



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, June 5, 2013, 6:30 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, June 5, 2013 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke, and Kathleen Rapoza, Town Manager Dale S. Sugerman, Town Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

**SPECIAL PRESENTATIONS/REPORTS**

**1. 2013 Legislative Update by Senator Jeff Clemens**

Mayor DuBois welcomed Senator Clemens to the Town of Lake Park.

Senator Clemens stated that 2008 was the last time he was in Lake Park for a Florida League of Cities meeting, which was held in the Mirror Ballroom. He gave a brief history of his political career. He briefly explained the legislative session and some of the projects that were done. He spoke of the Lake Shore Drainage budget that was veto by Governor Scott. He spoke of the Sober Home Legislative that did not move forward this year, but is hopeful that it will advance in the next Legislative session. He spoke of the Communication Services Tax and preserving the local Business Tax. He explained that a "Texting While Driving" bill passed, but there are some components' that are still under review. He explained the Citizens Insurance Bill that passed. He explained his work on the Ethics Committee. He gave his cell phone number at 561-779-7997 and stated that he is available to the community.

Mayor DuBois thanked him for his report and the work he did for the Town on the Sober House issue.

Senator Clemens stated the Lobbyist really worked hard on this years' Legislative session.

**2. 2013 Lobbying Update by Fausto Gomez**

Mayor DuBois introduced Fausto Gomez from Gomez Barker.

Mr. Gomez thanked Senator Clemens for his efforts during the Legislative Session. He reviewed his report for the Commission. See exhibit "A".

Mayor DuBois thanked Mr. Gomez for his work in Tallahassee.

Commissioner Rapoza and Commissioner Flaherty thanked Mr. Gomez.

Commissioner O'Rourke asked if the Lake Shore Drive drainage project would be perused again next year and would including an environmental aspect to it would make it more desired.

Mr. Gomez stated "yes" it would be perused next year and that the project is very strong. He explained the process for reviewing waterfront projects established by Florida State Statutes.

Commissioner O'Rourke thanked Mr. Gomez.

Vice-Mayor Glas-Castro asked if the Town should speak to Secretary David Wilkins about the Town's concerns, so he has a better understanding.

Mr. Gomez stated that there would be a series of stakeholder meetings.

Senator Clemens stated that they would advise if some of the stakeholder meetings were held in Palm Beach County.

Mayor DuBois asked how the Town could be on the inside to know what the proposed recommendations are and if the Town could be of any influence to that process.

Senator Clemens stated that as the bill moves to the legislative process, they did reach out to the Department of Children and Families (DCF) to make sure they were aware of what they are trying to accomplish.

Mayor DuBois stated that they should collaborate with the organization on an industrial scale.

Senator Clemens stated that he has met several times with Florida Drug Association (FDA), but unfortunately, the bill did not move in the House.

Mayor DuBois explained that the only criteria the Town did not meet on the waterfront project was that the Town had not been denied for this type of project in the past. He felt that the Town had a better chance next year to have the project approved. He stated that some projects on the listed were water utility projects, which the Town's industrial areas does not currently have wastewater utility.

Town Manager Sugerman explained that the Town does not have sign and seal drawings, but do have preliminary engineering specification as a shovel ready project.

Mayor DuBois thanked Senator Clemens and Mr. Gomez and stated that the Town is available as a resource if they need us.

Mr. Gomez mentioned that the Florida League of Cities endorsed the regulations.

**PUBLIC COMMENT:**

1. *Linda Wummer 110 Lake Drive* stated that she was surprised that the Town was one of the Town's among the Inspector General lawsuit. She asked that the Town drop out of the lawsuit and allow the Inspector General to do the job 72 percent of Palm Beach County voted for them to do.

Mayor DuBois explained that the only objection the Town has is with the funding mechanism established by Palm Beach County, not the role of the Inspector General (IG). He explained that the Town communicates and works with the IG as a resource.

Attorney Baird explained that this was a Countywide program that was a charter amendment and is the only Countywide program in which the County decided that the cities should participate. The municipalities' position is that this is a County program that should be paid by the County.

2. *Cynthia Grey 503 Sable Palm Drive*, explained that she was surprised that she was charged for a large vegetation pick up and asked what was considered large.

Mayor DuBois suggested contacting Public Works a head of time.

Town Manager Sugerman explained that the Town would work with residents as long as they contact Public Works a head of time to accommodate the pickup.

Mayor DuBois suggested keeping the piles no larger than a refrigerator.

3. *Diane Bernhard 301 Lake Shore Drive*, read from a prepared (see exhibit "B").

Mayor DuBois asked Town Manger Sugerman if the calendar of events mentioned is something that staff can work on.

Town Manager Sugerman stated that we do not have an Event Coordinator that would handle the coordination of the Town events and the elected official's schedules.

Mayor DuBois asked the Commission if that was an item that they wished to add to Commissioner Comments.

**CONSENT AGENDA:**

**3. Regular Commission Meeting Minutes of May 15, 2013**

**4. Waiving of Parking Fees for the July 4<sup>th</sup> Community Celebration in June (June 29, 2013) and Closing Lake Shore Drive from Greenbriar Drive to just North of Foresteria Drive Leaving the South Parking Area Open**

Commissioner O'Rourke requested pulling item number 4 on the Consent Agenda.

Mayor DuBois stated that he had changes to the minutes and would like to have item 3 pulled from the Consent Agenda.

### 3. Regular Commission Meeting Minutes of May 15, 2013

Mayor DuBois stated that he had a few corrections to the May 15, 2013 Regular Commission Meeting minutes as follows: on page 24 the correction is in the Mayor's comments and should read "He explained that although the Marina has been built with different forms of grant funds, it is a Town Marina, and he has not seen many large trailer vessels within the Town and would not want to spend capital to accommodate the smaller percentage of boaters that use the Marina". He stated that on the next page it should read "Mayor DuBois stated "yes", he would like to review the recommendations and see what can be accomplished for minimal expense. He asked if the Town meets the first portion of the ILA for the current parking plan". The final change was on the same page and should read; "Mayor DuBois suggested offering some type of annual pass as recommended by the Marina Task Force. He felt it would be a big seller".

**Motion: A motion was made by Commissioner O'Rourke to approve the Regular Commission Meeting minutes of May 15, 2013 on the Consent Agenda as amended; Vice-Mayor Glas-Castro made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

### 4. Waiving of Parking Fees for the July 4<sup>th</sup> Community Celebration in June (June 29, 2013) and Closing Lake Shore Drive from Greenbriar Drive to just North of Foresteria Drive Leaving the South Parking Area Open

Commissioner O'Rourke expressed concern that this item was placed on the Consent Agenda instead of a discussion item and the disclosure of what is being proposed to the public. He asked for clarification on the street closure for the event.

Town Manager Sugerman explained that Lake Shore Drive would be barricaded from Greenbriar to Foresteria Drive to allow the junction of Lake Shore Park and Kelsey Park to allow easy flow of pedestrians' foot traffic.

Commissioner O'Rourke asked if the barricaded area would be used for parking.

Town Manger Sugerman stated "no".

Commissioner O'Rourke asked where the overflow parking would be.

Town Manager Sugerman stated that East and West on Park Ave. He explained that although the item was on Consent, any member of the public can see the backup material

on the Town's website. If someone does not have internet access, they can come to the Town Clerk's office and view the entire agenda packet one week before the meeting.

Commissioner Rapoza stated that if someone does not agree with an item they could come to Town Hall and voice their opinion.

Mayor DuBois recapped that Lake Shore Drive would be closed between Greenbriar and Foresteria Drive from 10:00 a.m. until 10:00 p.m. and the event will be from 4:00 p.m. until 8:00 p.m.

Commissioner Rapoza stated that traffic control is very important for this event.

**Motion: A motion was made by Commissioner O'Rourke to approve Waiving of Parking Fees for the July 4<sup>th</sup> Community Celebration in June (June 29, 2013) from 10:00 am until 10:00 pm; Commissioner Rapoza made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**Motion: A motion was made by Commissioner O'Rourke to approve Closing Lake Shore Drive from Greenbriar Drive to just North of Foresteria Drive Leaving the South Parking Area Open; Commissioner Rapoza made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

### **BOARD MEMBERSHIP APPOINTMENT:**

#### **5. Board Membership Appointments for the Library Board**

Town Clerk Mendez announced that Diane Bernhard had been appointed to the Library Board as an alternate member. (See attached ballots as Exhibit "C").

### **OLD BUSINESS:**

None

## PUBLIC HEARINGS - ORDINANCE ON FIRST READING:

**6. Ordinance No. 08-2013 A Text Amendment to Section 78-71 to include an “Animal Service Establishments” Use as a Special Exception Use, and “Animal Day Care Establishment”, “Animal Grooming Establishment”, “Animal Indoor Training Center”, and “Pet Shop” Use as a Permitted Use within the C-1 Business District, as well as Creating a “Special Exception” Subsection to the C-1 Business District to include some Existing C-1 Permitted Uses and the New “Animal Service Establishment” use as a Special Exception Use. Modification to Section 78-2 to Include Definitions for the Various Uses being Amended in the C-1 Business District.**

Town Manager Sugerman explained the item (see exhibit “D”).

