# Town of Lake Park Town Commission

## Agenda Request Form

**Meeting Date: September 21, 2016** **Agenda Item No.** Tab 6

**Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN AS IT RELATES TO THE COMMERCIAL/RESDIENTIAL LAND USE DESIGNATION AND RESPECTIVE CAPACITY ANALYSIS.**

[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
**[X] PUBLIC HEARING – QUASI-JUDICIAL - ORDINANCE ON 1st READING**
[ ] NEW BUSINESS
[ ] OTHER

**Approved by Town Manager** _____ **Date:** 9-14-16

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

| **Originating Department:** | Costs: **$ Consultant Fee per the agreement & Legal Ads** | **Attachments:** |
|---|---|---|
| **Community Development** | Funding Source: **Community Development**<br>Acct. **# 500-34000 (Consultant) / 106-48100 (Clerk)**<br>[ ] Finance _____ | → **Staff Memo**<br>→ **Ordinance 09-2016 (with proposed Comp Plan amendments)**<br>→ **Zoning/LDR's (no action required)**<br>→ **LPA Minutes (July 11 and August 22)**<br>→ **Copy of Legal Ad for 1st reading**<br>→ **Copy of LPA Legal Ad and Clearinghouse Notice** |
| **Advertised:**<br>Date: **09-11-2016** ***(for transmittal hearing – LPA advertised separately on 06-30-2016)***<br>Paper: **Palm Beach Post**<br>[ ] 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__***ND***<br>or<br>Not applicable in this case ____<br><br>**Please initial one**. |

## Summary Explanation/Background:

**Please refer to the Staff Memo.**

This is the culmination of various public workshops and two Local Planning Agency meetings which all served to review the proposed changes to the Future Land Use Element of the Comprehensive Plan as it relates to the Commercial/ Residential land use designation and respective capacity analysis. This is an ordinance process that requires two readings. Tonight will be the first reading. If the Commission approves the plan it will then be transmitted to the State Land Planning Agency, Department of Economic Opportunity. The State's review process can take 60 days, maybe more, or maybe less. Once we have received all comments and have made any appropriate changes to the Plan, it will come before the Town Commission for a second reading of the Ordinance. If it is approved on second reading then the Plan will be adopted and put into effect within 30 days.

LPA Board Recommendation (August 22, 2016): APPROVAL (3-1)

**Recommended Motion: I move to APPROVE Ordinance 09-2016 on 1st reading.**

# STAFF MEMO

Community
Development
Department

**STAFF MEMO**

September 12, 2016

TO: TOWN COMMISSION

FROM: Alex David & Associates, *Consultant*
Nadia Di Tommaso, *Community Development Director*
Scott Schultz, *Planner*

**LAKE PARK WATERFRONT REVIVAL**–*"Cherishing the old; bringing in the new"*

Following several public workshops over the last few years, staff held two Local Planning Agency (LPA) meetings to consider the Comprehensive Plan Amendments that are the subject of this agenda item. These meetings were held on July 11, 2016 and August 22, 2016. While the Comprehensive Plan changes are minimal, they are very important. They are minimal because the Town had created the "mixed-use" vision for the US-1 corridor back in 2009 when the entire corridor was assigned a Commercial/Residential future land use designation. At the time, the goals, policies and objectives adopted in the Future Land Use Element of the Comprehensive Plan, were in line with the mixed-use vision for the US-1 corridor. Since these 2009 Comprehensive Plan changes were contingent on the Town developing land development regulations (LDR's) that would enable the development of mixed-use projects along the corridor, this land development process initiated a few years later. In developing the land development regulations and understanding that the corridor needs to be divided into three distinct sub-districts given the parcel locations and adjacent uses, it was noted that additional changes are needed in the Comprehensive Plan.

The changes before you this evening address Phase 1 of the Mixed-Use Zoning Overlay District (as it relates to the needed changes in the Future Land Use Element of the Comprehensive Plan) which is being considered for the US-1 corridor. Phase 1 addresses the east side of the corridor only (see enclosed map), stretching from Palmetto Drive to the north and Silver Beach Road to the south. The east side is distinct in that these parcels are closest to the Intracoastal Waterway; are already adjacent to parcels lying east of Lake Shore Drive for which 8-story buildings have already been in existence for decades; and contain many complementing features such as Kelsey Park, Lake Shore Park, and the Lake Park Harbor Marina.

The proposed changes include:

(1) Updated Capacity Analysis to ensure Level of Service is maintained at maximum buildout (*maximum buildout is highly unlikely, but this analysis is a requirement*)

(2) Updates to Objective 9, Policy 9.6 to identify to proposed sub-districts and respective densities and intensities (while the west side Urban Edge sub-district is being identified pursuant to the public workshops and the combined public/board member/commission/staff recommendations that came out of

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these workshops and meetings), there is ample opportunity to address this further in 2017 when phase 2 is further workshopped.

(3) The repeal of Policy 9.9 to eliminate the possibility of developing (tax-exempt) public schools within this area, which could also present compatibility issues for uses that are typical to mixed-use developments such as restaurants serving alcohol.

(4) The creation of Policy 9.6.1 to ensure that development along the west side cannot occur until which time the Town develops and adopts the respective land development regulations for the west side (Urban Neighborhood Edge) sub-district along the corridor.

The Planning & Zoning Board (P&Z) will be holding their third meeting to review the (separate) land development regulations on October 3, 2016, however, the same board members sit as the LPA and as this body, they have approved the proposed Comprehensive Plan Amendments. In an effort to familiarize the Town Commission with the proposed LDR's for the proposed Mixed-Use Zoning Overlay District, these are enclosed as well. These LDR's will move forward to the Town Commission following a recommendation from the P&Z Board however, they will not be brought forward for adoption until which time the Comprehensive Plan Amendments are approved by the State and brought forward to the Town Commission for adoption.

**The goal this evening is to be able to move the Comprehensive Plan piece forward to the State and for this, a favorable recommendation from the TOWN COMMISSION is REQUIRED**. There will still be ample time to work through any recommended changes to the land development regulations as we wait to receive State approval on the Comprehensive Plan Amendments. If the Comprehensive Plan piece does not move forward, everything remains at a procedural standstill.

As always, our entire team is open to any comments/suggestions at any time. Do not hesitate to reach out to me directly as needed.

Thank you.
Nadia and Team

**ENCLOSURES**:

- ➔ Ordinance 09-2016 with Exhibit "A" outlining the Comprehensive Plan Amendments/Capacity Analysis – **FOR COMMISSION ACTION**
- ➔ Zoning/LDR Provisions – includes parking research and mixed-use examples research – **NOT FOR COMMISSION ACTION** *(recommendations are welcomed)*
- ➔ LPA Minutes from July 11, 2016 and August 22, 2016

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# ORDINANCE

# 09-2016

*(includes Exhibit 'A' with proposed Comp Plan Amendments)*

**ORDINANCE NO. 09-2016**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN AS IT RELATES TO THE COMMERCIAL/RESIDENTIAL LAND USE DESIGNATION; PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR ADOPTION OF UPDATED OBJECTIVES AND POLICIES WITHIN THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the Town Commission of the Town of Lake Park, Florida (Town) has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes, previously known as the "Local Government Comprehensive Planning and Land Development Regulation Act" and now known as the "Growth Policy Act" (the Act); and

**WHEREAS**, the former Department of Community Affairs, now known as the Department of Economic Opportunity, has previously determined that the Town's Comprehensive Plan was "in compliance" with the Act; and

**WHEREAS,** pursuant to the Act the Town's Planning and Zoning Board sitting as the Local Planning Agency (LPA) has conducted a public hearing as required by §163.3174(4)(a), Fla. Stat., and has recommended the amendments set forth herein to the Future Land Use Element of the Town's Comprehensive Plan ; and

**WHEREAS**, the Commission has conducted a public hearing to consider the LPA's recommendations regarding the Community Development Department's proposed amendments to the Future Land Use Element; and

**WHEREAS,** the Commission agrees with the LPA's recommended amendments to the Future Land Use Element; and

**WHEREAS**, the Commission has determined that the adoption of the proposed amendments would be in compliance with the Act; and

**WHEREAS**, pursuant to § 163.3184(11), Fla. Stat., the Commission has conducted a public hearing and considered public comments regarding the proposed amendments to the Future Land Use Element and has voted to transmit the proposed amendments to the Florida Department of Economic Opportunity, appropriate reviewing agencies, and any other local government or governmental agency that has made a written request of the Town pertaining to the proposed amendments.

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

**Section 1:** The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

**Section 2:** The Town of Lake Park hereby proposes to adopt as part of the Future Land Use Element of its Comprehensive Plan the text which is attached hereto and incorporated herein as Exhibit "A".

**Section 3:** The Community Development Department is hereby directed to transmit three copies of the amendments hereby adopted to the State Land Planning Agency, Department of Economic Opportunity; the Treasure Coast Regional Planning Council, and to any other unit of local government who has filed a written request for a copy, within 10 working days after adoption, in accordance with Section 163.3184(3)(b), *Florida Statutes.*

**Section 4:** **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5:** **Severability.** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 6:** **Effective Date**. The amendments to the Comprehensive Plan contained within this Ordinance shall become effective in accordance with the provisions of § 163.3184(3)(c)4., Fla. Stat.

## Exhibit "A"

## COMPREHENSIVE PLAN - FUTURE LAND USE ELEMENT

3.3 GOAL, OBJECTIVES AND POLICIES

3.3.2 Objectives and Policies

Objective 9: Within in the Residential and Commercial land use the town shall implement a Mixed-Use Zoning District or Overlay Area, which allows projects consisting of a combination of at least two or more different uses within a unified development district area, such as a mix of residential, non-residential, and commercial uses in a single project. The residential component of a mixed-use project may include single family detached, attached residences, duplexes, town homes, and other types of multi-family residences, except for adult congregate living facilities. The commercial component of a mixed-use project may include, but is not limited to, small scale retail sales and services; business services and medical, legal, and other similar professional office type uses intended to serve the residential areas of the town. The non-residential component may include active and passive parks and recreation facilities, green space, open space, preserves, and conservation areas. It is the legislative intent that areas designated for mixed use projects should encourage and attract the development of a compatible mix of residential, non-residential, and commercial uses in a proposed development which is consistent and compatible with the Town's comprehensive plan and platted in accordance with the procedures of the Town Code and state law.

Policy 9.6: A non-mixed use redevelopment project ~~or a commercial only~~ shall have a maximum F.A.R. of 2.5~~.~~ for commercial uses and residential uses may have a maximum of 20 units per gross acre. A mixed-use redevelopment project shall have a maximum of 40 units per acre and a maximum FAR of 2.5 in the Urban Neighborhood Edge sub district, a maximum of 60

units per acre and a maximum FAR of 4.0 in the Urban Edge sub district, and a maximum of 80 units per acre and a maximum FAR of 6.0 in the Urban Waterfront sub district. Sub-district boundaries shall be defined in the zoning ordinance. Subject to approval by the Town Commission, the use mix for the entire MUZ Overlay shall be within the following ranges: residential 51 % - 90%, office and retail/services 10% - 49%. Any such project shall include open space or public amenity uses. Buildings are encouraged to be located close to the sidewalk at the front setback line, or immediately behind a public/semi-public space (i.e. outside seating). Parking lots in front of businesses is discouraged, except for on-street parking design alternatives. Buildings fronting on streets must include appropriate architectural street frontage detailing in addition to the standard requirements for the entire building as set forth in the zoning ordinance. Ground floor uses shall encourage pedestrian interest and activity.

NEW POLICY

Policy 9.6.1 By January 2018, the Town shall develop, and adopt within the Land Development Regulations, standards for development for parcels located within the Urban Neighborhood Edge District. Underlying zoning district regulations shall be utilized to redevelop these parcels until which time the zoning ordinance addresses the Urban Neighborhood Edge sub-district.

~~Policy 9.9: Public schools are a permitted use within Mixed Use districts.~~

Amend the Future Land Use Classification System as follows:

Future Land Use Classification System.

Land use categories listed as follows are hereby adopted as the "Future Land Use Classification System"~~:~~. Please note that the ability to achieve the maximum residential density and/or Floor

Area Ratio (F.A.R.) is contingent upon, and shall be limited by, the ability to meet adopted Level of Service Standards in the short term planning horizon.

(...)

Residential and Commercial – Lands and structures devoted to promoting a compatible mix of residential and commercial as follows: maximum of 40 units per acre and a maximum FAR of 2.5 in the Urban Neighborhood Edge sub district, a maximum of 60 units per acre and a maximum FAR of 4.0 in the Urban Edge sub district, and a maximum of 80 units per acre and a maximum FAR of 6.0 in the Urban Waterfront Block sub district. Sub-district boundaries shall be defined in the zoning ordinance. A non-mixed use redevelopment project shall have a maximum F.A.R. of 2.5~~.~~ for commercial uses and residential uses may have a maximum of 20 units per gross acre. ~~Public schools are a permitted use within this land use designation~~. ~~Residential uses shall comprise no less than 20 percent, or no more than 80 percent, of the floor area of any vertical mixed use development. building, and no less than 20 percent and no more than 80 percent of the buildings on a development site or block face.~~ Subject to approval by the Town Commission, the use mix for the entire MUZ Overlay shall be within the following ranges: residential 51 % - 90%, office and retail/services 10% - 49%.

(...)

"Mixed Use Zoning Districts and Overlays" – a Mixed-Use Zoning District or Overlay Area, which allows projects consisting of a combination of at least two or more different uses within a unified development district area, such as mix of residential, non-residential, and commercial uses in a single project. The residential component of a mixed-use project may include single family detached, attached residences, duplexes, town homes, and other types of multi-family residences, except for adult congregate living facilities. The commercial component of a mixed-use project shall be comprised of small scale retail sales and services, business services and medical, legal, and other similar professional office type uses intended to serve the residential areas of the town. The non-residential

**component may include active and passive parks and recreation facilities, green space, open space, preserves, and conservation areas. It is the legislative intent that areas designated for mixed use projects should encourage and attract the development of a compatible mix of residential, non-residential, and commercial uses in a proposed development which is consistent and compatible with the Town's comprehensive plan and platted in accordance with the procedures of the Town Code and state law.**

# TOWN OF LAKE PARK – CAPACITY ANALYSIS

DATE OF REVIEW: August 1, 2016

PROJECT APPLICANT: Town of Lake Park

REQUEST: Change the Mixed Use Zoning Overlay District (Commercial/Residential land use designation) development density and intensity standards as follows:

FROM a maximum of 20 units per acre and a maximum FAR of 2.5 (62 acres);

| | |
|---|---|
| Maximum Number of Units: | 1,240 DU's |
| Persons Per Household: | 2.47 |
| TOTAL PERSONS: | 3,063 |
| Maximum Square Feet (FAR 2.5) | 6,751,800 sq. ft. |

TO a maximum of 40 units per acre and a maximum FAR of 2.5 in the Urban Neighborhood Edge sub district (38 acres), a maximum of 60 units per acre and a maximum FAR of 4.0 in the Urban Edge sub district (19.5 acres), and a maximum of 80 units per acre and a maximum FAR of 6.0 in the Urban Waterfront sub district (4.5 acres).

Maximum Number Units by Sub-District by Acreage:

| | |
|---|---|
| Urban Neighborhood Edge: | 1,520 DU's |
| Urban Edge: | 1,170 DU's |
| Urban Waterfront Block: | 360 DU's |
| TOTAL: | 3,050 DU's |
| Persons Per Household: | 2.47 |
| TOTAL PERSONS: | 7,534 |

Maximum Number Non-Residential Square Footage by Sub-District:

| | |
|---|---|
| Urban Neighborhood Edge: | 4,138,200 sq. ft. |
| Urban Edge: | 3,397,680 sq. ft. |

| | |
|---|---|
| Urban Waterfront Block: | 1,176,120 sq. ft. |
| TOTAL: | 8,712,000 sq. ft. |

Change in Number Units: 3,050 – 1,240 = +1,810 additional DU's at Maximum Buildout
Change in Non-Residential Square Footage: 8,712,000 – 6,751,800 = +1,960,200 sq. ft. additional Non-Residential Square Footage
Change in Number Persons: 7,534 – 3,063 = +4,471

The 62-acre subject property is designated Commercial/Residential on the Future Land Use Map. The Town is proposing to change the development standards as summarized in the request above.

The impacts of maximum build-out on the Town's ability to meet its adopted Level of Service standards are summarized below. As can be seen, the Town will continue to meet its Level of Service standards even in the event of maximum build-out under the Comprehensive Plan designation, with the exception of parks. At maximum build-out, it is estimated that 0.8 acres of additional park land would be required, if the 54+acre Palm Beach County Scrub Area (Conservation Area) is not included in the inventory. Ultimately, however, it is unlikely that the subject properties could ever be developed to maximum allowed build-out due to the site configuration, land development regulations, and other constraints.

**Level of Service Analysis**

This analysis is based on those standards contained in the Town's adopted Comprehensive Plan.

Transportation:

Roadway Adopted LOS Standard – LOS D
Estimated trips – +25,248= trips on US-1
Current daily trips – 25,989
Projected daily trips at build out – 51,237
Current LOS – C
Projected LOS C

Sources:
Palm Beach County 2015 Historic Traffic Growth Table
FDOT 2013 Quality Level of Service Handbook
FDOT Generalized Annual Average Daily Volumes for Florida's Urbanized Areas

Potable Water:

Residential LOS Standard – 97 gallons per capita per day
Non-residential LOS Standard – 1,777 gallons per acre/day
Estimated impact – + 544,000 gallons per day
Current consumption (Seacoast Utility Authority service area) – 13.3 million gallons per day
Projected consumption at build out – 13.85 million gallons per day
Current capacity – 30.5 million gallons per day

Sources:
Seacoast Utility Author Engineer's Report on the Physical Condition of the System
Seacoast Utility Authority website, www.sua.com

Sanitary Sewer:

Residential LOS Standard – 66 gallons per capita per day
Non-residential LOS Standard – 1,089 gallons/acre/day

Estimated impact – +362,600 gallons per day
Current consumption (Seacoast Utility Authority service area) – 5.16 million gallons per day
Projected consumption at build out – 5.52 million gallons per day
Current capacity – 12 million gallons per day

Sources:
Seacoast Utility Author Engineer's Report on the Physical Condition of the System
Seacoast Utility Authority website, www.sua.com

Solid Waste:

Solid Waste
LOS Standard – 3.43 lbs./capita/day for residential, 112.56 lbs./acre/day for commercial
Estimated impact at build out – +22,315 lbs. /day
Palm Beach County Solid Water Authority has capacity to convert all solid waste generated in County into electricity for the next 20 years

Sources:
Palm Beach County Solid Waste Authority, www.swa.com

**If the State accepts the Scrub Area into the Parks & Rec calculation, the Town will have a significant SURPLUS at maximum buildout**

Parks & Recreation:

LOS Standard – 2.5 acres/1,000 residents
Estimated impact – +119.18 acres
Current park acres required to meet LOS Standard – 21.5 acres
Projected park acres required to meet LOS Standard at maximum build out – 32.68 acres
Existing park acreage – 31.9 acres
Projected Deficit – 0.8 acres

This does not include the 54+acre Palm Beach County 'Scrub Area' Conservation Area.

Sources:
Town park inventory

Schools:

LOS Standard – Enrollment not to exceed 110% of capacity (measured in Concurrency Service Areas (CSAs))
Estimated impact of maximum build out – +799 students (+344 elem., +176 middle, +280 senior)
Current enrollment, elementary schools in CSA 5 – 3,744 students
Projected elementary school enrollment at maximum build out – 4,088 students
Capacity, elementary schools in CSA 5 – 5,104 student stations (80%)
Current enrollment, middle schools in CSA 5 – 1,512 students
Projected middle school enrollment at maximum build out – 1,688 students
Capacity, middle schools in CSA 5 – 2,756 student stations (61%)
Current enrollment, high schools in CSA 5 – 1,523 students
Projected high school enrollment at maximum build out – 1,803 students
Capacity, high schools in CSA 5 – 1,733 student stations (104%)

Sources:
October 2015 FTE Report School Concurrency Table, Palm Beach County Public Schools

# ZONING/LDR'S

*(Commission action is NOT required – provided as a reference only)*

# Section *(TBD)* – Mixed-Use Zoning (MUZ) Overlay District.

(a) **Purpose and Background**. The purpose and intent of the MUZ mixed-use zoning overlay district is to establish a corridor which creates a live, work and play environment which utilizes mixed-use development concepts and which permit a combination of usually separated uses within a unified development district area. While the combination of lots is encouraged, the abandonment of streets to create super blocks is highly discouraged. Natural features should be enhanced and environmental conditions carefully assessed. Commercial uses are intended to be specialty small scale retail sales and services, business services and professional services primarily designed to serve the residential composition of the area. Orientation to and compatibility with neighborhoods to be served are essential. Residential uses are intended to encourage the accomplishment of a more complete residential living environment through the application of imaginative approaches to development which establish neighborhood identity and community focus. It is further the purpose and intent of this area to provide lands for a range of residential uses from lower density townhome-type development inclusion to higher density residential uses, all within a mixed-use setting. Traffic circulation should not only accommodate vehicular traffic, but provide for the efficient movement of pedestrian and bicycle traffic.

An "overlay" district is a zoning district that is superimposed over one or more existing districts in order to impose additional restrictions, permit additional uses, or implement density bonuses or incentive zoning to achieve community goals. In the case of mixed use zoning, it is used to allow added uses and to provide a development incentive through increasing densities and intensities while achieving local economic goals. Thus, developers can develop either according to the underlying zoning or according to more flexible mixed use provisions.

The overlay, as we have noted, encourages coordinated, cohesive development across lots or through lot consolidation. Rather than allowing piecemeal development, it encourages a sense of place over a larger area. The overlay allows the community to enable and require a mix of uses and to control their features. Changing the underlying zoning to allow a mix by right would only enable the mix, but would not require it nor would it control it via a special mixed-use process. The overlay concept is especially useful where the desired mixed use area crosses zoning district boundaries, or includes only a piece of a district, or where the community wishes to protect certain uses in parts of a district.

To encourage developers to use the mixed use development option, the regulations need to include incentives and provide for community control while avoiding excessively burdensome requirements. If the regulations raise too many hurdles, the development option will never be used.

The choice of incentives should also consider what is most likely to appeal to developers in the areas under consideration. The following incentives would be made available:

- The ability to build certain kinds of housing in a mixed-use setting (e.g., multi-family) where it is not otherwise allowed in the underlying zoning district
- More flexible design standards and allowing the approval process to dictate community acceptable designs
- Less open space where flexibility produces better design and utilization of the open space
- Less parking, provided that adequate parking is achieved through such alternatives as shared parking arrangements; higher reliance on public transportation, bicycling, or walking; or transportation demand management techniques
- Streamlined/Expedited permitting
- Transfer of Development Rights in order to preserve historically-significant properties

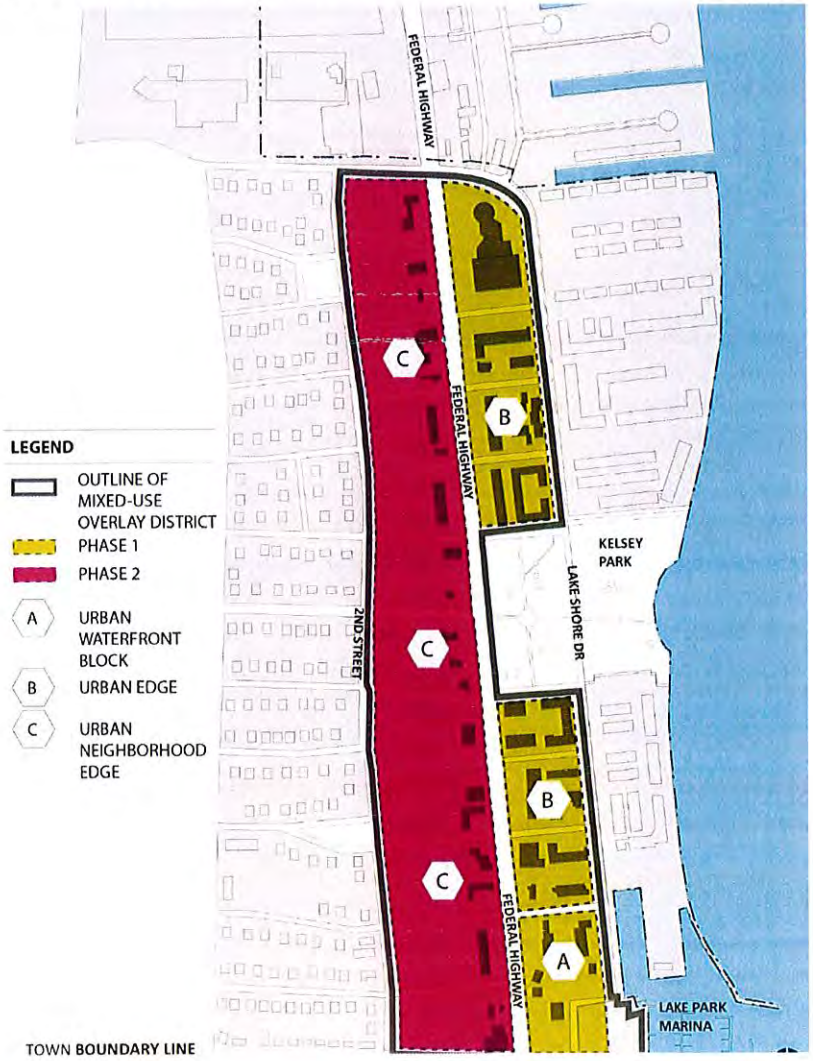
In balancing incentives and requirements, it is important to remember that the community retains control through the mixed-use process. The mixed-use process will require high quality design. The Planning and Zoning Board and/or Commission may always recommend denial or negotiate a more desirable design. While the comprehensive plan will control maximum density and intensity, this Mixed-Use Zoning Overlay District aims to provide maximum flexibility in design such that that parking, drainage, water and sewer infrastructure, along with design elements such as connectivity, walkability, and architectural features, are used to guide acceptable development.

(b) **Applicability** of development regulations to mixed-use development. Although mixed-use development produced in compliance with the provisions and requirements of this section and other regulations as set forth and detailed in this chapter, such developments are to be in compliance with the Town's Comprehensive Plan and platted in accordance with the procedures for approval of plats as set by Florida Statute. The mixed-use development provisions set forth in this section shall be utilized in the review of all future mixed-use development proposals for this special planning area as identified in the future land use element of the Town's Comprehensive Plan with a Residential/Commercial land use designation.

Compliance with the standards of the MUZ shall be demonstrated by submittal of a site development plan application which includes architectural drawings/elevations and which must adhere to the Town's site plan development approval process as defined by the Town Code.

The area within the boundaries of the MUZ is divided in three Sub-districts: Urban Neighborhood Edge, Urban Edge, and Urban Waterfront Block as identified in Figure 1.

**Figure 1. Mixed-Use Overlay District (MUZ)**



Staff will NOT be accepting development applications for the west side of the corridor until additional public workshops are completed and adequate zoning provisions are put in place. The timeframe for these workshops will include: *1st workshop end of February 2017; 2nd workshop end of April 2017; first public hearing of required changes end of June 2017.*

(c) **Conflicts** with other regulations. Where conflicts exist between the mixed-use zoning overlay district special regulations in this section and other applicable sections of the Town Code, the special regulations in this section shall apply.

(d) **General requirements and special regulations**. The following general requirements and special regulations shall apply to mixed-use developments within the MUZ overlay district:

(1) *Location*. A mixed-use development is permitted only within the district identified by the Future Land Use Element of the Comprehensive Plan.

The highest density and intensity within the MUZ shall be allocated to the Urban Waterfront Block, the area adjacent to the Lake Park Harbor Marina and shall only be developed as mixed-use if the single-family residential parcels within this block are adequately protected from the impacts of development. The Urban Waterfront Block is also the Sub-district which can incorporate office/retail (commercial) uses on the ground floor and within the upper floors. The second highest densities and intensities shall then be allocated to those parcels located on the east side of North Federal Highway north of Cypress Drive, with the lowest densities and intensities on the west side of North Federal Highway (**Phase 2** will take a closer look at those provisions that should be incorporated for west side development).

All mixed-use developments must include a North Federal Highway frontage which shall consist of ground floor commercial that can extend along the side streets up to half a block deep and internal to the remainder of the site. Upper floor office/retail (commercial) is also permitted along North Federal Highway and up to a half a block deep on the side streets and internal to the remainder of the site. Mixed-Use developments on the east side of Federal Highway (except within the Urban Waterfront Block Sub-district) and on the west side of Federal Highway at Silver Beach Road, shall incorporate residential uses and facades facing Lake Shore Drive and along Silver Beach Road starting 150 west of Federal Highway pursuant to the residential design guidelines found herein.

(2) *Configuration of site*. Any tract of land for which a mixed-use development application is made shall contain sufficient width, depth, and frontage on a publicly dedicated arterial or major street or appropriate access thereto to adequately accommodate its proposed use and design.

(3) *Unity of title*. If multiple parcels, all land included for purposes of development within a mixed-use development shall be under unity of title, whether the owner/applicant is an individual, partnership or corporation, or a group of individuals, partnerships or corporations. The owner/applicant shall present firm evidence of the unity of title of the entire area within the proposed mixed-use development and shall state agreement that, the proposed development will:

a. Do so in accord with the officially approved site plan of the development, and such other conditions or modifications as may be attached to the approval.

b. Provide agreements, covenants, contracts, deed restrictions or sureties acceptable to the Town for completion of the undertaking in accordance with the approved site plan as well as for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated or maintained at general public expense.

c. Bind his development successors in title to any commitments made under these subsections.

The sub-districts currently have the following proposed densities and Floor Area Ratio allocations:

Urban Waterfront Block (Marina area): 80 units per acre; 6.0 FAR

Urban Edge (east side): 60 units per acre; 4.0 FAR

Urban Neighborhood Edge (west side): 40 units per acre; 2.5 FAR

(4) ***Density***. For the purpose of this section, if dwelling units are to be developed as part of a proposed development within the MUZ, the total number of dwelling units permitted in the mixed-use district shall be determined by the Future Land Use Element of the Comprehensive Plan.

(5) *Building height*. Ground floor height shall be a minimum of 12 feet to enhance the ground floor architecture and include pronounced main entrance features. The maximum building height allowed for the three sub-districts shall be the following:

Staff will NOT be accepting development applications for the west side of the corridor until additional public workshops are completed and adequate zoning provisions are put in place. The timeframe for these workshops will include: *1st workshop end of February 2017; 2nd workshop end of April 2017; first public hearing of required changes end of June 2017.*

Urban Waterfront Block: 15 stories, maximum overall building height of 170 feet.

Urban Edge: 10 stories, maximum overall building height of 115 feet.

Urban Neighborhood Edge: **TO BE DETERMINED IN PHASE 2** (so far, 6 stories has been considered)

A transfer of development rights, as further defined herein, shall provide an additional 11 feet per story transfer however, no more than 6 stories may be transferred in the Urban Waterfront Block; 4 stories in the Urban Edge and (**TO BE DETERMINED IN PHASE 2**) stories in the Urban Neighborhood Edge.

(e) **Site plan review**. In adherence to Chapter 78 of the Town Code, all mixed-use proposals will be considered development proposals and subject to the site plan approval process requiring Planning & Zoning Board review and Town Commission approval.

(f) **Urban design principles**. The following urban design principles shall be considered as guidelines in all mixed-use development proposals:

(1) That mixed use promotes economic and social well-being.

(2) That streets serve the needs of the pedestrian, bicyclists and the automobile.

(3) That proposed squares and plazas provide collective identity and a place for social activity and recreation.

(4) That public buildings, facilities, and spaces are symbols of the community and convey identity and pride through their architectural clarity and civic functions.

(5) That carefully placed buildings delineate and define public spaces and lots and blocks.

(6) That streets are designed and act as amenities to the development and as quality public space.

(g) **Urban design objectives**. The following urban design objectives shall be considered as guidelines in all mixed-use development proposals:

(1) To bring many of the activities of daily living, including dwelling, shopping and other activities, within walking distance.

(2) To reduce the number and length of automobile trips to relieve traffic congestion.

(3) To provide internal vehicular circulation to relieve traffic impact on arterial roads.

(4) To provide defined public spaces and streets that allow the citizens of the Town to observe and watch over the collective security.

(5) ~~To provide sites for civic buildings.~~

(6) To provide flexibility for the development strategies that evolve over time.

Staff is currently working through a Code overhaul process that includes modernizing our district uses. The associated underlying districts can ideally be revamped in advance.

(h) **Permitted uses**. Permitted uses in the MUZ overlay district shall include those uses that are permitted in the underlying zoning district regulations, including those accessory uses that are customarily incidental to the primary uses they serve. In addition, a combination of different residential-type uses. Generally, active uses are encouraged on the ground floors of buildings fronting Federal Highway, with the ability to wrap around the corners of these buildings.—Furthermore, the following use guidelines/restrictions shall also apply:

1. *Indoor/Outdoor Operations.* All permitted uses in the MUZ overlay zoning district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to certain off-street parking or loading areas, or outdoor seating areas, or certain uses that are integral to primary uses and promote outdoor activity and social interaction. Restaurant furniture located on the sidewalk shall maintain a minimum three (~~3~~4) foot wide obstacle-free corridor for pedestrian circulation along the sidewalk, including adequate ADA connectivity. Alcoholic beverages may be served outdoors only where such service is strictly incidental to the service of food.

2. *Temporary Uses.* Temporary uses including tent sales; stands for the sale of flowers, fruit and similar uses; and festivals and farmers' markets are permitted, are subject to the special event permit provisions and signage application provisions of the Town code.

3. *Accommodation Uses*: Shall be permitted. These are facilities that provide short-term lodging including hotels, motels, bed and breakfasts, and similar uses. These uses shall be considered commercial uses the accommodations are being offered long-term (3 months or more) in a condo-hotel type setting.~~.~~

"sale of alcohol near certain uses prohibited" section in the Town Code – staff will be proposing a modification to further exempt Federal Hwy (similar to the existing exemption for Park Avenue)

**THIS CODE SECTION AMENDMENT TO ALLOW ALCOHOL SALES AS AN ACCESSORY TO CERTAIN PERMITTED USES WILL BE PROPOSED FOR FIRST READING ON OCTOBER 19, 2016 AND SECOND READING ON NOVEMBER 2, 2016.**

4. *Child Care Facilities and Schools*: Schools shall not be permitted within mixed-use development proposals unless these uses are amenity driven and strictly provide a child care service to residents living within the proposed mixed-use development.

5. *Commercial Parking Garage*: Accessory uses that provide parking as the primary on-site use. These structural facilities offer short-term parking of vehicles and may charge a fee for such use. This group includes: shared parking facilities; shuttle parking facilities; and transit park-and-ride facilities. This group shall not include parking facilities that are ancillary to another on-site use. Shall meet the parking code requirements. Exposed surface parking is discouraged. Internalized commercial parking garages with liner buildings or significant architectural features fronting the street are required ~~encouraged~~. Liner buildings whose primary walls are visible from the street, shall incorporate softened façade features (residential-like if facing residential structures). All vehicular ingress/egress points shall be incorporated along the side streets and Federal Highway only.

6. *Drive-Through Facilities*: Drive-through facilities associated with a retail use, personal service establishment, coffee shop or restaurant. Drive-through facilities shall be permitted only when such facilities are 100% concealed from streets by buildings or walls that are architecturally compatible with the overall site design.

7. *Entertainment Use*: Uses in this group shall include: supper clubs; movie theaters; performance theaters; radio, movie and/or television studios; billiard halls; bingo halls; piano bars; bowling alleys; and similar uses. Adult entertainment uses are strictly prohibited. The sale of alcohol, if provided, shall be ancillary to the primary entertainment use and shall comply with the Town Code.

8. *Food/Beverage Establishments*: This group shall include: full service restaurants; fast food restaurants; bars, pubs, microbreweries; and similar uses. The sale of alcohol, if provided, shall comply with the requirements of the Town Code.

9. *General Retail/Personal Service Establishments*: Establishments that provide goods and services geared toward an individual consumer. This group shall include businesses such as: banks; beauty parlors; bakeries; bookstores; apparel stores; grocery stores; pharmacies; tailor shops; health clubs; gift shops; animal service establishments, and similar uses. This group shall also include schools offering instruction in dance, music, martial arts and similar activities, but this group shall not include colleges/universities.

10. *Live/work Units*: An individual residential unit integrated with a general retail/personal service establishment, business office, or workshop. Commercial signage is not permitted on the exterior walls of live/work units.

11. *Business Offices*: Facilities used primarily for the business of professionals with only limited transactions occurring on-site. This group shall include offices for: accountants; architects; appraisers; attorneys; consulates; financial firms; insurance adjusters; realtors; medical offices and other uses found by the Director to be similar. Class A office space is highly encouraged.

12. *Residential Uses*: A luxury, amenity-driven residential composition is preferred. Urban villas, courtyard houses, sideyard houses, duplexes, rowhouses, condos/apartments, and other similar uses, when incorporated horizontally or vertically into a mixed-use development that includes mixed-use buildings. Home offices are permitted pursuant to the Town Code regulations for Home Occupations. Multi-Family Units can be incorporated above the ground floor of a mixed-use building fronting Federal Highway or entirely within a multi-family building whose residential units front Lake Shore Drive or the first 100 feet of building frontage extending west from Lake Shore Drive. Maximum allowable dwelling units are pursuant to the density requirements of the Comprehensive Plan. The residential component of a mixed-use development (whether vertical or horizontal) shall be in the 51%-90% range ~~not exceed 80% of the total square footage, also~~ pursuant to the Comprehensive Plan.

-(i) *Waiver of mixed-use development regulations allowed.* In conjunction with the review process for a mixed-use developments and in accordance with the waiver criteria referenced herein, the Town Commission may waive certain land development regulations in the areas of site configuration; architectural details; parking; landscape buffers and setbacks:

*(1)* Waivers can only be considered if the intent of the policies, objectives and overall zoning provisions for mixed-use are provided throughout the development and only when a substantial public benefit is provided and justified. The Green Building Program outlined herein may be used as a public benefit.

*(2)* The applicant shall submit a waiver request in writing for each land development regulation from which it seeks relief as part of the mixed-use development application, fully explaining the nature of the request, the extent to which it departs from the zoning regulation, and the basis for which a waiver is sought. The department of community development may request that an applicant provide additional information to substantiate

or justify a waiver request. The standards for a waiver review shall be, where appropriate, the same as those for a special exception as detailed in town code section 78-184, or those listed in the Green Building Program herein if green initiatives are being pursued.

*(3)* The department of community development may recommend requiring or increased requirements for one or more alternative sections of the proposed development plan to help mitigate the potential impact of waiving any zoning regulation.

*(4)* The granting of waivers for mixed-use developments shall be subject to review by the planning and zoning board and to a finding by the town commission that the spirit of the mixed-use regulations have been met; and that there is no detrimental effect on the general health, safety, convenience, comfort and welfare of the town residents.

*(5)* The town commission may, at its discretion, require adherence to the minimum requirements for the zoning district within certain portions of a mixed-use development, if deemed necessary in order to maintain the spirit and intent of the town's land development regulations.

*(6)* The town commission shall not consider any waiver requests until it has received an advisory recommendation from the town's planning and zoning board.

(J) **Property development standards**. Property development standards for the MUZ overlay district shall be pursuant to those set forth in Chapter 78 of the Town Code. However, as part of the review and approval process by the Town, the Town Commission may modify the property development standards, at its discretion, provided the spirit and intent of the regulations and standards are complied with in the development of the mixed-use district and a public benefit is offered by the development. In addition to the property development standards in the Town Code, the following shall apply:

(1) ***Parking requirements***. On-street and off-street parking shall be allowed. The minimum number of required parking spaces to be provided shall be determined Section 78-142 of the Town Code, and may include a combination of on-street and off-street spaces. When using on-street parking to meet a portion of the required parking for a proposed project, only those spaces that lie within the street frontage areas of the property may be included in the total calculations for meeting the minimum required parking requirements.

Multi-story parking garages and parking lots shall count toward all parking requirements except for the parking requirements of individualized residential-type developments that are incorporated within a mixed-use development, but require their own individualized parking (for example, row houses or urban villas).

(a) At a minimum, parking shall be provided as follows:

Parking must be internalized so as to not represent the primary street front feature, but rather liner buildings or other architectural design techniques that are consistent and harmonious with the project design theme shall be utilized to screen the parking walls and vehicles from all street sides. Parking spaces are permitted to be 9 feet by 17 feet. Office and retail uses require 2 spaces 1,000 square feet; restaurants 8 spaces per 1,000 square feet of patron area; residential uses average 1.5 spaces per unit plus 1 guest space per 3 units and a pick-up/drop-off area for which the dimensions will be determined by necessity based on incorporated uses. Additional loading/unloading is required for restaurants and an additional loading space for office/retail uses. A common area can be utilized and the loading area must be justified by the developer's mix of uses and respective needs. Mixed-Use Developments that extend from Federal Highway to Lake Shore Drive shall eliminate curb cuts along Lake Shore Drive, except for developments within the Urban Waterfront Block. Additional provisions for mixed-use shall include:

**(i)** *Multi-Family Residential Dwelling Units*: 1 space / 1 bedroom unit ; 1.5 spaces / 2 bedroom unit / 1.75 spaces / 3 or more bedroom units ; plus 1 guest space for every 3 overall dwelling units.

