

ORDINANCE 2022-09

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING CHAPTER 4 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE TO INCLUDE THE MONTVERDE DOWNTOWN OVERLAY DISTRICT FOR PROPERTIES WITHIN THE TOWN OF MONTVERDE; INCLUDE DESIGN STANDARDS FOR NON-RESIDENTIAL DEVELOPMENT THAT INCLUDE BUT IS NOT LIMITED TO BUILDING DESIGN AND MATERIALS, ROOFS, LIGHTING, PLACEMENT OF MECHANICAL EQUIPMENT, SITE DESIGN, LANDSCAPING, PARKING, STORMWATER, AND CONVENIENCE STORES WITH GAS STATIONS; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council desires to create a downtown overlay district for properties developing or redeveloping within the Town, as well as to enhance aesthetics of the Town; and

WHEREAS, the Town of Montverde has determined that it is necessary to amend the Town's Code of Ordinances to adopt a Montverde Downtown Overlay District; and

WHEREAS, the Planning and Zoning Board of the Town of Montverde considered this ordinance at a public meeting and has made a recommendation to Town Council; and

WHEREAS, the Town Council of the Town of Montverde held a public hearing which was advertised in accordance with law and held such public hearing no less than 10 days after the day advertisement was published.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montverde, Florida, as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. That Article IV in Chapter 4, in Part XXVII – Montverde Land Development Code of the Town of Montverde Code of Ordinances shall be created to read as follows:

ARTICLE IV. – MONTVERDE DOWNTOWN OVERLAY DISTRICT

Sec. 4-700. – Purpose.

The purpose of this article is to achieve the following:

- (1) Provide convenient and appropriately commercial areas for retail and service establishments, at a neighborhood scale, required by residents in a manner consistent with Montverde's Design Standards.
- (2) Provide for the development of commercial land uses that contribute to the establishment of a walkable network, while ensuring compatible integration with noncommercial uses, in a manner consistent with Montverde's Design Standards;
- (3) Provide a range of commercial land uses to ensure that the downtown remain a distinct "destination oriented" focal point of the community, including the adaptive reuse of existing commercial structures consistent with an adopted design theme;
- (4) Provide adequate space to meet the needs of commercial development, including off-street parking and loading, and ensure compatibility between commercial land uses, high traffic corridors and adjacent residential neighborhoods;
- (5) When and if sewer becomes available, encourage mixed-use residential development which is a multistory building with commercial uses on a ground floor, and a shared residential entry lobby, and common access areas such as hallways or stairways that lead to individual residential units above or behind the commercial uses.
- (6) Minimize traffic congestion and avoid the overloading of utilities;
- (7) Minimize excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences;
- (8) Promote high standards of site planning, architectural and landscape design for commercial developments within the Town; and
- (9) Connect circulation (pedestrian, bike and vehicular) between adjacent commercial development and with adjacent residential areas.

Sec. 4-701. – Applicability of and design standards.

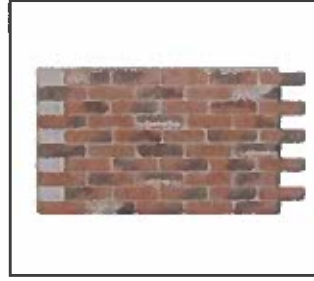
The following standards shall apply to non-residential buildings and structures on parcels within the Commercial, PUD, Institutional, and Public Facility zoning classifications and located near CR 455 commercial area as identified in Exhibit A (the map below). Existing development shall comply with these requirements when substantially improved.

(A) Building Design.

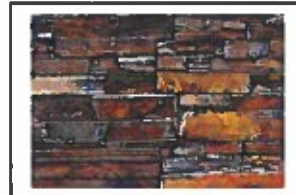
- (1) Building style shall reflect the style and intent of the following figures.
- (2) Materials and colors. Buildings shall be constructed to have the following:
 - (a) Two or more building materials shall be incorporated into the design to establish a clear texture change.

The following building materials may be used for the facade, as long as the material does not exceed a determined percentage of the entire façade:

- i. Brick (not to exceed 85% of façade)



- ii. Natural Stone (not to exceed 85% of façade)



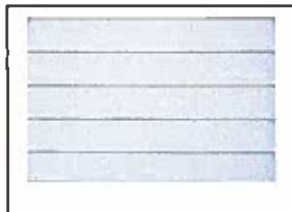
- iii. High quality Faux Stone (not to exceed 85% of façade)



- iv. EIFS (Stucco) (not to exceed 70% of façade)



- v. Hardie Board Siding (not to exceed 70% of exterior)



- vi. Painted Metal (may not exceed 30% of the exterior façade on any side)



- vii. Pre-Colored split face block (may not exceed 30% of the exterior)



- (b) Façade colors shall be neutral, earth tone colors, natural stone colors, or common brick colors.
- (c) Building trim, doors, shutters, and accent areas may feature other colors, including primary colors and black. Metallic, fluorescent, or neon tubing shall not be permitted for building trim or accent areas.
- (d) Massing. Massing shall be used to encourage pedestrian scale elements in building design, and to reduce bulk and mass of buildings.
- (e) Roofs. Roofs shall be constructed to meet the following minimum criteria:
 - i. Parapets concealing flat roofs; or
 - ii. Three (3) or more roof slope planes that do not exceed the average height of the supporting walls, with overhanging eaves extending past the supporting walls.
- (f) Building Lighting.