Commissioner Rapoza wanted to know what constituted a domesticated animal.

Community Development Director Nadia DiTommaso explained that in Section 11-1 of the Town Code it already defines what are considered a domesticated animal. Dogs, cats, parrots, rabbits, canaries, gerbils, hamsters, turtles and other animals that can be legally sold in a pet shop in the state of Florida, and which are kept for the purpose of providing human companionship.

Commissioner Flaherty stated that he attended several of the Planning and Zoning Board meeting and learned a lot about this topic there.

Commissioner O’Rourke expressed concern with the Special Exception and understood that the text amendment ordinance was what was being considered at the meeting. His understanding of the C1 Zoning District was generally for retail, restaurant, or low impact businesses. He is concerned that a boarding facility for domesticated animals will need to put in place a system where animals can be walked and the area maintained cleaned and sanitary. He expressed that he is not sure that the C1 Zoning District is the best place for such a business.

Community Development Director DiTommaso explained that staff also had the same concerns, which is one of the reasons it was being considered as a Special Exception use. She stated that with the Special Exception use it would allow the staff, the Planning and Zoning Board, and the Town Commission the ability to put additional conditions as businesses come forward for Special Exception use approval. In addition, Palm Beach County Animal Care and Control also has an ordinance with their various criteria that an applicant would need to apply to a certain facility. They would take into consideration the availability of outdoor space that a site does have for boarding and kennel uses that would be a requirement including the zoning requirements. If a business cannot receive approval from both Palm Beach County and the Town with a large enough outdoor area, even if the square footage indoors in large enough, they would not receive approval for the amount of animals in the facility.

Commissioner O’Rourke asked where the C1 Zoning District was located.

Community Development Director DiTommaso explained that it runs south on Northlake Blvd and a few pockets on the west side of US Highway 1 and also a few pockets along 10<sup>th</sup> Street.

Vice-Mayor Glas-Castro stated that all the C1 Zoned properties are adjacent to residential properties and expressed concern about compatibility of these types of uses and the noise by dogs while they are in the outside areas. She stated that the noise can be contained while inside the facility, but is concerned with the outside areas being so close to residential properties. She stated that she expressed concerns earlier in the day with staff about the definition of Animal Daycare, which describes it as an indoor facility. She asked staff if they were only going to have an indoor area and not an outdoor area as some other facility offer an outside play area. She expressed concern that once they have an outside area then there needs to be additional consideration for compatibility, noise control, etc. She is not concerned if the establishment would be solely an indoor facility. She drove by the facility and saw that it was set up with an outdoor play area for the animals.

Attorney Baird asked the Vice-Mayor if she would be more comfortable if the language read that the Animal Daycare Establishment was a Special Exception.

Vice-Mayor Glas-Castro stated that only if it was going to have an outdoor area. She felt that we should limit the outdoor runs and that it not becomes an outdoor activity area.

Attorney Baird stated that one of the components of that use could involve an outdoor area. He suggested moving Animal Day Care Establishments to the Special Exception category.

Mayor DuBois stated that Veterinary Clinic should be included, since those types of businesses tend to be on the same scale use.

Community Development Director DiTommaso explained that there is a provision in the Code for clinics.

Attorney Baird stated that if they wanted to expand the areas where Vet Clinics are allowed it can be added to the C1 Zoning District.

Commissioner Flaherty stated that he attended the Planning and Zoning Board meeting and heard what this applicant was doing. He explained that indoor area is large and felt that there may not be a need for the animals to go outdoors for very long.

Attorney Baird reminded the Commission that the item to consider is if this type of business is appropriate in this zoning district. They will have an opportunity to review any application that may come forward at another time. He explained that currently there is no control in the Code because of concerns like the ones Vice-Mayor Glas-Castro raised. He stated that it would be appropriate to move this use into the Special Exception section of the Code. If the Commission thinks that the language could be expanded to the Zoning District Veterinary Clinics should be included. He suggested doing that through a

separate legislative process because it needs to be reviewed by the Planning and Zoning Board.

Commissioner Rapoza asked if there was any language regarding a facility being opened twenty-four (24) hours a day-seven (7) days a week.

Attorney Baird stated that the Ordinance does not require that, but the business does have an on-site manager 24/7.

Commissioner O'Rourke asked if the intent is to include certain types of establishments as permissible exceptions.

Attorney Baird explained what adding such an exception would allow an establishment to do under the Code. He explained that the Special Exception use means that an establishment must meet a heightened lever of criteria in order to get that use.

Commissioner O'Rourke asked if the Animal Daycare was allowable by right.

Attorney Baird stated that it is set up that way right now, but thinks the Mayor's issue with that was Animal Daycare; and if those animals need to be outside then it should be a Special Exception.

Commissioner O'Rourke struggled with the Animal Daycare versus the boarding of animals near residents and it being considered an allowable use by right.

Attorney Baird explained that no, it would be considered a Special Exception use as proposed by staff. He explained that the Commission could remove the boarding component of an Animal Services Establishment.

Town Manager Sugerman recapped the discussion and stated that if the majority of the Commission does not believe that animal boarding activities are appropriate for the C1 Zoning District, then that should be carved out of what is being proposed. If there is another component that the Commission thinks should not be in the C1 Zoning District then carve it out. He stated that staff is proposing language for the entire Town and they are trying to support a local business, but if the Commission thinks that this use should not be allowed in the C1 Zoning District, then the language should be removed.

Town Manager Sugerman referred to a conflict noted on page 3 of the staff report (see exhibit "D") which includes the definitions. He stated that there is a conflict in the language that was caught by the Vice-Mayor in which Pet Stores are indoor facilities, which includes overnight boarding and below that is Boarding Kennels, which includes boarding animals overnight.

Commissioner O'Rourke suggested that they not allow Animal Services Establishments as a Special Exception, but instead carve that out of the C1 Zoning District. He thinks that Animal Daycare and Animal Grooming can be acceptable under Special Exception because they are indoor establishments.

Attorney Baird stated that if the majority of the Commission thinks that way then staff could remove the definition of Animal Service Establishment, which would include Boarding Kennel and the text below that. He stated that Pet Store was already a separate use, which would come out of that section as well. He stated that it would eliminate all of the language under Animal Service Establishment.

Town Manager Sugerman pointed out that the language would also need to be removed from the Special Exception section.

Vice-Mayor Glas-Castro stated that in doing so they should keep the language on noise, nuisances, and outdoor runs.

Town Manager Sugerman stated that the language would be in a separate section of the Code in Section 10-55, which is a footnote in the staff report.

Community Development Director DiTommaso explained that there is some language that is being integrated as the Animal Services Establishment definition, although if the Commission's intent would be to remove the Animal Services Establishment proposal, then keep the additional animal related uses, while still limiting those uses if in fact they would be proposing an outdoor area. She suggested keeping the language regarding the outdoor areas as a Special Exception consideration of the use if it should come before staff.

Attorney Baird stated that if they are going to move the Animal Establishment, which is an indoor use, but the nature of the use for the dogs would be allowed outside, then that language should just be incorporated in the Animal Daycare Establishment text as it was under Boarding Kennel. That would allow the Town to request soundproofing if it deems it necessary and would address the impact of the daycare use of dogs. He explained that an applicant that came before the Planning and Zoning Board prompted this. If it is the Commission's desire to take this use out, then the applicant would not be able to operate under the current use.

Town Manager Sugerman clarified that the business is currently operating under certain uses that are permitted and they are also operating under certain uses that are not permitted. He explained that they continue to do business under the conditions that are permitted, but they could not continue to operate under the uses that are not permitted, even though they have begun to expand their business to include the non-permitted uses, which they have been cited for.

Attorney Baird stated that those that appeared before the Planning and Zoning Board in support of the item were people that were using the facility to board their animals. He stated that it seems that it was a very important component of their business. He explained that the boarding aspect of this text amendment was being proposed because the business needed to legitimize the boarding component of their business.

Town Manager Sugerman pointed out that it would be up to the Town Commission not the determination of the business.

Commissioner O'Rourke expressed concern about wanting to assist businesses, but keeping in mind that zoning areas are established for a purpose.

Mayor DuBois stated that he does not mind continuing Animal Services as a Special Exception, but they take a higher level of review. He explained the review process of going first to Community Development, then the Planning and Zoning Board, before it appears before the Town Commission. He believes that there is enough control in place before it comes forward.

Town Manager Sugerman stated that there is a notice requirement for the Special Exception process of what the Planning and Zoning Board and Town Commission will be considering.

Attorney Baird stated that staff needs direction from the Commission.

**Motion: A motion was made by Commissioner O'Rourke to adopt Ordinance 08-2013 on First Reading and strike out the definition for Animal Services Establishments component from Section 78-2 and the Special Exception Use from Section 78-184.**

Vice-Mayor Glas-Castro asked for clarification on the motion.

Attorney Baird thought the motion was to approve on first reading the Ordinance, but striking Animal Services.

Commissioner O'Rourke stated that he restate his motion.