**(ii)** *Hotels*: 1 per guestroom, plus 1 per employee, calculated at maximum shift of employment.

**(iii)** *General Retail/Personal Services and Entertainment Uses*: 2 spaces per 1,000 square feet of gross floor area.

**(iv)** *Business Offices*: 1 space per 500 square feet of gross floor area.

**(v)** *Food/Beverage Establishments*: 8 spaces per 1,000 square feet of patron area.

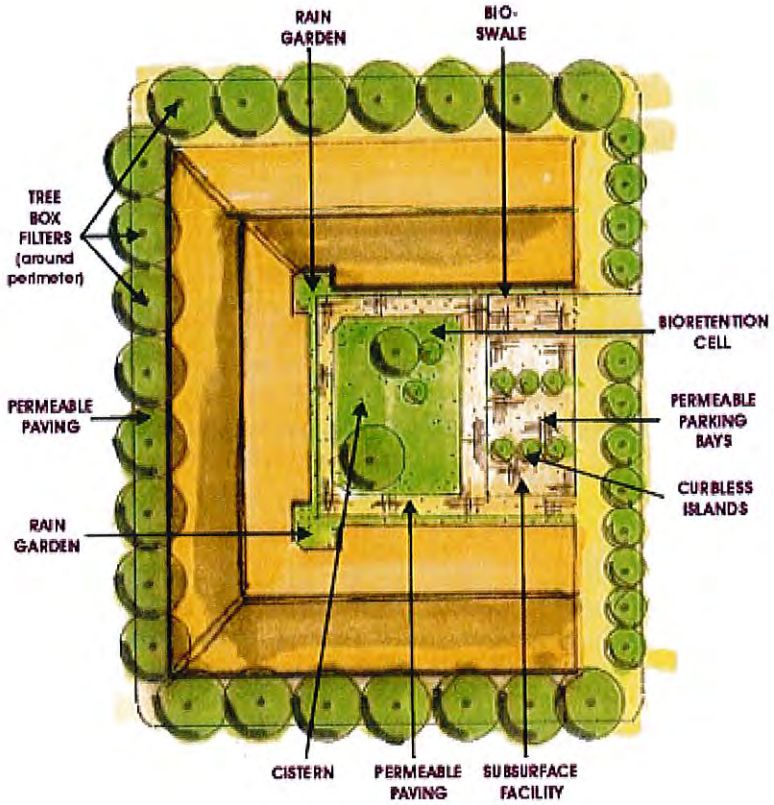
**(vi)** *Live-work configurations*: Shall comply with residential requirements for dwelling units and commercial requirements for non-residential uses.

(b) *Parking reductions/flexibility*. Reductions may be applied for and shall be based on shared parking scenarios as defined by the Town Code. Valet may also be incorporated for up to 50% of the required parking for non-residential uses, pursuant to the Town Code requirements. A valet lot used to meet non-residential parking requirements may be located off-site. Cross and joint access per the Town Code requirements may apply and may entitle developments to a reduction of the number of required parking spaces upon their respective properties by up to 50 percent provided the Town Code requirements for cross/joint access are met.

Mixed-use developments in all Sub-districts may provide the required parking off-site, where the off-site parking is within seven-hundred fifty (750) feet of the development. An applicant for approval of a mixed-use development with off-site parking shall execute and record in the public records of Palm Beach County a declaration of restrictions approved by the Town Attorney covenanting that such development shall maintain such parking area in perpetuity in order to satisfy the requirements of the developments.

(2) ***Drainage of streets and rights-of-way/Stormwater Retention and reuse***. Raised curb and gutter drainage systems shall be the preferred method utilized within the MUZ overlay district. Alternate drainage systems shall be approved at the discretion of the Town and FDOT during the site plan review process for a proposed mixed-use development. South Florida Water Management District standards shall apply and applicants will be responsible to ~~capture~~ provide 100% of the required water quality and quantity treatment~~runoff~~ onsite and provide improvements to all adjacent sidewalks/curb and gutter to accommodate the proposed development. The Town's Lake Shore Drive Drainage Improvement Plans shall be adhered to and utilized in the plan review by the Town's consulting Engineer.

Low-impact development (LID) is the preferred method of development. It is preferred that new development will limit disruption of natural water flows by minimizing storm water run-off, increasing on-site filtration and reducing contaminants. LID is an innovative approach to stormwater management that allows for stormwater and environmental controls to be incorporated into the landscape, built environment, and infrastructure so that pollution is controlled at the source in small scale distributed facilities, such as green roofs, rain gardens, or permeable pavers. An advantage of this system is that pollution is not transported through the infrastructure or drainage system and the facilities can be constructed incrementally. LID allows for multiple objectives to be achieved including: reduction of the urban heat island effect, energy and water conservation, and reduced costs for agencies tasked with maintaining water quality programs, optimize fiscal resources by combining projects, lower utility user fees, and an improvement in the overall aesthetics of a site. A sample schematic of potential LID practices in Mixed-Use Development includes the following:



All utilities, including but not limited to, telephone, television cable, and electrical systems shall be installed underground. Large transformers/switch cabinets shall either be placed in the ground and contained within pad mounts, enclosures or vaults, or in-building placement can be considered. If external, the developer shall provide adequate landscaping with shrubs and plants to screen all utility facilities permitted above ground pursuant to the Town Code requirements.

(3) ***Landscaping***. Except as provided herein, landscaping shall be provided as required by Town Code. Specific landscape requirements that govern mixed-use developments specifically are as follows:

Five (5) to (10)-foot landscape buffer widths are required along Federal Highway and along the side streets. The widths can be achieved using diamond cutout features whereby the centerline of the diamond is at least ~~5~~8 feet wide (and integrated into a distinctive outdoor walkway design) and trees shall be spaced no more than 20 feet apart. Modular suspended pavement systems that use soil volume to support large tree/palm growth on a streetscape should be considered. Landscape buffers along Lake Shore Drive and interior lot lines adjacent to residential parcels shall be a minimum of 10-feet wide and incorporate a combination of trees (maximum spacing of trees shall be 20 feet for Lake Shore Drive and 40 feet for interior lot lines), hedges (minimum 4 feet in height planted 2-feet on center). Additional plantings that add color and distinction are encouraged within all landscape buffers.

(4) ***Open Spaces and Recreation Areas***. Open spaces under this article shall be classified as (a) designated, or (b) private open spaces.

**a.** Designated open spaces shall be subject to the following requirement:

i. The street area on the side adjoining the designated open space and consisting of the curb, street tree landscape strip and sidewalk/walkway shall count towards the square footage of the open space.

**b.** Private open spaces shall be subject to the following requirements:

i. Private open spaces shall be provided in the form of colonnades, courtyards, terraces, lawns, communal gardens, and landscaped roof terraces/gardens on buildings or garage structures. Designated open spaces shall count towards the private open space requirement.

ii. Mixed-use developments shall reserve a minimum of ten (10) percent of the site for common, private open space.

iii. Private open spaces shall be shaded (by trees, palms or other features), and their ground surface shall be a ——combination of paving materials, lawn, ground cover, flowers, and so on.

Enclosures of private open spaces shall comply with the requirements herein.

(5) ***Lighting***. Shall be provided pursuant to the requirement of the Town Code. Additional mixed-use lighting provisions shall include:

(a) Street lighting shall be provided in these areas: commercial and live-work unit driveways and parking areas, sidewalks and pedestrian passages, commercial establishment entryways, recreation areas, and multi-family residential common

areas and entryways. Outdoor lighting of these areas shall comply with the Town Code requirements for lighting.

(b) All light fixtures shall be of a pedestrian scale, with a maximum height of eighteen (18) feet and a maximum spacing between fixtures of sixty (60) feet or such other spacing as may be required for identified uses. Design enhanced light sources are preferred.

(c) The type and spacing of light fixtures shall be based on uniformity of types, location, right-of-way width, and luminosity.

(d) Weather and vandalism resistant covers shall protect all light fixtures.

(e) Cobra-head lights shall not be permitted.

(6) ***Walls/Fences***. Shall be regulated pursuant to the Town Code regulations for business/commercial districts. Chain link fencing is prohibited in all mixed-use developments. Walls and fences are also prohibited within 10 feet of any street front property line, unless the wall is being used to satisfy the buffering requirement between mixed-use lots and residential lots as defined in the Town Code. All walls and fences shall be consistent and harmonious with the architectural character of the mixed-use development. Decorative fences and knee walls are possible.

(7) ***Signage***. A master signage plan will be required for all mixed-use development proposals. Signage shall be regulated pursuant to the Town Code signage provisions. Wall signage is permitted however, freestanding signage is discouraged, but for directional and instructional-related signage. Window signage is also discouraged, but for conspicuous open/close and business hour-related information to promote a uniform appearance, all of which needs to be incorporated in the master signage plan.

(8) ***Setbacks/Build-to Requirements***. The MUZ provides flexibility in setbacks with the Federal Highway side being dictated by the 5-foot landscape buffer as defined herein, with an additional 10 feet for walkways and/or outdoor dining areas or other outdoor spaces. These improvements are in addition to the Complete Streets initiative (when developed by the Town as a separate Town policy that will run its own course with an anticipated Town-wide policy by summer 2017) which aims to provide an enhanced sidewalk area with center travel-lane landscaping improvements for Federal Highway. A street side activity component is required and shall be integrated and compatible with those uses integrated into the mixed-use development. Side street lot lines, interior lot lines and lot lines facing Lake Shore Drive are also dictated by the landscape buffer width requirements found herein. Essentially, the build-to lines will be dictated by the buffer requirements and added walkway/circulation requirements and~~,~~ are regulated by the types of streets that they front or are surrounded by. For primary commercial corridors, buildings shall be generally built closer to the street in order to provide a consistent edge and spatial definition that contributes to the activities of the street. For residential streets, buildings should have larger setbacks to establish a semi-private zone or yard.

(9) ***Architectural Guidelines***. The architectural style, materials, other treatments, etc., to be utilized within a Mixed-Use development shall be considered by the Planning and Zoning Board and Town Commission as part of the overall review process. Architectural guidelines, as set forth in Chapter 78 of the Town Code shall be used as the basis for the overall design theme or style proposed for a Mixed-Use development and shall also be applicable to all residential components.

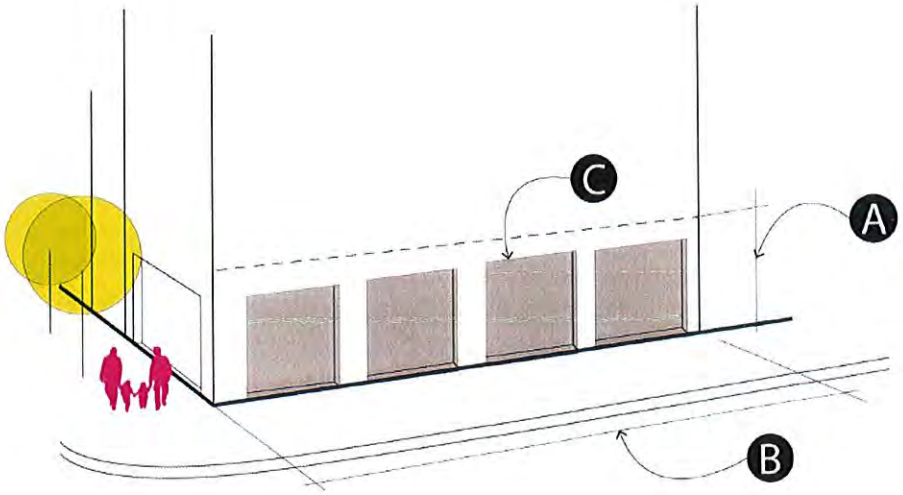
Varied architectural styles are possible. Additional provisions shall include the following:

A. Buildings

1. Storefronts shall be provided on the first floor of mixed-use buildings and shall be directly accessible from a street frontage or a designated open space as follows:

    a. For properties with two or more frontages, storefronts shall be located on a minimum of two frontages, with priority given to frontages on a designated open space and the primary street.

    b. Storefronts shall have a transparent clear glazed area of not less than seventy (70) percent of the façade area and shall be occupied by habitable uses that generate pedestrian activity and provide surveillance to the street (i.e. by providing visible spaces from the street front that are open to the public). Security enclosures, if any, shall be of the mesh type that pedestrians can see through, and shall be located behind the storefront displays.

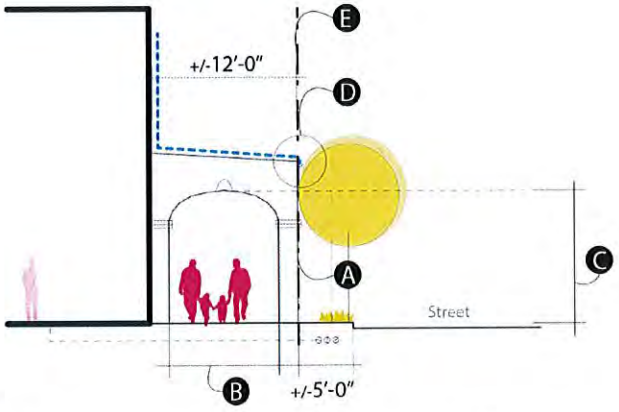



A 12'-0" min. ground floor height
B Length of building facade
C Storefront glazing area

2. Colonnades are encouraged. All colonnades shall comply with the following:

a. Finished floor of the colonnade shall match the adjoining private property walkway.

b. Colonnades (i.e. first floors) shall have a minimum unobstructed clear height of twelve (12) feet and a minimum clear width of ten (10) feet. Awnings shall be permitted, but shall not count towards the required colonnades. Colonnades shall not cause roof drainage into the street. Colonnades shall be attached to buildings. Open-air activity above colonnade features may be possible.




- **A** Colonnades
- **B** 10' clear width min.
- **C** 12' clear height min.
- **D** Directed drainage gutter
- **E** Property Line

3. A minimum of thirty (30) percent of all building street walls shall be fenestrated with windows. Mirror type glass is prohibited. All glazing shall be of a type that permits view of human activities and spaces within the structure. Colonnade column spacing, windows, and doors shall be proportioned such that the height of each opening is greater than its width.

4. The height of an accessory building shall not exceed the height of a principal building.

5. Weather protection features shall be required along provided storefronts.

6. Awnings, balconies, stoops, stairs, open porches, and bay windows shall be permitted to extend into the minimum required setbacks, to a maximum of 5 feet, except when abutting private property: Roof eaves, chimneys, signs, and ramps may encroach into all setbacks. Porticoes, canopies, and colonnades shall be guttered, and drainage shall be deposited onsite utilizing pipes tied to the drainage system. These features shall accommodate the required tree/palm plantings.

7. Service areas shall be located out of the view from adjacent properties or from the street and shall be fully screened.

~~8.~~ The primary entrance of a building shall provide access to a street or a designated open space. The primary entrance to the upper levels of a mixed-use building with colonnades shall be through the colonnaded area along the front property line.

8.

~~9.~~ Building facades shall not run for more than 100 feet without providing a break in the façade by integrating an open walkway or similar type design feature. Provide building elements, such as breezeways, interior courtyards and fans to induce air movement and provide comfortable places for rest and relaxation.

9. Unbroken facades, in excess of 100', without changes in wall planes shall be avoided. Visual, open-air breaks are encouraged and in some cases may be required to break up the building mass. Changes in wall planes shall be employed to add shade and shadow. Such changes in plane shall be at least 2'. All street level use open to the public shall have external entrances directly accessible from the sidewalk. For commercial buildings, there shall be at least 1 entrance located along the frontage of commercial streets or on the corner intersection with other streets. Building corners shall utilize prominent architectural treatment.

10. Stories shall be scaled back 15 feet at the 3rd story and every 4 stories thereafter, at varied depths, so as to integrate recessed interest to the structure and provide urban comfort. Federal and Lakeshore recesses shall be greater than recesses provided along side streets however, all recesses shall provide architectural interest and may be achieved using various architectural techniques. This provision shall apply to at least 75% of the facades so as to not apply or limit minor changes in wall planes that provide building articulation and differentiation.

(10) ***Building Placement Standards***. The MUZ leaves flexibility for design creativity to meet the intent of the overall Town vision for mixed-use development. These guidelines are intended to provide criteria for design, while allowing flexibility for architects, landscape architects, developers and builders in the implementation of developments within the order to achieve diversity and individually distinctive developments. Buildings should have a clear relationship with the street and should reinforce the street framework by locating primary facades parallel to the street. When streets curve, buildings should reinforce the geometry of the street as this will strengthen the urban spatial character. Building facades should be open and inviting on all facades. They should be richly detailed and varied to provide visual interest and a pedestrian scale at the street level. Reinforcement of the human scale can be accomplished through the use of varied materials and appropriately scaled construction. Commercial street frontages should be largely transparent, allowing pedestrians to view the activities inside or displays related to these activities. Storefronts and entrances should oriented towards the street, should be well lit and accentuated to provide pedestrian orientation. Building facades should incorporate components that protect pedestrian from the sun and rain. Through-lobbies or breezeways that address both the street and parking lots are encouraged.

## (K) GREEN BUILDING PROGRAM USED AS A PUBLIC BENEFIT

**Purpose and intent.**

(1) To provide green building standards and incentives to encourage sustainable construction, water efficiency, energy efficiency, sustainable material selections and improved indoor environmental quality for new development, redevelopment and infill projects.

(2) To provide for waivers from zoning regulations commensurate with the amount of green building standards incorporated into buildings associated with new development, redevelopment and infill projects which achieve green building certification utilizing standards for green developments from either the Florida Green Building Coalition, Inc. ("FGBC") or the U.S. Green Building Council ("USGBC").

**Applicability.**

This green building program applies to mixed-use developments which are certified by FGBC or USGBC. Projects developed pursuant to either of these programs shall be entitled to a "public benefit."

**Application requirements.**

(a) FGBC or USGBC Official Certification Checklist detailing how the green building certification will be achieved. The applicant shall be responsible for ensuring that the FGBC or USGBC independent commissioning agent attends the preapplication meeting.

(b) The requirements of any associated applications that will be processed concurrent with the application, including drawings of how the completed FGBC or USGBC Official Certification Checklist will be implemented must be submitted.

(c) Construction review requirements. The applicant's compliance with the approved FGBC or USGBC Certification Checklist shall be reviewed throughout the development review process, including engineering permits, building permits and all applicable inspections.

(d) The applicant shall submit an irrevocable letter of credit equating to a minimum of five percent of the total estimated construction cost, which amount shall be paid in full to the Town prior to the issuance of a certificate of occupancy or completion of the green building.

(1) In the event the applicant is not certified by either the FGBC within 12 months of the receipt of a certificate of occupancy or completion of any building, the applicant should first develop and submit a plan to the Town to achieve certification within six months.

(2) If a plan is not submitted and certification is not received, the dollar amount of the irrevocable letter of credit shall be converted into a green building mitigation fee. The funds shall be placed in a separate Town account to be utilized to implement green building practices throughout the Town related to, but not limited to, the following project examples:

a. Retrofitting of homes for income qualified households as part of an adopted plan, CRA or other.

b. Town-owned, buildings parks or facilities.

(3) Six-month time extensions may be granted administratively by the Director of the Community Development Department, or his/her designee to provide:

a. For the completion of the certification provided that the applicant submits competent, credible, written and verifiable evidence to the Department confirming that the certification process is ongoing, and that the applicant has acted in good faith to obtain the certification.

b. Time to develop an action plan to remediate deficiencies that result in noncertification.

(4) The dollar amount of the letter of credit shall be refunded to the applicant within 60 days following the applicant's submission to the Town of the final written certification issued by either the FGBC or USGBC.

**Criteria and intent for green certification.**

The green building program is intended to ensure that applicants are providing a green building above minimum Town Code requirements to address renewable energy, reduced water consumption, improved onsite treatment of stormwater quality/quantity and reduced energy consumption. It is not the intent of the green building program to achieve certification based solely on maintenance checklist criteria. The amount of waivers from zoning regulations granted as incentives for a green building, shall be commensurate with the amount of the above criteria included in an application. All new development approvals shall obtain the silver certification level and redevelopment approvals shall obtain the minimum certification level from the FGBC or the USGBC.

(a) Certification. The applicant shall provide documentation to the Town verifying the project's green certification by FGBC or USGBC.

(b) Additional criteria. For all green building applications, only the following criteria from a completed FGBC or USGBC official certification checklist for the building project that exceeds the requirements of the Town of Lake Park Code shall be counted towards justifying any requested waivers:

(1) Energy efficient design.

(2) Use of renewable energy sources.

(3) Drought tolerant plantings.

(4) Reduced interior potable water usage.

(5) Enhanced onsite treatment of stormwater.

(6) Indoor environmental quality (natural daylight, increased ventilation, etc.).

**Incentives.**

Incentives for a qualified green development application, may include the waivers of zoning regulations as provided in the mixed-use regulations.

**Sustainable and Green Components,** may include:

- Use pervious materials for small, low-use parking areas, low-use driveways, utility access roads, pedestrian walkways, fire lanes and highway shoulders when feasible.
- Use pavers, blocks and soil stabilization products with recycled content.
- Utilize aquascaping as a fundamental component of water feature design.
- Provide electric vehicle refueling stations.
- Provide bicycle racks.
- Provide hybrid bus service to future rapid transit.
- Provide "full-cutoff" luminaires.
- Keep light poles low and space more closely.
- Focus light downward.

Greenroof standards:

- Use light colored/high albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30% of the site's non-roof impervious surfaces, including parking lots, walkways, plazas, etc.
- Place a minimum of 50% of parking spaces covered by parking structures.
- Use an open-grid pavement system (less than 50% impervious) for a minimum of 50% of the parking lot area.

Additional green standards:

- Use ENERGY STAR compliant and high emissivity roofing (at least 0.9) for a minimum of 75% of the roof surface.
  - Provide a green (vegetated) roof for at least 50% of the roof area. Combinations of high albedo and green roof can be used providing they collectively cover 75% of the roof area.
- Control Erosion to reduce negative impacts on water and air quality.
- Reduce the development of land into parking lots. Parking behind, on the side and underneath buildings is required. Land usage shall primarily be either for buildings or greenspace.
- Encourage the use of local materials. Using locally harvested and locally manufactured materials reduces the impact of transporting the goods and improves the local economy.
- Increase Resource reuse and Construction waste management. The majority of the site has no existing development to reuse. Before construction begins develop a waste management plan. Divert and recycle a minimum of 75% of waste material by weight.

- Encourage the use of Materials with Recycled content. Reduce the amount of materials removed from the lithosphere and placed into the biosphere. By using materials with recycled content, there is less need to extract more resources for manufacturing.

- Encourage the installation of waterless urinals. This technology is low tech and very common. Primary draw backs are attributed to smells associated with the lack of cleaning the surrounding area. Research has shown that there are many successful installations, including the "Miami Dolphins" Stadium.

- Encourage the installation of fixtures that reduce the use of potable water. Install Fixtures that meet LEED Water Efficiency, by reducing the aggregate water use of the facility by 20% less than the baseline building, after meeting the Energy Policy Act of 1992 "fixture performance"requirements.

- Encourage the installation of technologies to reduce potable water demand. Use Infrared occupancy sensors and metering technologies accomplish these goals.

- Encourage the installation of Innovative Wastewater Technologies that will reduce the use of potable water for sewage conveyance. Innovative Wastewater Technologies in compliance with LEED Water Efficiency, or use reclaimed water for sewage conveyance or cooling tower make-up.

- Discourage the Use of Ventless Clothes Dryers. This technology has two drawbacks for South Florida. 1) A portion of the water removed from clothes in the dryer is introduced into the interior space. South Florida already struggles with a continual challenge of de-humidifying ambient air to prevent mold/mildew problems inside buildings. Introducing moisture into the space will further aggravate the problem. 2) The "recirculated air" that carries the moisture away from the clothes is cooled by potable water. This process causes the entrained water to condense and be removed by down a drain. This is problematic in that this is a tremendous waste of potable water. The reason is because the average potable water temperature in South Florida is substantially higher than the rest of the country, so that it will take more than the design flow rate to effectively cool the device.

- Commissioning is encouraged for all buildings. This is a process that ensures that all building systems perform interactively according to the contract documents. While each component purchased can be viewed as a commodity that has been tested thoroughly at the manufacturer's plant, the combination of systems for each building is unique. The benefits of fine-tuning the systems at start-up are that the energy savings are maximized, and the maintenance costs are minimized. It is estimated that commissioning increases energy efficiency by 5 to 10%. (On a 50,000 sq. ft. building, this could equal ~ $5,000 per year). Commissioning should be in compliance with LEED.

- Maximize Overall Building Efficiency. Buildings must exceed the minimum level of energy efficiency of the Florida or Building code, or ASHRAE Standard 90.1, whichever is more stringent by 10% Calculation method shall comply with LEED Energy and Atmosphere

- Conserve Energy by installing energy efficient HVAC equipment. This can be accomplished by exceeding the Florida Energy Code minimum efficiency by 20% for residential electric driven Air conditioning equipment. Another method is to exceed the ASHRAE 90.1 standard by 20%.

- Conserve Energy by installing energy efficient office equipment Use Energy Star equipment to reduce plug loads. Equipment includes Copiers, Computers and refrigerators

- Reduce Ozone depletion. This is accomplished by installing equipment that contain Zero CFC refrigerants

- Provide a Construction IAQ Management Plan. Develop an Indoor Air Quality (IAQ) Management Plan for the construction and preoccupancy phases of the building. Performance shall comply with LEED Environmental Quality. The intent is to minimize building contamination prior to occupation. HVAC systems are particularly prone to contamination from particulate matter generated during construction activities. Proper measures during construction and a flush-out of the building prior to occupancy can minimize these effects

- No Smoking. Provide zero exposure of non-smokers to Environmental Tobacco Smoke. Performance shall comply with LEED Environmental Quality

- Provide CO2 Monitoring. This inexpensive sensor can be incorporated into a ventilation control system to modulate outdoor air intake to provide an indoor air quality level with no more than 530 parts per million of carbon dioxide at any time. When the occupant load in the building is low, the CO2 sensor can modulate the outside air volume down to save energy, as long as the building does not develop a negative pressure state

- Use Low Emitting Materials. Meet or exceed VOC limits for adhesives, sealants, paints, composite wood products and carpet systems. Provide materials that comply with LEED Environmental Quality

- Control Indoor Chemicals and Pollutant Sources. Provide permanent entryway systems to capture dirt/contaminants and prevent them form entering the buildings. Isolate rooms with chemical processes such as copying/print rooms and janitor's closets. Extend the walls surrounding these rooms to the structural deck and provide exhaust to

prevent re-entrainment of these contaminants into the indoor environment. Locate Fresh Air intakes away from pollution sources, dumpsters, exhaust fans, etc.

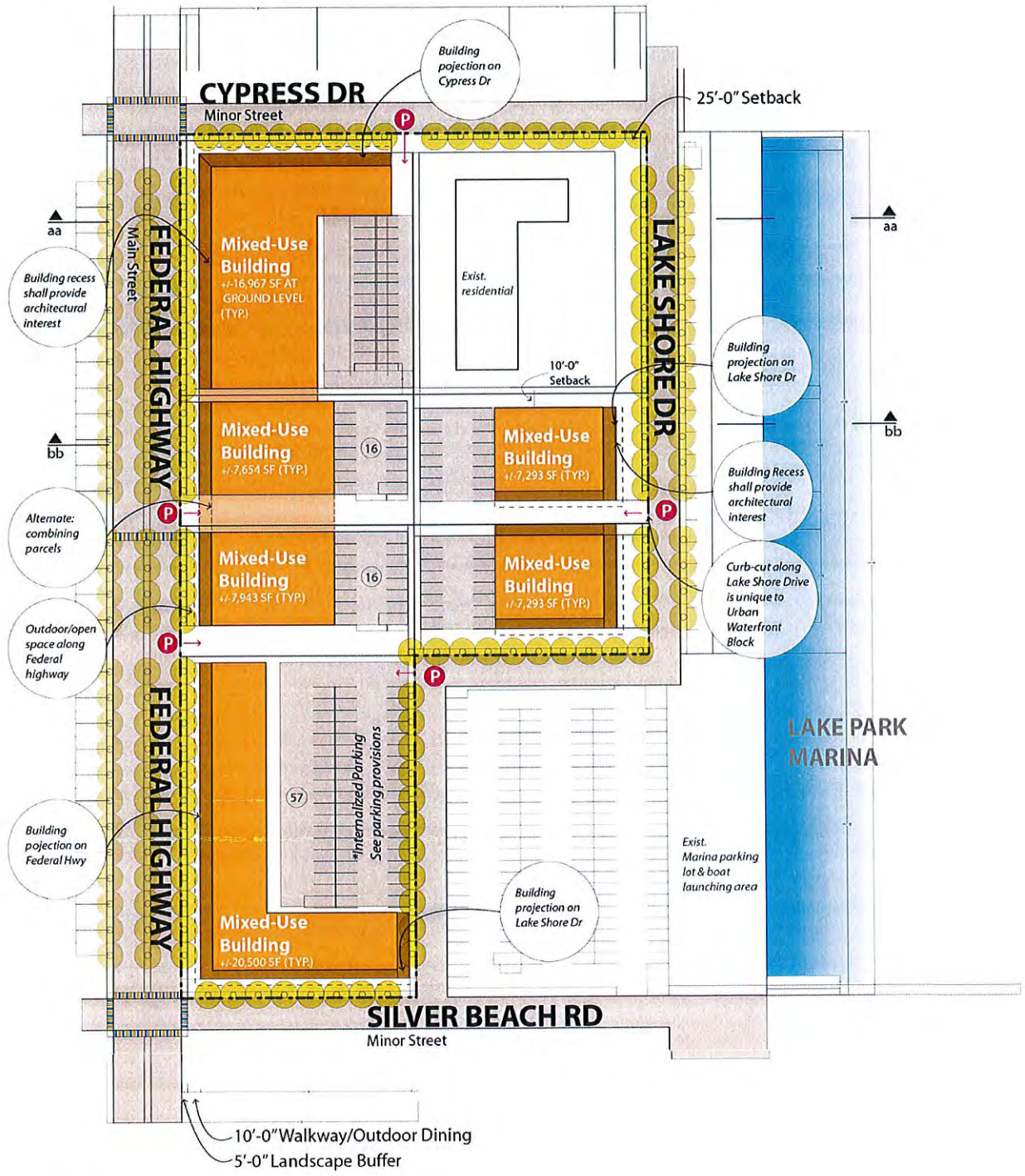
- Provide for a thermally comfortable environment. Provide and environment that supports the productive and healthy performance of the building occupants. Building shall comply with ASHRAE Standard 55-1992, Addenda 1995. Provide permanent temperature and humidity sensors in the building that allow the HVAC system to control the environment to maintain a level of comfort.

- Provide for a visually comfortable environment. Provide an environment that supports a connection between the indoor and outdoor environments through the introduction of sunlight and views into the occupied areas of the building. To encourage occupants to interact/appreciate the outdoor environment, new buildings shall meet the LEED Environmental Quality for daylighting and views. The views provide a better quality of environment. Daylighting will provide connection to the natural cycles of the sun and lower energy costs by reducing the dependence on artificial lighting.

DRAFT

**078.1122.16 – PHASE 1**

# Design Guidelines - **Urban Waterfront Block (Phase 1)**



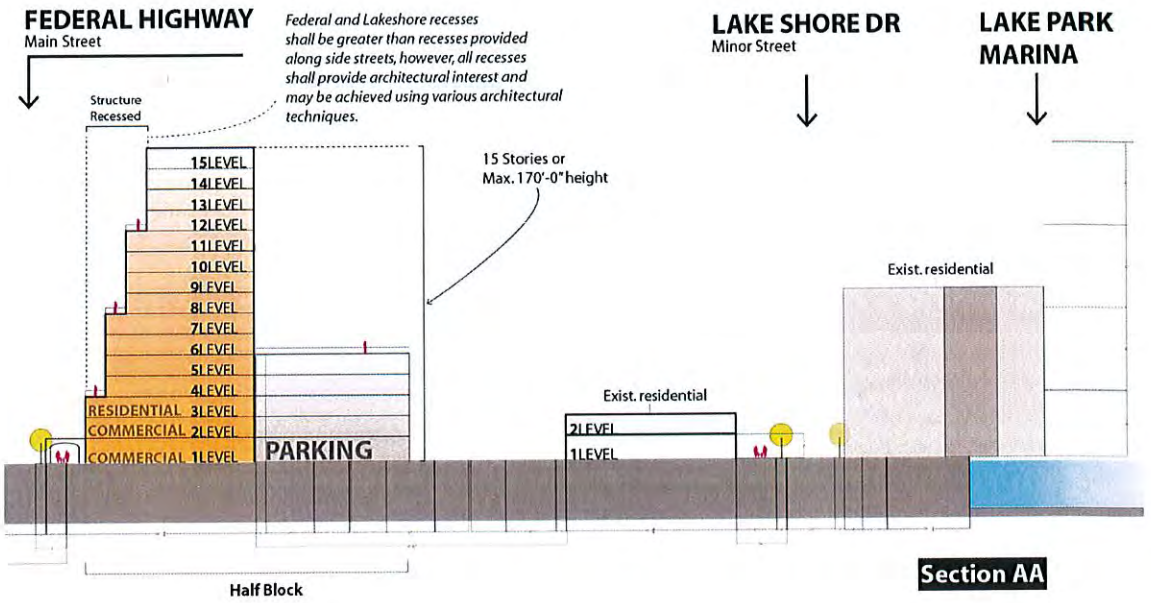

*Density level: 80 units/acre*

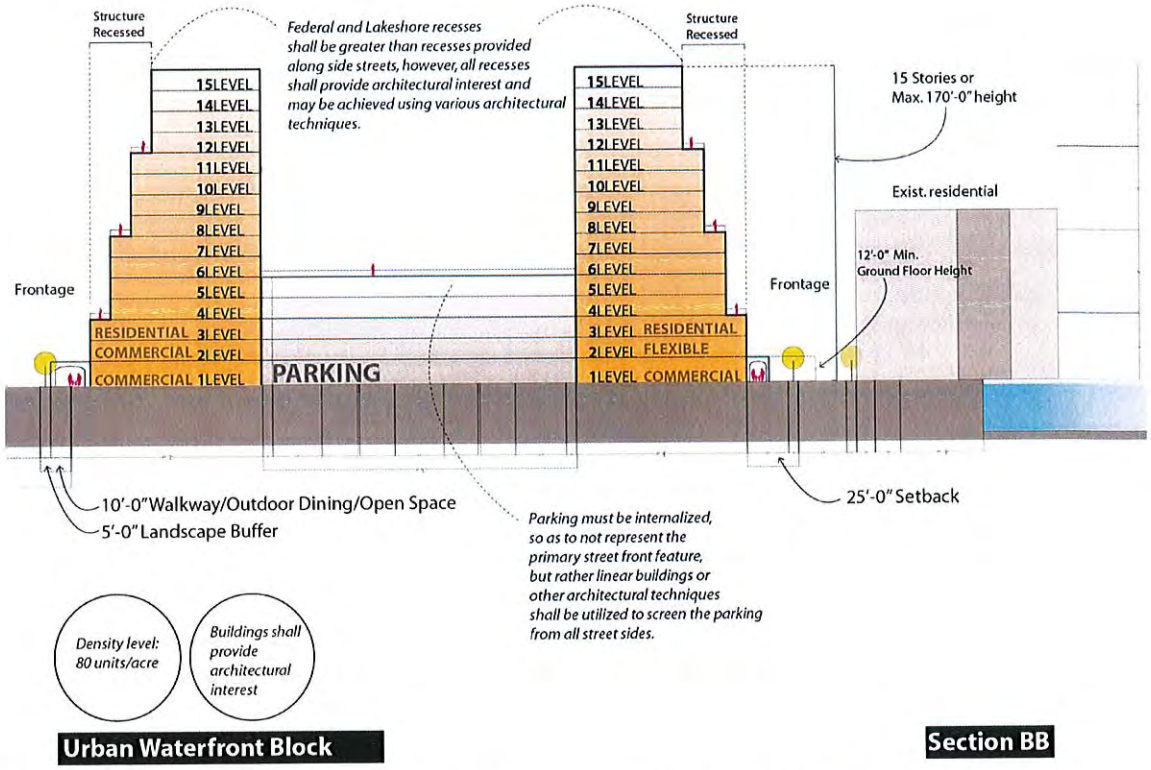
*Buildings shall provide architectural interest*