- i. Lighting shall be decorative and blend with the architectural style of the development.
- ii. All lighting shall be cutoff fixtures designed and located so as to minimize glare and overhead sky glow.
- iii. Canopy and overhead lighting shall be recessed or shielded in a manner that prevents lighting of the horizontal axis.
- iv. Street lighting shall match the Green Mountain Scenic By-Way standard utilized by the Town.

(g) Mechanical Equipment.

- i. All mechanical equipment shall be located as far as reasonably possible from adjoining residential uses but no less than the required setbacks.
- ii. Roof-mounted mechanical equipment shall be shielded from view with the use of a parapet wall or other architectural feature.
- iii. Ground-mounted mechanical equipment shall be located within 20 feet of the principal structure on the site and shall be shielded on all sides with acoustically lined walls that are at least two feet higher than the top of the equipment and treated to match the exterior of the building.

(h) Site Design. The site shall be designed to incorporate the following features:

- i. Entrances. Principal buildings that face an arterial or collector road shall feature at least one (1) entrance on each facade that faces the arterial or collector road. A faux entrance may be used to satisfy this requirement.
- ii. Connectivity. The site design shall provide direct connections and safe street crossings to adjacent land uses. Future connections or streets and treed sidewalks/paths to the property line(s) of the abutting properties shall be provided to the greatest extent possible.
- iii. Loading docks, trash collection containers and similar facilities. These features shall be incorporated into the overall design of the building and landscaping so that the acoustic impacts of these functions are confined within and the visual impacts are out of view from adjacent properties and public streets.
- iv. Pedestrian Circulation.
 - a. Sidewalk/Paths. Sidewalks/paths shall be provided along all sides of the parcel that abut a public street per Florida Department of Transportation sidewalk width guidelines, and shall be at least:
 - b. Sidewalks located on 455. Sidewalks must be eight (8) feet in width with a two (2) foot wide planting strip on the street side, if space permits; or The Town Manager, in consultation with Town Planner, may issue a waiver for the size or installation of the sidewalk if conditions warrant.
 - c. Pedestrian access. Continuous internal pedestrian walkways, no less than six (6) feet in width, shall be provided from public sidewalks or rights-of-

way to the primary entrance of all principal structures on site. Walkways shall connect all focal points of pedestrian activity such as transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials.

- v. **Bike Racks.** Each place of business may be required to install up to a 5-station bicycle rack near the front of the building, based upon determination of Town Manager and Town Planner. If required, the bike rack shall be mounted to a concrete pad in sufficient size to allow for bicycle parking, in a manner that does not interfere with pedestrian traffic flow. Bicycle rack design shall be approved by the town.
- vi. **Landscaping.** Landscaping shall be required in accordance with Chapter 4, LDC. In addition, the Town strongly encourages the use of potted plants and small fruit trees at the corners of buildings and/or within patio areas.
- viii. **Fences & Walls.** Fences or walls shall be wood, metal, masonry, vinyl/plastic or a combination of these materials, which match the development. A coated chain-link fence may be used as long as it is effectively screened from the view of any street or road, utilizing landscaping or other approved features. Fence height cannot exceed 6-ft.
- ix. **Parking.** Parking requirements can be met by both on-site and off-site. Town Planner and Town Manager will review off-site parking request on a case-by-case basis to determine if adequate off-site parking is available based on the intended and possible future uses of the building. The off-site parking request may require the business owner to improve or provide hard surface designated areas for off- site parking.
- x. **Stormwater.** Stormwater requirements can be met utilizing an off-site area. Town Planner and Town Manager will review off-site stormwater request on a case-by-case basis to determine if adequate space is available based on the intended and possible future uses of the building. The off-site stormwater request may require the business owner to improve the designated area.
- xi. **Alternative Design.** These standards are not intended to prevent the use of alternative design solutions that meet the intent and purpose of this Section. Proposals for alternative design solutions may be approved by the Town Manager or designee, in conjunction with the Town Planner, if the applicant demonstrates that the alternative design meets the intent of this Section. Plans that have been signed and sealed by an architect licensed in the State of Florida shall be submitted by the applicant; the plans shall include renderings and elevations, or other equivalent architectural drawings and illustrations to demonstrate compliance with the purpose and intent of this Section.

xii. Setbacks. Setbacks are: 0' front yard, 3' side yards, 10' back yard (25' if backed up to a residential lot).

(i) Convenience stores with gasoline sales.

- i. All convenience stores with gasoline sales shall design canopies, canopy supports and awnings to appear as an extension of the roof covering the principal structure, including, but not limited to, the form, pitch, colors, materials and architectural details. The design elements of the pump island, canopy and the primary building shall use the same colors, materials and architectural details.
- ii. A clearly defined pedestrian route, distinguished by varied paving treatments, shall be provided between fueling pumps and the primary entrance(s) to the building.
- iii. No outside freestanding display of products of any kind shall be permitted unless located in a fully screened enclosure which includes propane stations, newspaper boxes, vending machines or similar devices.