**Motion: A motion was made by Commissioner O'Rourke to approve Ordinance No. 08-2013 and strike the definition and component of Animal Services Establishment that would include overnight boarding and the Special Exception use of Animal Services Establishments; Commissioner Rapoza made the second.**

Vice-Mayor Glas-Castro asked what the notice requirement radius to the establishment is.

Community Development Director DiTommaso explained that the Special Exception application requires advertisement. The 300-foot notice requirement does not apply to Special Exception applications per Florida State Statute and the Town Code. She explained that Site Plan Applications have that requirement, but Special Exceptions do not.

Town Manager Sugerman stated that it was his error.

Attorney Baird asked if there was a Site Plan Application from the business.

Mayor DuBois stated that Site Plans might not be included in Special Exceptions Applications.

Commissioner O'Rourke asked if they could add a notice provision.

Attorney Baird explained that they would need to change the Town Code.

Commissioner Flaherty asked if this would remove the overnight boarding.

Mayor DuBois recapped that it would remove the overnight boarding, which is a portion of the Animal Services Establishment that allows overnight boarding. He explained that it is only allowed as a Special Exception and believe there is a substantial amount of review beginning with the Community Development Department, then the Planning and Zoning Board, before it comes before the Town Commission.

Vice-Mayor Glas-Castro stated that for these types of uses adjacent to residential there should be direct mail notice. She stated she would not support this without the notice.

Commissioner O'Rourke asked for clarification of the notice requirement since everyone was under the impression that there was notice.

Community Development Director DiTommaso stated that there is a notice requirement for advertisement, there is no certified mail requirement.

Mayor DuBois explained that the advertisement requirement is the same that is used to advertise for public meetings, but there is no direct mail requirement.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty		X	
Commissioner O'Rourke		X	
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois		X	

Motion failed 3-2

Vice-Mayor Glas-Castro stated that she could not construct a motion based on the notice requirement. She recommended sending it back for staff to rewrite the Special Exception notice.

Attorney Baird stated that the proper motion would be to continue the item to your next meeting.

Mayor DuBois asked if that would allow enough time for staff to write the language.

Attorney Baird stated that it would not allow for the Commission to use the rewritten language for the Special Exception notice requirement because it would need to come before the Commission under two (2) separate readings.

Town Manager Sugerman explained that the next agenda deadline has already passed.

Attorney Baird explained that if it is the intent of the Commission to change the Zoning Code to require courtesy notices of 300-feet for all Special Exceptions uses that would require another Ordinance. He suggested postponing the current Ordinance and once the other Ordinance was addressed then staff can bring this item back.

Town Manager Sugerman expressed concern because under Robert's Rule of Order the Ordinance was defeated; therefore, there was no item before the Commission on this topic.

Attorney Baird stated that the motion that was made was to delete items; it was not to adopt this Ordinance. He explained that it was to adopt this Ordinance with amendments; therefore, this Ordinance can come back before the Commission.

Mayor DuBois recapped that a motion can be made to adopt as is or conditioned.

Attorney Baird stated that it can be adopted under first reading and wait before bringing it back for second reading and bring it back after the notice Ordinance was adopted. He explained that it would be a few months because they would need to pass another Ordinance in the mean time.

Mayor DuBois stated that it would be conditional on that Ordinance passes.

Commissioner O'Rourke asked if a motion to continue this subject matter or are they restricted from discussing this Ordinance.

Mayor DuBois stated that they can continue this item to the next agenda period, but it may not be the next meeting. He asked if staff could construct an Ordinance based on this discussion.

Commissioner O'Rourke stated that it seems that the Commission has come to consensus to have notice requirement language added to the Special Exception section of the Code, which would require a different Ordinance before this Ordinance comes back.

Town Manager Sugerman suggested, if the notice is important, then they can adopt the Ordinance on first reading, and then the Town can take a Special Exception Application from the applicant. As part of the Special Exception Application, one of the conditions could be to provide notice to all properties within 300-feet.

Attorney Baird asked if the Town already had a Special Exception Application from the applicant.

Community Development Director DiTommaso stated that they do.

Attorney Baird asked if they had a Site Plan.

Community Development Director DiTommaso stated that they do not have a Site Plan.

Attorney Baird asked that if the Town requires a Site Plan does it require a 300-foot notice.

Community Development Director DiTommaso stated “no”. She explained that Site Plan Development Application requires notice. The Special Exception section 78 only states that it needs to go before the Town Commission.

Attorney Baird asked what the Code specifies for Site Plans.

Community Development Director DiTommaso explained that a Site Plan does require notice.

Attorney Baird asked why we do not ask for a Site Plan, which would then trigger the notice.

**Motion: A motion was made by Commissioner Flaherty to postpone Ordinance 08-2013 on First Reading; Vice-Mayor Glas-Castro made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**PUBLIC HEARINGS - ORDINANCE ON SECOND READING/QUASI-JUDICIAL:**

**8. Ordinance 07-2013 Adoption of the Florida-Friendly Use on Urban Landscapes Ordinance**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32, ENTITLED “UTILITIES”, BY CREATING A NEW ARTICLE IV ENTITLED “FLORIDA-FRIENDLY FERTILIZER USE” AND ESTABLISHING REGULATIONS TO ADDRESS STORMWATER RUNOFF WITH EXCESSIVE NUTRIENT LEVELS IN WATER BODIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR**

**SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Baird stated that this item is not Quasi-Judicial.

Town Manager Sugerman explained that there have been no changes to this Ordinance since it appeared on first reading.

**Motion: A motion was made by Commissioner O'Rourke to adopt Ordinance 07-2013 on Second Reading; Commissioner Flaherty made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Baird read the Ordinance into the record by title only.

**NEW BUSINESS:**

None

**TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**Attorney Baird** explained that he has been working with Professor Instrum on the voting system and he has received a proposal with two (2) components. The first would be \$800 to study the election returns, which the Professor thinks would then determine if the Commission wants to move forward to the second component. The second component would be approximately \$8800. He explained that it would be more costly because for the second component, the Professor would need to be on-site and he lives in North Carolina, so it would cover those costs. He stated that he could write the contract so that if the Commission wants to proceed to the second component they can. He explained that if the Commission is anxious to begin the process it would cost \$800. The contract would be brought to the Commission for approval.

Mayor DuBois asked when the balance would be due.

Attorney Baird stated that the balance would only be due if the Commission choose to go forward after the expense of the first \$800. What the Professor would likely present would be a recommendation based on what the data suggest.

Commissioner O'Rourke commented that after reading the information provided he found interesting that the Department of Justice was going to mandate that the Town go

to single member districts. He suggested going to the second alternative that had been given to the Town, which was Accumulative Voting.

Attorney Baird explained that the Commission, at the time, had chosen the Accumulative Voting system and it was denied by the Department of Justice, but more importantly, the Supervisor of Elections also denied it. The Supervisor of Election denied it because they do not have the equipment to accommodate that type of voting system.

Mayor DuBois explained that they are trying to create continuity on the Commission as well as equality.

**Motion: A motion was made by Vice-Mayor Glas-Castro to draft a contract for the Commissions consideration; Commissioner O'Rourke made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**Town Manager Sugerman** announced that in his monthly report he provided a copy of a letter he sent to Palm Beach County representative Rob Robins regarding the entrance to the Palm Beach County Scrub area. Mr. Robins has responded to the letter and indicated that they appreciate the correspondence from the Town, but they would continue to move forward with the entrance off Silver Beach Road. He asked if the Commission wishes to extend an invitation to Mr. Robins to come in and explain their position.

The Commission came to consensus to not invite Mr. Robins to a Commission meeting to explain their position.

He announced that the next Commission Workshop has been scheduled for Wednesday, June 26, 2013 at 6:30 p.m. He stated that the Town would be celebrating July 4 on June 29, 2013 at Lake Shore Park from 4:00 p.m. until 8:00 p.m. with a live band, food and craft vendors, alcoholic beverage sales, water slide, educational material free admission and free parking. He explained that the first meeting in July is scheduled for July 3<sup>rd</sup> and was wondering if the Commission wanted to cancel the meeting before the Independence Day holiday.

The Commission came to consensus to conduct the meeting on July 3<sup>rd</sup> as scheduled.

**Commissioner O'Rourke** expressed concern regarding the letter from Rob Robins.

Conversation ensued regarding the letter received from Rob Robins and the Commissions position on the entrance off Silver Beach Road.

**Commissioner Rapoza** asked if a rain date has been established for the June 29<sup>th</sup> event.

Town Manager Sugerman stated “no”.

She encouraged everyone to attend the meetings and the events.

**Commissioner Flaherty** thanked everyone that attended the meeting and provided the vegetation schedule. He repeated Senator Clemens phone number. He congratulated Diane Bernhard for her appointment to the Library Board. He wished Barkley’s luck.

**Vice-Mayor Glas-Castro** referred to an email received from Kelly Smallridge regarding the Leadership Assets Map, which includes assets like Marinas, non-profits, etc. She referred to a letter received from Betty Hodges, which offers suggestions to the Town on various topics.