**Urban Waterfront Block**

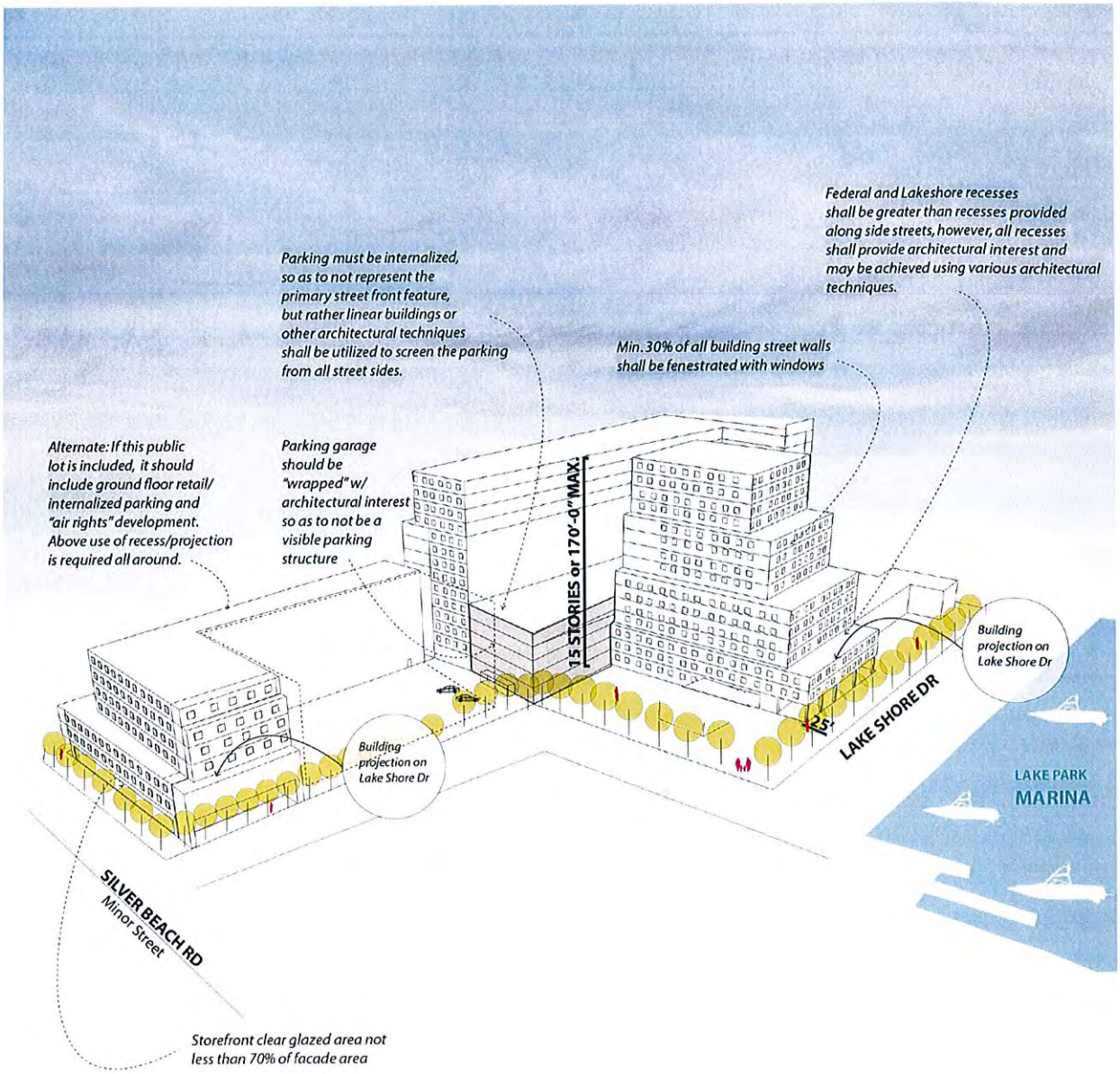
**Plan View**

# Design Guidelines - **Urban Waterfront Block (Phase 1)**




Design Guidelines - **Urban Waterfront Block (Phase 1)**



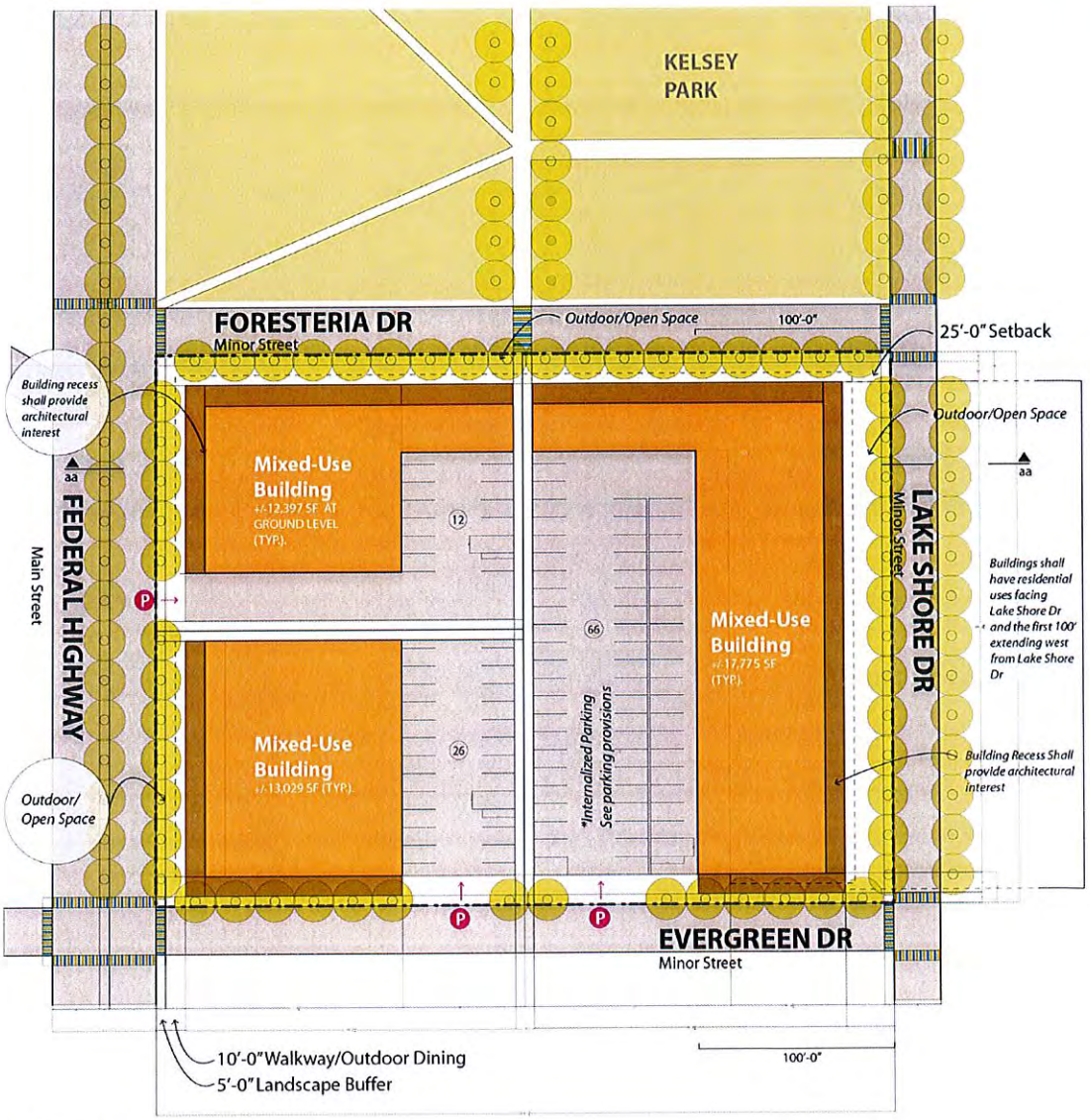

Density level: 80 units/acre

Buildings shall provide architectural interest

**Urban Waterfront Block**

**Massing**

# Design Guidelines - **Urban Edge (Phase 1)**



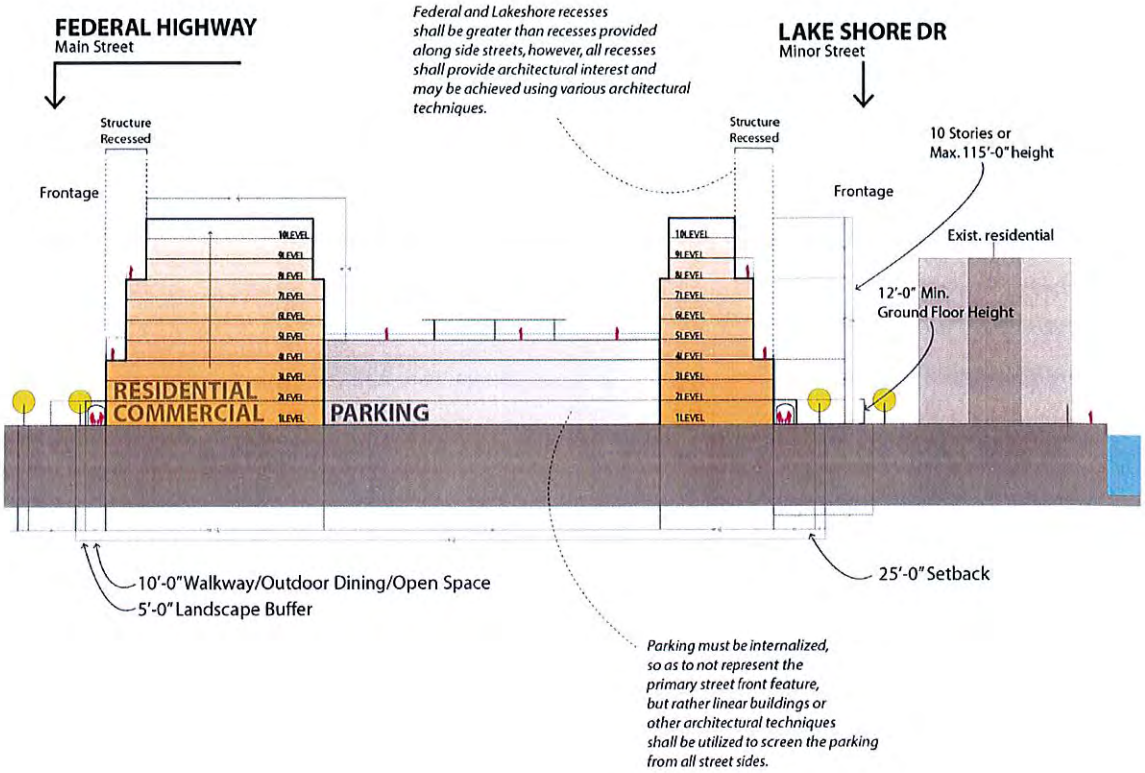

*Density level: 60 units/acre*

*Buildings shall provide architectural interest*

**Urban Edge**

**Plan View**

# Design Guidelines - **Urban Edge (Phase 1)**

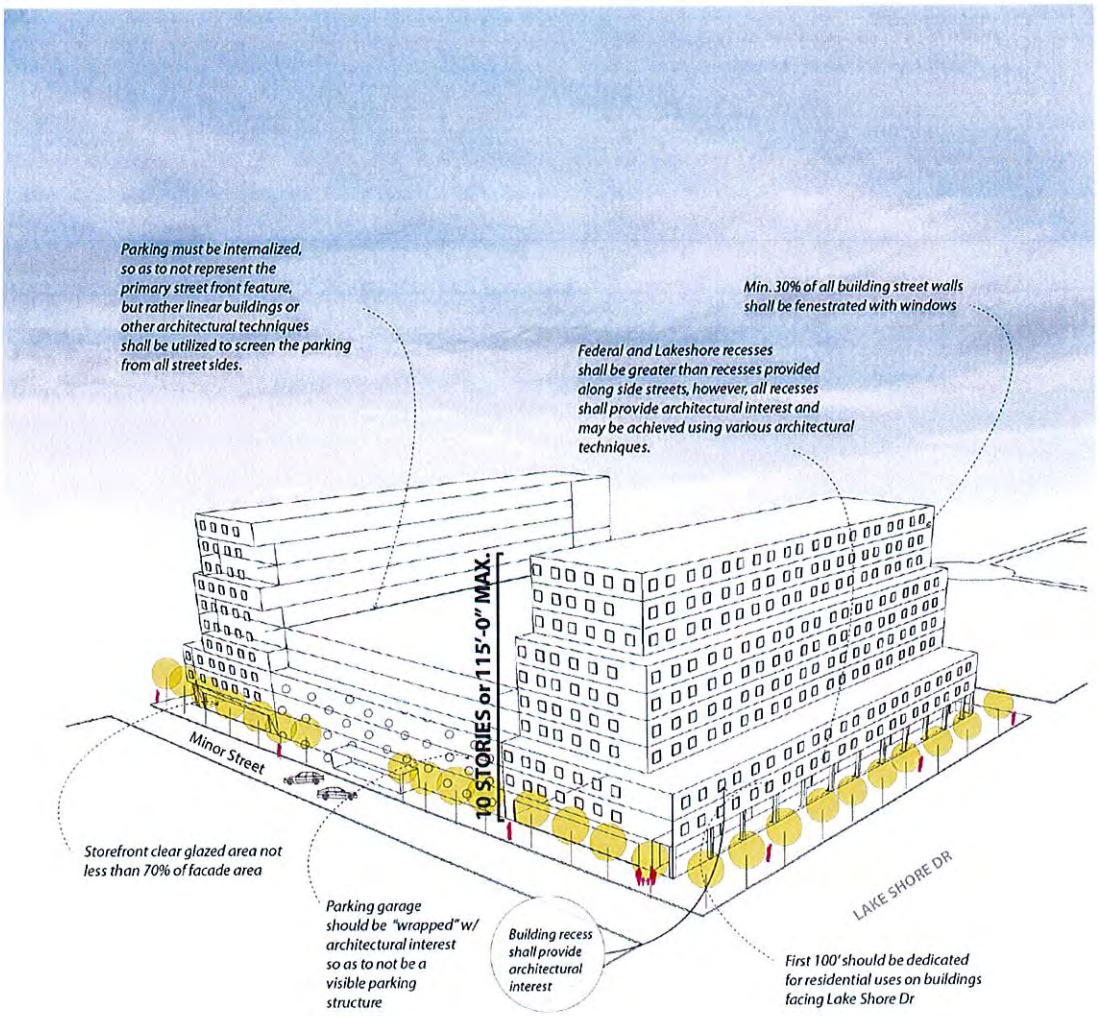



*Density level 60 units/acre*

**Urban Edge**

**Section AA**

# Design Guidelines - **Urban Edge (Phase 1)**



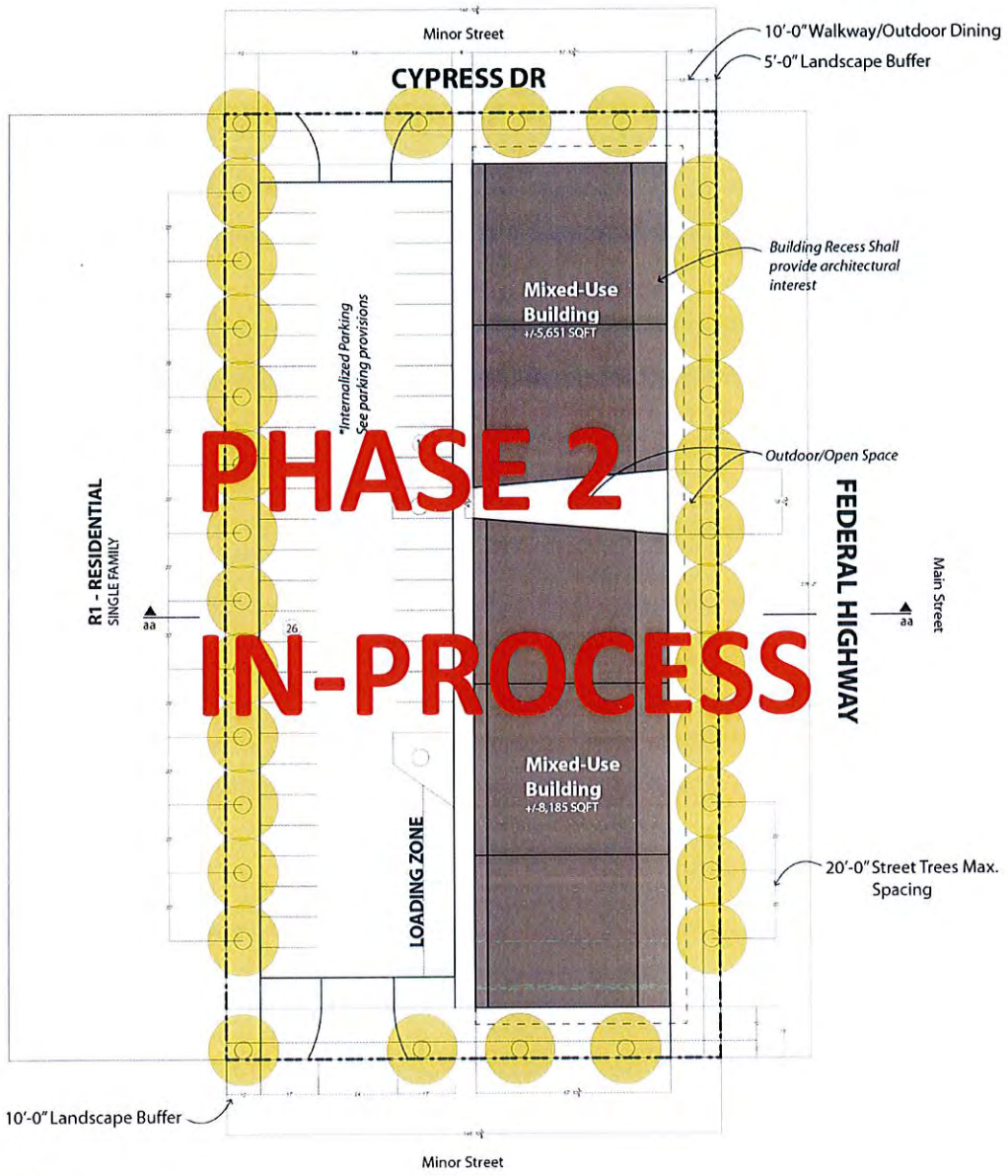

*Density level: 60 units/acre*

*Buildings shall provide architectural interest*

**Urban Edge**

**Massing**

# Design Guidelines - **Urban Neighborhood Edge (Phase 2)**

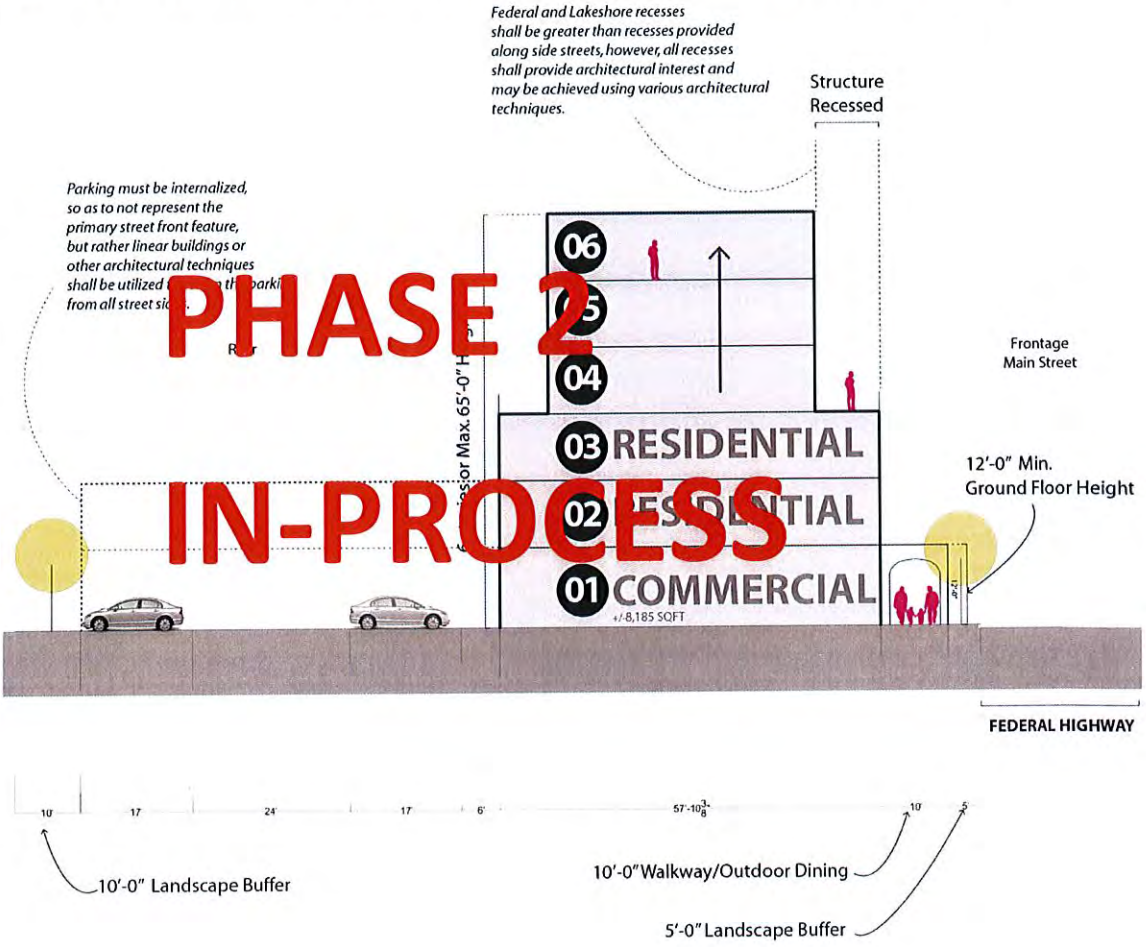



*Density level 40 units/acre*

**Urban Neighborhood Edge**

**Plan View**

# Design Guidelines - **Urban Neighborhood Edge (Phase 2)**

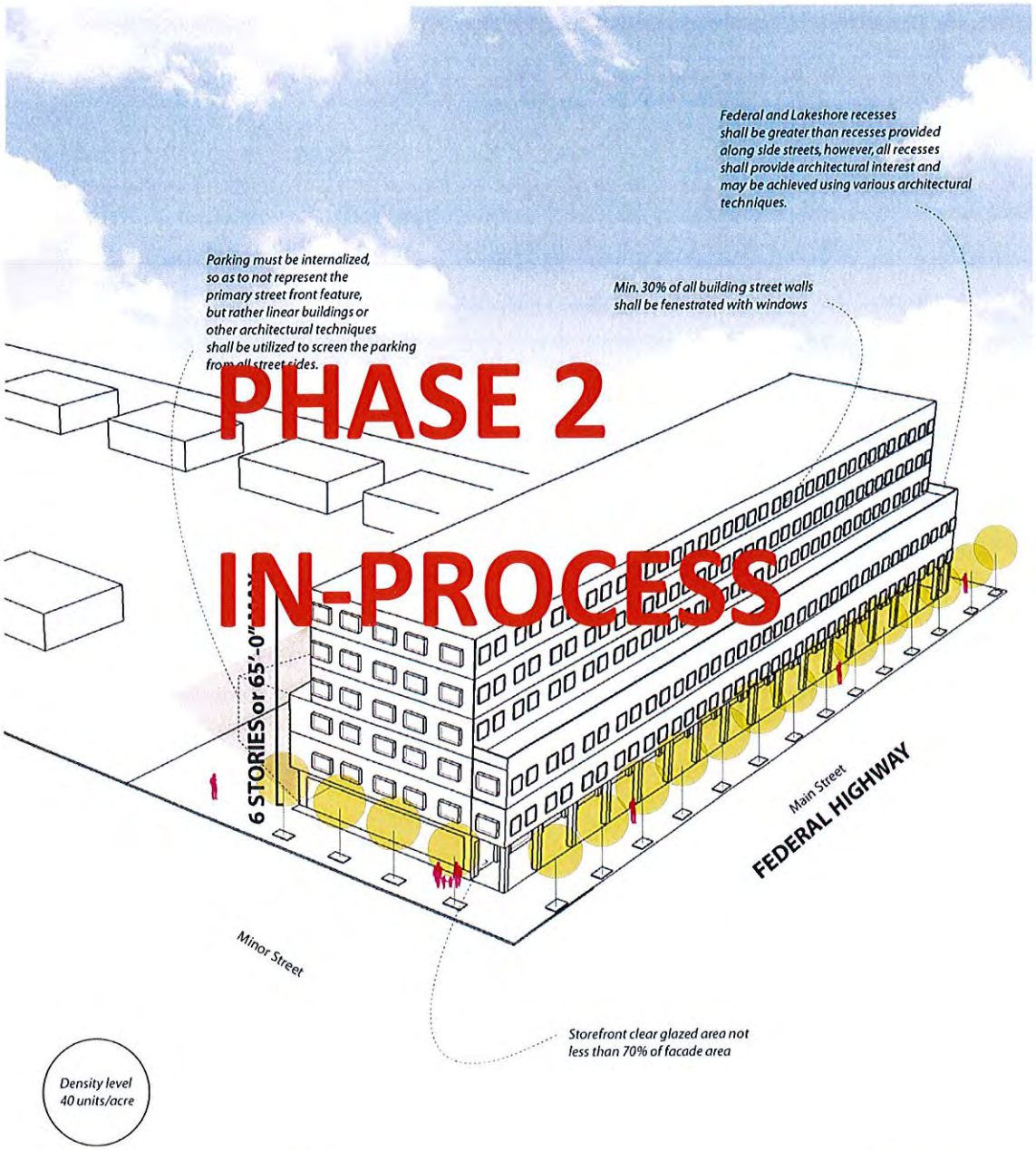



*Density level 40 units/acre*

**Urban Neighborhood Edge**

**Section AA**

# Design Guidelines - **Urban Neighborhood Edge (Phase 2)**




**Urban Neighborhood Edge**

**Massing**

# Section *(TBD)* - Transfer of Development Rights (TDR)

The Town shall allow for the Transfer of Development Rights (unused floor area, density, and height) from one parcel to another in the Mixed Use Zoning Overlay District where the Town Commission determines that:

(1) Such transfers will assist in the renewal, rehabilitation, and redevelopment of the District and;

(2) Preservation of historical and archeological resources may be achieved through such shifts in the development pattern.

Definitions. As used in this section, the following terms shall have the meanings indicated:

ADMINISTRATOR — The Community Development Director.

RECEIVING SITES (ALSO REFERRED TO AS "RECEIVER SITES") — Areas within the Mixed-Use Zoning Overlay District that are permitted to receive TDRs as defined herein.

SENDING SITES (ALSO REFERRED TO AS "SENDER SITES") — Areas within the Mixed-Use Zoning Overlay District that are permitted to send TDRs as defined herein.

SEVER — The removal of a development right from property rights possessed by an owner of real property. The term connotes a removal or separation, in perpetuity, as distinguished from a restriction or limitation, which may be overridden, deleted or is subject to a time frame.

TDR DEVELOPMENT BONUSES – Additional development rights, beyond the maximum potential development rights allowed under the Land Development Regulations, that may be achieved through the purchase of Transferable Development Rights.

TRANSFERABLE DEVELOPMENT RIGHTS (TDRs) — A development right is an appurtenant right of land ownership that has an economic value separate from the land itself, subject to reasonable regulation by local government under its police power, and that may be transferred from the land from which the right is severed (sender site) to another piece of land (receiver site). Once severed, development rights are no longer available to the sender site; but if only a portion of the development rights attributable to a sender site is transferred to a receiver site, the residual development rights remain with the sender site in accordance with the provisions of this section. Transferable Development Rights means the maximum floor area ratio (square footage) and density (dwelling units) exclusive of variances that would be permitted to be transferred by the property's zoning on the date of the transfer approval which will be calculated and allocated by a formula developed by the Town. These rights are sometimes referred to herein as "TDRs".

Establishment of sender sites; transfer of TDRs.

(1) Establishment of sender sites. The following properties in the Mixed Use Zoning Overlay District that are designated as historic or otherwise deemed as historically "significant" are hereby deemed to be sender sites:
   a. 700 Federal Highway, .4304 acres;
   b. 600 Federal Highway, .3926 acres;
   c. 624 Federal Highway, .4663 acres.
(2) Development Rights. The maximum permitted development density, intensity and heights under the Mixed Use Zoning Overlay District Regulations for the three sender sites are as follows:

a. 700 Federal Highway - 17 residential units, 43,870 s.f., five stories (55 feet);
b. 600 Federal Highway – 15 residential units, 42,754 s.f., five stories (55 feet), and;
c. 624 Federal Highway – 18 residential units, 50,780 s.f., five stories (55 feet).

(3) Transfer of Development Rights. The sender sites listed herein will not be permitted to redevelop in accordance with the provisions of the Mixed Use Zoning Overlay Ordinance due to their historic designation or significance. However, the owners of the sender sites may transfer the development rights listed in (2) above to the owners of a Receiving Site as provided herein. The existing development on the sender site must be maintained after the transfer of the development rights. In the event that the existing development on a Sender Site is damaged or destroyed, any redevelopment on the site must maintain the existing building footprint, or any remaining development rights, whichever is greater.

Establishment of receiver sites; purchase of TDRs.

(1) Establishment of Receiver Sites. All properties in the Mixed Use Zoning Overlay District located within the Urban Waterfront Block or Urban Edge~~, with the exception of the designated Sender Sites listed herein,~~ may be designated as Receiver Sites after approval of a site plan with development bonuses as provided herein.

(2) Development Rights. Properties located in the Mixed Use Zoning Overlay District, with the exception of the sender sites, are permitted to be redeveloped in accordance with the provision of the Mixed Use Zoning Overlay District and Land Development Regulations. In addition, owners may receive development bonuses through the Purchase of Transferable Development Rights from the owners of Sender Sites as specified in (3) – (5) below.

(3) TDR Residential Density Bonus. A Receiver Site may receive a residential development bonus of ten percent (10%) through the purchase of Transferable Development Rights from the owner of a Sending Site. Each additional unit permitted with the bonus would require the purchase of the equivalent development right from the owner of the Sender Site.

(4) TDR Development Intensity Bonus. A Receiver Site may receive a F.A.R. bonus of ten percent (10%) of the maximum permitted square footage through the purchase of Transferable Development Rights from the owner of the Sender Site. Each additional square foot permitted with the bonus would require the purchase of the equivalent development right from the owner of the Sender Site.

(5) TDR Height Bonus. ~~A Receiver Site in the Urban Neighborhood Edge Sub-district may receive a height bonus of (TBD in Phase 2) additional stories, (TBD in Phase 2) feet per story, through the purchase of equivalent Transferable Development Rights from the owner of a Sending Site.~~ A Receiver Site in the Urban Edge District may receive a "life maximum" height bonus of four stories, 11 feet per story through the purchase of equivalent Transferable Development Rights from the owner of a Sending Site. A Receiver Site in the Urban Waterfront Block may receive a "life maximum" height bonus of up to six stories, 11 feet per story through the purchase of equivalent Transferable Development Rights from the owner of a Sending Site.

Staff will NOT be accepting development applications for the west side of the corridor until additional public workshops are completed and adequate zoning provisions are put in place. The timeframe for these workshops will include: *1st workshop end of February 2017; 2nd workshop end of April 2017; first public hearing of required changes end of June 2017.*

Calculation and costs.

(1) The square footage of a transferable development right for a unit shall be calculated and determined by dividing the permitted floor area of the sending site by the permitted density on said sending site. This calculation will yield a square-foot-per-unit constant. The approval of a site plan with development bonuses achieved through the purchase of Transferable Development Rights shall result in a simultaneous decrease in square footage and units so that both square footage and density will reach zero at the same time. Only whole units may be purchased and transferred to the receiving site. The foregoing, however, is subject to all limitations set forth herein and in the Comprehensive Plan.

(2) The price of the Transferable Development Rights from the sender sites shall be determined by the owners.

Application Procedures.

(1) Application. An applicant for the transfer of development rights to a potential receiving site shall file a complete application with the Administrator, together with a complete site plan application and all requirements contained the Land Development Regulations including but not limited to the following. Every application shall contain, as applicable:

a. The names, addresses and signatures of all fee simple owners of all properties included in the receiving site. "Fee simple owner" for the purpose of this requirement shall be defined as all parties having a financial interest, either direct or indirect, in the subject matter of the application. Such disclosure shall include, but not be limited to, disclosure of all natural persons having an ownership interest, direct or indirect, in all properties involved;

b. The street address, folio number and legal description of each parcel of land included in the potential receiving site, a description of adjacent lands, including land uses, densities, circulation systems, public facilities and the impact, if any, of the requested transfer of development rights;

c. A current certified survey, plans, including but not limited to a site plan elevation, landscaping, an area analysis of surrounding properties including but not limited to street elevations, height of buildings, surrounding floor area ratio and density and construction schedules;

d. A site conditions map including a three-dimensional model of the proposed development potential (site plan) without TDRs and a separate three-dimensional model showing the development potential utilizing the proposed transfer of development rights (both models shall be constructed of balsa wood, foam board, plastic, corrugated or like material) – computer generated models;

e. Status of financing, if applicable; evidence of ownership;

f. Amount of consideration, including purchase price of the property, an executed closing statement or an executed copy of the purchase and sale contract if the applicant is a contract purchaser;

g. A general description of the manner in which the project shall be constructed; impact, if any, of the transfer of development right to adjacent properties; and copies of any covenants affecting the receiving site(s);

h. An executed TDR purchase agreement with the owner of the Sender Site (may be made contingent upon Site Plan and TDR Development Bonus Approval), and;

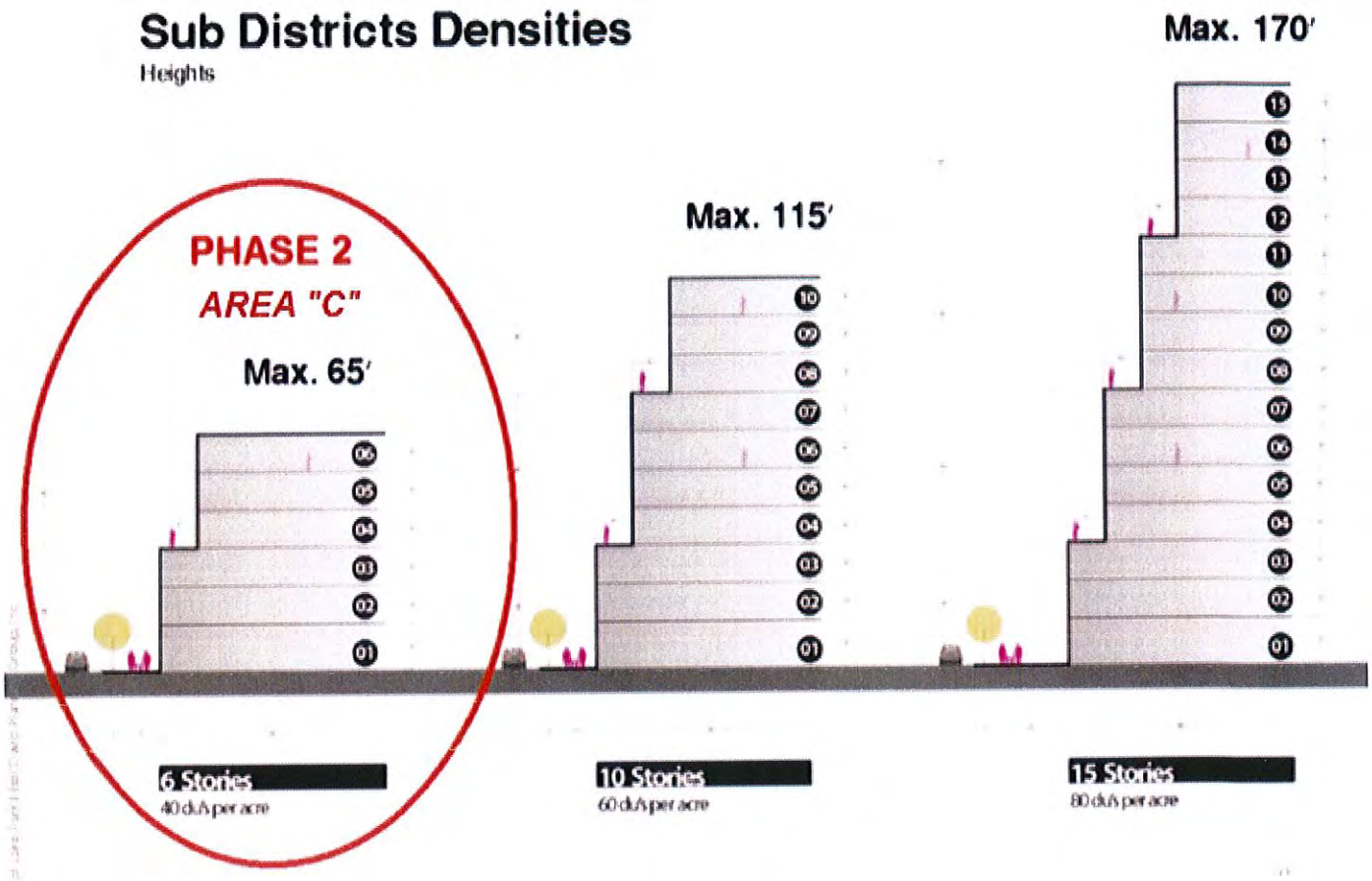
i. Any other agreements required by the LDRs and this section or that may be reasonably requested by the Town Manager or other reviewing agencies.

(2) Review by Administrator. The Administrator shall review the application and shall forward it to the Town Commission together with all site plans.

(3) Approval. The application shall be considered and approved, approved with conditions, or denied by the Town Commission as part of the site plan approval process.

# APPENDIX **A**

**Sub districts heights/setbacks**

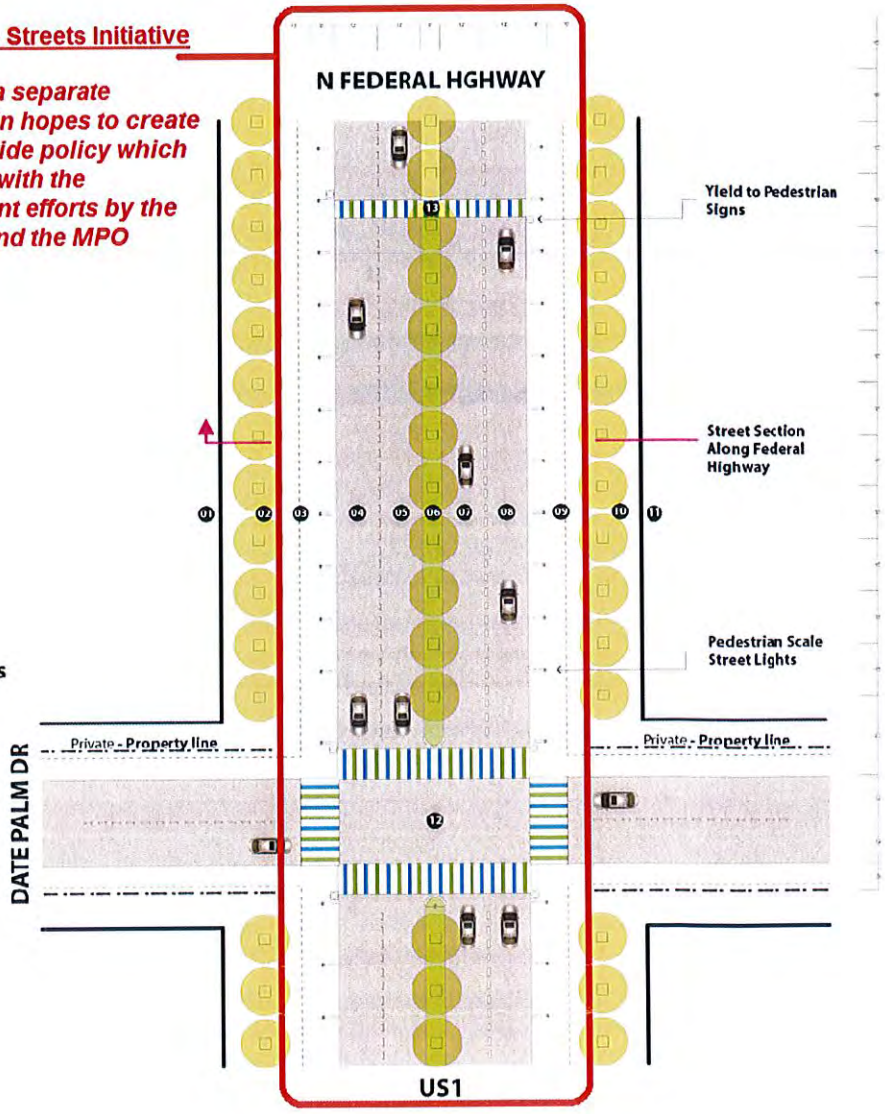


**Complete Streets Initiative - Plan**

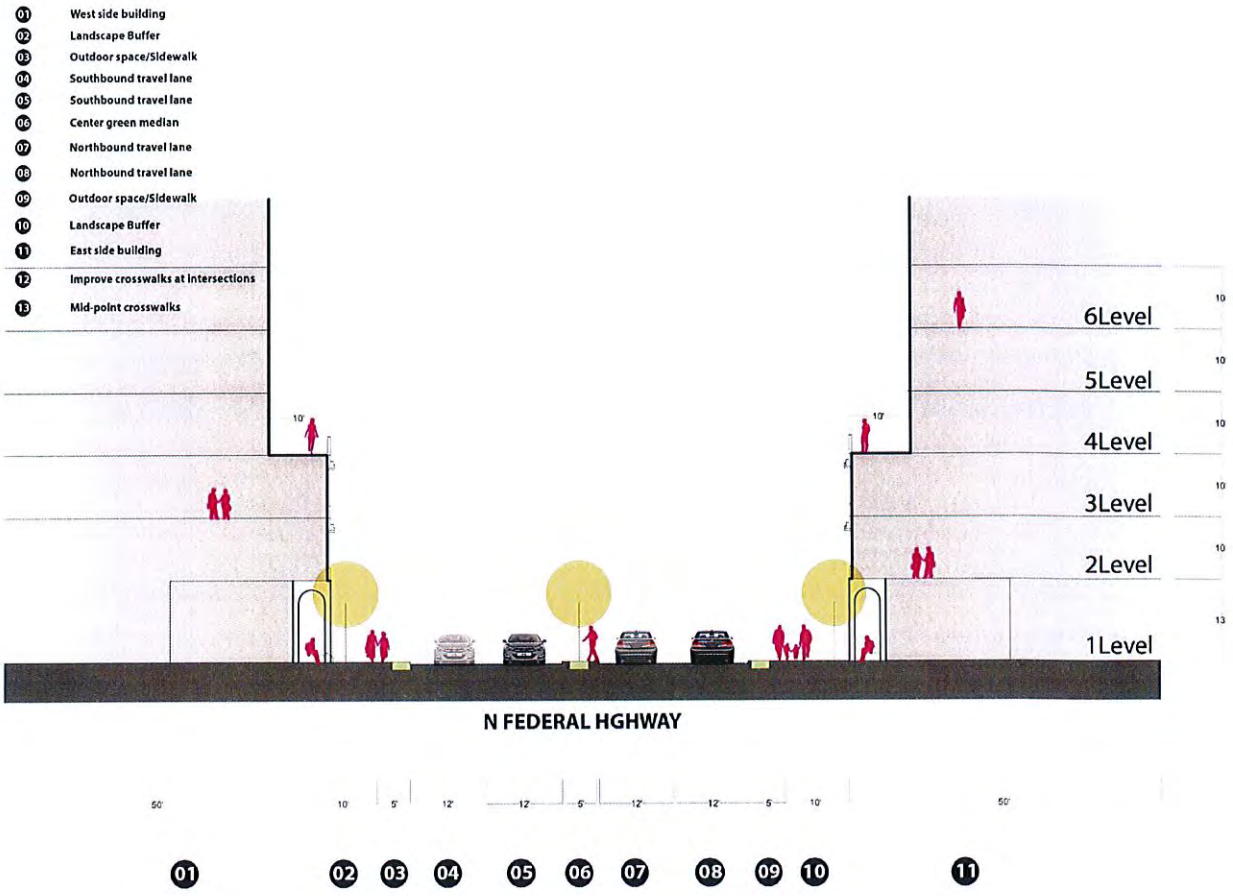
**Complete Streets Initiative**

***will run a separate process in hopes to create a Town-wide policy which is in line with the concurrent efforts by the County and the MPO***

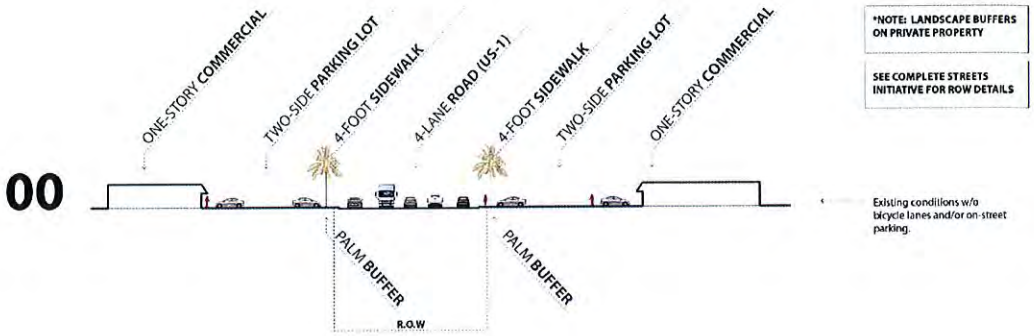
- 01 West side building
- 02 Landscape Buffer
- 03 Outdoor space/Sidewalk
- 04 Southbound travel lane
- 05 Southbound travel lane
- 06 Center green median
- 07 Northbound travel lane
- 08 Northbound travel lane
- 09 Outdoor space/Sidewalk
- 10 Landscape Buffer
- 11 East side building
- 12 Improve crosswalks at intersections
- 13 Mid-point crosswalks

