permitted. Existing non-conforming ground floor window coverings may remain until January 1, 2018, after which they must conform, unless the ground floor is being occupied by an existing residential structure whereby compliance is required upon conversion of the structure. Window coverings having previously received a permit from the Town may remain until January 1, 2018.

Illustration 78-90(n)(9)(a)

Solar Shades



Window Tints



~~Ground floor windows. Absent a showing of good cause by the applicant, the windows of all ground floor businesses which are open to the public shall remain clear of curtains, shutters, or similar visual barriers in order to prevent obscuring interior displays, activities, etc. Whether the applicant has demonstrated the town's community development director in the exercise of his/her sole discretion shall determine "good cause".~~

~~a.~~

~~Exemptions. Under limited circumstances, personal service type businesses (i.e., restaurants, dance studios, theaters, hair salons, etc.) which can reasonably and credibly demonstrate through a showing of substantial competent evidence of good cause to the town's community development director, that it is in the best interest of the patrons, general public, and the town, that the applicant's business be allowed to obscure a portion or all of its windows, in order to provide privacy for its clientele and patrons, an exemption for this subsection may be administratively granted by the town's community development director. If an applicant demonstrates sufficient good cause for a partial or total obscuration of a window or windows of a business, the town's community development director may authorize the use of preapproved window coverings; however, vertical and/or horizontal blinds are strongly discouraged as window treatments in such instances, and are likely to be denied an exemption.~~

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Repeal of Laws in Conflict.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Town Commission.