**Mayor DuBois** asked if anyone else had received the email from Seven 50 regarding a list of non-profits in the Town. He congratulated the 5<sup>th</sup> grade class of Lake Park Elementary School. He thanked Kiwanis for the breakfast and First United Bank for their sponsorship trip of the Safety Patrol to Washington DC. He thanked staff for the PA system and chairs used at the Memorial Day ceremony. He stated that the Seeds of Hope newsletter was nicely done. He reminded everyone of D-Day on June 6<sup>th</sup>. He thanked Diane Bernhard for her comments on the events in Town.

Vice-Mayor Glas-Castro asked if there was a means to a community calendar and understood that there is no staff person that handles that function.

Mayor DuBois asked if there was a way to construct such a calendar.

Town Manager Sugerman stated that we have the capability of doing that.

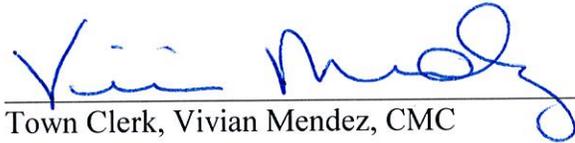
Commissioner O’Rourke stated that he has been working on that type of project and was going to discuss it with Diane Bernhard after the meeting.

Mayor DuBois suggested that he bring that back to the Commission.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Commissioner Rapoza, and by unanimous vote, the meeting adjourned at 9:35 p.m.

  
\_\_\_\_\_  
Mayor James DuBois

  
\_\_\_\_\_  
Town Clerk, Vivian Mendez, CMC



FLORIDA

Approved on this 19 of June, 2013

Exhibit "A"

2350 Coral Way, Suite 301  
Miami, Florida 33145  
(305) 860-0780 (Telephone)  
(305) 860-0580 (Facsimile)  
(305) 905-9801 (Mobile)

200 West College Avenue, Suite 204  
Tallahassee, Florida 32301  
(850) 222-9911 (Telephone)  
(850) 807-2539 (Facsimile)

[fgomez@gomezbarker.com](mailto:fgomez@gomezbarker.com)

**Gomez Barker  
Associates, Inc.**

# Memorandum

**To:** Hon. James DuBois, Mayor  
Hon. Kimberly Glas-Castro, Vice Mayor  
Hon. Erin Flaherty, Commissioner  
Hon. Michael O' Rourke, Commissioner  
Hon. Kathleen Rapoza, Commissioner

**From:** Fausto B. Gomez

**CC:** Dale S. Sugerman, Town Manager

**Date:** May 29, 2013

**Re:** End-of-Session Report (2013)

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We are pleased to present this report detailing the accomplishments of the Town of Lake Park during the 2013 legislative session. Aided by the first projected budget surplus in three years, legislators presided over a relatively smooth session as excess revenues did much to pave over significant disagreements. As one observer remarked "More money; less problems."

Florida legislators passed a record \$74.5 billion state budget (an increase of more than \$4 billion from the current fiscal year) along with significant legislation dealing with Elections, Ethics, and Campaign Finance. It was also, nevertheless, a session marked by unresolved policy differences in state and local pensions, an expansion of Medicaid eligibility, economic development incentives, and taxes.

In the midst of this, Lake Park fared very well. Along with Senator Jeff Clemens and Representative Bobby Powell, this firm worked to:

- Secure a Line Item (1640C) of \$200,000 for "Lake Shore Drainage Improvements." Only two cities in Palm Beach County along with the County, received water project support and unfortunately the Governor vetoed the vast majority of these; including Lake Park. The other Palm Beach projects the Governor vetoed were in Riviera Beach and three County Lake Worth Lagoon initiatives. Statewide, the Governor vetoed a total of \$368 million; with \$37.4 million of that amount from local water projects.

At the beginning of the legislative year the Governor's Office published criteria as a guide to legislative funding and for subsequent evaluation purposes. From this criterion the legislature established a formal application and a requirement that the project had to be publicly presented to the Senate and House Appropriations Committees and endorsed by a majority of the legislative delegation. Your staff completed the form(s) and we secured the endorsement of the Palm Beach Legislative Delegation and presented the project in the House and Senator Clemens in the Senate. It was because of this that Florida TaxWatch, the most well-known watchdog organization in Tallahassee, which every year lists funding projects that it says were placed in the budget without public review and debate, spared local water projects from being listed as "turkeys." Notwithstanding the Governor's own criteria, and the process that he helped establish, when the vetoes were issued Governor Scott announced a new "filter" for local projects. He stated, "My filter was this: One is it going to help our families get more jobs? Two, will it help improve our education system in the state? And three, will it help make government more efficient?" This was a different standard than his office had previously announced.

Along with our colleagues who represent other local governments and in consultation with legislators, we are beginning to chart a course for the next fiscal year. The plan is to establish an official water project grants review and recommendation program at the South Florida Water Management District or employ and fund the "Water Projects Grant Program" at the Department of Environmental Protection (DEP). The latter was previously created under 403.885, F. S. and it would be similar to the process currently employed for the Florida Recreational Development Assistance Program (FRDAP).

I think it important to recognize other legislators who helped secure the Lake Park allocation. These included Senators Joe Negron from Palm City and Anitere Flores from Miami and Representatives Seth McKeel from Lakeland and Steve Crisafulli from Merritt Island. They joined with Senator Clemens and Representative Powell in assuring that the Lake Shore Drainage Improvement was legislatively funded.

- Include in the Conforming Bill to the state budget language directing the Department of Children and Families to study the Sober Home problem and look for ways to stop these unlicensed homes from expanding in residential neighborhoods. DCF must report back to the Governor, President of the Senate, and Speaker of the House by December of this year with their finding and recommendations.

State oversight of Sober Homes is a Lake Park initiative and for the two legislative sessions prior to this one the Town spearheaded the issue. Lake Park used to be the sole voice lobbying for relief of the incursion of Sober Homes into residential communities and, in fact, faced opposition from some neighboring cities. That is all in the past and all of Palm Beach is now working in concert.

- Preserve \$375,003 in current funding to Lake Park from the Communications Services Tax (CST). SB4122 and HB303 would have repealed the authority of local governments to levy the CST. These bills failed. Additionally, the House Finance and Tax Subcommittee held a workshop to tax all communications services at the same rate, regardless of the type of service, method of delivery, or location of the user. Although the Finance and Tax proposal was intended to be revenue neutral, there were no details.
- Preserve \$309,659 in current funding to Lake Park from local Business Taxes. The House Finance and Tax Subcommittee held a workshop to establish three uniform tax classifications based on the square footage of the business. Again, although the

Finance and Tax proposal was intended to be revenue neutral, there were no details.

- Assure a minimum of \$6,674 in state funds to support the Lake Park Library. The legislature funded "Aid to Local Libraries" at \$2.1 more than that requested by the Department of State so that should mean an increase in the monies provided to Lake Park.
- Help pass CS/SB52 by Senator Nancy Detert which prohibits the operation of a motor vehicle when texting. .

Equally critical to the above was the ability to pass legislation that reduced Lake Park's operating responsibilities and expenditures and to thwart bad policy that would have preempted home rule authority or imposed additional unfunded mandates. An example of the latter was HB7123 by the House Select Committee on Claims Bills which would have significantly raised sovereign immunity limits. Under current law, the state has waived sovereign immunity in tort actions up to \$200,000 for individual actions and up to \$300,000 for all actions arising out of the same incidence or occurrence. The bill would have increased the waiver of sovereign immunity for political subdivisions only (defined to include cities, counties, and school board), up to \$1 million for individual actions or up to \$1.5 million for all actions arising out of the same incidence or occurrence. This is a five-fold increase on the current waiver of sovereign immunity. Another example was SB1716 by Senator Rene Garcia that would have exempted certain new developments from having to comply with impact fee, transportation concurrency, or proportionate share requirements for three years.

Following is a detailed list of key issues that my partners, associates, and I lobbied and/or monitored on your behalf. We were actively engaged both in helping pass legislation that facilitated local governance as well as assuring that bills that would have negatively impacted Lake Park did not become law.

- Pension Reform

The Florida Retirement System (FRS) was the focus on much legislative debate and its revamping was a priority of the Speaker of the House. Senators voted to defeat a compromise amendment to the measure (HB7011) which would close the traditional pension plan to new employees and move them into a 401(k)-style "defined contribution system." Supporters of the reform indicated that the state's pension plan is not fully funded while those against the change stated that the pension plan is one of the few things that made state employment, with its relatively low pay, attractive to workers. This issue will again be addressed next legislative session.

- Property Insurance

During the legislative session, 63 bills were filed regarding property insurance, 45 of which specifically proposed changes to Citizens, and one of which passed (SB1770). That bill did not make the robust structural changes proposed by the Senate and others. The House of Representatives prevailed, but still Citizens' coverage levels will be reduced from \$1 million to \$700,000 over three years, a clearinghouse will be set up to shop customers in the private market, and coverage is prohibited for new buildings seaward of the coastal construction line. The legislation also sets up an Inspector General for Citizens.

Of particular importance, existing Citizens customers keep the 10% rate cap on annual rate hikes. This was crucial to legislators from Southeast Florida and to Chief Financial Officer Jeff Atwater. He said "I do not believe that the Legislature should rip these caps off and try to accelerate rates. It will damage the economic growth that is now taking place."