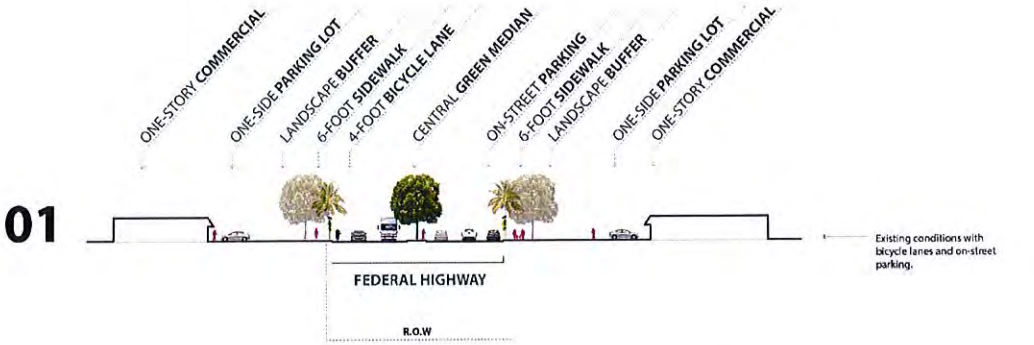


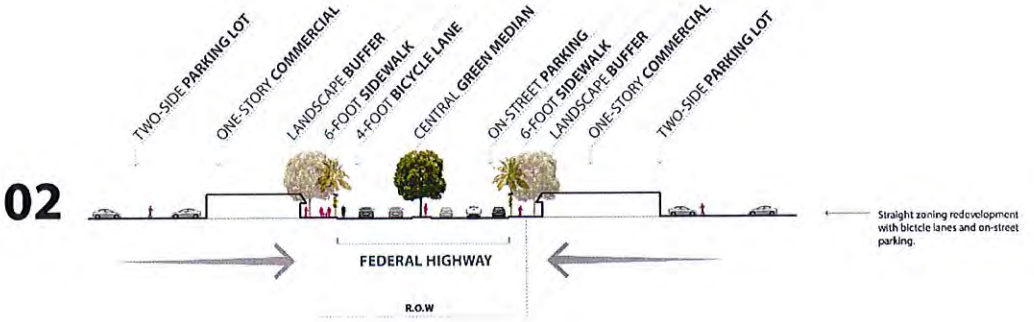
## Complete Streets Initiative - Section

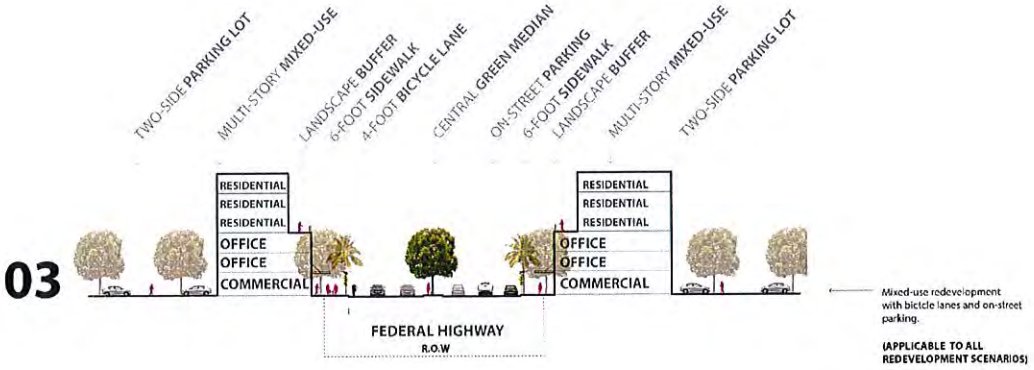


**Conceptual Process – *OPTIONS TO CONSIDER IN THIS SEPARATE PROCESS***

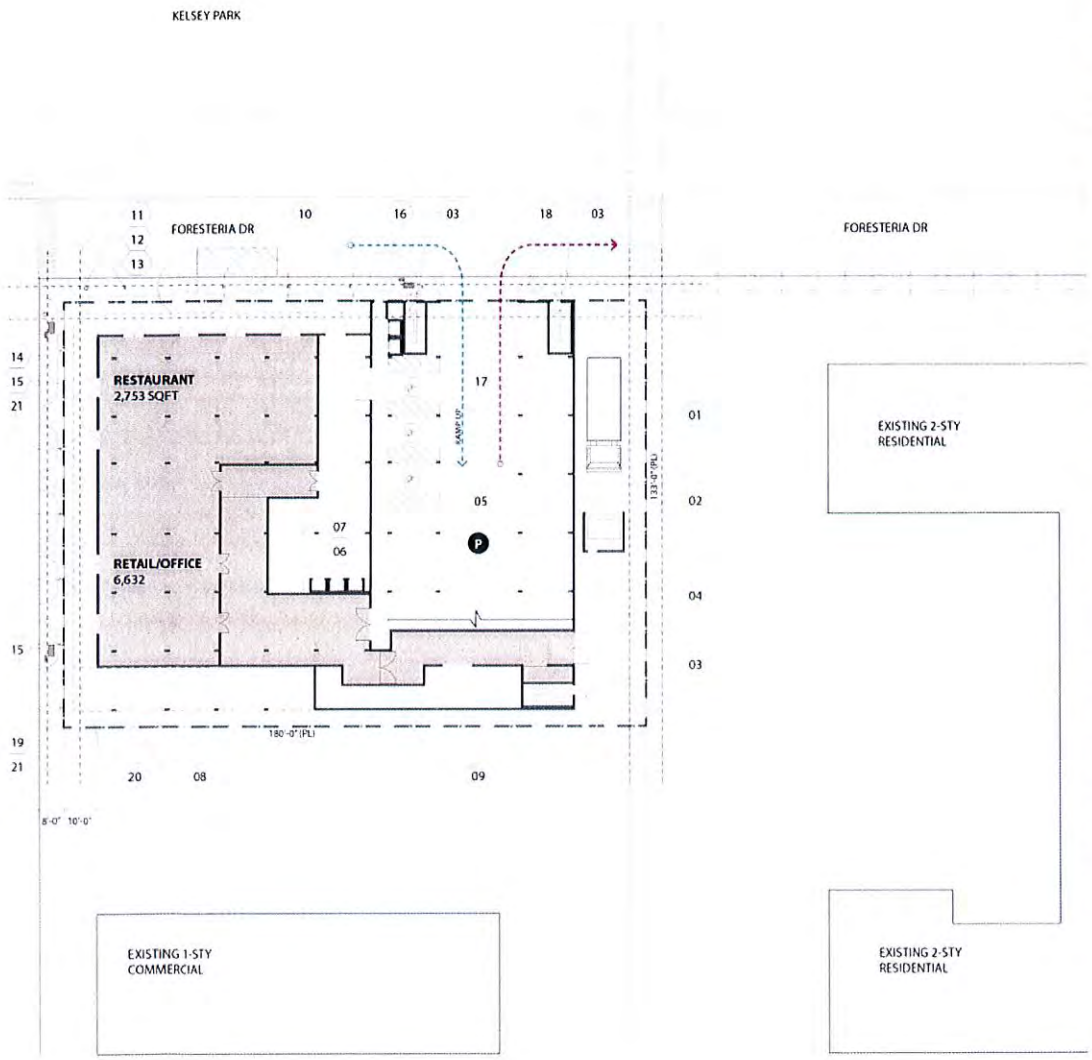


***Sample - Urban Edge development**




**KEY NOTES**

01 OUTLINE OF PROPERTY LINE (PL)
02 DUMPSTER LOCATION
03 EXIT STAIR
04 BACK AREA
05 PARKING GARAGE
06 RESIDENTIAL/OFFICE LOBBY AREA
07 MEN'S/WOMEN'S RESTROOMS
08 OPEN SPACE
09 A/C UNITS/STORAGE/TRANSFOMER/PUMP
10 DESIGNATED ON-STREET LOADING ZONE
11 OUTLINE OF 10' UTILITY EASEMENT
12 FIRE HYDRANT
13 LIGHT POST
14 OUTLINE OF ELECTRIC BOX/TEL
15 LAWN/SHRUB AREA
16 OUTLINE OF SHADE TREE (LOCATED @20' O.C.)(TYP.).
17 BIKE STORAGE
18 PREFERRED RAISED CURB & GUTTER DRAINAGE
19 GREEN BUFFER (8'-0" WIDE PROVIDED)
20 PEDESTRIAN WAY/OUTDOOR DINING (10'-0" WIDE)
21 FUTURE COMPLETE STREETS INITIATIVE

**ZONING**

MUZ- MIXED-USE OVERLAY

| USE | LEVEL | SF |
|---|---|---|
| RETAIL/OFFICE | 1 | 6,632 |
| RESTAURANT | 1 | 2,753 |
| OFFICE | 4 | 6,919 |
| 1-UNIT LIVING | 5-10 | 26,496 |
| 2-UNIT LIVING | 5-10 | 13,824 |
| 3-UNITLIVING | 5-10 | 6,912 |
| TOTAL | | 63,536 |

| SITE AREA | SF |
|---|---|
| LOT | 23,940 |

**PARKING**

MIN. 2 SPACES PER 1,000 SF OF RETAIL/OFFICE.
MIN. 8 SPACES PER 1,000 SF OF RESTAURANT.
MIN. 1.5 SPACES PER LIVING UNIT PLUS 1 GUEST SPACE PER 3 UNITS.

**PARKING PROVIDED**

| LEVEL | SPACES |
|---|---|
| 1 | 16 |
| 2 | 49 |
| 3 | 49 |
| 4 | 49 |
| TOTAL | 163 PROVIDED (INCLUDING HANDICAP)<br>158 REQUIRED |

TOWN
LAKE P
MU

MIXED-USE ZONING OVERLAY DISTRICT
COMMUNITY DEVELOPMENT
TOWN OF LAKE PARK

DATE:
06.24.16

REVISIONS:

SHEET:

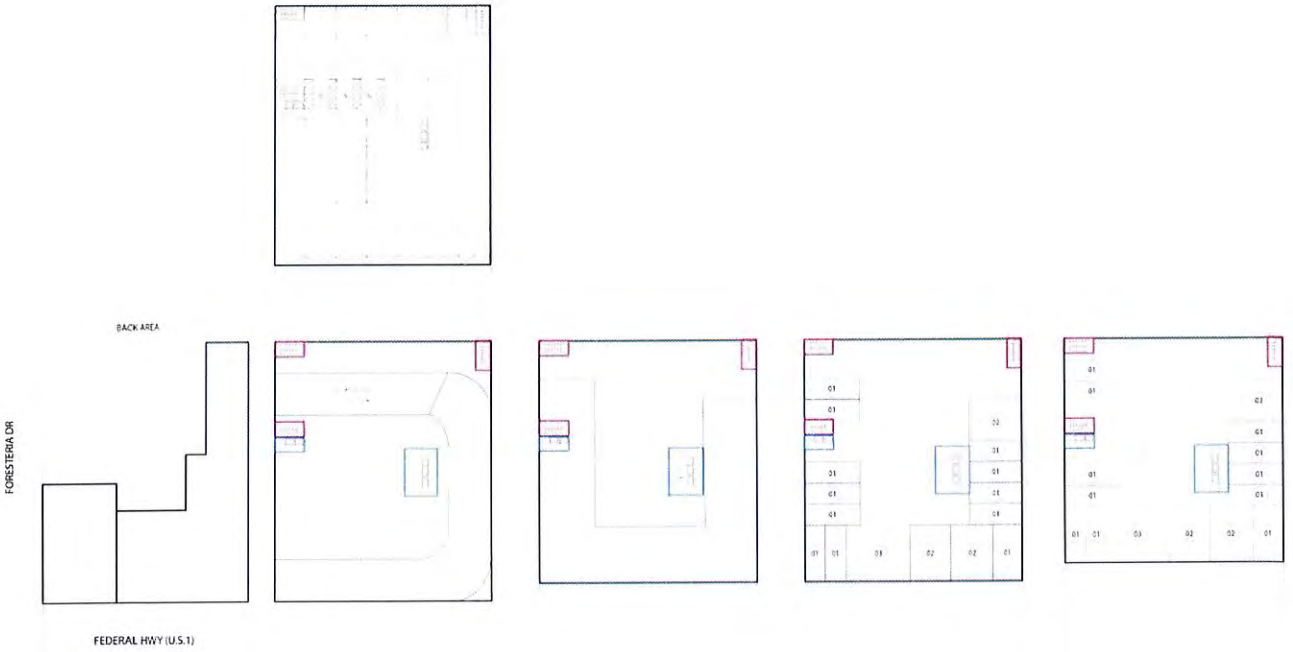
**01** - SITE

**Sample - Urban Edge development**

***Sample**

TOWN OF LAKE PARK
**MUZ**

MIXED-USE ZONING OVERLAY DISTRICT
COMMUNITY DEVELOPMENT
TOWN OF LAKE PARK




**LEVEL 01**

+ RETAIL/OFFICE
+ RESTAURANT
+ PARKING GARAGE
+ BACK AREA/DUMPSTER
+ LOBBY/ELEVATORS
+ EGRESS STAIRS

**LEVEL 02-04**

+ PARKING GARAGE
+ CIRCULATION RAMPS
+ EGRESS STAIRS/ELEVATORS

**LEVEL 05**

+ OFFICE/MULTI PURPOSE
+ EGRESS STAIRS/ELEVATORS

**LEVEL 06-07**

+ LIVING
+ 1-UNIT= 1 PER LEVEL
+ 2-UNIT= 3 PER LEVEL
+ 3-UNIT= 1 PER LEVEL
+ EGRESS STAIRS/ELEVATORS

**LEVEL 08-10**

+ LIVING
+ 1-UNIT= 11 PER LEVEL
+ 2-UNIT= 3 PER LEVEL
+ 3-UNIT= 1 PER LEVEL
+ EGRESS STAIRS/ELEVATORS

DATE:
06.24.16

REVISIONS:

SHEET:

02-LEVELS

**Sample - Urban Edge development - Elevations North & West**

***Sample**

TOWN OF LAKE PARK
**MUZ**

MIXED-USE ZONING OVERLAY DISTRICT
COMMUNITY DEVELOPMENT
TOWN OF LAKE PARK

DATE:
06.24.16

REVISIONS:

SHEET:
03- ELEVATIONS

**Sample - Urban Edge development - Elevations South & East**

***Sample**

TOWN OF LAKE PARK
**MUZ**

MIXED-USE ZONING OVERLAY DISTRICT
COMMUNITY DEVELOPMENT
TOWN OF LAKE PARK

DATE:
06.24.16

REVISIONS:

SHEET:
04-ELEVATIONS

**Sample - Urban Edge development**

TOWN OF LAKE PARK
**MUZ**

MIXED-USE ZONING OVERLAY DISTRICT
COMMUNITY DEVELOPMENT
TOWN OF LAKE PARK

DATE:
06.24.16

REVISIONS:

SHEET:

RAMP SKETCH

# COMPARISION OF MUNICIPAL OFF-STREET PARKING REGULATIONS

| Use | LAKE PARK | AVENTURA | BOCA RATON | JUPITER | KEY WEST | PALM BEACH GARDENS | ROYAL PALM BEACH | WEST PALM BEACH | WILTON MANORS |
|---|---|---|---|---|---|---|---|---|---|
| **Multi-Family Res** | 1 space / 1 bedroom unit;<br>1.5 spaces / 2 bedroom unit<br>1.75 spaces / 3 or more bedroom units<br><br>+ 1 guest space for every 3 overall dwelling units. | 1.5 spaces for each efficiency unit or 1 bedroom unit.<br><br>2 spaces for each unit with 2 or more bedrooms or 1 bedroom unit with den or study. | 1.75 spaces for a 1- bedroom unit<br>2.0 spaces for a 2-bedroom unit<br>2.0 spaces for a 2-bedroom unit with den or for a 3 or more bedroom unit | 1.5 spaces for a 1 bedroom unit<br>2 spaces for 2 - 3 bedroom units<br><br>+ 1 for each bedroom over 3 bed.<br>+ guest parking of 2 per 10 units for the first 50 units<br><br>+ 1.5 per 10 units for all units over 50 units | 1 space per dwelling unit (historic dist.)<br><br>2 spaces per dwelling unit (all else) | 1 space per bedroom<br><br>+ minimum of 5% of total required spaces for guest parking | 1.5 spaces per 1 bedroom unit<br>2 spaces per 2 bedroom unit<br>2.5 spaces per 3 bedroom unit or larger<br><br>+ an additional twenty (20) percent of the total number of required spaces for guests. | DOWNTOWN:<br>Efficiency: 1 per unit<br>1 BR: 1.25 per unit<br>≥ 2 BR: 1.5 per unit<br>(Applies to the Northwood Master Plan Area)<br><br>CITYWIDE: Efficiency: 1.5 per unit<br>1 BR: 1.75 per unit<br>≥ 2 BR: 2 per unit,<br>1 per 10 units for guests | 2.5 spaces per dwelling unit up to ten (10) dwelling units<br><br>2.7 spaces per dwelling unit for eleven (11) dwelling units or higher. |
| **Hotels** | 1 per guestroom, plus 1 per employee, calculated at maximum shift of employment. | 1 space for each sleeping room | 1.2 spaces for each sleeping room<br><br>+ parking at the rate of 40% the requirements of this section for any accessory uses | 1 per room<br>+ 1 per 5 rooms for employees<br>+ 1 per 85 SF of GFA for restaurant or meeting areas<br>+ 1 per 2 seats for lounge areas | 1 space per lodging unit<br>+ 1 space for the owner or manager | 1.1 spaces per room<br>+ 1 space for each 100 sf of meeting space<br>+ 1 space for each 100 sf of office space<br>+ required parking for additional use (lounge, retail, restaurant, etc.) | 1 space per room or suite<br>+ 1 space per employee on maximum work shift<br>+ additional spaces as may be required for permitted uses such as restaurants and lounges. | 1 per room<br>1 per 5 rooms for employees<br>1 per 100 of meeting space<br>1 per 4 Fixed seats.<br>Other uses as required. | One and one-tenth (1.1) spaces per guest sleeping room. |
| **General Retail** | 2 spaces per 1,000 GFA | 1 space per 150 - 1,000 sf (range based on specific use) | 1 space for each 175 sf of GFA | 1 spaces per 250 GFA | 1 space per 300 sf of GFA | 1 space per 250 sf | 1 space per 200 sf of GFA | DOWNTOWN<br>1 PER 300<br><br>CITYWIDE:<br>1 PER 250 | 1 space per 200 sf of floor area. |
| **Personal Services** | 1 spaces per 1,000 GFA | 1 space per 250 -1,000 sf (range based on specific use) | ? | 1 per 250 SF of GFA | 1 space per 300 sf of GFA | 1 per 250 - 1,000 sf (depending on use) | 1 space per 200 sf of GFA | DOWNTOWN:<br>1 per 275<br><br>CITYWIDE:<br>1 per 250 | 1 space per 200 sf of floor area. |
| **Entertainment Use** | 1 spaces per 1,000 GFA | 1 space per 150-300 sf or by number of seats (range based on specific use) | ? | 1 per 3 seats | 1 space per 5 seats or<br>1 space per 150 sf within the main assembly area | 1 space per # of seats or sq. ft. depending on use | ? | 1 per 100 | (bar/lounge/nightclub) 1 space per 50 sf of floor area. |
| **Business Office** | 1 spaces per 1,000 GFA | 1 space per 300 sf GFA | 1 space for each 200 sf up to 4,000 sf of GFA<br>+ 1 space for each 300 sf in excess of 4,000 sf | 1 spaces per 250 GFA | 1 space per 300 sf of GFA | 1 space per 300 sf | One (1) space per three hundred (300) square feet of gross leasable area. | DOWNTOWN:<br>A) 1 per 300<br>B) 1 per 400<br><br>CITYWIDE:<br>A) 1 per 200<br>B) 1 per 350 | 1 space per 300 sf of floor area. |
| **Food/Beverage Establishment** | 8 spaces per 1,000 sf patron area | 1 space per 100 - 200 sf (range based on specific use) | 1 space for each 35 sf of GFA (excluding food preparation areas, drink preparation areas, storage areas and other areas not directly utilized by the public in patronizing such establishments)<br>+ 1 space for each 2 linear feet of bar. | 1 per 85 SF of GFA | 1 space per 45 square feet of serving and/or consumption area | 1 space per 150 sf including outdoor Seating<br>+ 1 space per 250 sf for employee parking | 1 space per 75 sf of GFA<br>+ 1 space per employee on maximum work shift. | 1 PER 100 | 1 space per 100 sf, including outdoor seating area. |
| **Live-Work Configuration** | Shall comply with residential requirements for dwelling units and commercial requirements for non-residential uses. | ? | *SEE PDF FILE- LENGTHY | ? | ? | For mixed use projects approved by the city council with a specific percentage of individual uses, total off-street parking requirements shall be calculated based upon the requirements applicable to each individual use. For commercial shopping centers or other centers which may provide a variety of mixed uses, the parking requirements for a shopping center shall apply. | ? | ? | *SEE PDF FILE (LENGTHY) |

Sample Mixed-use Developments

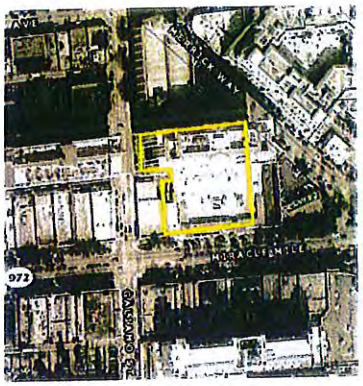
in the Southeast Florida Region for

Lake Park Mixed-Use Overlay District

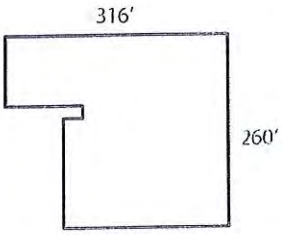
08.12.16

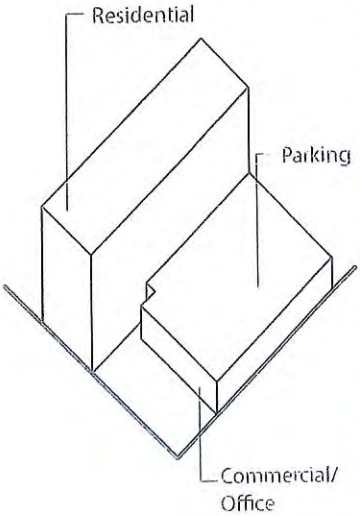
# Sample MU Developments

# 01



| | |
|---|---|
| **Name:** | Ten Arango Condo |
| **Address:** | 10 Arango Ave. |
| | Coral Gables, FL 33134 |
| **Zone:** | 6400 - Commercial - Central |
| **Land Use:** | 35- Multi Family, high density |
| | (over 25 du/gross acre) |
| **Type:** | Mixed-Use |
| **Lot Size:** | 58,500 SQFT (1.3 Acres) |
| **Total SF:** | 579,120 SQFT |
| **F.A.R:** | 9.0 |
| **# Floors:** | 15 (5 Sty Base, 10 Sty Residential) |
| **# Units:** | 184 |
| **Parking:** | 615 spaces (parking garage) |



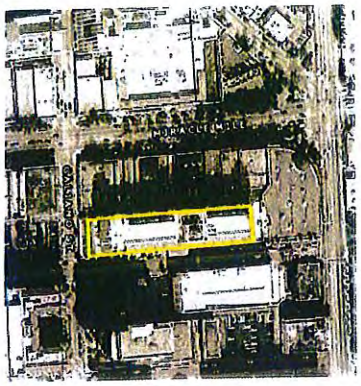

Source: Miami-Dade County, "Property Appraiser"

www.miamidade.gov/propertysearch/#/

Diener Properties, "10 Aragon Condo" www.dienerproperties.com/ten-aragon.htm

**Scale:** Lot size and Bulk/Mass

# 02

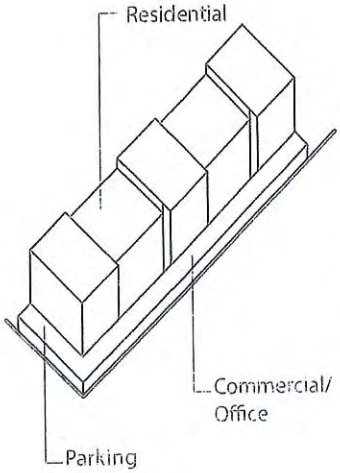


| | |
|---|---|
| **Name:** | The Palace at Coral Gables |
| **Address:** | 1 Andalusia Ave. |
| | Coral Gables, FL 33134 |
| **Zone:** | 6400 - Commercial - Central |
| **Land Use:** | 35- Multi Family, high density |
| | (over 25 du/gross acre) |
| **Type:** | Mixed-Use |
| **Lot Size:** | 46,322 SQFT (1.0 Acre) |
| **Total SF:** | 370,576 SQFT |
| **F.A.R:** | 8.0 |
| **# Floors:** | 9 |
| **# Units:** | 252 |
| **Parking:** | 557 spaces (parking garage) |

Source: Miami-Dade County, "Property Appraiser"

www.miamidade.gov/propertysearch/#/

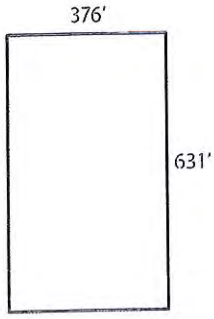
http://www.coralgables.com/modules/showdocument.aspx?documentid=5472



**Scale:** Lot size and Bulk/Mass

# 03

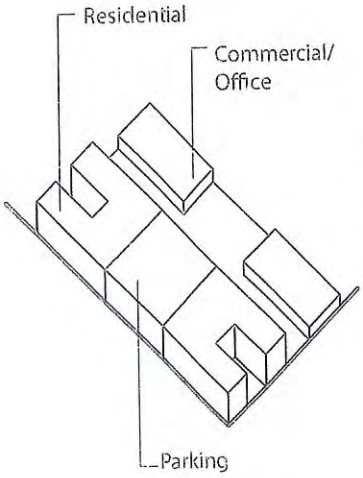
| | |
|---|---|
| **Name:** | The Manor at Flagler Village |
| **Address:** | 501 N Federal Hwy |
| | Fort Lauderdale, FL 33301 |
| **Zone:** | Regional Activity Center - East Mixed-Use |
| **Land Use:** | Multi-Family - 10 units or more |
| **Type:** | Mixed-Use |
| **Lot Size:** | 237,256 SQFT (5.4 Acres) |
| **Total SF:** | 734,444 SQFT |
| **F.A.R:** | 3.0 |
| **# Floors:** | 7 |
| **# Units:** | 382 |
| **Parking:** | +/- 573 |




Source: Broward County, "Property Appraiser"

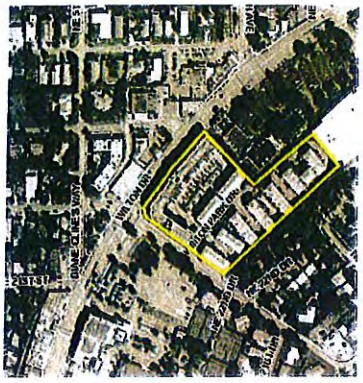
http://199.27.243.15/bcpawebmap_ex/bcpawebmap.aspx

The Related Group, "TMFV"

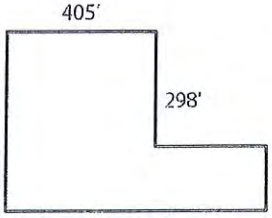


**Scale:** Lot size and Bulk/Mass

# 04

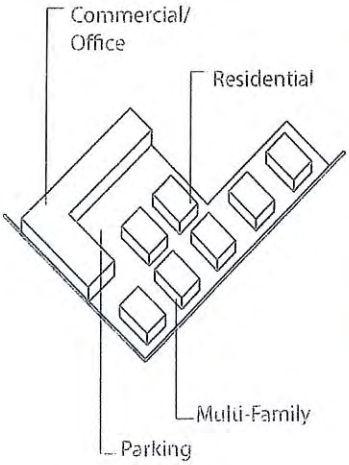


| | |
|---|---|
| **Name:** | Gables Wilton Park |
| **Address:** | 513 NE 21 Ct |
| | Wilton Manors, FL 33305 |
| **Zone:** | A&E District - Arts and Entertainment |
| **Land Use:** | Multi-Family |
| **Type:** | Mixed-Use |
| **Lot Size:** | 204,192 SQFT (4.6 Acres) |
| **F.A.R:** | 3.0 |
| **# Floors:** | Varies (4 Sty Mixed-Use, 3 Sty Residential) |
| **# Units:** | 145 |
| **Parking:** | +/-218 |



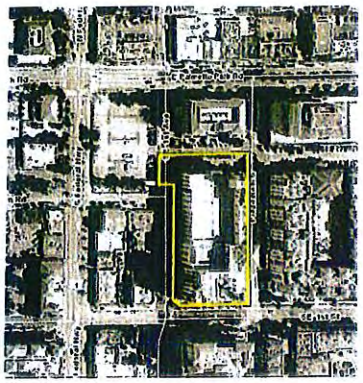

Source: Broward County, "Property Appraiser"

http://199.27.243.15/bcpawebmap_ex/bcpawebmap.aspx



**Scale:** Lot size and Bulk/Mass

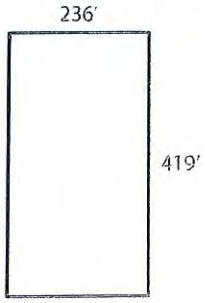
# 05

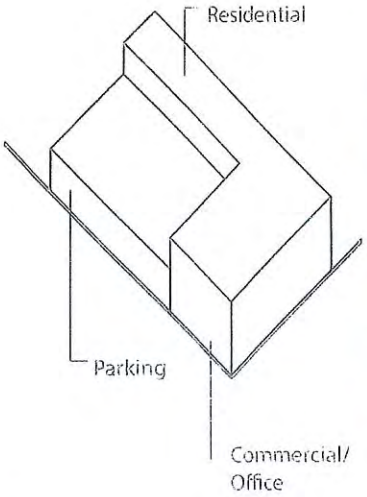


| | |
|---|---|
| **Name:** | The Mark at Cityscape |
| **Address:** | 11 Plaza Real S |
| | Boca Raton, FL 33432 |
| **Zone:** | - |
| **Land Use:** | 1200 - Store/Office/Residential |
| **Type:** | Mixed-Use |
| **Lot Size:** | 98,884 SQFT (2.2 Acres) |
| **Total SF:** | 266,810 SQFT |
| **F.A.R:** | 2.6 |
| **# Floors:** | 12 |
| **# Units:** | 208 |
| **Parking:** | +/-312 |

Source: Palm Beach County, "Property Appraiser"

http://www.pbcgov.com/papa/Asps/papagis/papagis.aspx

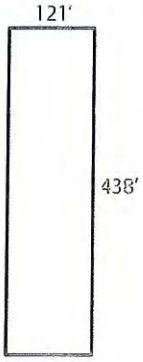


**Scale:** Lot size and Bulk/Mass

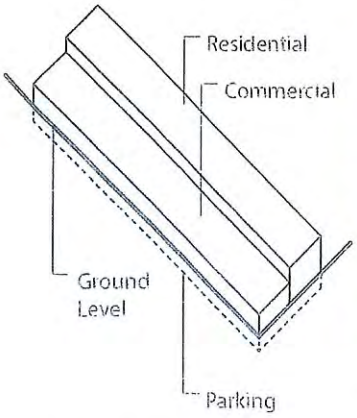
# 06

| | |
|---|---|
| **Name:** | 5th Avenue at Delray |
| **Address:** | 151 NE 5th Ave |
| | Delray Beach, FL 33432 |
| **Zone:** | - |
| **Land Use:** | 1200 - Store/Office/Residential |
| **Type:** | Mixed-Use |
| **Lot Size:** | 52998 SQFT (1.2 Acres) |
| **Total SF:** | 124608 SQFT |
| **F.A.R:** | 2.3 |
| **# Floors:** | 5 |
| **# Units:** | 53 |
| **Parking:** | +/-80 |




Source: Palm Beach County,"Property Appraiser"

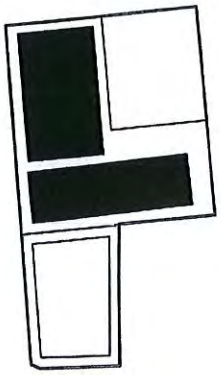
http://www.pbcgov.com/papa/Asps/papagis/papagis.aspx



**Scale:** Lot size and Bulk/Mass

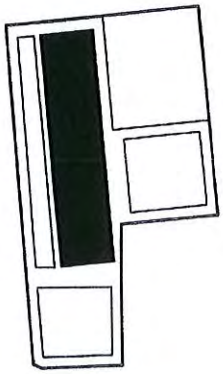
# Applicability

A.

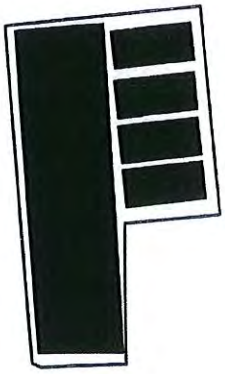


B.

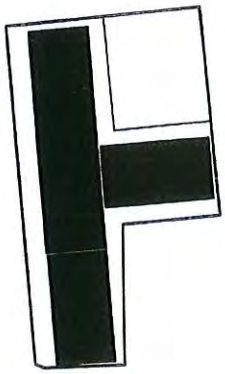
C.



D.



E.



F.

**# Name**

**01** - Ten Aragon Condo

**A.** On-site figure ground
**B.** Retrofit development configuration. Ability to expand + increase horizontally.

**02** - The Palace at Coral Glades

**C.** On-site figure ground
**D.** Retrofit development configuration. Ability to expand + increase in height.

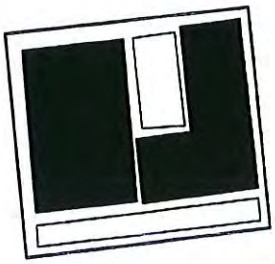
**04** - Gables Wilton Park

**E.** Retrofit and shrink development configuration. 100% lot coverage.

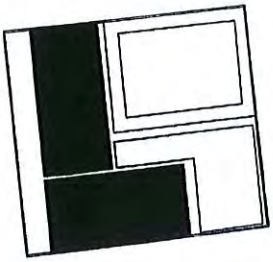
**05** - The Mark at Cityscape

**F.** Retrofit development configuration. Ability to expand, vertically and horizontally.

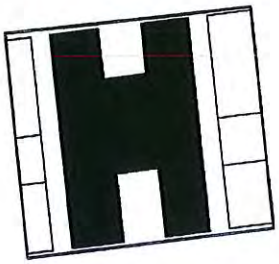
**Urban Waterfront Block:** Sample MU Development relationship to actual site.



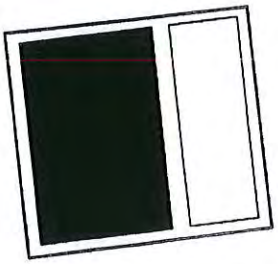
A.



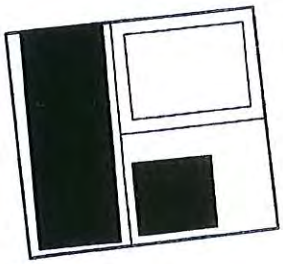
B.



C.



D.



E.

**# Name**

**01** - Ten Aragon Condo

**A.** Retrofit and shrink in height (10 sty. max). Ability to expand horizontally.

**02** - The Palace at Coral Gables

**B.** Retrofit development configuration. Ability to expand horizontally + vertically.

**03** - The Manor at Flagler Village

**C.** Retrofit and shrink development configuration to 50%. Ability to increase height 10 sty. max.

**04** - Gables Wilton Park

**D.** Retrofit and shrink development configuration to 25%.

**06** - 5th Avenue at Delray

**E.** Retrofit development configuration. Ability to expand, vertically and horizontally.

****Note:** Typical Urban Edge sub-division block utilized to conduct analysis.

**Urban Edge Typical Block:** Sample MU Development relationship to actual site.

# LOCAL PLANNING AGENCY MINUTES

*(July 11, 2016 and August 22, 2016)*

COPY

# TOWN OF LAKE PARK
# SPECIAL CALL LOCAL PLANNING AGENCY
# MEETING MINUTES
# JULY 11, 2016

## CALL TO ORDER

The Special Call Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:07 p.m.

## PLEDGE OF ALLEGIANCE

## ROLL CALL

| | |
|---|---|
| Judith Thomas, Chair | Present |
| Martin Schneider, Vice-Chair | Present |
| Anthony Bontrager | Excused |
| Lanae Barnes | Present |

Also in attendance were Town Attorney Thomas J. Baird; Nadia DiTommaso, Community Development Director, Town Planner Scott Schultz and Recording Secretary Kimberly Rowley.

Chair Thomas welcomed Lanae Barnes as a new Member of the LPA/Planning & Zoning Board.

## APPROVAL OF AGENDA

Chair Thomas requested a motion for the approval of the Agenda as submitted. Vice-Chair Schneider made the motion for approval, and it was seconded by Board Member Barnes. The vote was as follows:

| | Aye | Nay |
|---|---|---|
| Martin Schneider | X | |
| Judith Thomas | X | |
| Lanae Barnes | X | |

**The Motion carried 3-0, and the Agenda was approved as amended.**

## APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the May 4, 2015, Local Planning Agency Minutes as submitted. Vice-Chair Schneider made a motion for approval, and the motion was seconded by Board Member Barnes. The vote was as follows:



| | Aye | Nay |
|---|---|---|
| Martin Schneider | X | |
| Judith Thomas | X | |
| Lanae Barnes | X | |

**The Motion carried 3-0, and the Minutes of the May 4, 2015, Local Planning Agency Meeting were approved.**

## PUBLIC COMMENTS

*Chair Thomas clarified for the record that the Planning & Zoning Board sits as the Local Planning Agency (LPA) which is governed by Florida States Statutes and deals with issues of future land use of parcels located within the municipality.*

Chair Thomas reviewed the Public Comments procedure.

## ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

## NEW BUSINESS

**A) COMPREHENSIVE PLAN CAPACITY ANALYSIS AND FUTURE LAND USE ELEMENT POLICY MODIFICATIONS FOR THE COMMERCIAL/RESIDENTIAL LAND USE DESIGNATION**

## STAFF PRESENTATION

Nadia DiTommaso addressed the Local Planning Agency (LPA) and introduced the group who have been working together on this project: Scott Schultz, Town Planner; Alex David of Alex David & Associates; Camilo Lopez, Graphic Designer (not present) and Jerry Bell (not present).

Ms. DiTommaso stated the LPA will focus on the Comprehensive Plan Capacity Analysis which requires modifications and also a few Comprehensive Plan policies of the Future Land Use Element which require modification.

Alex David of Alex David and Associates addressed the LPA and stated that several years ago the Town up-dated the Comprehensive Plan and had a vision for this area. He stated there are only two (2) Policies within the Future Land Use Element which need to be revised to get the Town where they want to be. The Policies, which have been discussed in previous Mixed-Use Workshops are:

- Policy 9.6
- Policy 3.4.3.1
  - Residential and Commercial
  - Mixed-use Zoning Districts and Overlays

Mr. David explained the revisions which apply to both Policies for the mixed-use redevelopment initiative would allow for a maximum of 40 units per acre and a maximum FAR (Floor Area Ratio) of 2.5 in the Urban Neighborhood Edge Sub-District; a maximum of 60 units per acre and a maximum FAR of 4.0 in the Urban Edge Sub-District, and a maximum of 80 units per acre and a maximum FAR of 6.0 in the Urban Waterfront Block Sub-District.

Ms. DiTommaso stated that during the several previously held Public Workshops in which the Town received feedback/suggestions from the public, the corridor was identified as consisting of all parcels on Federal Highway extending from Silver Beach Road on the south, to Palmetto Drive on the north end, and all parcels on the east side of Federal Highway extending to Lake Shore Drive and one parcel deep on the west side of Federal Highway. She explained that the Town Future Land Use Map identified only one parcel as being within the commercial/residential land use designation on the west side of Federal Highway, however, when coordinating the next step of the project with the State it was discovered that in 2009 the Town adopted a commercial/residential land use designation which extends back to 2nd Street. Ms. DiTommaso stated that with this late discovery, there is an advantage and a disadvantage. The advantage is there is now more land area to work with, and the disadvantage or set-back is that the initiative has now been divided into two (2) Phases which is a good thing, but for the fact that Phase 2 will need more time to be completed. Staff is going to be focusing solely on Phase 1 of the initiative which includes only the east side of the corridor. Ms. DiTommaso stated Staff has incorporated the Urban Neighborhood Edge proposal for the purposes of the Comprehensive Plan Amendments to keep the same limits as discussed throughout the Workshops, however there may be a need for further Comprehensive Plan Amendments once we move through Phase 2 of the initiative for the west side of the Corridor, which Staff would like to further workshop with the public so as to create additional development options given the unique land use configuration west of the corridor. Ms. DiTommaso stated that another important component of the Comprehensive Plan Amendment is the Capacity Analysis, which Alex David will review.