(j) Projects shall create a safe, enjoyable environment for pedestrians, motorists, and cyclists, by accomplishing the following:

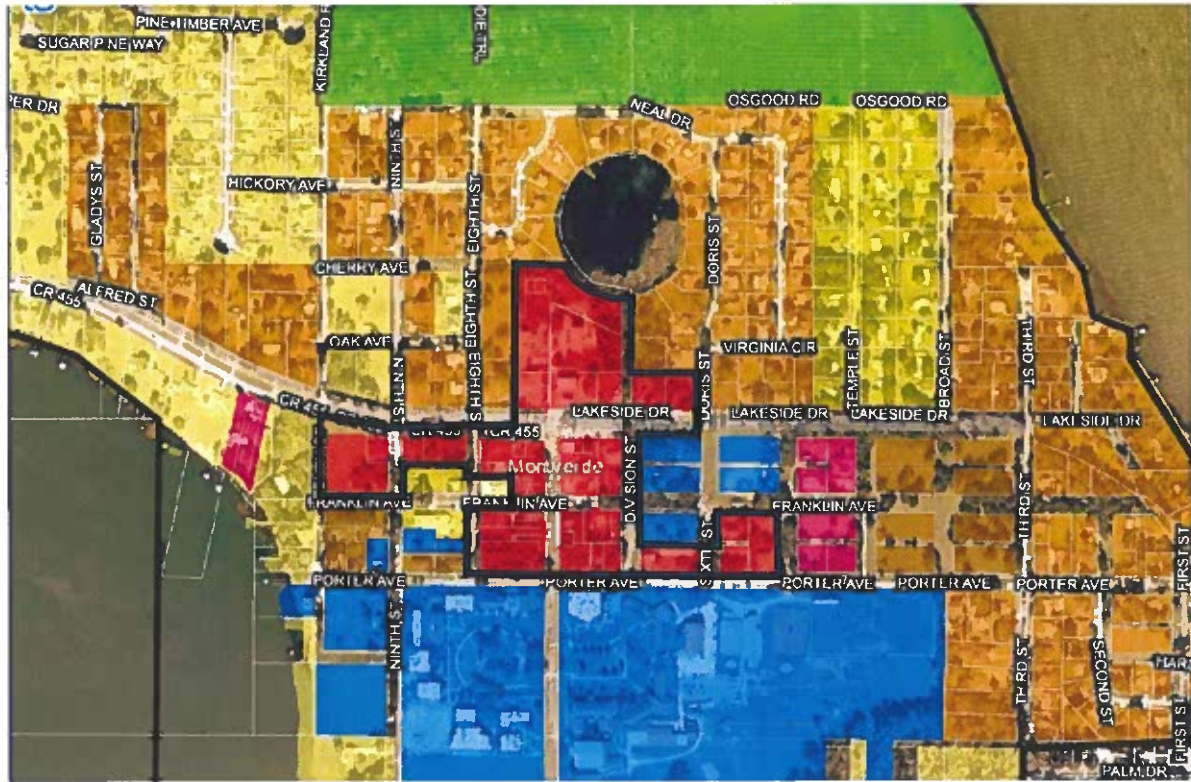
- i. Accommodating bicycle and pedestrian facilities.

(k) When a development includes an outparcel site, the architecture of the outparcel building(s) shall take into consideration the architectural design of the non-outparcel building(s) in types of colors, roof treatments and architectural details.

(l) Accessory structures must be architecturally similar to and match the material and colors of the principal structure on the property.

(m) Signage. In addition to meeting all requirement in Chapter 4 for signage, all signage within this Commercial Zoning Overlay must be consistent with the Green Mountain Scenic Byway design style.

Exhibit A (the map below).



SECTION 3. Codification. It is the intent of the Town Council of the Town of Montverde that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance.

SECTION 4. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this Town, the provision of this Ordinance shall govern.

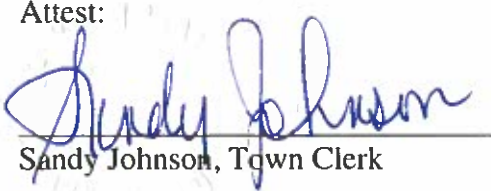
SECTION 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this 9th day of August, 2022.



Joe Wynkoop, Mayor

Attest:



Sandy Johnson, Town Clerk

Approved as to form and legality:



Anita Geraci-Carver, Town Attorney

First Reading 7-12-2022

Second Reading 8-9-2022

Mayor Wynkoop moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member Bates and upon roll call on the motion the vote was as follows:

	YEA	NAY
Bill Bates, Councilmember	✓	
Allan Hartle, Councilmember	✓	
Jim Ley, Vice Mayor	✓	
Judy Smith, Councilmember	✓	
Joe Wynkoop, Mayor	✓	