- Right to Speak

The Florida Legislature passed legislation that says public agencies must make "reasonable" accommodations for public testimony – subject to time constraints and other normal limits (SB50). The bill is a result of two District Court of Appeal rulings that held that while the Florida Constitution and the "Government in the Sunshine" laws require public governing bodies to meet openly, there is no legal requirement that they let the public speak at meetings.

- Ethics

One of the overriding priorities of the legislature this session was ethics reform. CS/SB2 by Senator Jack Latvia gives the Florida Commission on Ethics (COE) the authority to place liens on real property in order to collect financial disclosure fines. The bill provides a grace period to amend financial disclosure forms and now requires municipal finance directors to file financial disclosure. Finally, the COE is authorized to initiate investigations and candidates or elected officials are prohibited from accepting public employment if known that the position is being offered for the purpose of gaining influence over the official. The Governor approved this measure on May 1<sup>st</sup>.

- Campaign Finance

The Governor has already approved CS/CS/CS/HB569 relating to campaign finance. Of interest to local governments that have an ordinance or charter provision that adopt the Florida Election Code as the controlling law for elections; the contribution limit is increased to \$1,000 per person per election. Also, candidates would have to file an increased number of campaign finance reports.

As always, please do not hesitate to contact me if you have any questions or desire additional information. We appreciate the Mayor joining us in Tallahassee and assisting with the lobbying efforts just like we appreciate the support and guidance provided by the other elected and appointed officials of the Town. Thank you for allowing us to represent the Town of Lake Park.

**Vivian Mendez**

Exhibit "B"

**From:** Diane Bernhard [dianebernhard@comcast.net]  
**Sent:** Friday, May 31, 2013 11:39 PM  
**To:** Vivian Mendez  
**Subject:** Comment for Commission Meeting -- June 5, 2013

Vivian, thank you so much for undertaking this. I appreciate your help and know you'll do a good job.  
Diane

June 5, 2013

Non-agenda comment:

Diane Bernhard, 301 Lake Shore Drive, Lake Park, Florida.

I attended the Bethlehem Baptist's Youth Booster Workshop on Saturday, May 25<sup>th</sup> and found it disappointing that only one official of the Town of Lake Park attended. Obviously, there were conflicts with Memorial Day Week-End celebrations.

To prevent that kind of over-look error again, I would like to offer a suggestion:

Have one person -- a Town Employee or Town Volunteer -- receive and collect information about upcoming events in -- or of interest to -- the Town of Lake Park. That person -- the Event Coordinator -- makes monthly calendars of events -- perhaps using the Town Clerk's Calendar Template. The Mayor, Commissioners, and other participating people, can state their particular interests and let the Event Coordinator know -- in advance -- when they will be available to attend events each month. The schedule can be broken up into blocks of time on week-days and week-evenings, week-end days and week- end evenings. All participants will be able to choose times convenient for themselves and get to attend events that they have an interest in. This calendar can be used to insure that no one individual is overwhelmed with events and another under-utilized. It can also allow for a back-up, should a Participant have a change of plans...

Thank you.

Diane Bernhard

Exhibit "C"

# BALLOT

*Commissioner Pappa*

## MAYOR/COMMISSIONER

THE TOWN COMMISSION MAY APPOINT A FIVE MEMBER LIBRARY BOARD WITH TWO ALTERNATES.

CURRENTLY THE BOARD HAS FIVE (5) REGULAR MEMBERS AND NO ALTERNATE MEMBERS APPOINTED.

THERE ARE OPENINGS FOR TWO (2) ALTERNATE MEMBERS.

Shall **DIANE BERNHARD** be appointed to the Library Board as an:

Yes

No

Alternate Member

# BALLOT

Flaherty

---

## MAYOR/COMMISSIONER

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CURRENTLY THE BOARD HAS FIVE (5) REGULAR MEMBERS AND NO ALTERNATE MEMBERS APPOINTED.

THERE ARE OPENINGS FOR TWO (2) ALTERNATE MEMBERS.

Shall DIANE BERNHARD be appointed to the Library Board as an:

Yes

No

Alternate Member

\_\_\_\_\_

\_\_\_\_\_

# BALLOT

*Rn Cole Cook*

**MAYOR/COMMISSIONER**

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THERE ARE OPENINGS FOR TWO (2) ALTERNATE MEMBERS.

Shall **DIANE BERNHARD** be appointed to the Library Board as an:

Yes

No

Alternate Member

# BALLOT

O'Rourke

**MAYOR/COMMISSIONER**

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THERE ARE OPENINGS FOR TWO (2) ALTERNATE MEMBERS.

Shall **DIANE BERNHARD** be appointed to the Library Board as an:

Alternate Member

Yes

No

# BALLOT

---

## MAYOR/COMMISSIONER

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CURRENTLY THE BOARD HAS FIVE (5) REGULAR MEMBERS AND NO ALTERNATE MEMBERS APPOINTED.

THERE ARE OPENINGS FOR TWO (2) ALTERNATE MEMBERS.

Shall DIANE BERNHARD be appointed to the Library Board as an:

Alternate Member

Yes

No



\_\_\_\_\_

\_\_\_\_\_



Exhibit "D"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: June 5, 2013

Agenda Item No. Table

**Agenda Title:** TEXT AMENDMENT TO SECTION 78-71 TO INCLUDE AN "ANIMAL SERVICE ESTABLISHMENT" USE AS A SPECIAL EXCEPTION USE, AND "ANIMAL DAY CARE ESTABLISHMENT", "ANIMAL GROOMING ESTABLISHMENT", "ANIMAL INDOOR TRAINING CENTER", AND "PET SHOP" USE AS A PERMITTED USE WITHIN THE C-1 BUSINESS DISTRICT, AS WELL AS CREATING A "SPECIAL EXCEPTION" SUBSECTION TO THE C-1 BUSINESS DISTRICT TO INCLUDE SOME EXISTING C-1 PERMITTED USES AND THE NEW "ANIMAL SERVICE ESTABLISHMENT" USE AS A SPECIAL EXCEPTION USE. MODIFICATION TO SECTION 78-2 TO INCLUDE DEFINITIONS FOR THE VARIOUS USES BEING AMENDED IN THE C-1 BUSINESS DISTRICT.

- SPECIAL PRESENTATION/REPORTS     CONSENT AGENDA  
 BOARD APPOINTMENT                       OLD BUSINESS  
 **PUBLIC HEARING ORDINANCE ON 1<sup>st</sup> READING**  
 NEW BUSINESS  
 OTHER: \_\_\_\_\_

Approved by Town Manager *DSS* Date: *5/25/13*

Nadia Di Tommaso / Community Development Director *ND*  
Name/Title

<b>Originating Department:</b>  Community Development	Costs: \$ 1,250 plus required advertisement(s)  Funding Source: Applicant ("Barkley's")  Acct. # 4649 <input checked="" type="checkbox"/> Finance <i>BKR</i>	<b>Attachments:</b>  → Staff Report → Ordinance _____ → Exhibit "A" Table of Contents PBC Animal Care and Control Ordinance → Exhibit "B" Section 10-155 – Noise Level Chart → Exhibit "C" Section 11-1 – Definition for Domesticated Animal
<b>Advertised:</b> Date: <i>N/A on first reading</i> Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u><i>ND</i></u> or Not applicable in this case _____  <b>Please initial one.</b>

**Summary Explanation/Background:** PLEASE SEE STAFF REPORT.

**Recommended Motion:** APPROVAL.



Meeting Date: June 5, 2013

To: TOWN COMMISSION

Re: TEXT AMENDMENT TO SECTION 78-71 TO INCLUDE AN "ANIMAL SERVICE ESTABLISHMENT" USE AS A SPECIAL EXCEPTION USE, AND "ANIMAL DAY CARE ESTABLISHMENT", "ANIMAL GROOMING ESTABLISHMENT", "ANIMAL INDOOR TRAINING CENTER", AND "PET SHOP" USE AS A PERMITTED USE WITHIN THE C-1 BUSINESS DISTRICT, AS WELL AS CREATING A "SPECIAL EXCEPTION" SUBSECTION TO THE C-1 BUSINESS DISTRICT TO INCLUDE SOME EXISTING C-1 PERMITTED USES AND THE NEW "ANIMAL SERVICE ESTABLISHMENT" USE AS A SPECIAL EXCEPTION USE. MODIFICATION TO SECTION 78-2 TO INCLUDE DEFINITIONS FOR THE VARIOUS USES BEING AMENDED IN THE C-1 BUSINESS DISTRICT.