Mr. David stated in order meet State requirements, they needed to determine if the infrastructure currently in place is able to handle the new development and the intensifying/densifying of the area. The components reviewed were: Transportation, Potable Water, Sanitary Sewer, Solid Waste, Parks & Recreation and Schools. Mr. David stated that each component has associated standards, and each of the components were found to be satisfactory, with the exception of Parks & Recreation if the area were to be built to the maximum potential, which is highly unlikely. He stated the deficiency would be approximately two (2) acres if the population were to be maximized in this area, and would require either the Town to purchase land or receive donations from developers.

Ms. DiTommaso stated those are the two (2) pieces that are integral to the Comprehensive Plan Amendments for the purposes of the LPA review. She stated that Staff has developed Land Development Regulations which are in line with the proposals and they will be presented this evening. There is a recommendation required from the LPA on the Comprehensive Plan Amendments, with an identification that the Land Development Regulations are consistent with the proposed Comprehensive Plan Amendments. Chair Thomas suggested that Ms. DiTommaso



move forward with the Land Development Regulations in order for the public to understand how this will affect the future land use.

Ms. DiTommaso gave a Power Point presentation (an attachment to these Minutes) and reviewed the Federal Highway Corridor boundaries, existing conditions and build-out visuals, the Future Land Use Map, the Zoning Map and the underlying zoning district designations. Ms. DiTommaso stated that the intent is to create an additional development option within the Corridor. She stated Staff wants the future of Lake Park to be a sustainable one, and the creation of this waterfront development option along the Corridor will be a benefit to the Town. Ms. DiTommaso stated that the many comments/suggestions which were received from the public during the previous Public Workshops were incorporated into the Land Development Regulations (LDR) and many of the provisions are a result of the participation of the Town Commission, the Planning & Zoning Board and the public.

Ms. DiTommaso discussed Land Development Regulations and reviewed the Density and Building Heights for the Urban Neighborhood Edge (maximum 6 stories – for the time being unitl it is further workshopped in Phase 2), the Urban Edge (maximum 10 stories) and the Urban Waterfront Block (maximum 15 stories).

Ms. DiTommaso explained that the LDR's as submitted, provide for the typical categories that would be found in an overlay district:

***Purpose and Background:*** The purpose and intent of the MUZ mixed-use zoning overlay district is to establish a corridor which creates a live, work and play environment which utilizes mixed-use development concepts and which permits a combination of usually separate uses within a unified development district area. Ms. DiTommaso stated this provides for several incentives which will be touched on when parking and landscaping are discussed.

***Conflicts:*** Where conflicts exist between the mixed-use zoning overlay district special regulations in this section and other applicable sections of the Town Code, the special mixed-use regulations shall apply.

***General Requirements and Special Regulations:*** Location restrictions within the boundaries of the corridor; roadway access requirements; unity of title and unity of control documents; building height restrictions and density. Outlines the location of the mixed-use development and identifies the three (3) sub-districts, as well as the configuration of the site, building heights and unity of title documents which will be very important.

***Site Plan Review:*** In adherence to Chapter 78 of the Town Code, all mixed-use proposals will be considered development proposals and subject to the site plan approval process requiring Planning & Zoning Board review and Town Commission approval.

***Urban Design Principles:*** Ms. DiTommaso stated that urban design principles and urban design are very important and explained that this development option has been structured to provide a significant amount of flexibility, but there are certain urban design principles and urban design

objectives that need to be adhered to: That mixed use promotes economic and social well-being; that streets serve the needs of the pedestrian and the automobile; that proposed squares and plazas provide collective identity and a place for social activity and recreation; that public buildings, facilities, and spaces are symbols of the community and convey identity and pride through their architectural clarity and civic functions; that carefully placed buildings delineate and define public spaces and lots and blocks; that streets are designed and act as amenities to the development and as quality public space.

***Urban Design Objectives:*** Ms. DiTommaso explained that urban design objeetives identify that developments must bring many of the activities of daily living, including dwelling, shopping and other activities, within walking distance; to reduce the number and length of automobile trips to relieve traffic congestion; to provide internal vehicular circulation to relieve traffic impact on arterial roads; to provide defined public spaces and streets that allow the citizens of the Town to observe and watch over the collective security; to provide sites for civic buildings; to provide flexibility for the development strategies that evolve over time.

***Permitted Uses:*** Ms. DiTommaso stated the permitted uses in the MUZ overlay district are outlined in the underlying zoning district designations, per the Town Zoning Map. She stated that Staff understands that some of the current uses in the Code are antiquated and Staff is currently working through a Code overhaul process that includes modernizing our underlying zoning district uses however, the uses are still usable and will not prevent viable development since there is always an opportunity to link similar uses. The overlay identifies some common uses in mixed-use type developments and provides for additional provisions that are in line with the uses, as well to provide for prohibitions of certain uses that are discouraged and prohibited. One of these uses is identified as *Child Care Facilities and Schools*: Schools shall not be permitted within mixed-use development proposals unless these uses are amenity driven and strictly provide a child care service to the residents living within the proposed mixed-use development. It also identifies certain uses such as *Entertainment Use* and *Food/Beverage Establishments,* with a caveat that because the underlying Code applies whereby the sale of alcohol near certain uses is currently prohibited, this would need to be amended as a Code modification to allow for the sale of alcohol for these types of establishments along the Federal Highway Corridor.

***Property Development Standards:*** Ms. DiTommaso stated that additional property development standards are identified in the packets and are moving forward to the Town Commission in the form of an Ordinance. One item highlighted are parking requirements: there has been a significant amount of flexibility built into the overlay Code to allow for flexibility in the parking spaces required and flexibility in the shared parking and the off-street parking provisions. Particularly listed are calculations for multi-family residential dwelling units, which the underlying Code requires a higher number of parking spaces, for example: *Multi-Family Residential Dwelling Units*: 1 space / 1 bedroom unit ; 1.5 spaces / 2 bedroom unit / 1.75 spaces / 3 or more bedroom units ; plus 1 guest space for every 3 overall dwelling units. Additionally, the *General Retail/Personal Services and Entertainment Uses are at* 2 spaces per 1,000 square feet of gross floor area; *Business Offices*: 1 space per 500 square feet of gross floor area; *Food/Beverage Establishments*: 8 spaces per 1,000 square feet of patron area. *Live-work configurations*: Shall comply with residential requirements for dwelling units and commercial requirements for non-residential uses.



Ms. DiTommaso stated that Mixed-use developments in all Sub-districts may provide the required parking off-site, where the off-site parking is within seven-hundred fifty (750) feet of the development.

***Drainage of Streets and Rights-of-Way:*** Identifies raised curb and gutter drainage systems shall be the preferred method utilized within the MUZ overlay district. Alternate drainage systems shall be approved at the discretion of the Town and FDOT during the site plan review process for a proposed mixed-use development. South Florida Water Management District standards

***Landscaping Requirements:*** Landscaping also provides for flexibility in the overlay area, particularly in the reduction in the landscape buffer requirement: Five (5)-foot landscape buffer widths are required along Federal Highway and along the side streets. The widths can be achieved using diamond cutout features whereby the centerline of the diamond is at least 5 feet wide and trees shall be spaced no more than 20 feet apart. Landscape buffers along Lake Shore Drive and interior lot lines adjacent to residential parcels shall be a minimum of 10-feet wide and incorporate a combination of trees (maximum spacing of trees shall be 20 feet for Lake Shore Drive and 40 feet for interior lot lines), hedges (minimum 4 feet in height planted 2-feet on center). Additional plantings that add color and distinction are encouraged within all landscape buffers.

Scott Schultz, Town Planner, stated that the Town has reached out to various utility companies, such as Seacoast Utilities; Florida Power & Light, AT&T and Comcast Utilities, to get an understanding of the easements and the infrastructure along Federal Highway and Lake Shore Drive. Their load capacities currently are slated for lower intensity commercial and residential. Should the development become high density and high rise development, for example in the Urban Waterfront Block adjacent to the Marina, then the possibility of rerouting the infrastructure would exist. Mr. Schultz further explained that Seacoast and FPL is based on load capacity and may require improvements or increased capacities depending on future development. The Landscaping Code will require increased flexibility for utilities and will be looked at again moving forward.

***Open Spaces and Recreation Areas:*** Ms. DiTommaso stated that flexibility has also been incorporated here in that open spaces are not necessarily green spaces but are classified as designated, or private open spaces and shall be subject to the following requirements: The street area on the side adjoining the designated open space and consisting of the curb, street tree landscape strip and sidewalk/walkway shall count towards the square footage of the open space. She stated that private open spaces shall be subject to the following requirements: Private open spaces shall be provided in the form of colonnades, courtyards, terraces, lawns, communal gardens, and landscaped roof terraces, etc. Mixed-use developments shall reserve a minimum of ten (10) percent of the site for common, private open space and private open spaces shall be shaded, and their ground surface shall be a combination of paving materials, lawn, ground cover, flowers, and so on.

***Lighting:*** Identifies that street lighting shall be provided in the mixed-use development area and shall include: Street lighting which shall be provided in these areas: commercial and live-work unit driveways and parking areas, sidewalks and pedestrian passages, commercial establishment entryways, recreation areas, and multi-family residential common areas and entryways. Outdoor lighting of these areas shall comply with the Town Code requirements for lighting. All light fixtures shall be of a pedestrian scale, with a maximum height of eighteen (18) feet and a maximum

spacing between fixtures of sixty (60) feet or such other spacing as may be required for identified uses. Design enhanced light sources are preferred.

***Walls/Fences:*** Shall be regulated pursuant to the Town Code regulations for business/commercial districts. Chain link fencing is prohibited in all mixed-use developments. Walls and fences are also prohibited within 10 feet of any street front property line, unless the wall is being used to satisfy the buffering/separation requirement between mixed-use lots and residential lots as defined in the Town Code. All walls and fences shall be consistent and harmonious with the architectural character of the mixed-use development.

***Signage:*** A master signage plan will be required for all mixed-use development proposals. Signage shall be regulated pursuant to the Town Code. While wall signage is permitted, freestanding signage is discouraged, but for directional and instructional-related signage. Window signage must contain a uniform appearance.

***Setbacks/Build-to Requirements:*** The MUZ overlay provides flexibility in setbacks with the Federal Highway side being dictated by the 5-foot landscape buffer as discussed, with an additional 10 feet for walkways and/or outdoor dining areas or other outdoor spaces, which promotes the urban design principles which provide for a usable space that caters to the pedestrian as a user of the development. A street side activity component is required and shall be integrated and compatible with those uses integrated into the mixed-use development.

***Architectural Guidelines.*** Ms. DiTommaso reviewed the provisions of the Architectural Guidelines and stated that visuals would also be provided later. Architectural guidelines, as set forth in Chapter 78 of the Town Code shall be used as the basis for the overall design theme or style proposed for a Mixed-Use development and shall also be applicable to all residential components. Ms. DiTommaso reviewed as follows:

Storefronts shall be provided on the first floor of mixed-use buildings and shall be directly accessible from a street frontage or a designated open space as follows: Fnr properties with two or more frontages, storefronts shall be located on a minimum of two frontages, with priority given to frontages on a designated open space and the primary street. Storefronts shall have a transparent clear glazed area of not less than seventy (70) percent of the façade area.

Colonnades are encouraged and shall have a minimum unobstructed clear height of twelve (12) feet and a minimum clear width of ten (10) feet.

A minimum of thirty (30) percent of all building street walls shall be fenestrated with windows. Mirror type glass is prohibited.

The height of an accessory building shall not exceed the height of a principal building.

Weather protection features shall be required along provided storefronts.



Awnings, balconies, stoops, stairs, open porches, and bay windows shall be permitted to extend into the minimum required setbacks, to a maximum of 5 feet, except when abutting private property: Roof eaves, chimneys, signs, and ramps may encroach into all setbacks. Porticoes, canopies, and colonnades shall be guttered, and drainage shall be deposited onsite.

The primary entrance of a building shall provide access to a street or a designated open space. The primary entrance to the upper levels of a mixed-use building with colonnades shall be through the colonnaded area along the front property line.

Building facades shall not run for more than 100 feet without providing a break in the façade by integrating an open walkway or similar type design feature.

Stories shall be scaled back at the 3rd story and every 4 stories thereafter so as to integrate recessed interest to the structure and provide urban comfort. Federal Highway and Lake Shore Drive recesses shall be greater than recesses provided along side streets, however, all recesses shall provide architectural interest and may be achieved using various architectural techniques. This is being done in an effort to break the massing of the proposed building and can be loosened if the Board desires to allow full flexibility where the recesses are located.

***Building Placement Standards.*** The MUZ leaves flexibility for design creativity to meet the intent of the overall Town vision for mixed-use development. These guidelines are intended to provide criteria for design, while allowing flexibility to architects, landscape architects, developers and builders in the implementation of developments within the order to achieve diversity and individually distinctive developments - while always keeping in mind the urban design principles and objectives to create useable aesthetically pleasing spaces and structures.

Ms. DiTommaso and Mr. Schultz showed visuals (attached and made a part of these Minutes within the Power Point Presentation) which were created by the urban designer and explained the various components incorporated in the visuals. She stated the purpose of the visuals is to bring the guidelines full-circle and identify how they can be incorporated within an example block development for the Urban Waterfront Block and the Urban Edge areas.

Alex David addressed the topic of *Transfer of Development Rights* and explained it is the ability of taking any unused floor area, density or height, certain percentages of what you would be allowed to build on your property and transferring it to another site. The site where it is coming from is the sender site, and the development site with any increases in intensity and density would be the receiver site. Basically, this is economic and does not deal with the land itself, but deals with the allowable development on the site. Mr. David stated the reason this topic is being discussed is because of three sites located in the Town that have come up during the Workshops: 700 Federal Highway, 600 Federal Highway and 624 Federal Highway. He stated that 600 Federal Highway is designated as Historic, and 700 Federal Highway and 624 Federal Highway have been deemed as historically significant. Mr. David explained that these three (3) sites, in an effort to preserve them, would be able to take the development rights from their site and sell them to a developer to increase height, density and intensity at another site within the mixed-use overlay. Mr. David stated that the transferring of development rights is not a Town involved business, as it is between property owners, however, the Town would manage the application process and the transfer of development rights would be memorialized by the Town. *Mr. David noted a correction*

*that needs to be made on Page 23 (2 a, b & c) – wherein the allowable height for transfer on the three (3) parcels should read 5 stories, rather than 6 stories, and therefore, the height would come down on the three (3) parcels from 65' to 55'. Ms. DiTommaso noted that due to the corrections mentioned by Mr. David, the Building Heights section in the General Requirements and Special Regulations of the LDR's (page 4), will need to be amended since the maximum transfer is 5 stories, the language which identifies the maximum transfer by sub-district, will need to be revised to 5 stories in the Urban Waterfront Block and 3 stories in Urban Edge, with the Urban Neighborhood Edge to be determined in Phase 2, unless further modified this evening.*

Regarding economic impacts, Ms. DiTommaso reviewed the Projected Analysis and stated some of the reasons a mixed-use development option is important for this Corridor is to bring back the idea of diversifying the Town's tax base. From an economic standpoint, a single development alone will significantly increase the number of construction jobs and permanent jobs; will create an increase in sales tax revenue; and create an increase in assessed value for the Town. Additionally, there will be an increase in services for the residents in the area to create a live/work/play environment. Ms. DiTommaso mentioned there is an *Economic Impact Analysis* available which was put together some months ago by Staff and also including in the Board's packets.

Scott Schultz, Town Planner, reminded the LPA that the Town is moving forward with the *Complete Streets Initiative* and will be workshopping on the topic. The Town is hoping to align with Palm Beach County and the Metropolitan Planning Organization (MPO), both of whom are putting together their own county-wide policies. The Town will run a separate process in hopes of creating a Town-wide policy which is in line with the concurrent efforts by the County and the MPO. Board Member Schneider asked the County's timeframe for completion of the Complete Streets Initiative. Mr. Schultz stated he does not know the County's timeframe, however the MPO has finalized their policy.

Ms. DiTommaso addressed the question of where do we take the Comprehensive Plan Amendments and the Land Development Regulations from here. She stated if Staff receives a favorable recommendation from the LPA and the P&Z Board this evening, the next important step to move the process along is to bring this to the Town Commission and hopefully get a favorable recommendation by the Commission for the Comprehensive Plan Amendments. At that point, Staff would submit the Comprehensive Plan Amendments to the State for review, which is a process that can take anywhere from 30-60 days. Upon completion of the State's review, everything would be taken back to the Town Commission to adopt both the Comprehensive Plan Amendments and the Land Development Regulations into the Town's Zoning Code. The Comprehensive Plan piece is important because it needs to move forward before any additional pieces can be put in place.

**PUBLIC COMMENTS**

*Thomas McCracken* – Has concerns about the change in the definition of the waterfront block. Mr. McCracken stated that the Planning & Zoning Board and the Town are outside of their jurisdiction to the re-zone the property located at the southeast corner of Silver Beach Road and U.S. 1, as the property was purchased with County funds to be a park and was not intended for



development. Mr. McCracken proposed that the waterfront block should be redefined as the block west of U.S. 1 to include the Marina District and one block west to 2nd Street. He stated that a structure on the east side of U.S. 1 would block the waterfront view and cut off access to the Marina. Mr. McCracken stated there will also be a problem with the restriction of alcohol at this location per current zoning.

*Rick Sartory* – Mr. Sartory addressed the LPA on behalf of the Palm Beach North Chamber of Commerce, which is formerly known as the Northern Palm Beach County Chamber of Commerce – their footprint goes from Mangonia Park to the County Line at the Village of Tequesta. Mr. Sartory stated that the plan was reviewed by the Chamber's Government Affairs Committee and the Chamber encourages the continued development of the Plan. The Chamber feels that the development of Mixed-Use along U.S. One is critical for the economic success of the Town and is in line with the continued development of the U.S. 1 thread in Northern Palm Beach County. The Chamber believes the Town is on the right path and encourages the Town to continue dialogue for a final plan which will eventually go before the Chamber of Commerce for a formal endorsement. This plan is critical to the economic benefits, job growth, tax revenue, etc., as Ms. DiTommaso described earlier.

*Gary Hines* – Mr. Hines stated that he is a Palm Beach County native and a 27-year economic development professional in the Palm Beach County area. Mr. Hines applauds the forward-thinking efforts and is in support of the mixed-use initiative and encourages the Town to develop U.S. 1, particularly with the hopeful integration of Class A office space.

*Tim Stevens* – Mr. Stevens stated that he is a former Town Commissioner, the former Chair of the Planning & Zoning Board and a Lake Park property owner. He stated he is a strong supporter of economic development along the U.S. 1 Corridor, but feels that the LPA/P&Z Board and Town Commission need more information before they will be able to make an informed decision about the agenda items. He also explained that he has been out of the loop with this initiative for the past few years and actually just focused-in on the initiative at this stage. Due to the time limit, he will address only five (5) knowns/unknowns: 1) The need for additional workshops and feedback involving the impact on the single-family home property owners between U.S. 1 and 2nd Street. He feels the Town should fully include these properties in the LDR Amendments from the beginning, rather than in Phase 2. The Comp Plan is not truly comprehensive if we are arbitrarily segregating the west properties of the Urban Neighborhood Edge and postponing Phase 2 to an unknown date. 2) There is no date on when Phase 1 will be completed or what it will look like. Moving forward with the development on the east side (Phase 1) is unfair to the residents on the west side because they are left in limbo while Phase 1 goes forward. He feels that heights and units-per-acre should be staggered from west to east. 3) There is no information or date given for Staff completion of the Town Code Overhaul Up-Date Project on uses and no information is given for when specific developmental regulations for mixed-use will be adopted. Mr. Steven's questioned how Staff can expect the LPA/P&Z Board to determine whether proposed LDR's are consistent with the Comprehensive Plan when the terms within the proposed language are not yet defined? 4) There are no proposed language changes to the Comprehensive Plan Policies 9.2, 9.3, and 9.4 - only 9.6 is being amending despite the interrelated use of these Policies which all fall under Objective 9 and should be included in the change to the Comprehensive Plan. 5) It is unknown if the *Economic Impact Analysis* includes the single-family properties within the Urban

Neighborhood Edge. Mr. Stevens stated that he applauds the efforts of Staff and the Town Commission but believes that additional information is needed and the inclusion of residents west of U.S. 1 in order to maximize the potential of the waterfront – which is one of Lake Park's greatest assets. Mr. Stevens suggested that these items be tabled until the August 1st Planning & Zoning Board Meeting in order to get additional information and answers to the unknowns.

*Dodi Glas – Gentile, Glas, Calloway & O'Mahony,* Ms. Glas stated that she has been monitoring the previous Mixed-Use Workshops and has spoken with Staff, and while the Board is sitting as the LPA she has a comment for consideration regarding a specific Comprehensive Plan Text Amendment that is being considered - specifically the language for the 80/20 maximum/minimum of residential use. Ms. Glas asked the LPA to consider not placing this restriction in the Comprehensive Plan for specific parcels that talk about maintaining the mix within the overlay area in its entirety, especially small parcels. On the Code side, Ms. Glas suggested design standards in the LDR's for a waiver provision within the overlay for smaller lots. Ms. Glas also suggested that Staff look at flexibility for staggered setbacks for high rise buildings for both individual character the creation of a certain aesthetic.

*Trudi Brown Clark* – Lake Park resident. Ms. Clark asked regarding the LDR's – will existing properties be grandfathered-in or will they be required to conform to the new regulations within the MUZ. Ms. Clark expressed a concern for the provision of parking for 80 units per 1 acre. She asked if income diversity is being considered in the mixed-use development and expressed that utilities should be placed underground. Ms. Clark requested a copy of the presentation.

*Cynthia Grey* - Lake Park resident. Ms. Grey stated before anything is developed, she would like to see a Vision Statement incorporated for what the Town of Lake Park wants to be. She stated that there are mixed-use commercial buildings on Park Avenue which have been unoccupied for years and asked what is the justification or guarantee for constructing more mixed-use and commercial buildings if Lake Park is unable to attract businesses and people to these structures due to the perception of Lake Park.

**BOARD DISCUSSION**

Board Member Barnes thanked the public for a lot of great comments and stated the comments will be taken into consideration. She thinks the initiative is great and needed for Lake Park and would simply like Staff to look into the parking to ensure developments will have sufficient parking. She is in favor of a mix of uses which will essentially be dictated by market trends so as to avoid vacancies.

Vice-Chair Schneider stated that he has a lot of very technical questions and he has had only had a few days to digest all of this information. He stated that he will ask all of his questions, but his intention is most likely to request a continuation of these items in order to have the questions addressed by Staff and to continue to absorb and fully understand all of the provisions. Vice-Chair Schneider had the following suggestions/comments regarding the Comp Plan:



→ Comprehensive Plan Policy 9.6.: Questioned why the (non) mixed-use redevelopment project having a maximum 20 units per acre has been stricken out. Ms. DiTommaso responded that it should not have been stricken.

→ Comprehensive Plan Policy 9.6.: Questioned why "parking in front of businesses is discouraged". Suggested that it be "off-street parking is discouraged" because we may want on-street parking on the side streets.

→ Would like to consider Dodi Glas' recommendation about the 80/20 min./max., as it was a good comment and it might be looked at district-wide.

Chair Thomas stated she had comments relating to the Comprehensive Plan. She asked if the Town has received any comments from IPARC, especially regarding density. Ms. DiTommaso responded that she has not received any feedback from any of the recipients of the IPARC notice, particularly the neighboring communities. Chair Thomas asked if a developer is guaranteed to be able to build to 80 units per acre, or is it contingent upon the developer meeting site plan standards. Ms. DiTommaso responded the developer would have the ability to get to 80 dwelling units per acre only if they can meet the site plan standards. They would not have the ability to circumvent any of the Land Development Regulations unless a waiver process allows them to do so.

Chair Thomas asked if we are currently at or above our LOS for Parks since we are only missing 2.25 acres for parks at build-out. Mr. David responded the current LOS for parks is 21.5 acres per 1,000 permanent residents and at maxed out levels it would be 34 acres per 1,000 permanent residents. Existing park acreage is 31.9, so there would be a deficit of 2.1 acres at build out maximums. Chair Thomas questioned how the deficit might be addressed and Mr. David responded that developers could donate.

Chair Thomas asked about the potential for development based on our currently approved Comprehensive Plan, at build out we would only be adding 380 units. Ms. DiTommaso stated that the existing potential increase without any changes is an additional 380 units. With the proposed mixed-use changes and potential maximum build out, it could generate an additional 2,318 units at maximum build-out, according to the Consultant's analysis.

Vice-Chair Schneider pointed out a possible mismatch between the increased population of 5,000 people, based on the number of units, to the number of students, which is 343. He asked that these numbers be looked at more closely.

Vice-Chair Schneider asked if the Capacity Analysis takes into account peak hour traffic analysis or daily? Mr. David responded the numbers should be based on the peak. He asked if the LOS was looked at on Park Avenue, Silver Beach Road and Northlake Boulevard or just on U.S. 1. Ms. DiTommaso stated that Staff will have the Consultant research this however, it is likely only Silver Beach for which data is available from the County.

Chair Thomas questioned the Urban Waterfront Block at the southeast corner of Silver Beach Road and U.S. 1. If the property is designated through an Interlocal Agreement with Palm Beach County for Marina/waterfront usage and the Town has proposed high density on the parcel, are TDR's provided for the parcel. She also questioned if the use is to be ground level boat parking, what happens to the air rights that could occur on that property. Ms. DiTommaso stated that per the

Interlocal Agreement with PBC, the Town would be required to keep 27 boat trailer spaces and 18 vehicular parking spaces. Additionally, this parcel in particular would carry a specific process since it is publicly owned.

Vice-Chair Schneider asked if there is anything in the Interlocal Agreement (for the publicly owned lot) requiring that the parcel has to be a park, or that the requirement is to just provide for boat-trailer parking availability. Ms. DiTommaso stated the Interlocal requires boat-trailer and vehicular parking spaces only. Additionally, Staff has had conversations with the County regarding an 'air rights development' option and the County indicated that as long as the Town retains the number of boat trailer parking spaces and vehicular parking spaces, they are satisfied, but that this would of course also need to be vetted through the Palm Beach County Board of County Commissioners.

The Town Attorney commented that the purchase of the property came through the County's bond money to preserve public access to the waterfront, so therefore, the County would need to be assured that any development of the site continues in the spirit of the County's expenditure money and the public's approval of the Referendum for the acquisition of the property. In the past, the discussions with the County have always been as long as public access to the waterfront is satisfied, there is potential for the development of the site.

There being no other questions from the LPA, Chair Thomas asked for a motion to move forward with the amended Capacity Analysis and Policy Amendments of the Future Land Use Element of the Comprehensive Plan. Vice-Chair Schneider moved to continue the item to the next LPA Meeting of August 1, 2016. The motion was seconded by Board Member Barnes and the vote was as follows:

| | Aye | Nay |
|---|---|---|
| Martin Schneider | X | |
| Anthony Bontrager | X | |
| Lanae Barnes | X | |

The vote was 3-0 in favor of continuing the item to the next Local Planning Agency Meeting of August 1, 2016.

There being no further business before the Local Planning Agency, the meeting was adjourned at 9:00 p.m.

Respectfully Submitted,
Kimberly Rowley
Kimberly B. Rowley
Planning & Zoning Board Recording Secretary

***PLANNING & ZONING BOARD APPROVAL:***

Judith Thomas, Chair, Town of Lake Park Planning & Zoning Board
DATE: 8/22/2016



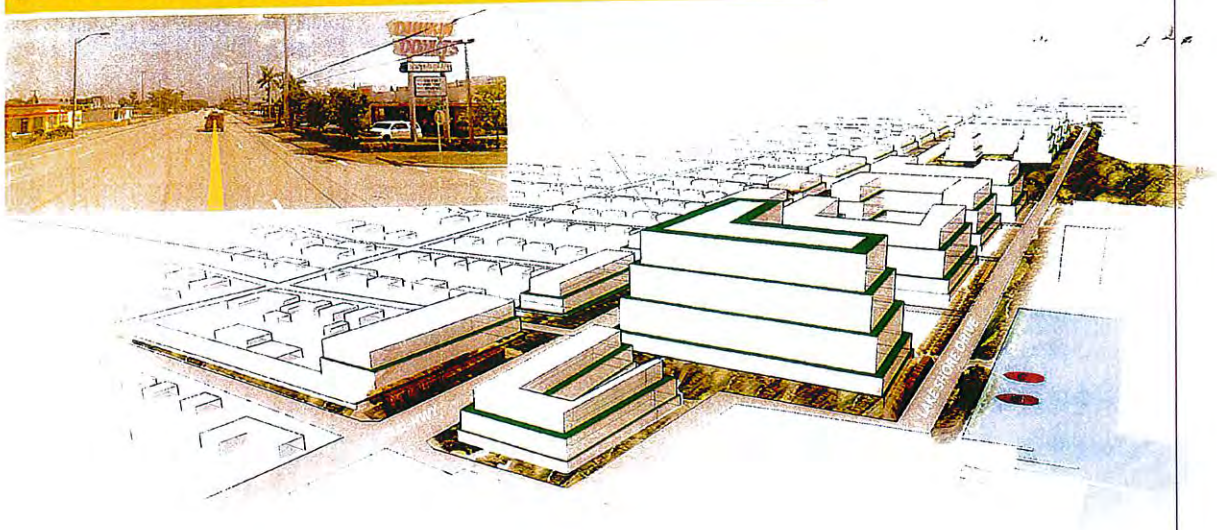
# LAKE PARK WATERFRONT REVIVAL

*"Cherishing the old, bringing in the new"*

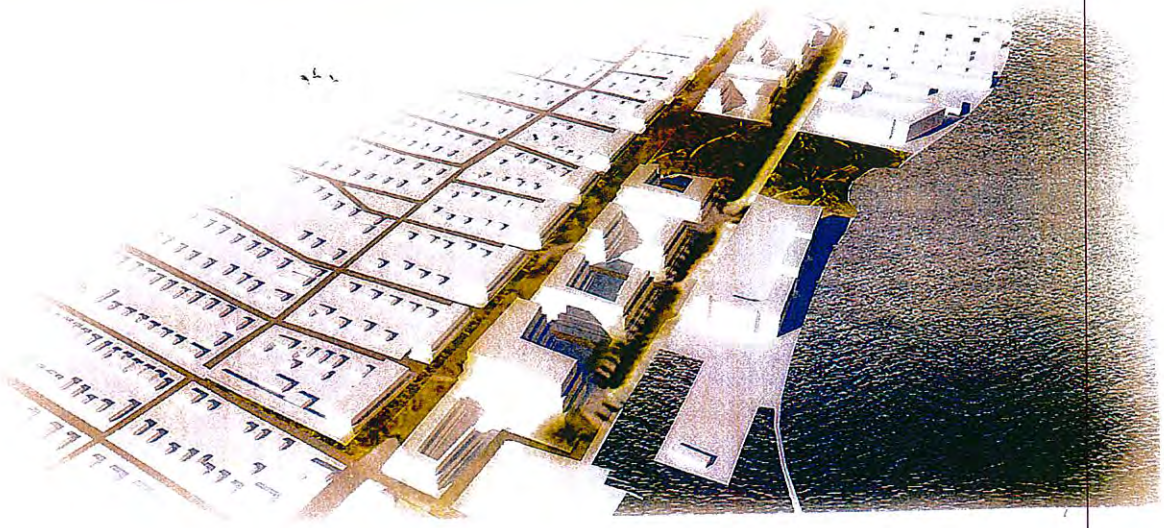
**Local Planning Agency**
**Planning & Zoning Board**
**Monday, July 11, 2016**

*Nadia Di Tommaso, Community Development Director*
*Scott Schultz, Town Planner*
*Alex David, Jerry Bell and Camilo Lopez, Alex David & Associates*

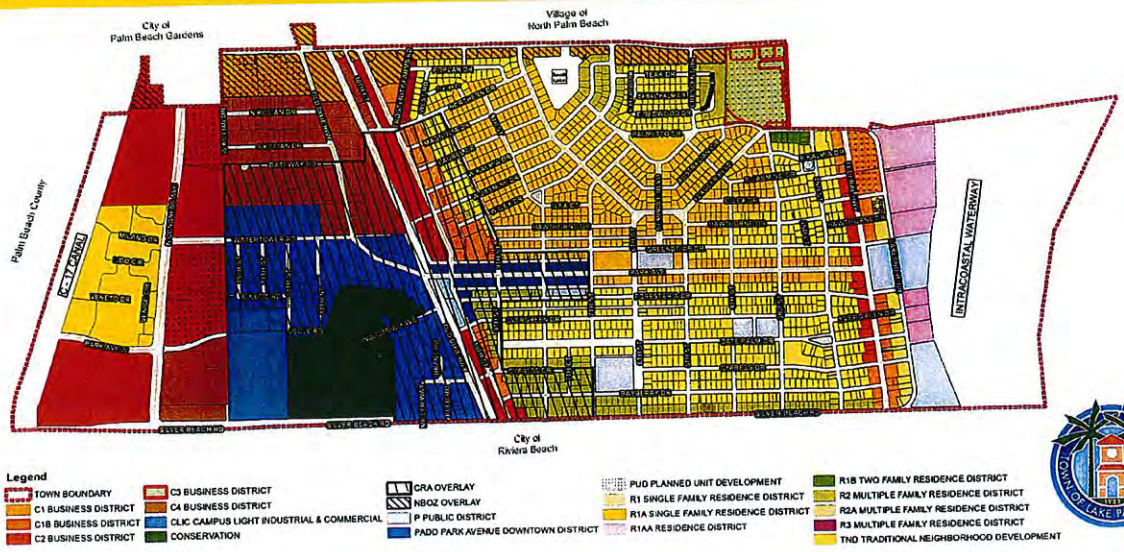
## FEDERAL HWY CORRIDOR – BIRD'S EYE



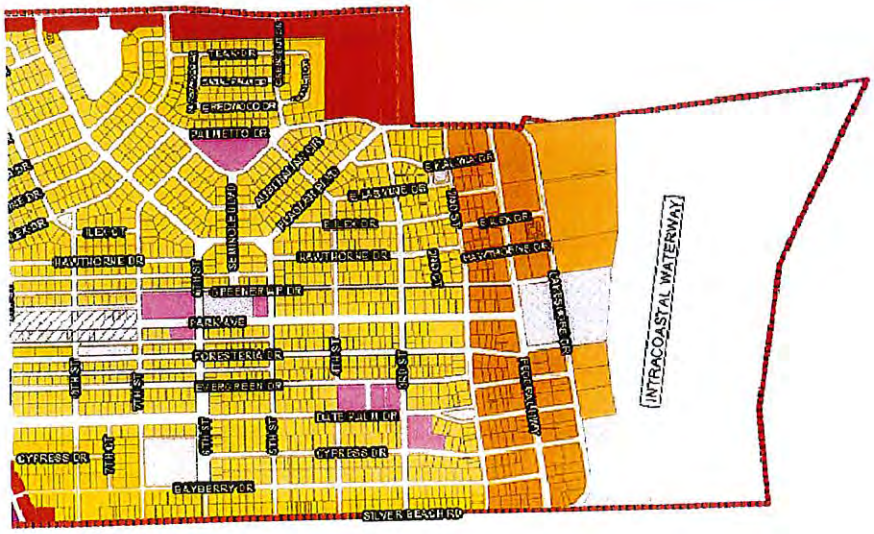

## FEDERAL HWY CORRIDOR – BIRD'S EYE



# LAKE PARK ZONING MAP




# LAKE PARK FUTURE LAND USE PARTIAL MAP



## I. FUTURE LAND USE ELEMENT

- Policy 9.6
- 3.4.3.1 Future Land Use Classification System
  - Residential and Commercial
  - Mixed Use Zoning Districts and Overlays

## ORDER OF BUSINESS

1. Future Land Use Element (Comprehensive Plan)
2. Capacity Analysis (Comprehensive Plan)
3. Land Development Regulations
4. Economic Impacts
5. Future Steps

LAKE PARK WATERFRONT REVIVAL

# LAND DEVELOPMENT REGULATIONS

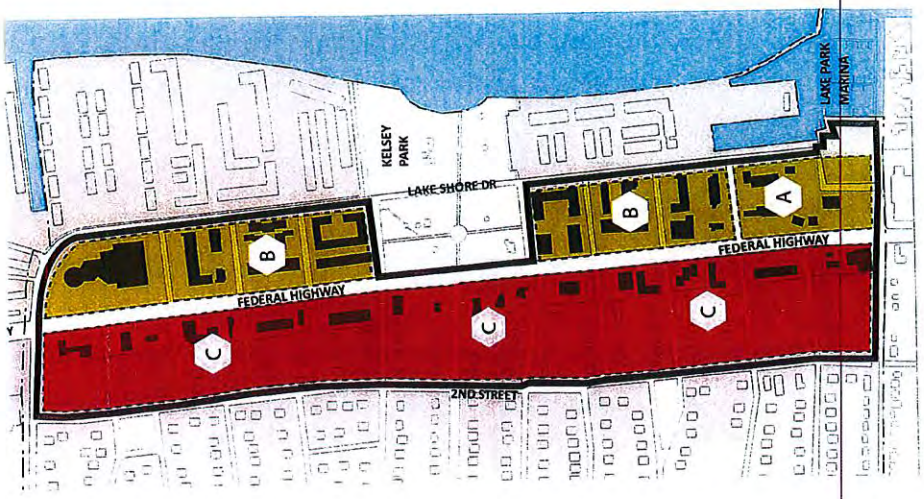
## 2. CAPACITY ANALYSIS

- Transportation
- Potable Water
- Sanitary Sewer
- Solid Waste
- Parks & Recreation*
- Schools

## 3. LAND DEVELOPMENT REGULATIONS – LOCATION

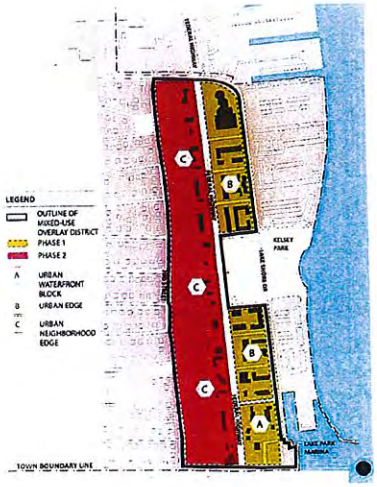
**LEGEND**

- OUTLINE OF MIXED-USE OVERLAY DISTRICT
- PHASE 1
- PHASE 2
- A — URBAN WATERFRONT BLOCK
- B — URBAN EDGE
- C — URBAN NEIGHBORHOOD EDGE



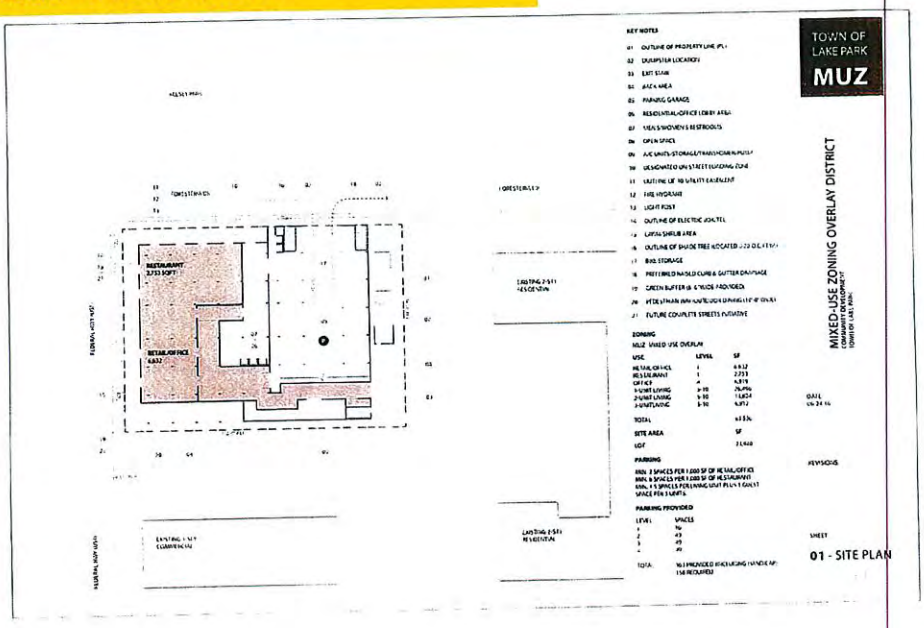

## 3. LAND DEVELOPMENT REGULATIONS

- Purpose and Background
- Applicability
- Conflicts
- General Requirements and Special Regulations