Applicant: Barkley's Canine Club Staff Recommendation: APPROVAL

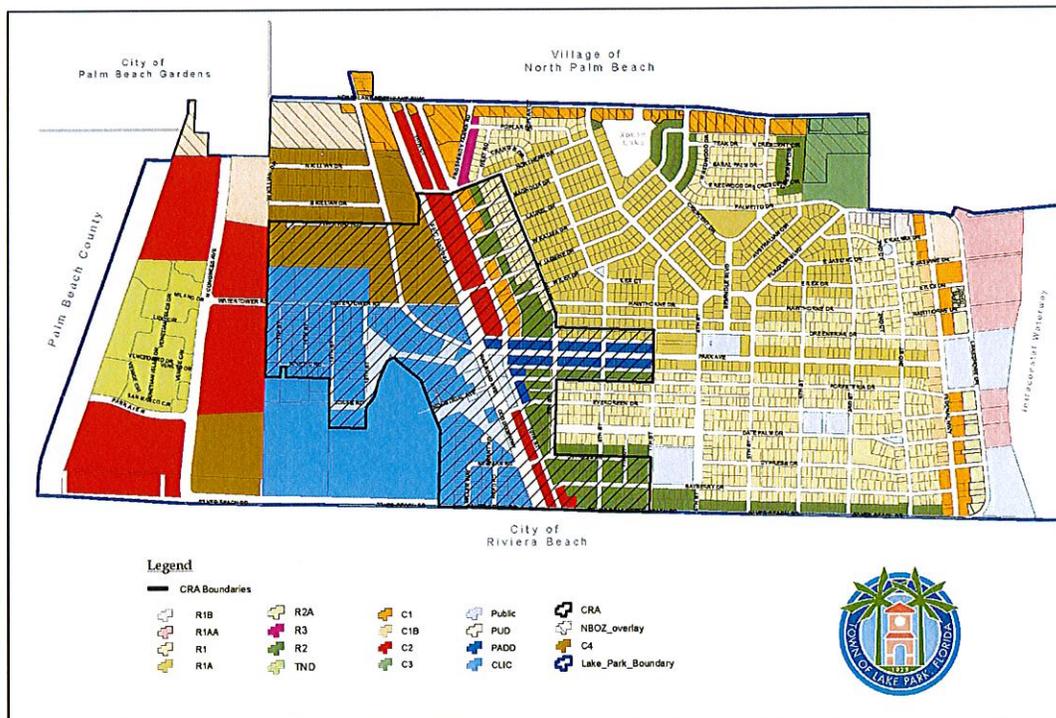
[Planning & Zoning Board Recommendation, May 6, 2013: Approval 4-0](#)

**SUMMARY**

This Staff Report addresses a request for a Text Amendment to the Town of Lake Park Code of Ordinances filed by Barkley's Canine Club ("Applicant"). The Applicant proposes to include "Animal Service Establishment" as a special exception use in the C-1 Business District. Staff is also proposing the inclusion of additional animal-related uses, namely, "Animal Grooming Establishment", "Animal Training", and "Pet Shop" as permitted uses in the C-1 Business District. Currently, the C-1 Business District does not include special exception uses, therefore this application is also proposing the creation of a Special Exception use section. In doing so, and in accepting the Planning and Zoning Board's recommendations, staff is proposing the re-distribution of some currently permitted uses into the proposed Special Exception use category and is proposing that the respective 'use' definitions be added to Section 78-2 of the Town of Lake Park Code of Ordinances.

The C-1 Business District is intended to permit low intensity commercial uses, such as offices, personal services, and retail, along the south side of Northlake Boulevard from Old Dixie Highway to US-1, along the east side of 10th Street, and along portions of the east and west side of US-1, as illustrated in **Figure 1** below.

**Figure 1: Zoning Map; C-1 District in Orange**



Lake Park Zoning Map

## HISTORY

In early 2012, the Applicant received approval from the Town's Community Development Department for an animal "instructional studio" and an animal "beauty shop" at 524 Northlake Boulevard. Both the "instructional studio" use and the "beauty shop" use are currently permitted uses in the C-1 Business District. Following this initial application, the Applicant met with a Town Planner to discuss a request to use the facility as a use including "day care" and boarding for animals. The Applicant was informed that the C-1 Business District does not permit "day care" nor the boarding of animals as a permitted use. In the latter part of 2012, Town staff determined that the Applicant was boarding animals at its facility. The Applicant was cited by the Town's Code Enforcement Division for operating a use not permitted in the C-1 Business District. As a result, the Applicant sought a text amendment to incorporate the day care and boarding uses as permitted uses in the C-1 Business District. The Applicant submitted an application to the Town.

## APPLICATION

In researching the Town's Code of Ordinances, staff determined that the Town Code is deficient with regard to uses that are specific to animal related establishments. Consequently, staff is proposing to create an "Animal Service Establishment" use per the Applicant's request for an animal boarding facility, which would be subject to certain conditions. The amendments propose to classify a portion of the Applicant's business as an "Animal Service Establishment" which would incorporate the animal boarding component. This use, as proposed, would require special exception application approval due to the potential impacts of including this use in a predominantly low-intensity commercial district that abuts residentially zoned parcels. The special exception application will be presented under separate cover at a future Town Commission meeting. All animal-related establishment uses are regulated by Palm Beach County (PBC) Animal Care and Control under very strict regulations relative to the business owner's operation and are routinely inspected by PBC (see **Exhibit "A"** for the Table of Contents for PBC Animal Care and Control which lists the regulating criteria).

In addition to proposing the "Animal Service Establishment" use in the C-1 Business District as a special exception use, additional animal-related uses are also being proposed as permitted uses due to their low-intensity commercial nature and minimal impacts. Respective definitions for these uses are also being proposed in Section 78-2. Those uses being proposed as permitted by right, are defined as daytime uses that are entitled to generate slightly higher noise levels as indicated on the Town's Noise Ordinance chart as can be seen in "**Exhibit "B"**". Staff also recommends that the following uses be re-listed as special exception uses in the C-1 Business District due to their potential heightened impacts to noise, traffic, odors and design complexities. Some of these uses are being proposed using new use titles in an attempt to remain consistent with the Northlake Boulevard Overlay Zone (NBOZ) use titles for those properties located on the south side of Northlake Boulevard and within the C-1 Business District. The intent of each use remains the same. They include:

- Gasoline and other motor-fuel stations, to be re-listed as "Automotive Service Station"
- Mortuaries, to be re-listed as "Funeral Home"
- Motels, to be re-listed as "Motel/Hotel"
- Hospitals, sanitariums and medical clinics
- Substance abuse treatment facilities
- Sales, service and rental of motor vehicles, to be re-listed as "Vehicle Sales and Rental"

Pursuant to the Town Code, an applicant who applies for Special Exception Use approval will need to meet the criteria listed in **Sec. 78-184** of the Code. The Town Commission may also include conditions of approval pertaining to special exception uses such as:

1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and/or restraints to minimize such effects as noise, vibration, air pollution, glare and/or odor.
2. Establish a special setback, open space requirement, and/or lot area or dimension.
3. Limit the height, size, and/or location of a building or other structure.
4. Designate the size, number, location and/or nature of access points (vehicle and pedestrian).
5. Designate the size, location, screening, drainage, type of surfacing material and/or other improvement of a parking and/or loading area.
6. Limit or otherwise designate the number, size, location, height and/or lighting of signs.

7. Require the use of, and designate the size, height, location and/or materials for, berming, screening, landscaping and/or other facilities to protect and/or buffer adjacent or nearby property, including designating standards for installation and/or maintenance of the facilities.
8. Require the protection and/or relocation of additional trees, vegetation, water resources, wildlife habitat and/or other appropriate natural resources.
9. Require specific architectural details and/or design that produces a physical development which is compatible in appearance with the uses permitted by right in the zoning district.
10. Specify other conditions of approval to permit development of the special exception use in conformity with the intent and purpose of this Code and the town's comprehensive plan.

**Staff recommends the following Text Amendments to Sections 78-2 and 78-71 of the Town of Lake Park Code of Ordinances:**

**Sec. 78-2 Definitions:**

**Animal Day Care Establishment.** An indoor facility operated between the hours of 7am-10pm, for the purpose of providing care and protection of domesticated animals, no overnight boarding.

**Animal Grooming Establishment.** An indoor facility operated between the hours of 7am-10pm which accepts domesticated animals for bathing, clipping, dipping, pedicuring or other related grooming services (not to include breeding, veterinary, dentistry or overnight boarding).

**Animal Service Establishment.** An establishment which may include any of the following uses as specified in the individual zoning district.

(1) *Pet Stores*<sup>a</sup>. An indoor facility operated for the sale of domesticated animals, which includes overnight boarding;

(2) *Boarding Kennel*<sup>a</sup>. An indoor facility, where domesticated animals are boarded during the daytime or kept overnight.

Definition Attached as Exhibit "C"

Section 10-155 Attached as Exhibit "B"

<sup>a</sup> Noise nuisances which exceed permitted decibel levels as prescribed in the Town Code in Section 10-155 shall be mitigated by requiring extra insulation or any other improvements which is certified by a licensed noise professional and submitted to the Town's Community Development Department under a building permit application. Boarding shall be limited to domesticated animals. The Town Commission may require sound proofing or additional setbacks and landscaping to minimize noise and visual impacts on adjacent properties. Outdoor runs shall be paved or turfed, fenced, and connected to a Town-approved wastewater treatment facility and shall not be located any closer than 40 feet from adjacent residentially-zoned properties.

**Animal Indoor Training Center.** A facility operated between the hours of 7am-10pm for the teaching and training of domesticated animals.

**Automotive Service Station.** An establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of automotive accessories or

supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, and a convenience store selling retail goods.