## 3. LAND DEVELOPMENT REGULATIONS

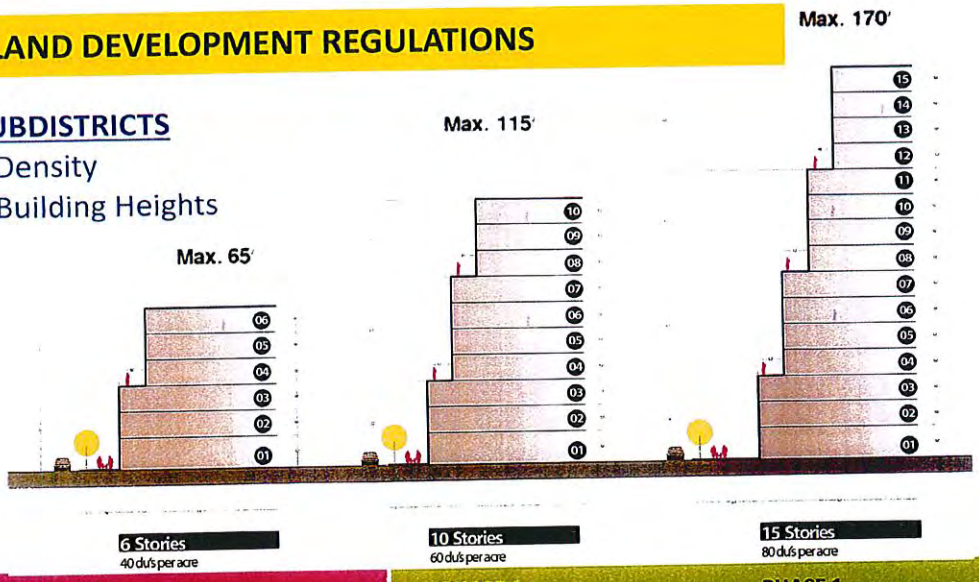
- Site Plan Review




## 3. LAND DEVELOPMENT REGULATIONS

**SUBDISTRICTS**

- Density
- Building Heights



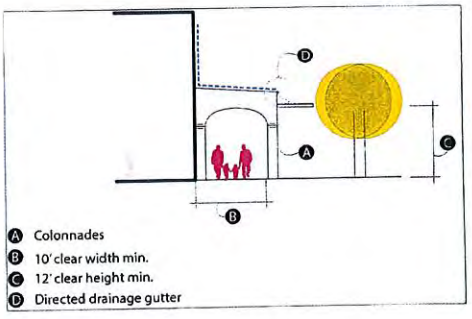

| PHASE 2 | PHASE 1 | PHASE 1 |
|---|---|---|
| AREA "C" | | |
| URBAN NEIGHBORHOOD EDGE | URBAN EDGE | URBAN WATERFRONT BLOCK |

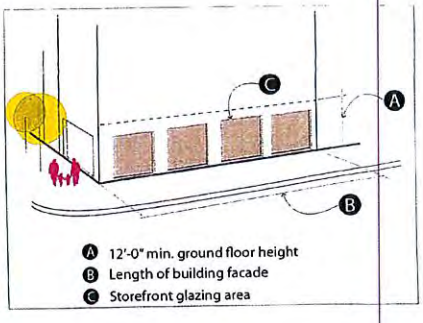
## 3. LAND DEVELOPMENT REGULATIONS

- Permitted Uses

## 3. LAND DEVELOPMENT REGULATIONS

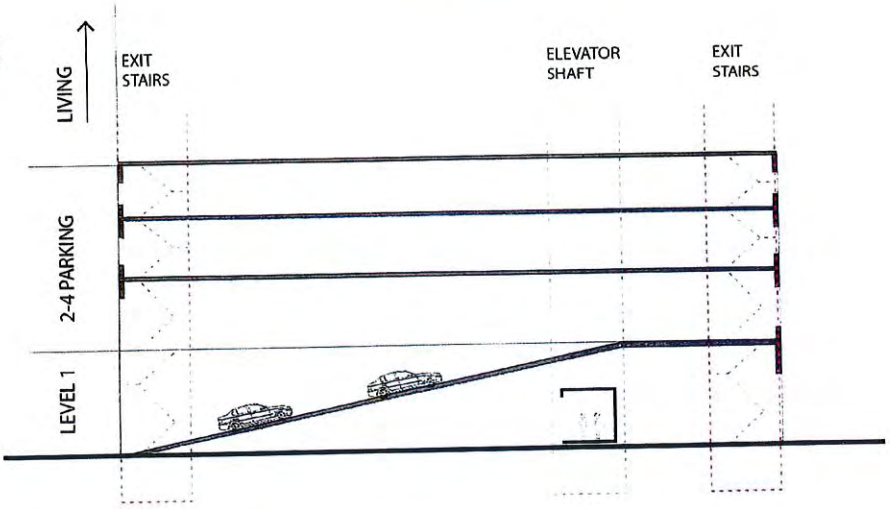
- Urban Design Principles
- Urban Design Objectives



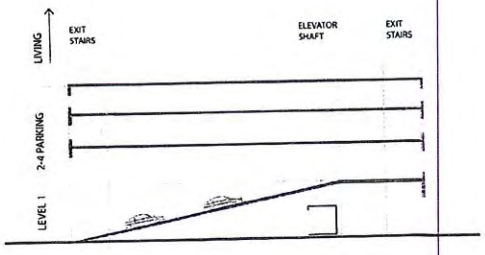
## 3. LAND DEVELOPMENT REGULATIONS

- **Parking**



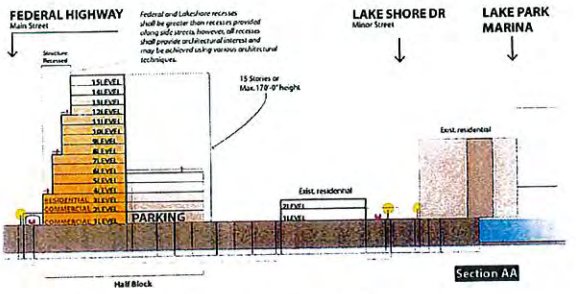

## 3. LAND DEVELOPMENT REGULATIONS

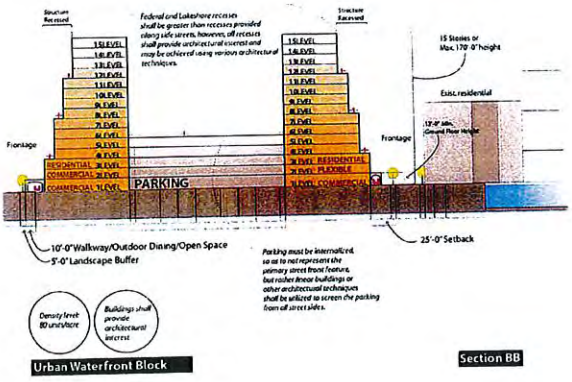
- **Property Development Standards**
  - Parking, Drainage, Landscaping, Open Space, Lighting, Walls/Fences, Signage, Setbacks, Architecture, Building Placement
  - **Visuals:**
    1. Urban Waterfront Block
    2. Urban Edge



## Urban Waterfront Block

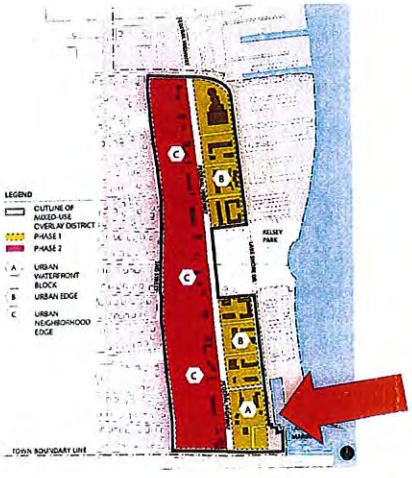
Building Heights/Use

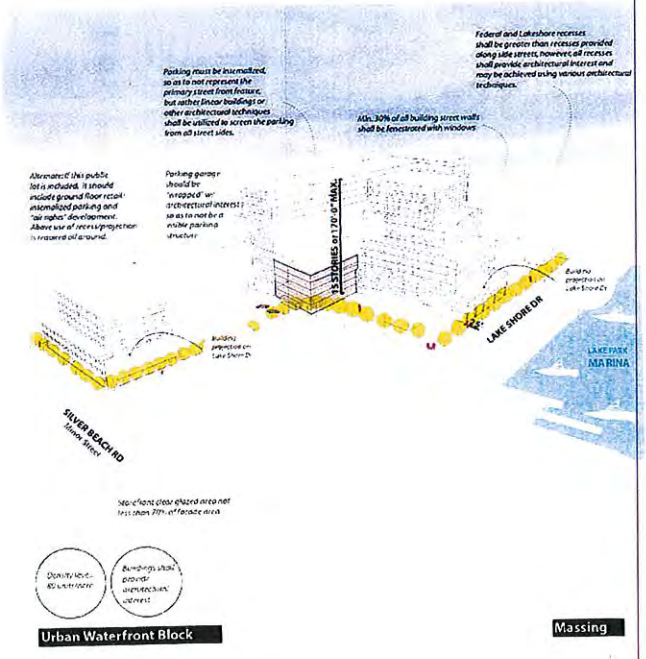



## Urban Waterfront Block

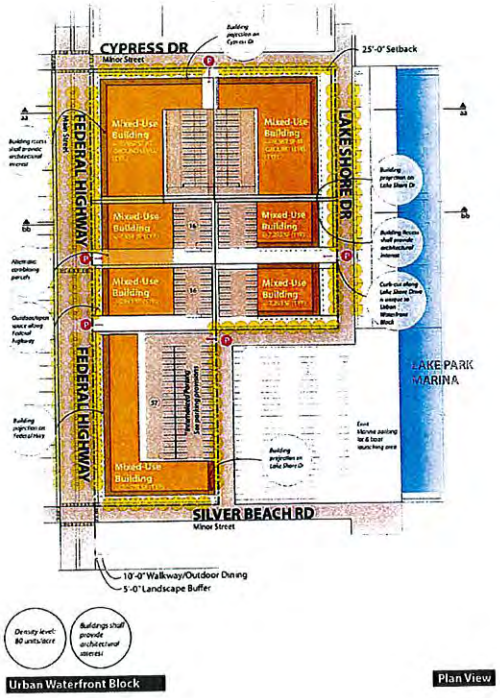
Phase 1



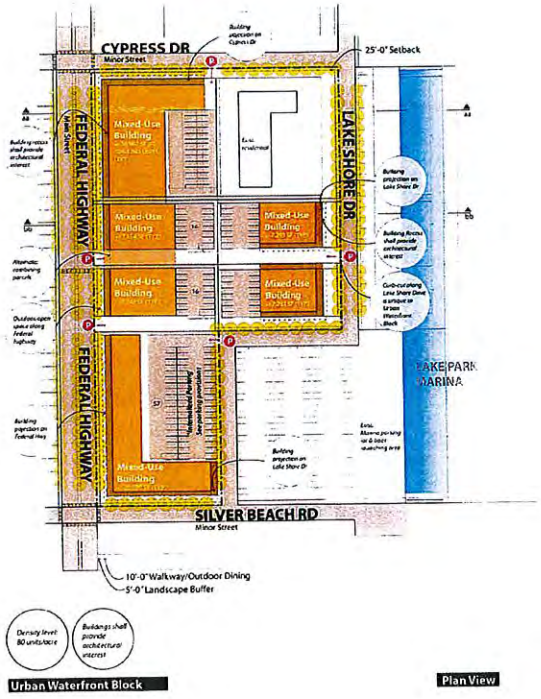
## Urban Waterfront Block

Possible Option "B"




## Urban Waterfront Block

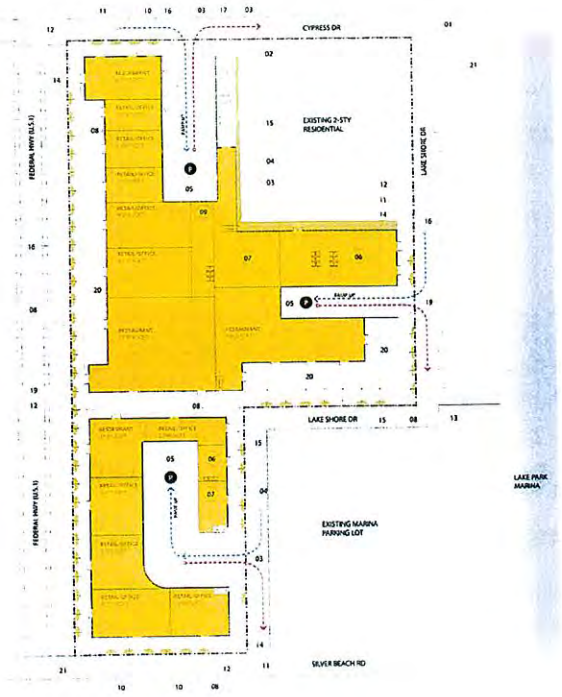
Possible Option "A"



## Urban Waterfront Block

Site Development

Sample




KEY NOTES

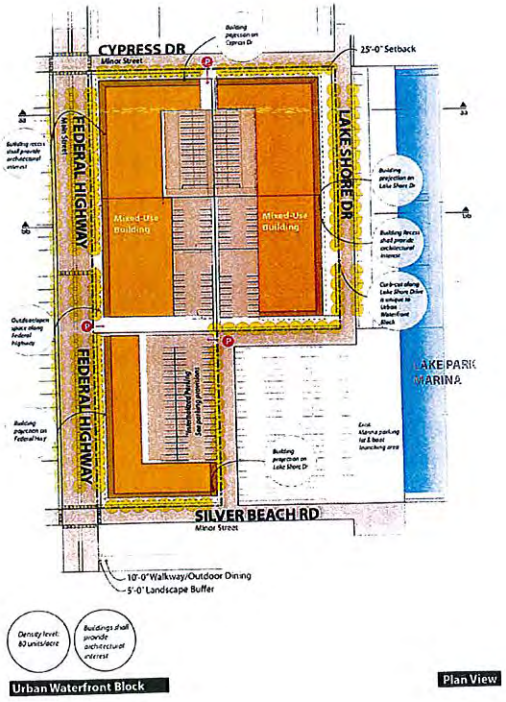
01 OUTLINE OF STREET EDGE
02 DUMPSTER LOCATION
03 EXIT STAIR
04 BACK AREA
05 PARKING GARAGE
06 RESIDENTIAL/OFFICE LOBBY AREA
07 MEN'S/WOMEN'S RESTROOMS
08 OPEN SPACE
09 A/C UNITS/STORAGE/TRANSFORMER/PUMP
10 DESIGNATED ON-STREET LOADING ZONE
11 OUTLINE OF 10' UTILITY EASEMENT
12 FIRE HYDRANT
13 LIGHT POST
14 OUTLINE OF ELECTRIC BOX/TEL
15 LAWN/SHRUB AREA
16 OUTLINE OF SHADE TREE (LOCATED @ 20' O.C.X TYP.)
17 BIKE STORAGE
18 PREFERRED RAISED CURB & GUTTER DRAINAGE
19 GREEN BUFFER (8'-0" WIDE PROVIDED)
20 PEDESTRIAN WAY/OUTDOOR DINING
21 FUTURE COMPLETE STREETS INITIATIVE

ZONING

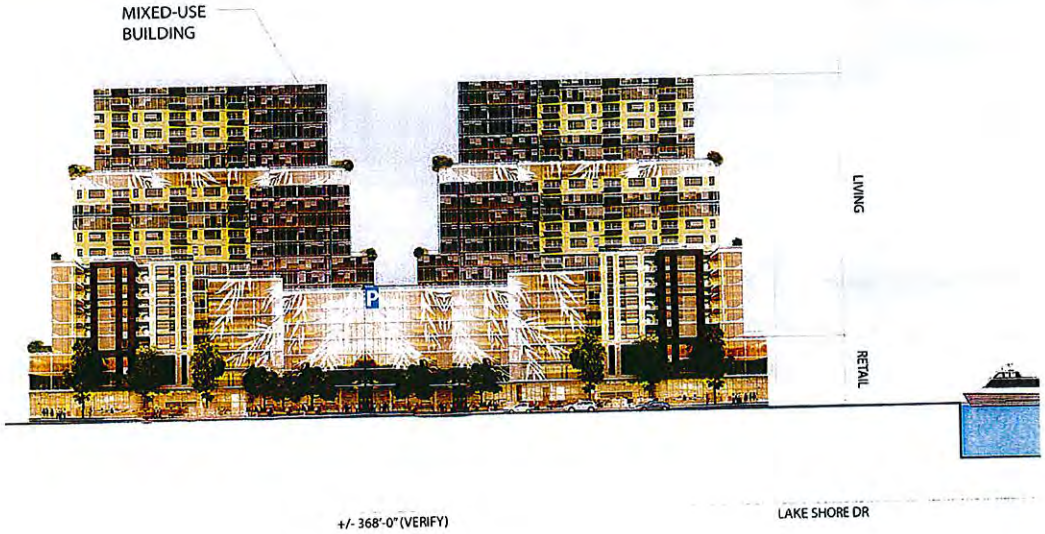
MUZ- MIXED-USE OVERLAY - URBAN WATERFRONT BLOCK

## Urban Waterfront Block

Possible Option "C"



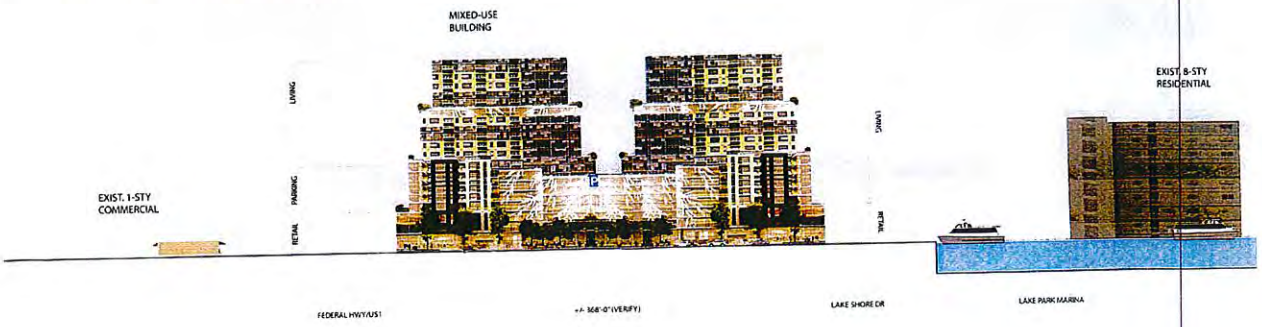
## Urban Waterfront Block




## Urban Waterfront Block

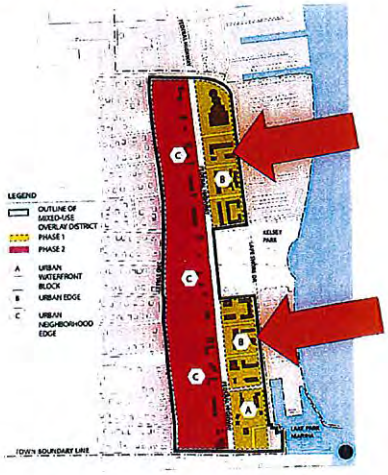
Site Development

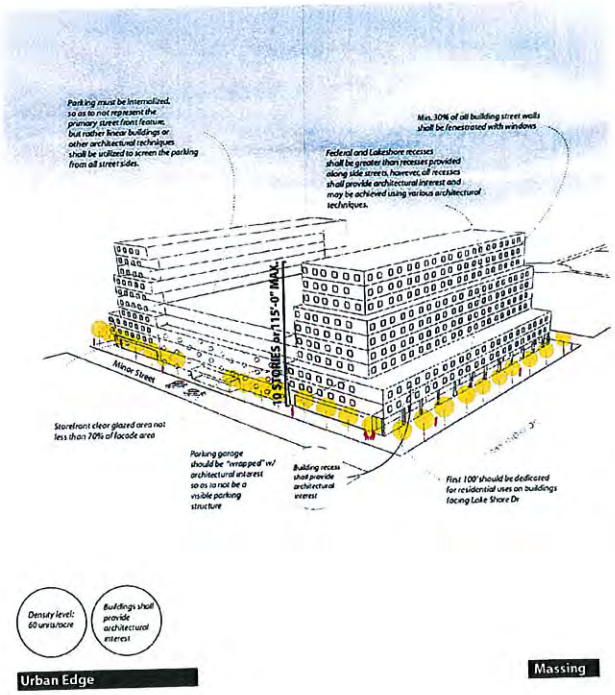
Sample - Elevations



## Urban Edge

Phase 1



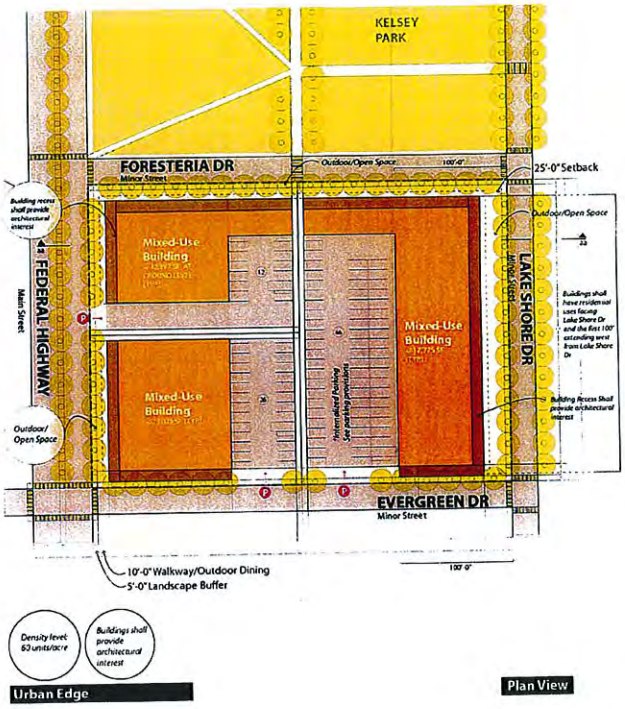

## Urban Waterfront Block

Site Development

Sample - Elevations

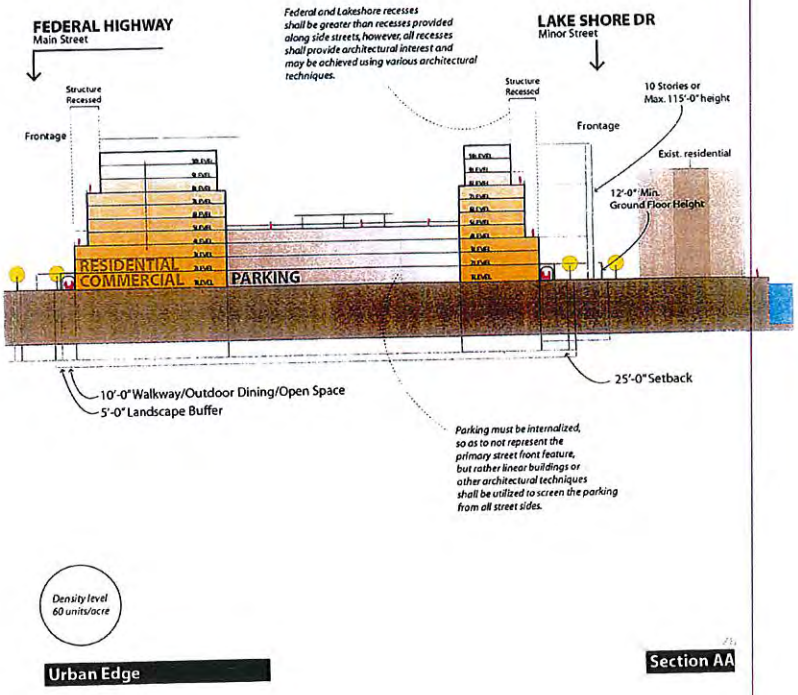
## Urban Edge

Plan




## Urban Edge

Building Heights/Use



# Urban Edge

## Site Development

## Sample - Elevations

# Urban Edge

## Site Development

## Sample

**KEY NOTES**

01 OUTLINE OF PROPERTY LINE (PL)
02 DUMPSTER LOCATION
03 EXIT STAIR
04 BACK AREA
05 PARKING GARAGE
06 RESIDENTIAL/OFFICE LOBBY AREA
07 MEN'S/WOMEN'S RESTROOMS
08 OPEN SPACE
09 A/C UNITS/STORAGE/TRANSFORMER/PUMP
10 DESIGNATED ON-STREET LOADING ZONE
11 OUTLINE OF 10' UTILITY EASEMENT
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17 BIKE STORAGE
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19 GREEN BUFFER (8'-0" WIDE PROVIDED)
20 PEDESTRIAN WAY/OUTDOOR DINING (10'-0" WIDE)
21 FUTURE COMPLETE STREETS INITIATIVE

**ZONING**

MUZ- MIXED-USE OVERLAY - URBAN EDGE

| USE | LEVEL | SF |
|---|---|---|
| RETAIL/OFFICE | 1 | 6,832 |
| RESTAURANT | 1 | 2,733 |
| OFFICE | 4 | 6,919 |
| 1-UNIT LIVING | 5-10 | 26,496 |
| 2-UNIT LIVING | 5-10 | 13,824 |
| 3-UNIT LIVING | 5-10 | 6,912 |
| TOTAL | | 63,536 |
| SITE AREA | | SF |
| LOT | | 23,930 |

**PARKING**

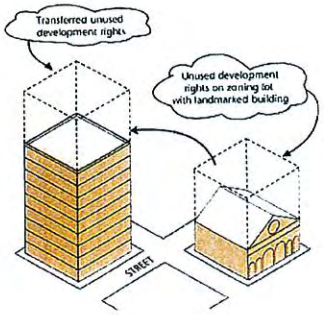
MIN. 2 SPACES PER 1,000 SF OF RETAIL/OFFICE.
MIN. 8 SPACES PER 1,000 SF OF RESTAURANT.
MIN. 1.5 SPACES PER LIVING UNIT PLUS 1 GUEST SPACE PER 3 UNITS.

**PARKING PROVIDED**

| LEVEL | SPACES |
|---|---|
| 1 | 16 |
| 2 | 49 |

## 3. LAND DEVELOPMENT REGULATIONS

- Transfer of Development Rights



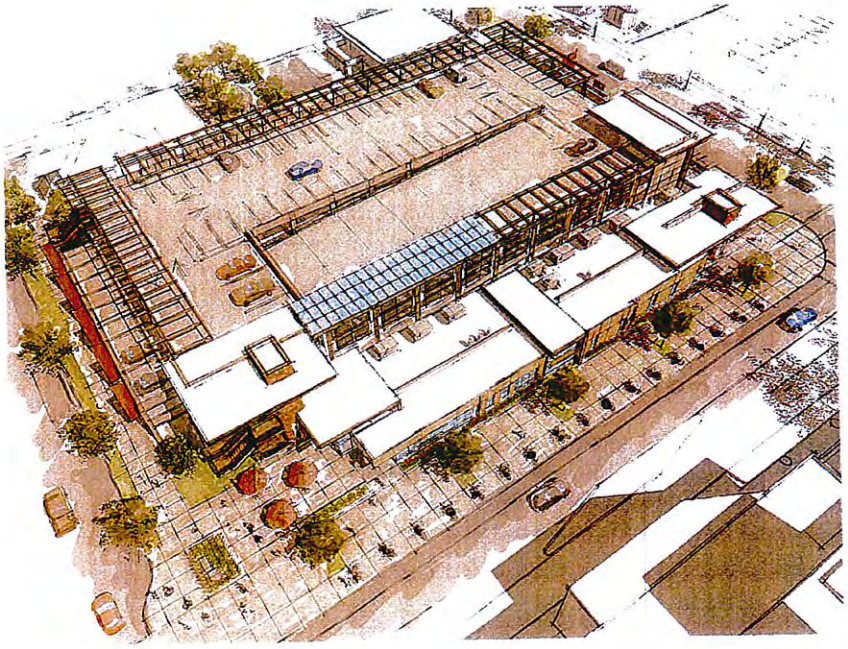

**Urban Edge**

Site Development

Sample - Elevations

LAKE PARK WATERFRONT REVIVAL

# ECONOMIC IMPACTS



## *Projected Analysis:*

***MIXED-USE REDEVELOPMENT INITIATIVE – PROMOTING ECONOMIC DEVELOPMENT ALONG THE CORRIDOR AND PROVIDING A RIPPLE EFFECT TO SURROUNDING CORRIDORS AND NEIGHBORHING COMMUNITIES***

**All values represent estimates only based on available comparative data in February 2016*

= URBAN NEIGHBORHOOD EDGE (12 potential development blocks)

= URBAN EDGE (6 potential development blocks)

= URBAN WATERFRONT BLOCK (1 large potential Development block)

***MAXIMUM BUILDOUT POTENTIAL OF APPROXIMATELY 1,430 RESIDENTIAL UNITS AND OVER 900,000 SQUARE FEET OF COMMERCIAL SQUARE FOOTAGE!!!***

***746%*** *INCREASE IN THE NUMBER OF EMPLOYEES/JOBS*
***50000%*** *INCREASE IN THE NUMBER OF CONSTRUCTION JOBS AND CONSTRUCTION COSTS*
***1914%*** *INCREASE IN ASSESSED VALUE*
***1641%*** *INCREASE IN TAXES PAID*
***$459,000 IN POTENTIAL SALES TAX REVENUE FOR COMMERCIAL PROPERTY SALES***

***500%*** *INCREASE IN THE NUMBER OF EMPLOYEES/JOBS*
***50000%*** *INCREASE IN THE NUMBER OF CONSTRUCTION JOBS AND CONSTRUCTION COSTS*
***1764%*** *INCREASE IN ASSESSED VALUE*
***1559%*** *INCREASE IN TAXES PAID*
***$612,000 IN POTENTIAL SALES TAX REVENUE FOR COMMERCIAL PROPERTY SALES***

***1875%*** *INCREASE IN THE NUMBER OF EMPLOYEES/JOBS*
***50000%*** *INCREASE IN THE NUMBER OF CONSTRUCTION JOBS AND CONSTRUCTION COSTS*
***4477%*** *INCREASE IN ASSESSED VALUE*
***4223%*** *INCREASE IN TAXES PAID*
***$918,000 IN POTENTIAL SALES TAX REVENUE FOR COMMERCIAL PROPERTY SALES***

EXISTING VS ANTICIPATED ECONOMIC DEVELOPMENT STIMULATORS *(existing development facts used for comparison – see Appendix A)*:

Existing Number of Employees/Jobs: 30 ***(7 commercial units, including 2 restaurants – 12,638 square feet of total commercial space and approximately 45 residential units)***
Existing Number of Construction Jobs: 0
Existing Assessed Value: $2,250,000 total ***(average of $50,000 per unit)***
Existing Taxes Paid: $64,125 total ***(average of $1,250 per unit)***

Anticipated Number of Employees: 150 ***(total of 60,000 square feet of commercial space – average 1 employee per 400 square feet)***
Anticipated Number of Construction Jobs: 500 ***(includes part-time and shift work – ALL trades)***
Anticipated Assessed Value: $39.7 million ***(commercial @ $170/square foot and 137 residential units @ $215,000 average per unit)***
Anticipated Taxes Paid: $1 million

*THANK YOU!*

LAKE PARK WATERFRONT REVIVAL

*"Cherishing the old, bringing in the new"*

LAKE PARK WATERFRONT REVIVAL

# NEXT STEPS

# TOWN OF LAKE PARK
# SPECIAL CALL LOCAL PLANNING AGENCY
# MEETING MINUTES
# AUGUST 22, 2016

## CALL TO ORDER

The Special Call Local Planning Agency Meeting was called to order by Chair Judith Thomas at 6:41 p.m.

## PLEDGE OF ALLEGIANCE

## ROLL CALL

| | |
|---|---|
| Judith Thomas, Chair | Present |
| Martin Schneider, Vice-Chair | Present |
| Anthony Bontrager | Absent |
| Lanae Barnes | Present |

Also in attendance were Town Attorney Thomas J. Baird; Nadia DiTommaso, Community Development Director, Town Planner Scott Schultz and Recording Secretary Kimberly Rowley.

## APPROVAL OF AGENDA

Chair Thomas requested a motion for the approval of the Agenda as submitted. Board Member Barnes made the motion for approval, and it was seconded by Vice-Chair Schneider. The vote was as follows:

| | Aye | Nay |
|---|---|---|
| Judith Thomas | X | |
| Martin Schneider | X | |
| Lanae Barnes | X | |

**The Motion carried 3-0, and the Agenda was approved as amended.**

## APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the July 11, 2016, Special Call Local Planning Agency Minutes as submitted. Vice-Chair Schneider made a motion for approval, and the motion was seconded by Board Member Barnes. The vote was as follows:

| | Aye | Nay |
|---|---|---|
| Judith Thomas | X | |
| Martin Schneider | X | |
| Lanae Barnes | X | |

**The Motion carried 3-0, and the Minutes of the July 11, 2016, Special Call Local Planning Agency Minutes were approved.**

Chair Thomas requested a motion for the approval of the August 1, 2016, Local Planning Agency Minutes as submitted. Vice-Chair Schneider made a motion for approval, and the motion was seconded by Board Member Barnes. The vote was as follows:

| | Aye | Nay |
|---|---|---|
| Judith Thomas | X | |
| Martin Schneider | X | |
| Lanae Barnes | X | |

**The Motion carried 3-0, and the Minutes of the August 1, 2016, Local Planning Agency Minutes were approved.**

## PUBLIC COMMENTS

Chair Thomas outlined the Public Comment procedure.

## ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

## NEW BUSINESS

**A. COMPREHENSIVE PLAN CAPACITY ANALYSIS AND FUTURE LAND USE ELEMENT POLICY MODIFICATIONS FOR THE COMMERCIAL/RESIDENTIAL LAND USE DESIGNATION AND CONSIDERATION OF THE PROPOSED LAND DEVELOPMENT REGULATIONS FOR THE CREATION OF A MIXED-USE ZONING OVERLAY DISTRICT FOR A DETERMINATION ON THEIR CONSISTENCY WITH THE COMPREHENSIVE PLAN.**

Nadia DiTommaso, Community Development Director, addressed the Local Planning Agency (LPA) and explained that this item was continued from the July 11, 2016, LPA Meeting to the August 1st LPA Meeting, and then continued to tonight's Special Call LPA Meeting. Ms. DiTommaso stated that she will be presenting this evening, alongside Consultants Alex David and Camillo Lopez of Alex David & Associates, and Scott Schultz, Town Planner.

Ms. DiTommaso explained that following the July 11, 2016, LPA Meeting, one-on-one meetings were held with the LPA Members to review the incorporations since the last meeting. She stated the Agenda Packets include responses to comments, a piece on the Comprehensive Plan Amendments, and revised Zoning Land Development Regulations, which will be reviewed this evening by the Planning & Zoning Board. Ms. DiTommaso stated Alex David will review the changes to the Comprehensive Plan which were incorporated since the last LPA Meeting. Some of the main changes relate to Policy 9.6, the creation of a new Policy 9.6.1, as well as additional flexibility incorporated for the percentage split of the mixed-use residential vs. commercial in Policy 9.6. Ms. DiTommaso explained that in order for Staff to move this forward to the Town Commission and then move forward to the State for their review, a favorable recommendation is needed by the LPA, otherwise the entire process will be at a standstill. She stated there is still ample time however to continue to work through the zoning land use regulations.

Mr. Alex David of Alex David & Associates, addressed the LPA. Mr. David stated that extensive notes were taken at the last LPA/P&Z Meeting and fifty-two (52) comments were taken from the meeting, four (4) of which are related to the Comprehensive Plan, which he will address as well as the Capacity Analysis which has been broken down by sub-districts. Mr. David stated that language was added to Policy 9.6 for percentages overall, allowing for an overall mix throughout the whole district. Mr. David explained that the percentages have been revised to 51%-90% for residential; and 10%-49% for office and retail services, allowing for a lot more flexibility on each parcel, based upon comments from the last meeting. Mr. David stated that a new Policy has been added concerning the Urban Neighborhood Edge, stating that... *by January 2018 the Town shall develop and adopt within the Land Development Regulations (LDR) standards for parcels located within the Urban Neighborhood Edge District. Underlying zoning district regulations shall be utilized to redevelop these parcels until which time the Zoning Ordinance addresses the Urban Neighborhood Edge Sub-District.*

Ms. DiTommaso stated there is another item within the Capacity Analysis and pointed out a comment was raised as to whether the Palm Beach County Scrub Conservation Area could be incorporated into the calculation for parks, since there is a deficiency of 0.8 acres at build out, which is highly unlikely. She stated there is a notation for the State to consider the 54+ acre PBC Scrub Conservation Area into the calculation if they are able, otherwise there would remain a 0.8 acre deficiency for parks at maximum capacity build out.

*Note: Board Member Bontrager arrived at 6:52 p.m.*

Vice-Chair Schneider stated he doesn't agree that the PBC Conservation Area should be included in the calculation for the parks level-of-service since it is more of an active park and it is a PBC facility rather than a Town facility. If capacity does head towards maximum build out, then the Town could get input from developers to assist.

There were no further comments from the LPA, and Chair Thomas called for a motion. Vice-Chair Schneider stated, in response to the public comments, that he understands the concerns but pulling back now would only delay the east side from moving forward. He stated that there is language and a deadline for Objective 9.6.1, and he is comfortable with handling the east side first and then working on the west side.

**LOCAL PLANNING AGENCY RECOMMENDATION**

Vice-Chair Schneider made a motion for approval with the amendment of adding "district-wide" to the mixed-use percentages, and to remove the references to the PBC Scrub Conservation Area. Board Member Barnes seconded the motion. The vote was as follows:

| | **Aye** | **Nay** |
|---|---|---|
| Judith Thomas | X | |
| Martin Schneider | X | |
| Lanae Barnes | X | |
| Anthony Bontrager | | X |

The vote was 3-1 in favor of amending the Comprehensive Plan with the amendment of adding "district-wide" to the mixed-use percentages, and to remove the references to the PBC Scrub Conservation Area.

**COMMUNITY DEVELOPMENT DIRECTOR COMMENTS**

There were no comments from the Community Development Director.

**ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned at 7:10 p.m.

Respectfully Submitted,

Kimberly B. Rowley
Planning & Zoning Board Recording Secretary

***PLANNING & ZONING BOARD APPROVAL:***

_____
Judith Thomas, Chair
Town of Lake Park Planning & Zoning Board

DATE: _____

# LEGAL ADS & NOTICE

The Palm Beach Post

Palm Beach Daily News | ideabar

**RECEIPT**

**LEGAL NOTICE OF PUBLIC HEARING
COMPREHENSIVE PLAN
AMENDMENTS TO THE FUTURE
LAND USE ELEMENT OF THE
COMPREHENSIVE PLAN
TOWN OF LAKE PARK, FLORIDA**

Please take notice and be advised that the Town Commission will hold a public hearing (transmittal hearing) on **Wednesday, September 21 at 6:30 p.m., or as soon thereafter as can be heard**, in the Town Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida, to consider the following Ordinance on 1st reading:

**ORDINANCE NO. 09-2016**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN AS IT RELATES TO THE COMMERCIAL/RESIDENTIAL LAND USE DESIGNATION AND RESPECTIVE CAPACITY ANALYSIS; PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR ADOPTION OF UPDATED OBJECTIVES AND POLICIES WITHIN THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

**Town Clerk:** Vivian Mendez
**PUB:** The Palm Beach Post
9-11/ 2016 #648403

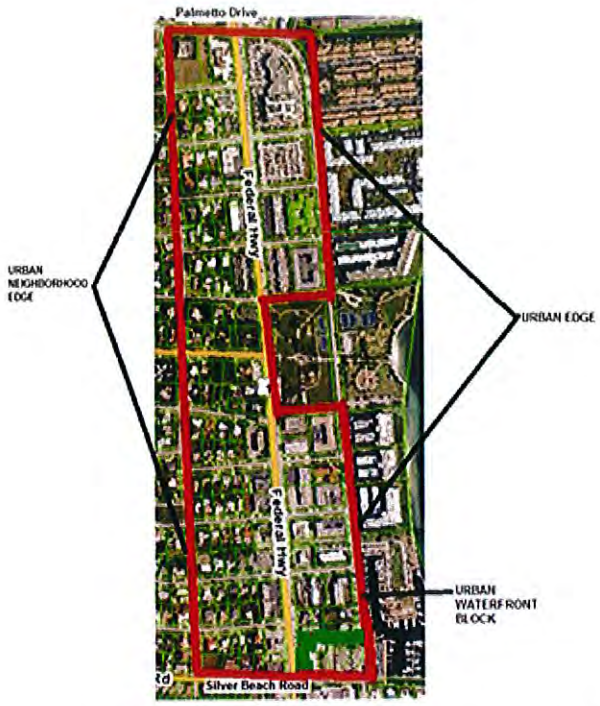
**LEGAL NOTICE OF PUBLIC HEARINGS**

# SPECIAL CALL LOCAL PLANNING AGENCY MEETING AND TOWN COMMISSION MEETING

## Town of Lake Park, Florida

Please take notice and be advised that the Local Planning Agency will hold a quasi-judicial public hearing on **Monday, July 11, 2016, at 7:00 p.m.**, in the Town Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida, to consider the Town initiated **Updates to the Future Land Use Element of the Comprehensive Plan related to the Commercial and Residential future land use designation, respective capacity analysis for a proposed increase in densities and intensities, and associated goals, objectives and policies. Additionally, the Agency will consider land development regulations pertaining to the proposed Mixed-Use Zoning Overlay District as to their consistency with the Comprehensive Plan.** Following a special call Planning & Zoning Board meeting, the Town Commission will consider the Comprehensive Plan Amendments on first reading at a quasi-judicial public hearing, as well as the Land Development Regulations related to the Mixed-Use Zoning Overlay District, on **Wednesday, August 3, 2016 at 6:30 p.m., or as soon thereafter as can be heard**, in the Town Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida.

If a person decides to appeal any decision made by the Local Planning Agency or the Town Commission with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.




# SPECIAL CALL PLANNING AND ZONING BOARD MEETING

## Town of Lake Park, Florida

Please take notice and be advised that the Planning & Zoning Board, as the recommending body for the Town Commission, will hold a quasi-judicial public hearing on **Monday, July 11, 2016, immediately following the special call Local Planning Agency meeting at 7:00 p.m.**, in the Town Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida, to consider the Town initiated **Updates to the Future Land Use Element of the Comprehensive Plan related to the Commercial and Residential future land use designation, respective capacity analysis for a proposed increase in densities and intensities, and associated goals, objectives and policies. Additionally, the P&Z Board will consider land development regulations pertaining to the proposed Mixed-Use Zoning Overlay District as to their consistency with the Comprehensive Plan and overall appropriateness,** an effort that is geared towards facilitating Mixed-Use development along our US-1 corridor.

If a person decides to appeal any recommendation made by the Planning & Zoning Board with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Town Clerk: Vivian Mendez - PUB: June 30, 2016

# CLEARINGHOUSE NOTICE OF PROPOSED AMENDMENT

TO: *Anna Yeskey to insert*

FROM: Community Development, Town of Lake Park / Alex David & Associates

DATE: June 27, 2016

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As a participant local government, this memorandum serves as notice of the following comprehensive plan amendment(s):

Initiating Local Government: **Town of Lake Park, FL**

**Contact Information**: Nadia Di Tommaso, Community Development Director – (561) 881-3319 – nditommaso@lakeparkflorida.gov, 535 Park Avenue, Lake Park, FL.

Reference: **Mixed-Use Initiative**

Date of local planning agency hearing for the proposed amendment: **July 11, 2016**

Date of public hearing after which the proposed amendment will be transmitted:
**August 3, 2016**

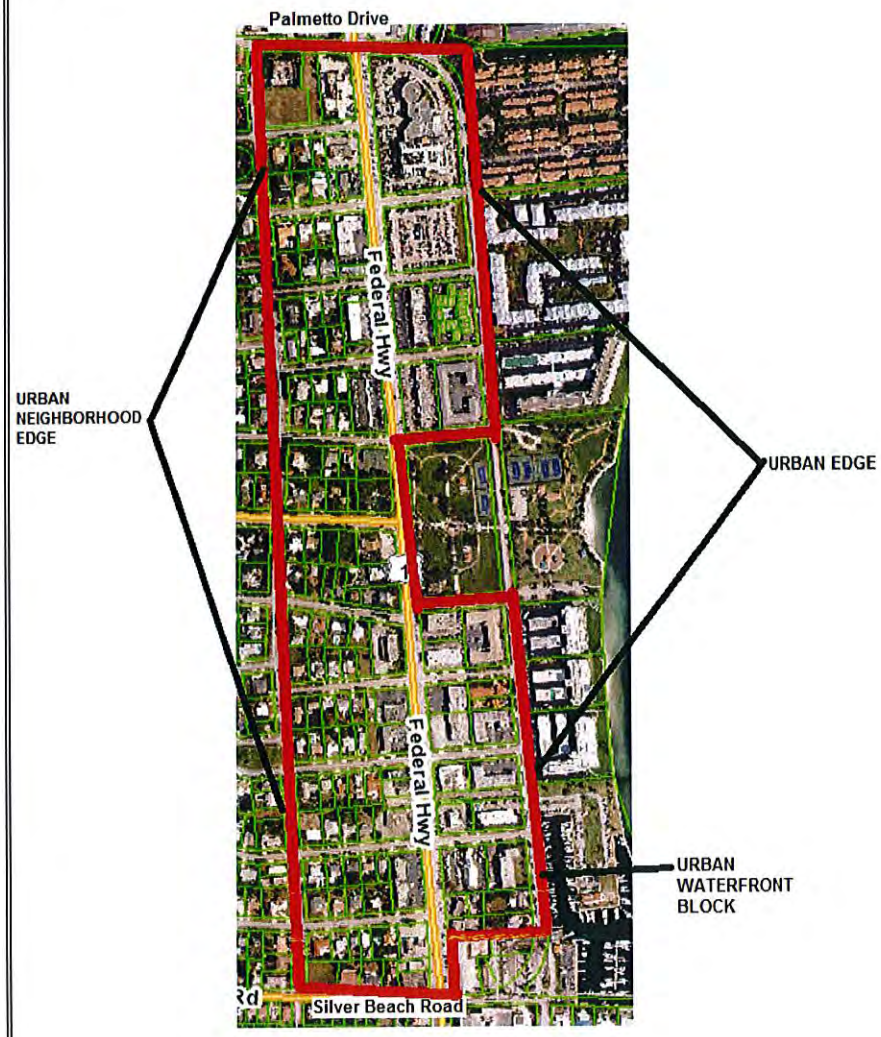
Nature of plan amendments as you have indicated is desired for review:

____ adjacent cities_____
____ Palm Beach County
____ amendments relating to traffic circulation or the roadway networks
____ amendments relating to affordable housing
Amendments related to the following elements:
_X__ **land use**
____ traffic circulation
____ mass transit
____ ports and aviation
____ housing
____ infrastructure_____sub-elements
____ coastal management
____ conservation
____ recreation and open space
____ intergovernmental coordination
____ capital improvements
____ other_____

*Instructions*: Should you have any objections to these proposed amendments, please respond at least 15 days prior to the transmittal hearing as scheduled (**August 3, 2016**).

Summary of proposed change (s) to adopted comprehensive plan: **The Town is requesting to update its Capacity Analsysis within the Commercial/Residential land use desgination so as to increase potential densities and intensities. Moficiations to the certain goals, objectives and policies related to the Commercial/Residential land use designation is also being sought.**

**Proposed Amendments – Affected Area**




Location of proposed amendments (include a location map): **See above.**

Size of Area Proposed for Change (acres): **62.60 acres**.

Present Future Land Use Plan Designation (include a density/intensity definition):

**Commercial and Residential**:

Lands and structures devoted to promoting a compatible mix of residential at up to 20 units per gross acre and commercial uses with a maximum F.A.R. of 2.4 along major thoroughfares. Public schools are a permitted use within this land use designation. Residential uses shall comprise no less that 20 percent, or no more than 80 percent, of the floor area of any vertical mixed use building, and no less than 20 percent and no more than 8-0 percent of the buildings on a development site or block face.

Proposed Amendments (include a density/intensity definition):

The intent is to keep the land use designation in tact – **Commercial and Residential**. However, the proposed desnity/intensity is summarized as the following and also includes some associated goals/objectives/policies.

Change the Mixed Use Overlay District development density and intensity standards as follows: FROM a maximum of 20 units per acre and a maximum FAR of 2.5; TO a maximum of 40 units per acre and a maximum FAR of 2.5 in the Urban Neighborhood Edge sub district, a maximum of 60 units per acre and a maximum FAR of 4.0 in the Urban Edge sub district, and a maximum of 80 units per acre and a maximum FAR of 6.0 in the Urban Waterfront sub district.

Present Zoning of Site:

Mixed. Commercial-1; R1A Residential; R1 Residential; and R-2 Residential.

Proposed Zoning of Site:

Creation of a Mixed-Use Zonign Overlay District.

Present Development of Site: None at this time.

Is proposed change a Development of Regional Impact? **No.**

**Comprehensive Plan Change Processing**

Date/Time/Location Scheduled for Local Planning Agency Public Hearing:
**July 11, 2016**

Scheduled Date for Transmittal to Department of Economic Opportunity (Division of Community Development): **August 4, 2016 (1st public hearing before Town Commission scheduled for August 3, 2016)**

Date/Time/Location Scheduled for Governing Body Public Hearing for Adoption:
**(tentative) November 2, 2016**

# TAB 7

## Town of Lake Park Town Commission

**Agenda Request Form**

**Meeting Date: September 21, 2016** **Agenda Item No.** Tab 7

**Agenda Title: SITE PLAN APPLICATION FOR THE SPECIAL EXCEPTION USE OF A SELF-STORAGE FACILITY THAT IS PROPOSED IN TWO PHASES AND WILL INCLUDE A TOTAL OF 201,600 SQUARE FEET, TO BE LOCATED WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT.**

[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON __ READING
**[ X ] RESOLUTION – PUBLIC HEARING/QUASI-JUDICIAL**
[ ] OTHER

**Approved by Town Manager** _____ **Date:** 9-14-16

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

| | | |
|---|---|---|
| **Originating Department:**<br><br>**Community Development** | Costs: **$ Legal/Consultant review and required advertisement and certified mail**<br><br>Funding Source: **Applicant ("Spacebox Lake Park, LLC")**<br><br>Acct. **# 4954**<br><br>[ ] Finance _____ | **Attachments:**<br><br>➔ **Staff Report**<br>➔ **Resolution 39-09-16**<br>➔ **Copy of Application and Associated Documents**<br>➔ **Copy of Legal Ad and Certified Letter**<br>➔ **Site Plan Package (with updated plans) – *available in the drop box and in paper format in the Community Development Department.*** |
| **Advertised:**<br>Date: **08-08-2016**<br>Paper: **Palm Beach Post**<br>[ ] 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__***ND – see notation in costs field***<br>or<br>Not applicable in this case ____<br><br>**Please initial one.** |

**Summary Explanation/Background:**

Please refer to the enclosed staff report.

**Recommended Motion: I MOVE TO APPROVE RESOLUTION 39-09-16 WITH THE CONDITIONS OF APPROVAL PROPOSED BY STAFF.**

**TOWN LAKE OF PARK**
**TOWN COMMISSION**
**MEETING DATE: September 21, 2016**
**STAFF REPORT**

**APPLICATION:** SITE PLAN APPLICATION FOR THE SPECIAL EXCEPTION USE OF A SELF-STORAGE FACILITY THAT IS PROPOSED IN TWO PHASES AND WILL INCLUDE A TOTAL OF 201,600 SQUARE FEET, TO BE LOCATED WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT

**SUMMARY OF APPLICANT'S REQUEST:** Spacebox Lake Park, LLC ("Applicant"), is proposing to develop a self-storage FACILITY in two phases that will provide 201,600 square feet (*100,800 square feet in each phase*) of self-storage within Tract G1 of the Congress Business Park Planned Unit Development (PUD) ("the Site"). The Site is currently owned by Congress Avenue Properties ("Owner") that the Applicant has a contract to purchase the Site.

The Site has a "Commercial/Light Industrial" future land use designation and is within the Congress Business Park PUD Zoning District. The Site has an underlying Commercial-2 Business District (C-2) zoning designation. The C-2 designation allows "storage warehouses" as special exception uses.

**Staff Recommendation**: APPROVAL with conditions. Refer to pages 10-12 of this staff report for conditions. The Applicant has provided staff with a Market Feasibility Study for the proposed self-storage use, which the Applicant will present at the TC Meeting on September 21.

**Planning & Zoning Board**: The Planning and Zoning Board held a meeting on August 22, 2016 to consider this application. The Board approved the application (4-0) and requested three modifications to the plans, which include:

(1) Add some additional El Dorado stone work (or other complementary colors/textures) within the upper stories of the facades to further break up to the empty spaces, while not overwhelming the facades. → **The Applicant has indicated that "The Architect did a texture change to the large panels on the second floor and confirms that those panels will be smooth (sandblast finish) versus the rest of the stucco areas as (sand pebble finish). No added stone was added as it will get too heavy for such a large building".**

(2) Add additional Cypress trees and wet tolerant Florida native plants around the sodded retention area.
→ **Additional Bald Cypress trees and native grasses were added – see landscape plans.**

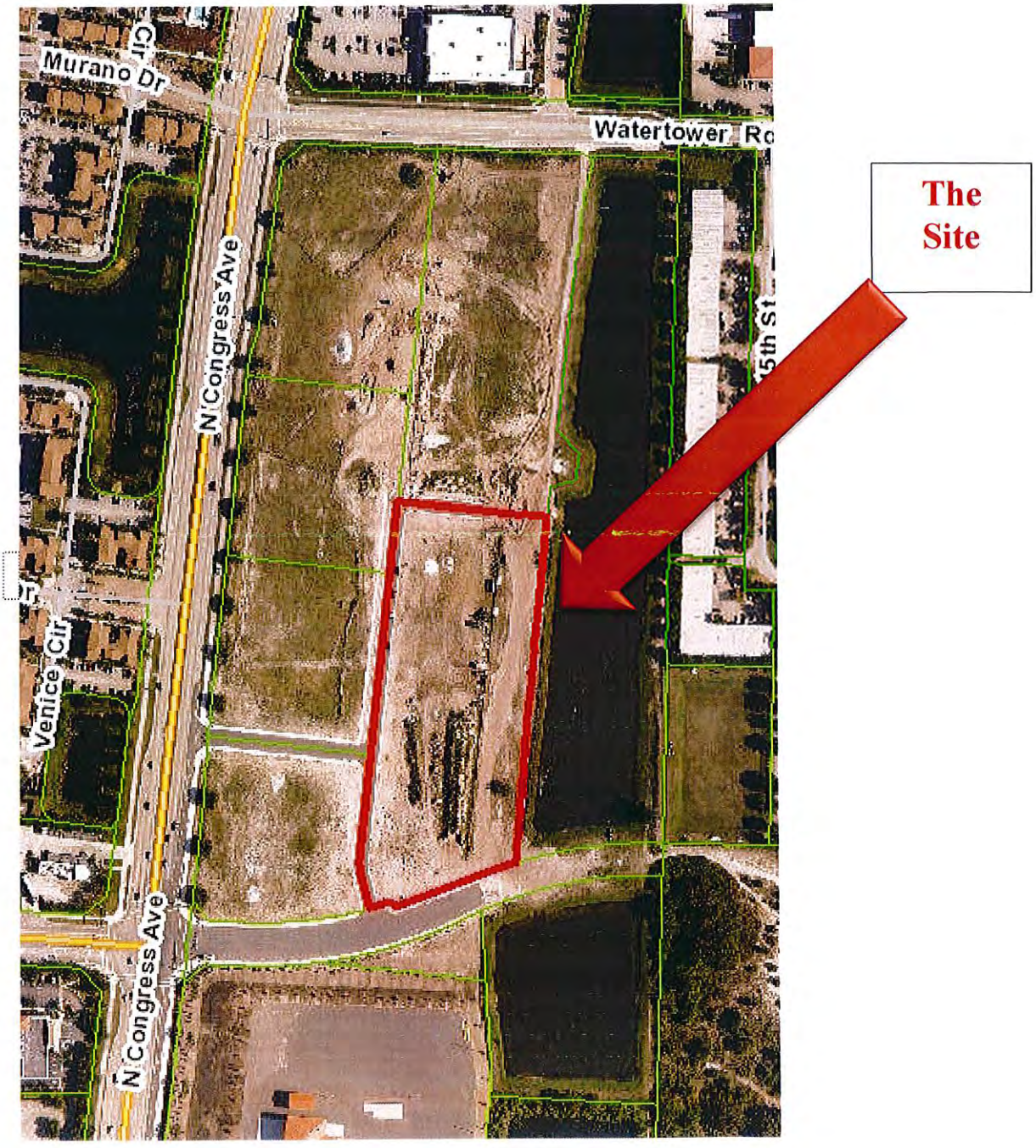
(3) Ensure the overhang along the front building façade will be wide enough to cover the perimeter walkway.
→ **The Applicant has indicated that "The Architect increased the width of the canopy an additional 18" as they were meant to satisfy the facade requirements and they are not designed as a pedestrian covering. The final configuration provides for almost 5' of overhang which will allow pedestrians partial coverage".**

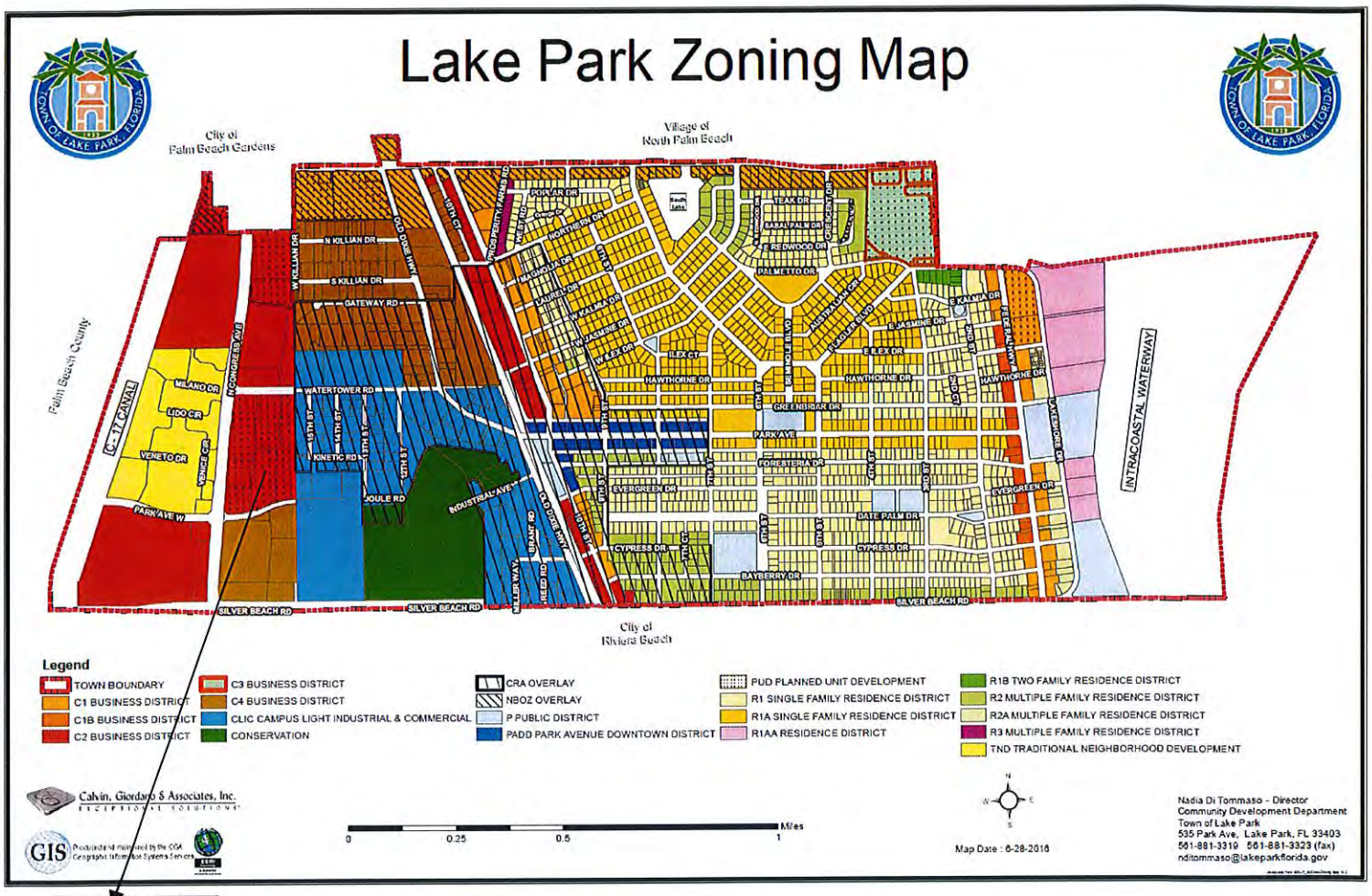
(4) Add additional plantings around the outdoor storage area by possibly incorporating additional palms (or other plantings) in the void spaces. → **The Applicant has provided additional landscaping in the form of increased shrubs around the outdoor storage area and infill palm clusters - see landscape plans.**

**BACKGROUND:**

| | |
|---|---|
| Applicant(s): | Spacebox Lake Park, LLC |
| Owner(s): | Congress Avenue Properties, LLC |
| Address/Location: | North Congress Avenue |
| Net Acreage: | 4.665 acres |
| Legal Description: | see survey |
| Existing Zoning: | Planned Unit Development (PUD)/Commercial 2 (C-2)<br>Commercial 2 (C-2) Business District |
| Future Land Use: | Commercial/Light Industrial |

**Figure 1: Aerial View of Site (image not to scale; for visual purposes only)**





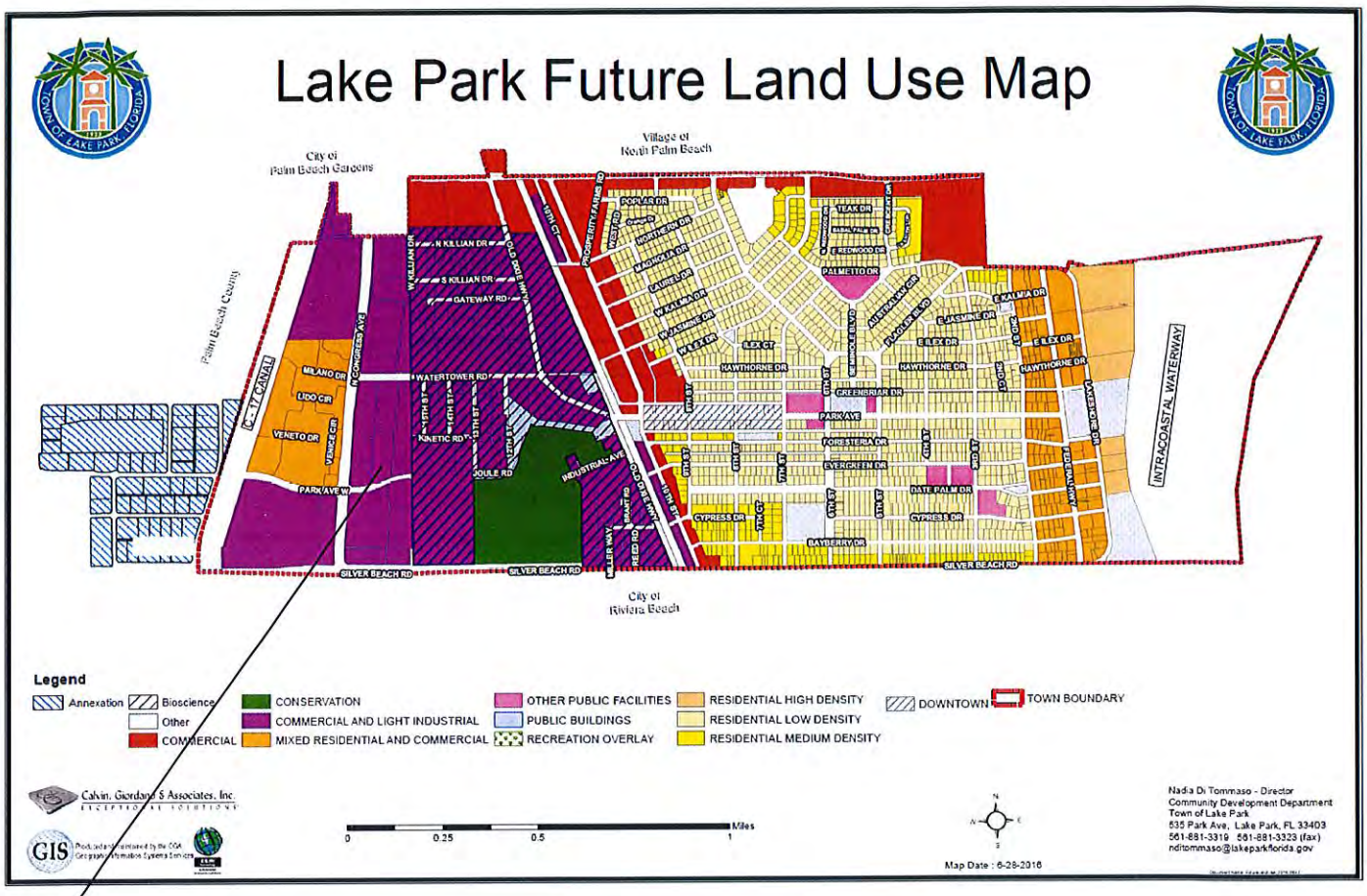

**Subject Site**

**Adjacent Zoning**

| | |
|---|---|
| North: | Planned Unit Development (PUD) / Commercial 2 (C-2) |
| South: | Commercial 4 (C-4) |
| East: | Planned Unit Development (PUD) / Commercial 2 (C-2) |
| West: | Planned Unit Development (PUD) / Commercial 2 (C-2) |

# LAKE PARK FUTURE LAND USE MAP

**Adjacent Existing Land Use**




**Subject Site**

| | |
|---|---|
| North: | Commercial/Light Industrial |
| South: | Commercial/Light Industrial |
| East: | Commercial/Light Industrial |
| West: | Commercial/Light Industrial |

# PART I: APPLICATION FOR A SPECIAL EXCEPTION USE

## ANALYSIS OF SPECIAL EXCEPTION CRITERIA

Town Code **Section 78-184** sets forth the criteria, all of which must be met to entitle an applicant to a Special Exception use. **Note: Staff's analysis of the criterion are in bold.**

1. Is the proposed Special Exception Use consistent with the goals, objectives, and policies of the Town's Comprehensive Plan?

   **Staff has determined that the proposed use would specifically further the following Objective and Policy of the Future Land Use Element of the Comprehensive Plan:**

   *Objective 1, Policy 1.5:*

   > ***The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development, and adopted Levels of Service standards.***

   *Objective 5:*

   > ***As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.***

   **New development on what is now an undeveloped parcel will increase the Town's tax base. The Site is not environmentally sensitive or historically significant and therefore, the development of the Site would not cause negative impacts to the surrounding area, or existing neighborhoods. There is a multi-family residential development west of the PUD; however, this neighborhood is separated by North Congress Avenue. The Applicant has also provided a Market Feasibility Study and Ad Valorem Analysis to justify the proposal. Staff finds that the proposed special exception use of a self-storage facility in this area of the Town is consistent with Policy 1.5.**

   **Other properties along Congress Avenue have been developing and the Site is one of the few remaining areas for new development in the Town. Therefore, staff finds that the development of a self-storage facility would be consistent with Objective 5, particularly since the Applicant has justified this request through their Market Analysis which identifies the need in the area.**

   **CRITERIA MET.**

2. Is the proposed Special Exception Use consistent with the Town's land development and zoning regulations and all other portions of this Code?

   **The Site Plan which has been submitted meets the Land Development Regulations and all other portions of the Town Code.**

   **CRITERIA MET**

3. Is the proposed Special Exception Use compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property?

   **North Congress Avenue corridor has developed with a variety of intensive commercial uses including gas stations, department stores, retail, fast food restaurants, and financial institutions. The scale and intensity of the proposed self-storage facility is compatible with the character of the surrounding properties. The County Engineering Department has verified that the Site meets the County's traffic concurrency standards.**

   **The Applicant's proposed development meets the Town's Land Development Regulations regarding building setbacks. The self-storage facility is generally compatible with the mass, and height of the character of the surrounding area. Furthermore, the character of the proposed self-storage facility has design features that are incorporated into the ALDI store and RaceTrac gas station that recently received site plan approval, as well as the Bank of America and Sonic restaurant built a few years ago along the Congress Avenue corridor. The proposed self-storage facility, as reviewed by Staff and its Consnltants, meets the Town's Architectural Guidelines.**

   **While the self-storage facility is to be open to customers at all hours via secured entrances, this type of establishment is not expected to cause any type of nuisance primarily because patrons of these establishments come and go within a short timeframe and the fact that the actual storage units that will he internalized inside the two buildings. However, it is noted that the Phase I implementatiou plan will provide outdoor storage of boats, cars, RV's and the like on the site until construction of the Phase II building hegins. This outdoor storage area is to be heavily landscaped and screened from public view per plan sheets LP1 – 4 so as to minimize any visual nuisance. Staff recommends a condition that the Phase 1 outdoor storage area be utilized only for the parking of vehicles and no vehicle may be repaired, have parts installed, or other work such as testing/running of engines so as to further protect the commercial corridor and nearby residential development on Congress Avenue from any noise-based nuisances.**

   **CRITERIA MET**

4. Will the proposed Special Exception Use on the Site create a concentration or proliferation of the same or similar type of use, which may be detrimental to the development or redevelopment of the area?

**While the Town has several office/warehouse buildings in its industrial area, built many years ago without any architectural interest, there are no self-storage facilities located in the Town of Lake Park and the nearest such facilities include Public Storage located at 3601 Blue Heron Blvd (approx. 1.4 miles from the site); Public Storage at 401 Northlake Blvd (approx. 2.5 miles from the site); and, a storage facility currently being constructed at 545 Northlake Blvd. (approx. 2.4 miles from the site). Approval of this special exception use will not create a concentration or proliferation of the same or similar type of use.**

**CRITERIA MET**

5. Will the proposed Special Exception Use have a detrimental impact on surrounding properties based on:

a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;

**The proposed use is not expected to have a detrimental impact on the surrounding properties based on the number of persons using, residing or working on the property. The proposed use has anticipated patronage that is estimated to occur primarily outside of peak AM/PM traffic hours and on the weekends. The Site Plan meets the Town's Land Development Regulations which have been enacted in order to mitigate adverse impacts on surrounding properties.**

**CRITERIA MET**

b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use.

**Due to the nature of the use, it has the potential to create noise via the loading or unloading activities at loading zones, but not odor or visual nuisances. Loading zones are located on the north, south and western elevations (1 each) of the Phase I building and two on the western elevation and 1 on the southern elevation of the Phase II building. However, noise that may be generated is not expected to exceed what already exists in the area, such as loading dock activity of Aldi, RaceTrac, Sonic or Walmart.**

**CRITERIA MET**

c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

**The Palm Beach County Traffic Division has submitted a Traffic Concurrency Letter to the Town that verifies the projected traffic upon the affected roadways is within**

**acceptable level of service and therefore consistent with the County's Traffic Performance Standards.**

**CRITERIA MET**

6. Does the proposed Special Exception Use:

a. Significantly reduce light and air to adjacent properties?

**The proposed development will not reduce light and air to adjacent properties. Lighting at the site is comparable to the Aldi store to the west.**

**CRITERIA MET**

b. Adversely affect property values in adjacent areas.

**Developing on a vacant parcel raises the property value of the subject Site and therefore, will not adversely affect property values in the adjaceut areas.**

**CRITERIA MET**

c. Deter the improvement, development or redevelopment of surrounding properties in accord with existing regulations.

**The proposed Special Exception Use is not a deterrent to the improvement, development or redevelopment of surrounding properties.**

**CRITERIA MET**

d. Negatively impact adjacent natural systems or public facilities, including parks and open spaces.

**The proposed Site is not within or in close proximity to any naturally sensitive areas or parks. While the Palm Beach County conservation area is nearby, it is not adjacent to the Site and is actually separated by other parcels measuring more than 1,200 feet in width. The PUD has satisfied concurrency standards for the adjacent public facilities which verifies that the proposed use will not be a negative impact.**

**CRITERIA MET**

e. Provide pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

**The Site Plan includes a continuous pedestrian network, trash receptacles, aud an outdoor seating area. Bike racks have also been incorporated into the Site Plan. A pedestrian pathway around the perimeter of the Site provides connectivity to and from developments to the west of the site that front North Congress Avenue.**

**CRITERIA MET**

# PART II: APPLICATION FOR A SITE PLAN

The Site Plan has been reviewed by the Town's consulting Engineers; consulting Design Architect and Landscape Architect, as well as the Community Development Department and the Palm Beach County Sheriff's Office for Crime Prevention through Environmental Design (CPTED) review. Seacoast's final review is also forthcoming. Based upon this review, Staff finds that the Site Plan meets the Land Development Regulations of the Town Code, and is consistent with the Signage and Architectural Guidelines, and the Landscaping Plan established pursuant to the Congress Avenue Park PUD for the basis of site plan approval with certain conditions.

## SITE PLAN PROJECT DETAILS:

**Building Site**: The Site is within Tract G1 of the Congress Business Park PUD.

**Site Access**: Phase I will have three entrances, one at the south along Park Avenue West; one at the west along the PUD internal road network which connects to Congress Avenue; and one through the internal road network which connects the PUD to Water Tower Road. When Phase II is developed it will provide one additional access point on the north side which will directly connect the property to the PUD internal roadway network.

**Traffic**: The Applicant has received a letter from Palm Beach County's Traffic Division that confirms there is adequate capacity on the roadways to serve the Site.

**Landscaping**: The Site Plan meets the Town's Landscaping Code regulations per the Town's consulting landscape architect review and is consistent with the Congress Avenue PUD's Landscaping Master Plan.

**Drainage**: The Town's Engineer has reviewed the Applicant's Paving and Drainage Plan and has determined that it meets the engineering requirements for drainage.

**Parking**: The Code requires 1 space for each employee on the shift of greatest employment and two customer parking spaces located adjacent to the facility's leasing office plus one space for every 200 storage bays. The Applicant is proposing 13 spaces, inclusive of 2 ADA spaces, for Phase I, which exceeds the minimum number of parking spaces required by the Code. Phase II will add an additional 26 spaces for a grand total of 39 spaces inclusive of 2 ADA spaces, which also exceeds the minimum number of overall required spaces.

**Signage:** The Applicant's proposed Master Signage Plan is consistent with the Town's Sign Code and the previously approved PUD Master Signage Plan. The Applicant is proposing 1 wall sign and 1 canopy sign on west elevation of the Phase I and Phase II buildings and one wall sign on the north elevation of the Phase II building. All of the proposed signs are consistent with the PUD signage regulations and Code and will be subject to the Town's signage permitting requirements.

**Photometric (Lighting)**: Meets the minimum requirements in the Town code.

**Zoning:** Storage warehouses are special exception use in the C-2 zoning district. The proposed building height with rooftop features is just over 40 feet, which meets the intent of the PUD code that calls for a maximum building height of 50 feet. The interior division of the proposed floors is 5 feet, however this is not contrary to the Code since the overall exterior height of 50 feet is not being exceeded. The interior 5 stories is however being identified as a feature that has been granted administrative approval through the staff review process and will be part of this project if approved.

**Water/Sewer:** Forthcoming and conditioned.

**Design:** The proposed Elevations for the self-storage facility meets the Town's Architectural Guidelines as well as the architectural guidelines established by the PUD. The Applicant has incorporated design features for the building which are consistent with the intent of the Code and the previously approved PUD.

**Fire**: PBC Fire will be reviewing the plans in greater detail as part of the building permit review process.

**PBSO**: The Crime Prevention through Environmental Design (CPTED) review was performed by the Palm Beach Sheriff's Office (PBSO) and the applicant has addressed their questions satisfactorily regarding lighting and site access.

## PART III: STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the Site Plan for the special exception use of a 201,600 square foot self-storage facility in the Congress Business Park PUD to be built in TWO Phases, **subject to the following conditions**:

1.
    a. Phase I: Site Plan, Architectural Plan, Landscape Plan, Irrigation Plans, Civil Plans, Photometric Plan, Electrical Plan, Master Sign Plan and Autoturn Analysis referenced as Sheets SP1, A101, A102, A103, A201, A202, A203, LP1, LP2, LP4, IR1, IR2, IR3, IR4, C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, PHM1, PHM2, E0, E1, MSP1, and ATA1 received and dated by the Department of Community Development on 8/31/16.
    b. Phase II: Site Plan, Architectural Plan, Landscape Plan, Preliminary Civil Engineering Plan, Site Photometric Plan, Electrical Plan, and Autoturn Analysis referenced as Sheets SP1, A101.2, A102.2, A103.2, A201.0, A202.2, A203.2, LP3, IR1, IR2, IR3, CP, ATA2 received and dated by the Department of Community Development on 8/31/16.
    c. Survey signed and sealed 10-22-15 and prepared by Lidberg Land Surveying, Inc. received and dated by the Department of Community Development on 8/31/16.

2. The Owner, the Applicant and their successors and assigns shall be subject to the conditions set forth herein.
3. Construction on the Site is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless otherwise approved in writing by the Community Development Director. Any proposed disruption to the normal flow of traffic within the rights of way of North Congress Avenue, Water Tower Road, or the Park Avenue West as part of the construction of the Site, shall be submitted to the Community Development Director and Public Works Director, and shall be subject to their review and approval.
4. Should the Community Development Director (the Director) determine that the construction is disrupting the surrounding entrance/exit streets and parking areas along North Congress Avenue, the Park Avenue West Extension, or Water Tower Road such that the operation of nearby businesses is adversely impacted, the Director may issue a stop work order requiring the immediate cessation of construction activities until such time as the Director determines that there is a resolution of the adverse impacts on nearby businesses.
5. The Applicant shall install and from the date of the issuance of a certificate of occupancy shall continuously maintain the landscaping shown on the Site Plan and the Landscaping Plan. In addition, upon notification by the Director, the Applicant shall replace any and all dead or dying landscape material so that it is consistent with the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
6. The hedge material for the Site shall be maintained at five feet unless otherwise noted on the approved plans which have been incorporated herein as a condition.
7. The Applicant shall ensure that pedestrians have safe and adequate passage along each of the Site's entrances.
8. During the construction of the Site, the Applicant shall ensure that any and all contractors use commonly accepted best practices to reduce airborne dust and particulates.
9. The dumpster area shall be kept closed at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park.
10. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Site are in accordance with the approved Site and Landscaping Plans.
11. The Applicant hereby acknowledges that the development of the Site is subject to the recorded Unity of Control for the PUD, and agrees to comply with the terms thereof.
12. Prior to the issuance of any building permits, the Applicant shall submit copies of any other permits required by other agencies, including but not limited to the Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection.
13. Any revisions to the approved Site Plan, Landscape Plan, Architectural Elevations, Signs, Statement of Use, Photometric Plan, colors, materials, or the location of proposed improvements or structures, shall be submitted to the Community Development Department and shall be subject to its review and approval.
14. Cost Recovery. All professional consulting fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. The failure of the Applicant to reimburse the Town within the 10 days from the town's mailing

of its invoice will result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.

15. The Applicant is required to submit a Cash Surety in the amount equal to the 110% of the perimeter infrastructure and landscaping improvements of Phase II. The Cash Surety is required prior to the issuance of a building permit for Phase I.
16. The Phase I outdoor storage area shall only be used to park vehicles. The repair, installation of parts, testing of engines or any other mechanical work on vehicles is prohibited.
17. All expired landscaping currently surrounding the Site shall be replaced with trees, vegetation or other plantings which are in accordance with the specifications approved as part of the master plan for the PUD. Additionally, if any existing landscape material is damaged as part of the Applicant's development of the Phase II of the project, the Applicant shall immediately replace it in accordance with the approved specifications.
18. The Applicant shall submit any easements, abandonments, or releases to the Director for review and approval by the Town Attorney. Any documents which have been approved by the Town Attorney and which require recordation shall be the responsibility of the Applicant and shall be recorded prior to the issuance of the building permit for the construction of Phase I.
19. **The Applicant shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this resolution. Should the Director determine that the Applicant has not initiated and continued bona fide development, the approvals granted by this Resolution shall become null and void. Once bona fide development has been initiated, the development of the Site shall be completed within 18 months.**

# RESOLUTION NO. 39-09-16

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN AND SPECIAL EXCEPTION USE AUTHORIZING THE DEVELOPMENT OF A 201,600 SQUARE FOOT SELF-STORAGE FACILITY (SPACEBOX) WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SPECIAL EXCEPTION USE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, SpaceBox Lake Park, LLC, ("Applicant") is proposing to develop a 201,600 square foot "SpaceBox" self-storage facility on Tract G1 of the Congress Business Park Planned Unit Development (the Site); and

**WHEREAS**, the Site is currently owned by Congress Avenue Properties ("Owner") and the Applicant has contracted with the Owner to purchase the Site; and

**WHEREAS,** the Applicant has submitted applications for a Site Plan and the Special Exception Use of "Self-Storage Facility" (the Application); and

**WHEREAS**, the Site has a future land use designation of "Commercial/Light Industrial"; and the development of the Special Exception Use of "Self-Storage Facility" would be consistent with this future land use designation; and

**WHEREAS,** the Site is within the previously approved Congress Business Park Planned Unit Development (PUD); and

**WHEREAS**, the zoning assigned to the Site is PUD with an underlying zoning designation of Commercial-2 Business District (C-2);

**WHEREAS,** the uses permitted in the PUD include only those uses permitted in the C-2 Zoning District, unless the Commission approves other uses not in the C-2 Zoning District by special exception; and

**WHEREAS**, the Community Development Department has determined that the use of a "Self-Storage Facility" would be consistent with the uses permitted in the C-2 Zoning District; and

**WHEREAS,** the Town's Planning and Zoning Board has reviewed the Application and has recommended that the Town Commission approve the Application subject to conditions; and

**WHEREAS,** the Town Commission has conducted a quasi-judicial hearing to consider the Application; and

**WHEREAS,** at the hearing, the Town Council considered the evidence presented by the Town Staff, the Applicant, and other interested parties and members of the public, regarding the Application's consistency with the Town's Comprehensive Plan and whether it meets the Town's Land Development Regulations.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:**

**Section 1**: The whereas clauses are incorporated herein as the findings of fact and conclusions of law of the Town Commission.