**Funeral Home.** An establishment engaged in preparing deceased human beings for burial, and managing and arranging funerals.

**Hospital, Sanitarium or Medical Center.** A facility for humans or animals, which provides primary, secondary, or tertiary medical care, emergency medical services, including preventive medicine, diagnostic medicine, treatment and rehabilitative service, medical training programs, medical research, and may include association with medical schools or medical institutions.

**Motel/Hotel.** A commercial establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term rents to tenants. The establishment may be constructed in a building or a group of buildings and may include one or more accessory uses such as dining rooms/restaurant or convenience/retail stores.

**Pet Shop.** An indoor facility operated between the hours of 7am-10pm for the purpose of selling animal accessories.

**Substance Abuse Treatment Facility.** A facility having one or more service components and operated by service providers licensed by the State of Florida as defined in Chapter 397, Fla. Statute.

**Vehicle Sales and Rentals.** An establishment engaged in the sale or rental from the premises of new or used motor vehicles or equipment, watercraft, recreational vehicles or mobile homes, with or without incidental service, maintenance or repair. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, mobile home. The sale or rental of industrial or agricultural vehicles is prohibited.

#### **Sec. 78-71. C-1 Business District.**

Within the C-1 Business District, the following regulations shall apply:

(1) Uses permitted. Within the C-1 business districts, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:

- a.** **Animal Day Care Establishment**
- b.** **Animal Grooming Establishment**
- c.** **Animal Indoor Training Center**
- ~~**a-d.**~~ Appliance stores, including radio and television services.
- ~~**b-e.**~~ Bakeries the products of which are sold at retail but not produced on the premises.
- ~~**c-f.**~~ Banks.
- ~~**d-g.**~~ Barbershops, beauty shops, chiropodists, masseurs.
- ~~**e-h.**~~ Fertilizer, stored and sold at retail only.
- ~~**f.**~~ ~~**Gasoline and other motor-fuel stations.**~~
- ~~**g-i.**~~ Laundry pickup stations.
- ~~**h.**~~ ~~**Mortuaries.**~~
- ~~**i.**~~ ~~**Motels.**~~

- ~~j. Vehicle sales and rentals, including and accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the open storage area is within 25 feet of any street line provided that:
 
  1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;
  2. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and
  3. The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave-runners, which are part of the specific business.~~
- ~~k. j. Offices, business and professional.~~
- ~~l. k. Outdoor miniature golf courses, all objects limited to eight feet in height and such building or premises is located not less than 500 feet from the premises of an existing nursery school, elementary school or high school.~~
- ~~l. Pet Shop~~
- ~~m. Restaurants.~~
- ~~n. Shops, including shops for making articles without use of machinery, to be sold, at retail on the premises.~~
- ~~o. Indoor Theatres.~~
- ~~p. No living quarters shall be permitted in any business or commercial structure or upon a lot or parcel upon which a business or commercial structure is situated.~~
- ~~q. Hospitals, sanitariums and medical clinics.~~
- ~~r. Motels without shop fronts or stores facing the street.~~
- ~~s. Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.~~
- ~~t. p. Instructional studios; including but not limited to, studios for the instruction of the martial arts, dance, voice, drama, speech, gymnastics, yoga, exercise, painting, photography, music, and other similar instructional studio uses which are deemed appropriate by the Town's community development director.~~
- ~~u. g. Transient residential use~~

(2)

Special exception uses permitted pursuant to section 78-184:

- a. Animal Service Establishment
- b. Automotive Service Station
- c. Funeral home
- d. Hospital, Sanitarium or Medical Clinic
- e. Motel/Hotel
- f. Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.
- g. Vehicle Sales and Rentals, including accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the open storage area is within 25 feet of any street line provided that:
 
  1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;
  2. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and
  3. The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave-runners, which are part of the specific business.

**Recommended Motion: Staff recommends that the Town Commission make a motion to APPROVE this Ordinance on first reading.**

**WHEREAS**, the Town's Planning and Zoning Board has reviewed the proposed amendments to the Town Code of Ordinances and has provided its recommendations to the Town Commission; and

**WHEREAS**, the Town Commission has determined that the recommended amendments would further the public's health, safety and general welfare.

**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 I, Section 78-2 is hereby amended to add the following definitions, as follows:

***Sec. 78-2 Definitions:***

**Animal Day Care Establishment.** An indoor facility operated between the hours of 7am-10pm, for the purpose of providing care and protection of domesticated animals, no overnight boarding.

**Animal Grooming Establishment.** An indoor facility operated between the hours of 7am-10pm which accepts domesticated animals for bathing, clipping, dipping, pedicuring or other related grooming services (not to include breeding, veterinary, dentistry or overnight boarding).

**Animal Service Establishment.** An establishment which may include any of the following uses as specified in the individual zoning district.

**(1) Pet Stores<sup>a</sup>.** An indoor facility operated for the sale of domesticated animals, which includes overnight boarding;

(2) Boarding Kennel<sup>a</sup>. An indoor facility, where domesticated animals are boarded during the daytime or kept overnight.

<sup>a</sup> Noise nuisances which exceed permitted decibel levels as prescribed in the Town Code in Section 10-155 shall be mitigated by requiring extra insulation or any other improvements which is certified by a licensed noise professional and submitted to the Town's Community Development Department under a building permit application. Boarding shall be limited to domesticated animals. The Town Commission may require sound proofing or additional setbacks and landscaping to minimize noise and visual impacts on adjacent properties. Outdoor runs shall be paved or turfed, fenced, and connected to a Town-approved wastewater treatment facility and shall not be located any closer than 40 feet from adjacent residentially-zoned properties.

**Animal Indoor Training Center.** A facility operated between the hours of 7am-10pm for the teaching and training of domesticated animals.

**Automotive Service Station.** An establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of automotive accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, and a convenience store selling retail goods .

**Funeral Home.** An establishment engaged in preparing deceased human beings for burial, and managing and arranging funerals.

**Hospital, Sanitarium or Medical Center.** A facility for humans or animals, which provides primary, secondary, or tertiary medical care, emergency medical services, including preventive medicine, diagnostic medicine, treatment and rehabilitative service, medical training programs, medical research, and may include association with medical schools or medical institutions.

**Motel/Hotel.** A commercial establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term rents to tenants. The establishment may be constructed in a bulding or a group of buildings and may include one or more accessory uses such as dining rooms/restaurant or convenience/retail stores.

**Pet Shop.** An indoor facility operated between the hours of 7am-10pm for the purpose of selling animal accessories.

**Substance Abuse Treatment Facility.** A facility having one or more service components and operated by service providers licensed by the State of Florida as defined in Chapter 397, Fla. Statute.

**Vehicle Sales and Rentals.** An establishment engaged in the sale or rental from the premises of new or used motor vehicles or equipment, watercraft, recreational vehicles or mobile homes, with or without incidental service, maintenance or repair. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, mobile home. The sale or rental of industrial or agricultural vehicles is prohibited.

**Section 3.** Chapter 78, Article I, Section 78-71 of the Code is amended to add certain uses by right and special exception uses within the C-1 Business District, as follows:

***Sec. 78-71. C-1 Business District.***

Within the C-1 Business District, the following regulations shall apply:

(1) Uses permitted. Within the C-1 business districts, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:

- a.** **Animal Day Care Establishment**
- b.** **Animal Grooming Establishment**
- c.** **Animal Indoor Training Center**
- a. d.** Appliance stores, including radio and television services.

- ~~b.~~ e. Bakeries the products of which are sold at retail but not produced on the premises.
- ~~e.~~ f. Banks.
- ~~d.~~ g. Barbershops, beauty shops, chiropodists, masseurs.
- ~~e.~~ h. Fertilizer, stored and sold at retail only.
- ~~f.~~ Gasoline and other motor fuel stations.
- ~~g.~~ i. Laundry pickup stations.
- ~~h.~~ Mortuaries.
- ~~i.~~ Motels.
- ~~j.~~ Vehicle sales and rentals, including and accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the open storage area is within 25 feet of any street line provided that:
  - ~~1.~~ The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;
  - ~~2.~~ No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and
  - ~~3.~~ The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave runners, which are part of the specific business.
- ~~k.~~ j. Offices, business and professional.
- ~~l.~~ k. Outdoor miniature golf courses, all objects limited to eight feet in height and such building or premises is located not less than 500 feet from the premises of an existing nursery school, elementary school or high school.
- l. Pet Shop
- m. Restaurants.
- n. Shops, including shops for making articles without use of machinery, to be sold, at retail on the premises.
- o. Indoor Theatres.
- ~~p.~~ No living quarters shall be permitted in any business or commercial structure or upon a lot or parcel upon which a business or commercial structure is situated.
- ~~q.~~ Hospitals, sanitariums and medical clinics.
- ~~r.~~ Motels without shop fronts or stores facing the street.
- ~~s.~~ Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet

~~of a residential zoning district.~~

~~t.p.~~ Instructional studios; including but not limited to, studios for the instruction of the martial arts, dance, voice, drama, speech, gymnastics, yoga, exercise, painting, photography, music, and other similar instructional studio uses which are deemed appropriate by the Town's community development director.

~~u. q.~~ Transient residential use

(2)

Special exception uses permitted pursuant to section 78-184:

a. Animal Service Establishment

b. Automotive Service Station

c. Funeral home

d. Hospital, Sanitarium or Medical Clinic

e. Motel/Hotel

f. Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.

g. Vehicle Sales and Rentals, including accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the open storage area is within 25 feet of any street line provided that:

1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;

2. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and

3. The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave-runners, which are part of the specific business.

**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.** **Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

**Section 6.** **Effective Date.** This Ordinance shall take effect immediately upon adoption.

# Palm Beach County Animal Care and Control Ordinance 98-22

## Animals Chapter 4\*

**\*Editor's note:** Ord. No. 98-22, §§ 1--31, adopted June 16, 1998, amended the Code by repealing former Ch. 4, §§ 4-1--4-21, 4-31--4-35, 4-51--4-56, 4-66, and 4-67, and adding a new Ch. 4, §§ 4-1--4-31. Former Ch. 4 pertained to similar subject matter and derived from Ord. No. 79-16, adopted December 4, 1979; Ord. No. 82-9, adopted March 23, 1982; Ord. No. 89-2, adopted March 3, 1989; Ord. No. 92-7, adopted April 21, 1992; and Ord. No. 93-24, adopted September 21, 1993.

**State law references:** Home rule powers of chartered counties, Fla. Const., art. VIII, § 1(g).

[Sec. 4-1. Short title.](#)

[Sec. 4-2. Definitions.](#)

[Sec. 4-3. Females in heat.](#)

[Sec. 4-4. Dog and cat control.](#)

[Sec. 4-5. Animals creating nuisances.](#)

[Sec. 4-6. Scientific experimentation/animals as prizes.](#)

[Sec. 4-7. Injured animals, action required.](#)

[Sec. 4-8. Keeping/adopting stray animals and maintaining feral cats.](#)

[Sec. 4-9. Animal waste.](#)

[Sec. 4-10. Rabies vaccinations.](#)

[Sec. 4-11. Dog and cat rabies/license tags.](#)

[Sec. 4-12. Redemption and adoption.](#)

[Sec. 4-13. Adoption fees and sterilization requirements for dogs and cats.](#)

[Sec. 4-14. Records.](#)

[Sec. 4-15. Humane education.](#)

[Sec. 4-16. Animal bites and quarantining.](#)

[Sec. 4-17. Placement and impoundment of honeybee hives.](#)

[Sec. 4-18. Guard dogs.](#)

[Sec. 4-19. Evictions, jail terms, community service adjudications, and other involuntary occurrences; effect on animals.](#)

[Sec. 4-20. Disposal of bodies of dead animals.](#)

[Sec. 4-21. Livestock.](#)

[Sec. 4-22. Number of animals; acreage restrictions/excess animal habitats.](#)

[Sec. 4-23. Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.](#)

[Sec. 4-24. Animal care; manner of keeping.](#)

[Sec. 4-25. Dogs and cats offered for sale; health requirements.](#)

[Sec. 4-26. Animal agencies.](#)

[Sec. 4-27. Aggressive dogs, dangerous dogs and vicious dogs.](#)

[Sec. 4-28. Sterilization program for dogs and cats.](#)

Sec. 4-29. Hobby breeder permits.

Sec. 4-30. Animal care and control special master hearings.

Sec. 4-31. Interference with enforcement.

Sec. 4-32. Violations, civil infractions, civil penalties.

Sec. 4-33. First offenders course.

**Exhibit B: Town of Lake Park Noise Ordinance**

**Sec. 10-155. - Maximum permissible sound levels by receiving land use.**

No person shall operate or cause to be operated any source of sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use district in Table 1, for more than 50 percent of any period of observation which shall not be less than ten minutes, when measured at the boundary of the receiving land use and as a result of a source of sound being located on some other property.

TABLE 1

*Sound Levels by Receiving Land Use*

Receiving Land Use	Time	Sound Level Limit dBA
Conservation	6:00 a.m. – 7:00 p.m.	55
	7:00 p.m. – 6:00 a.m.	50
Residential	7:00 a.m. – 10:00 p.m.	55
	10:00 p.m. – 7:00 a.m.	50
Commercial/Residential and Downtown	7:00 a.m. – 10:00 p.m.	55
	10:00 p.m. – 7:00 a.m.	50
Commercial	At all times	60
Commercial/Light Industrial	At all times	65
Public Buildings/Grounds and Other Public Facilities	7:00 a.m. – 10:00 p.m.	60
Recreation and Open Space	10:00 p.m. – 7:00 a.m.	55

Code 1973 § 15-5 Ord. No. 13-1990 § 1 10-3-1990 Ord. No. 07-2012 § 2 3-2-2012

Exhibit C: Section 11-1 – Definition for “Domesticated Animal”

**Sec. 11-1. - Definitions.**

(...)

***Domesticated household pet and domesticated animal*** includes dogs, cats, parrots, parakeets, canaries, rabbits, guinea pigs, gerbils, hamsters, fish, turtles and other animals that can be legally sold in a licensed pet shop in the State of Florida, and which are kept as pets for the purpose of providing human companionship. Domesticated household pets and/or domesticated animals do not include animals which are considered "exotic" or "wild animals", and/or which require a permit from the State of Florida before such animals may be purchased, sold, or possessed. The following animals are not considered household pets or domesticated animals pursuant to this chapter: livestock, wild animals as defined by the State of Florida Fish and Wildlife Conservation Commission, and hoofed animals of any kind, excluding purebred miniature potbellied pigs, also known as *Sus scrofa bittatus*. The *Sus scrofa bittatus* are considered household pets, and may be kept in compliance with the applicable provisions of this chapter.

(...)



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, June 5, 2013, 6:30 p.m.  
Lake Park Town Hall  
535 Park Avenue

<b>James DuBois</b>	—	<b>Mayor</b>
<b>Kimberly Glas-Castro</b>	—	<b>Vice-Mayor</b>
<b>Erin T. Flaherty</b>	—	<b>Commissioner</b>
<b>Michael O'Rourke</b>	—	<b>Commissioner</b>
<b>Kathleen Rapoza</b>	—	<b>Commissioner</b>
.....		
<b>Dale S. Sugerman, Ph.D.</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez, CMC</b>	—	<b>Town Clerk</b>

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

A. **CALL TO ORDER/ROLL CALL**

B. **PLEDGE OF ALLEGIANCE**

C. **SPECIAL PRESENTATIONS/REPORTS**

1. 2013 Legislative Update by Senator Jeff Clemens
2. 2013 Lobbying Update by Fausto Gomez

Tab 1  
Tab 2

D. **PUBLIC COMMENT:**

This time is provided for addressing items that **do not** appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a **TOTAL** of three minutes.

- E. **CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by **one** motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and **considered in its normal sequence on the Agenda.** Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. **Cards must be submitted before the item is discussed.**

3. Regular Commission Meeting Minutes of May 15, 2013 Tab 3  
4. Waiving of Parking Fees for the July 4<sup>th</sup> Community Celebration in June (June 29, 2013) and Closing Lake Shore Drive from Greenbriar Drive to just North of Foresteria Drive Leaving the South Parking Area Open Tab 4

F. BOARD MEMBERSHIP APPOINTMENT:

5. Library Board Appointment Tab 5

G. OLD BUSINESS:

None

H. PUBLIC HEARINGS - ORDINANCE ON FIRST READING:

6. Ordinance No. 08-2013 Text Amendment to Section 78-71 Tab 6

A TEXT AMENDMENT TO SECTION 78-71 TO INCLUDE AN "ANIMAL SERVICE ESTABLISHMENTS" USE AS A SPECIAL EXCEPTION USE, AND "ANIMAL DAY CARE ESTABLISHMENT", "ANIMAL GROOMING ESTABLISHMENT", "ANIMAL INDOOR TRAINING CENTER", AND "PET SHOP" USE AS A PERMITTED USE WITHIN THE C-1 BUSINESS DISTRICT, AS WELL AS CREATING A "SPECIAL EXCEPTION" SUBSECTION TO THE C-1 BUSINESS DISTRICT TO INCLUDE SOME EXISTING C-1 PERMITTED USES AND THE NEW "ANIMAL SERVICE ESTABLISHMENT" USE AS A SPECIAL EXCEPTION USE. MODIFICATION TO SECTION 78-2 TO INCLUDE DEFINITIONS FOR THE VARIOUS USES BEING AMENDED IN THE C-1 BUSINESS DISTRICT.

I. PUBLIC HEARINGS – ORDINANCE ON SECOND READING/QUASI-JUDICIAL:

7. Ordinance No. 07-2013 Adoption of the Florida-Friendly Use on Urban Landscapes Ordinance Tab 7

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32, ENTITLED "UTILITIES", BY CREATING A NEW ARTICLE IV ENTITLED "FLORIDA-FRIENDLY FERTILIZER USE" AND ESTABLISHING REGULATIONS TO ADDRESS STORMWATER RUNOFF WITH EXCESSIVE NUTRIENT LEVELS IN WATER BODIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

J. NEW BUSINESS:

None

K. **TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

L. **ADJOURNMENT**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, June 19, 2013**