1. **Section 2**. The Town Commission hereby approves a Site Plan and the special exception use of "Self-Storage Facility" subject to the following conditions: The Applicant shall develop the Site consistent with the following Plans:
    a. Phase I: Site Plan, Architectural Plan, Landscape Plan, Irrigation Plans, Civil Plans, Photometric Plan, Electrical Plan, Master Sign Plan and Autoturn Analysis referenced as Sheets SP1, A101, A102, A103, A201, A202, A203, LP1, LP2, LP4, IR1, IR2, IR3, IR4, C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, PHM1, PHM2, E0, E1, MSP1, and ATA1 received and dated by the Department of Community Development on 8/31/16.
    b. Phase II: Site Plan, Architectural Plan, Landscape Plan, Preliminary Civil Engineering Plan, Site Photometric Plan, Electrical Plan, and Autoturn Analysis referenced as Sheets SP1, A101.2, A102.2, A103.2, A201.0, A202.2, A203.2, LP3, IR1, IR2, IR3, CP, ATA2 received and dated by the Department of Community Development on 8/31/16.
    c. Survey signed and sealed 10-22-15 and prepared by Lidberg Land Surveying, Inc. received and dated by the Department of Community Development on 8/31/16.
2. The Owner, the Applicant and their successors and assigns shall be subject to the conditions set forth herein.
3. Construction on the Site is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless otherwise approved in writing by the Community Development Director. Any proposed disruption to the normal flow of traffic within the rights of way of North Congress Avenue, Water Tower Road, or the Park Avenue West as part of the construction of the Site, shall be submitted to the Community Development Director and Public Works Director, and shall be subject to their review and approval.
4. Should the Community Development Director (the Director) determine that the construction is disrupting the surrounding entrance/exit streets and parking areas along North Congress Avenue, the Park Avenue West Extension, or Water Tower Road such that the operation of nearby businesses is adversely impacted, the Director may issue a stop work order requiring the immediate cessation of construction activities until such time as the Director determines that there is a resolution of the adverse impacts on nearby businesses.
5. The Applicant shall install and from the date of the issuance of a certificate of occupancy shall continuously maintain the landscaping shown on the Site Plan and the Landscaping Plan. In addition, upon notification by the Director, the Applicant shall replace any and all dead or dying landscape material so that it is consistent with the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
6. The hedge material for the Site shall be maintained at five feet unless otherwise noted on the approved plans which have been incorporated herein as a condition.
7. The Applicant shall ensure that pedestrians have safe and adequate passage along each of the Site's entrances.
8. During the construction of the Site, the Applicant shall ensure that any and all contractors use commonly accepted best practices to reduce airborne dust and particulates.
9. The dumpster area shall be kept closed at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park.

10. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Site are in accordance with the approved Site and Landscaping Plans.
11. The Applicant hereby acknowledges that the development of the Site is subject to the recorded Unity of Control for the PUD, and agrees to comply with the terms thereof.
12. Prior to the issuance of any building permits, the Applicant shall submit copies of any other permits required by other agencies, including but not limited to the Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection.
13. Any revisions to the approved Site Plan, Landscape Plan, Architectural Elevations, Signs, Statement of Use, Photometric Plan, colors, materials, or the location of proposed improvements or structures, shall be submitted to the Community Development Department and shall be subject to its review and approval.
14. Cost Recovery. All professional consulting fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. The failure of the Applicant to reimburse the Town within the 10 days from the town's mailing of its invoice will result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.
15. The Applicant is required to submit a Cash Surety in the amount equal to the 110% of the perimeter infrastructure and landscaping improvements of Phase II. The Cash Surety is required prior to the issuance of a building permit for Phase I.
16. The Phase I outdoor storage area shall only be used to park vehicles. The repair, installation of parts, testing of engines or any other mechanical work on vehicles is prohibited.
17. All expired landscaping currently surrounding the Site shall be replaced with trees, vegetation or other plantings which are in accordance with the specifications approved as part of the master plan for the PUD. Additionally, if any existing landscape material is damaged as part of the Applicant's development of the Phase II of the project, the Applicant shall immediately replace it in accordance with the approved specifications.
18. The Applicant shall submit any easements, abandonments, or releases to the Director for review and approval by the Town Attorney. Any documents which have been approved by the Town Attorney and which require recordation shall be the responsibility of the Applicant and shall be recorded prior to the issuance of the building permit for the construction of Phase I.
19. **The Applicant shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this resolution. Should the Director determine that the Applicant has not initiated and continued bona fide development, the approvals granted by this Resolution shall become null and void. Once bona fide development has been initiated, the development of the Site shall be completed within 18 months.**

**Section 3:** The Applicant and its successors and assigns shall be subject to the conditions of approval.
**Section 4.** This Resolution shall become effective upon adoption.

**TOWN OF LAKE PARK**
**COMMUNITY DEVELOPMENT DEPARTMENT**

# APPLICATION FOR SITE PLAN REVIEW OR AMENDMENT

*****For Planned Unit Development (PUD) applications, please refer to Section 78-77 of the Town Code of Ordinances for additional requirements*****

**Project Name:** Spacebox Self Storage

**Project Address:** The Congress Business Park, a P.U.D.

**Property Owner:** Congress Avenue Properties, Ltd.

## APPLICANT INFORMATION:

Applicant Name: Spacebox Lake Park, LLC

Applicant Address: 112 Sheffiled Loop, Suite D, Hattiesburg, MS 39402

Phone: 850.855.0935 Fax: _____ E-Mail: paigeyork@gmail.com

## SITE INFORMATION:

General Location: North side of Park Avenue, approx. 350 feet east of Congress Avenue

Address: TBD - Vacant Site

Zoning District: C-2 Future Land Use: Comm_Lt_Industrial Acreage: 20.013 Acres

Property Control Number (PCN): 36-43-42-19-26-007-0000; -001-0020; -008-0000; -001-0010

## ADJACENT PROPERTY:

| DIRECTION | ZONING | BUSINESS NAME | USE |
|---|---|---|---|
| North | C-2 | Petsmart | Retail Center |
| East | CLIC | N/A | Office/Warehouse Use |
| South | C-4 | US Army Reserve Facility | Government Facility |
| West | TND | San Marco Villas | Residential Community |

## JUSTIFICATION:

Information concerning all requests (attach additional sheets if needed)

1. Please explain the nature of the request:

The Applicant is seeking Site Plan approval for the development of a 2 phase self storage facility. Phase 1 includes 100,800 SF of enclosed Self Storage Use within an air-conditioned building and 67,142 SF of outdoor storage for RVs and Boats. Phase 2 will eliminate the outdoor storage area and replace it with a second 100,800 SF enclosed Self Storage building for a total of 201,600 SF of Self Storage Use.

2. What will be the impact of the proposed change to the surrounding area?

The request to has negligible impacts on the surrounding Commercial/Institutional/Industrial uses that surround the subject 4.665 acre site. The use is being proposed on an interior lot of the Congress Business Park PUD (behind the existing Aldi and Race Trac properties). The use generates less traffic and off-time traffic to traditional commercial or industrial uses.

3. How does the proposed Project comply with the Town of Lake Park's zoning requirements?

The proposed amendment is in full compliance with the previous PUD approval which allowed for increased building heights of 50 feet within the PUD, by way of Resolution 16-06-2014. .

## LEGAL DESCRIPTION:

The subject property is located approximately 0 feet mile(s) from the intersection of Congress Avenue, on the ____ north, ____ east, xx south, ____ west side of the ____ (street/road).

*Legal Description:*

SEE LEGAL DESCRIPTION ATTACHED HEREIN

I hereby certify that I am the owner(s) of record of the above described property or that I/we have written permission from the owner(s) of record to request this action.

OWNER/APPLICANT Signature Date

REVISED: 10/29/2013, previous versions obsolete

# CONSENT FORM

## FROM PROPERTY OWNER AND DESIGNATION OF AUTHORIZED AGENT:

Before me, the undersigned authority, personally appeared _____, who, being by me first duly sworn, on Oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description;
2. That he/she is requesting Site Plan / Special Exception / PUD Amend. in the Town of Lake Park, Florida;
3. That he/she is appointed Brian Cheguis - iPlan & Design, LLC to act as authorized on his/her behalf to accomplish the above Project.

Property Owner Name: Congress Avenue Properties, Ltd

Property Owner Signature

By: Phillip Brandt, Auth Rep
Name/Title

4500 PGA BLVD., SUITE 207
Street Address

Palm Beach Gardens, FL 33418
City, State, Zip Code

561.691-9050
Telephone Number

561-622-1857
Fax Number

philbrandt@divostainvestments.com
E-Mail Address

**Sworn and Subscribed before me on this** 20th **day of** April, **20** 16,

**NOTARY PUBLIC** REGINA L. HINKSON

REGINA L. HINKSON
MY COMMISSION # FF102973
EXPIRES: March 17, 2018

**MY COMMISSION EXPIRES:** 3-17-18

REVISED: 10/29/2013, previous versions obsolete

**PLEASE DO NOT DETACH FROM APPLICATION.**

**SIGNATURE REQUIRED BELOW.**

Please be advised that Section 51-6 of the *Town of Lake Park Code of Ordinances* provides for the Town to be reimbursed, in addition to any application or administrative fees, for any supplementary fees and costs the Town incurs in processing development review requests.

These costs may include, but are not limited to, advertising and public notice costs, legal fees, consultant fees, additional Staff time, cost of reports and studies, NPDES stormwater review and inspection costs, and any additional costs associated with the building permit and the development review process.

For further information and questions, please contact the Community Development Department at 561-881-3318.

I, Phillip Brandt, have read and understand the regulations above regarding cost recovery.

Property Owner Signature

4/20/16
Date

REVISED: 10/29/2013, previous versions obsolete

COMMUNITY
APR 21 2016
DEVELOPMENT

**TOWN OF LAKE PARK**
**COMMUNITY DEVELOPMENT DEPARTMENT**

# APPLICATION FOR SPECIAL EXCEPTION REVIEW

Applicant/Agent: Brian Cheguis - iPlan & Design, LLC

Address: 5090 PGA Blvd., Suite 212, Palm Beach Gardens, FL 33418

Telephone: 561.797.4217 Fax: _____

E-mail : bcheguis@gmail.com

☐ Owner

☑ Agent (Attach Agent Authorization Form)

Owner's Name (if not Applicant): Congress Avenue Properties, Ltd.

Address: 4500 PGA Blvd., Suite 207, Palm Beach Gardens, FL 33418

Telephone: 561.691-9050 Fax: _____

E-Mail : philbrandt@divostainvestments.com

Property Location: Tract G1 of the Congress Business Park, a P.U.D.

Legal Description: SEE ATTACHED DOCUMENT

Property Control Number: 36-43-42-19-26-007-0000

Future Land Use: Comm_Lt_Industrial Zoning: Business District C-2

Acreage: 4.665 acres Square Footage of Use: 203,226 sf

Proposed Use: Self Storage Facility ("Storage Warehouse")



Owner

**Zoning/Existing Use of Adjacent Properties:**

| | | | |
|---|---|---|---|
| North: | C-2 Vacant | South: | C-2 US Army Reserve Outpost |
| East: | C-2 Water Detention Pond | West: | C-2 Race Trac / Aldi Grocery Store |

**APPLICATION REQUIREMENTS:**

1. Please discuss how the Special Exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

   The Special Exception use (Self Storage Facility - "Warehouse Storage") is consistent with the following goals, objectives and policies of the Town's Comprehensive Plan:

   See attached Consistency Statement as prepared by iPlan & Design, LLC

2. Please discuss how the proposed Special Exception is consistent with the land development and zoning regulations and all other portions of the Town of Lake Park Code of Ordinances.

   The Special Exception use (Self Storage Facility - "Warehouse Storage") is consisten with the land development and zoning regulations of the Town of Lake Park:

   See attached Consistency Statement as prepared by iPlan & Design, LLC

3. Please explain how the proposed Special Exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location; mass; height and setback; and other relevant factors peculiar to the proposed Special Exception use and the surrounding property.

   The Special Exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location; mass; height and setback; and other relevant factors peculiar to the proposed Special Exception use and the surrounding property.

   See attached Compatibility Statement as prepared by iPaln & Design, LLC

4. Please explain how the establishment of the proposed Special Exception use in the identified location does not create a concentration or proliferation of the same or similar type of Special Exception use, which may be deemed detrimental to the development or redevelopment of the area in which the Special Exception use is proposed to be developed.

The introduction of this Special Exception use in this location will not proliferate the same or similar uses creating a detrimental condition for the development or redevelopment of the area.

See attached Concentration/Proliferation Analysis as prepared by iPlan & Design, LLC

5. Please explain how the Special Exception use does not have a detrimental impact on surrounding properties based on; (a) The number of persons anticipated to be using, residing, or working on the property as a result of the Special Exception use; (b) The degree of noise, odor, visual, or other potential nuisance factors generated by the Special Exception use; (c) The effect on the amount and flow of traffic within the vicinity of the proposed Special Exception use.

The introduction of this Special Exception use in this location will not have a detrimental impact on surrounding properties with respect to a. number of persons; b. degress of noise odor, visual, or other potential nuisance factors generated by the Special Exception use; c. effect on the amount and flow of traffic within the vicinity of the proposed SE use.

See attached Impact Analysis as prepared by iPlan & Design, LLC

6. Please explain how the proposed Special Exception use meets the following requirements; (a) does not significantly reduce light and air to adjacent properties; (b) does not adversely affect property values in adjacent areas; (c) would not be deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations; (d) does not negatively impact adjacent natural systems or public facilities, including parks and open spaces; and (e) provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

The introduction of this Special Exception use in this location will meet the following requirements: a. does NOT significantly reduce light and air to adjacent properties; b. does NOT adversely affect property values in adjacent areas; c. would not be a detriment to the improvement/development/redevelopment of surronding properties; d. does NOT negatively impact adjacent natural systems or public facilities (parks & open spaces); and, e. provides pedestrian amenities, including, but not limited to benches, trash receptacles, and/or bicycle parking.

See attached Requirements Analysis as prepared by iPlan & Design, LLC

**Please provide the following:**

| | | |
|---|---|---|
| 1. | Fees: | 1. Special Exception Fees:<br><br>0 - 149,995 sq. ft. = $750.00<br>+ 150,000 sq. ft. = $1,250.00<br><br>2. Escrow Fee: $800.00<br><br>Advertising costs:<br>The petitioner shall pay all costs of publication of Public Hearing required in a newspaper of general circulation within the Town. This cost will be deducted from the escrow. |
| 2. | Property Owners List: | A complete list of property owners and mailing addresses of all property owners within 300 feet of the subject parcel as recorded in the latest official Palm Beach County Tax Roll. Certified Mail will be sent to all owners within 300 feet; postage will be deducted from escrow. |
| 3. | Location Map | |
| 4. | Site Plan: | A site plan drawn to scale indicating:<br>1. size of the buildings;<br>2. intended floor area ratios;<br>3. quantity of parking spaces;<br>4. intended access road(s);<br>5. the general type of construction in accordance with the Florida Building Code and the Codes of the Town of Lake Park; and,<br>6. availability and approximate location of utilities. |
| 5. | Site Survey: | A certified boundary survey by a surveyor registered in the State of Florida containing an accurate legal description of the property and a computation of the total acreage of the parcel. |
| 6. | Applicants statement: | On the Applicants letterhead please provide a statement of interest in the property. |
| 7. | Warranty Deed: | A Warranty Deed with an affidavit from the Applicant stating that the Deed represents the current ownership. |

8. Traffic Analysis: A Traffic Impact Analysis, if required by the Town Engineer or Staff.

**UPON THE APPROVAL OF ALL GOVERNING AGENCIES, PLEASE SUMBIT SIX (6) COMPLETE SETS OF THE REQUIRED DOCUMENTS FOR FINAL REVIEW**

**PLEASE DO NOT DETACH FROM APPLICATION.**

**SIGNATURE REQUIRED BELOW.**

Please be advised that Section 51-6 of the *Town of Lake Park Code of Ordinances* provides for the Town to be reimbursed, in addition to any application or administrative fees, for any supplementary fees and costs the Town incurs in processing development review requests.

These costs may include, but are not limited to, advertising and public notice costs, legal fees, consultant fees, additional Staff time, cost of reports and studies, NPDES stormwater review and inspection costs, and any additional costs associated with the building permit and the development review process.

For further information and questions, please contact the Community Development Department at 561-881-3318.

I, Phillip Brandt, have read and understand the regulations above regarding cost recovery.

Phillip Brandt, Jr

Property Owner Signature

4/20/16

Date

# Spacebox Self Storage at Lake Park

## Special Exception Use and Site Plan Approval

(To develop a 2-Phase, +/- 201,600 square foot Self Storage Facility)

Justification Statement

August 31, 2016

# SPECIAL EXCEPTION

1. **INTRODUCTION:**

IPlan and Design, on behalf of Space Box Lake Park, LLC (the 'Applicant') is pleased to submit for review and approval a request for Special Exception approval for a Self-Storage use (Warehouse Storage use), and Site Plan approval for a two (2) phased development proposed to include two (2) Self Storage buildings totaling 201,600 square feet (at ultimate buildout). The subject 4.665 acre property is located on the north side of Park Avenue in the Town of Lake Park, Florida, (address: N/A – Vacant property / PCN: 36-43-42-19-26-007-0000). The property possesses a Commercial / Light Industrial (Comm_Lt_Ind) future land use designation and a corresponding Business District C-2 Zoning District designation. It is located within the Congress Business Park PUD and is designated for Tract G1 within the PUD (an internal tract located east of Congress Avenue behind the RaceTrac and Aldi Food Market projects). Administrative approval is also being sought to formalize the allowable number of floors allowed within this development as previous height allowances have been permitted as part of the original approval of the Planned Unit Development (PUD). amendment petition is being processed concurrently by the Community Development. The Applicant is confident that approval of the above entitlement petitions will result in a more efficient and architecturally superior development.

The Applicant is seeking Special Exception approval for a Self-Storage Facility (proposed to be developed in two (2) phases) on Tract G1 of the Congress Business Park PUD. Town Code Section 78-184 prescribes the criteria that must be met to entitle a Special Exception use for a proposed development. The following six (6) criteria and sub-criteria have been analyzed for the requested Self-Storage use:

1. Is the proposed Special Exception use consistent with goals, objectives and policies of Town's Comprehensive Plan?

   The Applicant believes that this proposed use at this location would further up to three (3) objectives and policies of the Future Land Use element of the Town's Comprehensive Plan as outlined herein:

   *Policy 1.5* – The Comprehensive Plan specifies that the Town is to encourage development and redevelopment activities that will substantially increase the tax base while protecting and minimizing negative off-site impacts for surrounding properties, the natural environment, residential neighborhoods and within adopted levels of service.

   *Objective 1* – The Comprehensive Plan specifies that the Town is to encourage development and redevelopment activities that will substantially increase the tax base while protecting and minimizing negative off-site impacts for surrounding properties, the natural environment, residential neighborhoods and within adopted levels of service.

   *Objective 5* – The Town shall promote redevelopment and infill development in a manner that is consistent to existing neighborhoods and uses, the built and natural environments and adjacent jurisdictions.

2. Is the proposed Special Exception use consistent with the Town's Land Development and Zoning Regulations and all other applicable codes?

   The Special Exception use has been site and building programmed to meet or exceed the property development standards and architectural design criteria established by the Town's LDRs and Zoning regulations. In order to ensure all existing regulations are fully complied with a minor PUD/Master Plan Amendment is being requested to ensure that the previously approved 50 foot maximum height allowance within the PUD also contemplates more than 2 stories of use within buildings constructed within the PUD. The site will be reviewed by Palm Beach County Fire Rescue for circulation and by Seacoast Utility Authority for compliance with water and wastewater requirements.

3. Is the Special Exception compatible with character and use (existing and future) of surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback, and other relevant factors peculiar to the proposed special exception use and the surrounding property.?

   The Special Exception use will be located within Tract G1 of the Congress Business Park. This parcel is an internal parcel within a previously approved Planned Unit Development (PUD) surrounded by Commercial, Industrial and Government Facility uses. The building(s) (Phase I and Phase II) have been sited to the east side of the property. Other Commercial uses have been constructed to the west of the subject site along Congress Avenue and across from San Marco Villas (a residential community) located on the west side of Congress Avenue. The building will comply with the maximum height limitation of the PUD (50 feet) and will incorporate up to three (3) floors within each of the buildings. This compact design allows for more architectural significance to each building providing more of a Commercial appearance versus a long low lying building and an Industrial appearance. Specific architectural elements and detailing have been incorporated into the facades of the two buildings to ensure architectural compatibility is achieved between the existing approved developments and this proposed development. This use generates

low levels of traffic and at off-peak times and days for those customers utilizing and accessing the storage facility. The hours of operation (with employees present and office open are typically 8am-6pm Mon-Sat. Customers will have 24 hour access to gated areas and the indoor facility will be 24 hour accessible via keypad entry. There is a high level of security throughout the site via security cameras, secure access areas, secure gates, etc. These areas are accessible only to paying customers after hours.

4. Will the proposed Special Exception use on the site create a concentration or proliferation of the same or similar type of use, which may be detrimental to the development or redevelopment of the area?

   According to an internal market analysis prepared for this site in Lake Park, there is a recognized need for a modern enclosed Self Storage facility to serve the residential, commercial and industrial customers located within a 3 mile radius of this site. Due to continued residential development in Lake Park and adjacent jurisdictions the demand for this specific use will increase for the above listed users within the two- and one-mile radii in the near/foreseeable future. There are no other facilities of this size, type and scale in close proximity to this site. The only other facilities in close proximity include the Public Storage facility on Northlake Blvd. at US Hwy. 1 in North Palm Beach. Other, older facilities exist and have a very low vacancy rate which further establishes the need for more updated/modern Self Storage use options for the residential, commercial and industrial citizens of Lake Park.

5. Will the proposed Special Exception Use have a detrimental impact on surrounding properties based on:
   a. The number of persons anticipated to be using, residing or working on the property as a result of the Special Exception use:

NO – Access to this type of use is typically outside of the AM/PM peak traffic periods and on weekends. The use will have a maximum of two employees working on any given shift when the office is open to the public (during normal business hours). This site will not have a detrimental impact to surrounding uses based on access and number of employees.

b. The degree of noise, odor, visual, or other potential nuisance factors generated by the Special Exception use;

NO – This use does not generate any noise, odor, vibrations, noxious emissions and /or visual impacts* or nuisances (*with appropriate screening of Phase I Outdoor Storage use). No off-site detrimental impacts shall be realized by this Special Exception use.

c. The effect on the amount and flow of traffic within the vicinity of the proposed Special Exception use:

NO – This use generates very low AM/PM peak hour traffic and more off-time and off-weekday traffic generation for persons accessing their stored goods. The internal location of the subject Tract G1 further removes traffic accessing the site away from Congress Avenue and into the internal roadway network of the Planned Unit Development.

6. Does the Special Exception use:

a. Significantly reduce light and air to adjacent properties?

NO – The buildings have been designed to be compact and meet the maximum building height of 50 feet. The provision of two (2) similar buildings provide more visual interest than a single building that would extend a longer horizontal distance across

the site. The adjacent Commercial properties are oriented and programmed to face Congress Avenue (Aldi Food Market and RaceTrac) and away from the subject property and development. The buildings on the subject site are located to the east side of the property adjacent to a service road and water detention pond. No reduction of light and air to adjacent properties will occur as a result of approval of this Special Exception use at this specific location.

b. Adversely affect property values in adjacent areas?

NO – The site is an infill site within an approve Planned Unit Development (PUD) which has been developed to generate Commercial and Industrial tax revenues to the Town. A Commercial and/or Industrial use was always contemplated for this property within the approved PUD. No impacts to adjacent non-PUD lands will occur as a result of the approval of this Special Exception use on this property located internally within the PUD.

c. Deter the improvement, development or redevelopment of surrounding properties in accordance with existing regulations?

NO – The site is an infill site within an approve Planned Unit Development (PUD). Redevelopment of other sites within the PUD can occur without any impacts realized from this development. All other surrounding properties to the west, south and east are fully developed. An internal PUD roadway separates the subject property from the only vacant parcel around the subject site.

d. Negatively impact adjacent natural systems or public facilities, including parks and open spaces?

NO – This criterion is not applicable to this specific request. This use does not impact recreational or natural open spaces as it is located on a vacant parcel within a

previously approved Planned Unit Development. The PUD is already serviced by all public facilities and buildout of this parcel will be readily accommodate by the existing service providers such as PBSO, PBCFR, SUA, Cable, Telephone, Gas, FPL, etc..

e. Provide pedestrian amenities including but not limited to, benches, trash receptacles, and/or bicycle parking?

YES – The Applicant has provided a direct sidewalk connection from the adjacent properties to the west to ensure pedestrian connectivity can be achieved to the site from the existing sidewalk system located on the west parcels and directly from Congress Avenue. Further, on-site amenities such as a benches and trash receptacles have been provided accordingly. Bicycle facilities have not been provided for this specific use as access to storage is unique in that an extremely significant amount of access will be by vehicular traffic.

# SITE PLAN

## 2. INTRODUCTION:

IPlan and Design, on behalf of Space Box Lake Park, LLC (the 'Applicant') is pleased to submit for review and approval a request for Special Exception approval for a Self-Storage use (Warehouse Storage use), and Site Plan approval for a two (2) phased development proposed to include two (2) Self Storage buildings totaling 201,600 square feet (at ultimate buildout). The subject 4.665 acre property is located on the north side of Park Avenue in the Town of Lake Park, Florida, (address: N/A – Vacant property / PCN: 36-43-42-19-26-007-0000). The property possesses a Commercial / Light Industrial (Comm_Lt_Ind) future land use designation and a corresponding Business District C-2 Zoning District designation. It is located within the Congress Business Park PUD and is designated at Tract G1 within the PUD (an internal tract located east of Congress Avenue behind the RaceTrac and Aldi Food Market projects). A Planned Unit Development (PUD) amendment petition is being processed concurrently by the Community Development department to formalize off-site signage and

make minor modifications to the number of stories allowed within the PUD. The Applicant is confident that approval of the three entitlement petitions outlined above will result in a more efficient and architecturally superior development.

## HISTORIC AND RECENT PLANNING & ZONING ENTITLEMENTS:

The development history of the site and PUD is outlined herein:

June 08, 2014

Resolution No. 16-16-14 – Approval of a PUD Master Plan for the vacant 28.66 acre site (located between Water Tower Rd, Congress Avenue and Park Avenue.

- Approved the Master PUD Development Plan, Master PUD Landscape Plan, PUD Landscape Plan, Landscape Specifications and Engineering Plans (incl. 11 conditions of approval)

October 01, 2014

Resolution No. 33-10-14 – Approval of the Aldi Food Market Site Plan on adjacent Tract F of the Congress Business Park PUD

March 04, 2015

Resolution No. 07-0301 – Approval of the RaceTrac Gasoline Station with Convenience Store Site Plan and Special Exception Use on Tract B of the Congress Business Park PUD

## CONSISTENCY WITH OVERLAYS

Not Applicable – Site is not located within any Town of Lake Park Special Planning or Overlay Districts.

## EXISTING ENTITLEMENTS FOR SURROUNDING PROPERTIES

The surrounding properties have commercial high and/or light industrial future land uses/zoning district designations and uses, as outlined herein:

| Location | FLUA | Zoning District | Use | Description |
|---|---|---|---|---|
| Subject Site | Commercial / Light Industrial (Comm_Lt-Ind) | Business District (C-2) | Vacant | Unimproved site |
| North | Commercial / Light Industrial (Comm_Lt-Ind) | Business District (C-2) | Vacant | Unimproved site |
| East | Commercial / Light Industrial (Comm_Lt-Ind) | Business District (C-2) | Vacant | Unimproved site |
| West | Commercial / Light Industrial (Comm_Lt-Ind) | Business District (C-2) | Commercial | RaceTrac Gasoline Station and Convenience Store / Aldi Food Market |
| South | Commercial / Light Industrial (Comm_Lt-Ind) | Business District (C-4) | US Government Facility | US Army Reserve Training Facility |

## COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS CHAPTER 78 - ZONING

***Building Site:***

The subject property is Tract G1 of the Congress Business Park PUD, which received Master Site Plan approval by the Town Commission (via Resolution No. 16-06-14) on June 08, 2014. The PUDs zoning designation is Business District (C-2). The site is proposed to be developed in two phases. Phase I will provide a single 100,800 square foot enclosed Self Storage Facility and adjacent Outdoor Storage use (with up to 68 RV and Boat parking spaces). Phase II will remove the Outdoor Storage use and develop a second 100,800 square foot enclosed Self Storage Facility (at ultimate/final buildout).

The subject property meets and/or exceeds all of the established property development requirements:

| District | Minimum Yard Requirements | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Front | Corner | Side | Rear | Min. 1st Floor Area | Max. FAR | Max. Lot Cover | Bldg. Site Area | Max. Height |
| C-2 Business District | 25 ft. | 15 ft. | 15 ft./15 ft. | 15 ft. or 5 ft. with dedicated rear alley | 1,200sf / min. depth 25 ft. | 2.0 | N/A | Min. 25 ft. length of store rm. wall | **50 ft and 2 Stories |
| Existing Site | 103.3 ft. | N/A | 64.7 ft./ 353 ft | 42.7 ft. | 33,600 sf. | 0.51 | 17% | 140'x240' | *+/- 37.5ft / 3 stories |

* Additional Number of Stories is being sought through administrative approval due to the increased height allowance approved for the PUD

** Height approval by way of Master Plan approval (Resolution 16-06-2014)

***Site Access:***

Phase I Site Access is proposed to be from three (3) entrances. The main building façade and entrance feature has been oriented west and centered on the fifty (50) foot wide access driveway that commences at Congress Avenue and terminates at the subject site (Tract G1). The other two (2) proposed entrances are located on the existing internal PUD roadway located along the east side of the site. The two (2) easternmost access points are readily accessible from Park Avenue and/or Water Tower Road. These multiple points of access will provide for maximum circulation for both waste haulers and Palm Beach County Fire Rescue vehicles and for customers accessing the site from the north and the south.

Phase II Site Access adds a fourth (4th) access drive at the north end of the subject property for convenient access to the second proposed enclosed Self Storage Building. This last access point will provide for maximum circulation for both waste haulers and Palm Beach County Fire Rescue vehicles.

*Traffic:*

The Applicant has requested a Traffic Performance Standard (TPS) concurrency letter from Palm Beach County Traffic Division to confirm that there is adequate capacity on the adjacent roadways that serve this site. As Self-Storage uses generate less traffic than typical Commercial/Industrial type uses, any previously approved additional trips shall be re-assigned to other undeveloped parcels within the PUD.

*Landscaping & Screening:*

The subject property will provide landscape buffers; interior landscaping; vehicular use area landscaping; and, foundation plantings throughout the site and around the building(s), respectively. A landscape and irrigation plan has been provided at the time of site plan submittal. Up to two (2) different perimeter buffer conditions have been identified and shall be designed to meet the landscaping requirement of Article VIII Section 78-253 & -254. One 15 foot wide PUD buffer has been previously installed on the south boundary of the subject site adjacent to Park Avenue (in satisfaction of Condition #4 of Resolution 16-06-14). Standard eight (8) foot wide landscape buffers have been specified along the other adjacent property boundaries (west, north and east parcel boundaries). Pedestrian connectivity throughout the site has been complemented with a variety of interior and foundation planting areas.

All landscape islands within vehicular use areas comply with the minimum width and length requirements of Article VIII, Section 78-253(c)(2) with no landscape island width less than 5 feet (inside dimension) and no interior landscape island area less than 25 square feet. The Applicant shall ensure that Article VIII, Section 78-253 (a)(1-3) are strictly adhered to. The use of native plants and water conservation techniques will be integrated into the design to the greatest extent practicable.

Section 78-112 specifies that walls proposed in Commercial Districts shall not be higher than eight (8) feet. For the Phase I component of the site plan approval the Applicant is proposing outdoor storage of recreational vehicles (including RV campers and boats and trailers). The Applicant is proposing to install an eight (8) foot high post and panel concrete wall in compliance with the above referenced code section. Further, the approved Master Plan's adopted development regulations indicate that roof

mounted mechanical equipment shall be fully screened from the public as well as at-grade mechanical equipment, dumpsters, and utilities. The site plan has been programmed to incorporate appropriate screening of the above referenced building and site elements/infrastructure. **Pursuant to comments form the Planning and Zoning Board, the Applicant has provided additional landscaping in the form of increased shrubs around the outdoor storage area and infill palm clusters. Around the retention areas, additional Bald Cypres and native grasses have been added around the banks and slopes to reduce the amount of sod, (refer to updated Landscape Plans submitted with added landscaping).**

***Environmental:***

Environmental Assessment – The site is vacant, and has been cleared of all vegetation with the exception of the required fifteen foot wide PUD buffer located at the south end of the subject property along Park Avenue. The subject property is an infill site and is surrounded by Commercial uses, a Government Facility and vacant property (including a water detention tract).

Significant Habitats or Species / Flood Zone / Wellfield Zone

*Significant Habitats or Species:* No protected flora or fauna exist on this highly disturbed property.

*Flood Zone:* The site is located within Flood Zone A8, Elevation 13, per flood insurance rate map no. 120192 0130B, effective date October 15, 1982.

*Wellfield Zone:* The site is not located within any identified Palm Beach County wellfield zones.

View West

View North

*Drainage:*

The Applicant is proposing a system of on-site surface retention area(s) in combination with trenching to provide the required stormwater staged storage.

*Parking & Loading:*

Per Article V, Section 78-142 Self Storage uses are required to park at a rate of 1 parking sp. / employee on shift (highest intensity) + 2 customer parking spaces located adjacent to facility's leasing office + 1 sp./200 storage bays. Required Off-street parking cannot be used for outdoor storage of goods/materials; vehicle sales/repairs; and, sale or display of goods. The Applicant is proposing additional parking in Phase I to accommodate the Outdoor Storage area of the site which shall accommodate up to 68 outdoor parking spaces for Recreational Vehicles and Boats/Trailers. Interior parking shall be provided as aisle ways adj. to the storage bays, and will be used for circulation and temporary customer parking. All interior travel aisles are two way in configuration and are (as an aggregate) dimensioned to a width of 30 feet.

An Autoturn analysis of internal drive radii has been provided for approval to the Town of Lake Park and Palm Beach County Fire Rescue for the Phase I and Phase II site plans.

| USE | PARKING RATE | PARKING REQ / Provided |
|---|---|---|
| *Self-Storage (Phase I)* | | |
| Employees (highest intensity (2)) | 1 sp. / Employee | 2 / 2 |
| Customers | 2 spaces @ public entrance | 2 / 2 |
| No. of Storage Bays (763) | 1 sp. / 200 bays | 4 / 6 |
| No. of Outside Storage Bays (68) | 1 sp. / 200 bays | 1 / 5 |
| | **Total Parking Ph. I** | **9 / 15** |
| | | |
| *Self-Storage (Phase II)* | | |
| Employees (highest intensity (2)) | 2 sp. / Employee | 2 / 2 |
| Customers | 2 spaces @ public entrance | 4 / 12 |
| No. of Storage Bays (1526) | 1n sp. / 200 bays | 8 / 8 |
| | **Total Parking Ph. II** | **14 / 22** |

All accessible parking shall adhere to F.S. Statute 316.1957 and 553.511, and any rules promulgated thereunder. The Applicant is providing two (2) accessible parking spaces. The site plan furnishes the two A.D.A. compliant parking spaces adjacent to the main entrance to the Phase I building.

Due to the nature of this use, a loading space is not required to be provided. Multiple loading spaces are integrated into the Phase I and Phase II buildings for ease of access to customer storage bays.

***Signage***:

The Applicant is proposing wall mounted and ground signage in accordance with the requirements of the sign code as specified in Article IV, Section 70-103(5)(a-b), et. al. of the Land Development Regulations. The building's principal public entrance is located on the west side of the building aligned with the access road leading from Congress Avenue. The permitted signage on the Phase I building frontage (1.5 x the building façade length = 1.5 sf. x 240 ft. = 360 sf.). Additional wall signage is proposed on the south (side) façade of the Phase I building facing Park Avenue. Side wall signage is permitted to be calculated at 50% of the front wall signage, (in this instance, 360 sf. X 0.5 = 180 sf.).

The Phase II building is designed to be similar in overall mass, height, dimensioning as the Phase I building. Principal (front wall) signage is proposed on the west façade to a maximum of 360 sf. Additional side wall signage at 50% of the front wall signage maximum is proposed on the north side of the Phase II building to a maximum of 180 sf. See proposed signage tables below for Phase I and Phase II wall signage, Phase I freestanding signage and Phase I and II parking area instructional signage:

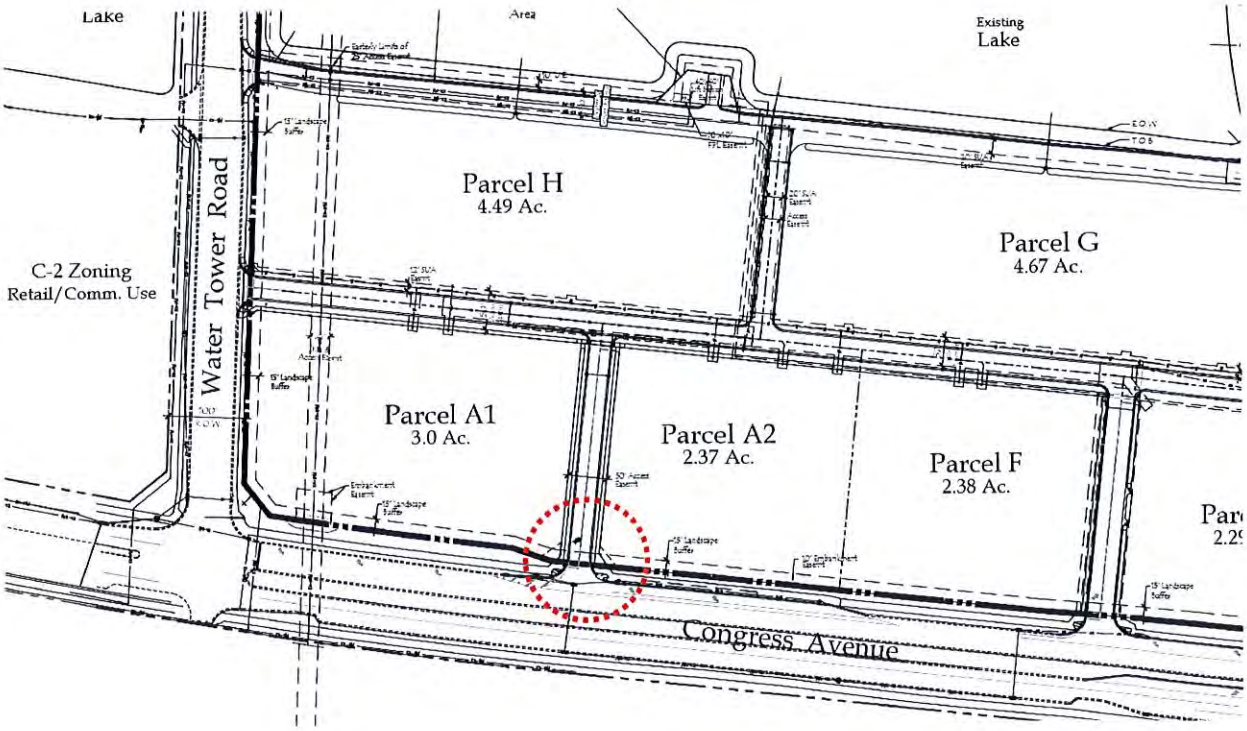
| Space Box Signage Table | | | | |
|---|---|---|---|---|
| Phase I – Building 1 Wall Signs | | | | |
| Wall | Location | Code Requirement | Max. Signage Area | Proposed Signage Area |
| West | Front | 1.5 sf. / 1.0 ft. of bldg. frontage | 360 sf. | 285 sf. |
| South | Side | 50% of front wall max. calc. | 180 sf. | 100 sf. |
| East | Rear | 50% of front wall max. calc. | 180 sf. | 0 sf. |
| North | Side | 50% of front wall max. calc. | 180 sf. | 100 sf. |

| | | | | |
|---|---|---|---|---|
| | | | | |
| Phase II – Building 2 Walls Signs | | | | |
| Wall | Location | Code Requirement | Max. Signage Area | Proposed Signage Area |
| West | Front | 1.5 sf. / 1.0 ft. of bldg. frontage | 360 sf. | 230 sf. |
| South | Side | 50% of front wall max. calc. | 180 sf. | 0 sf. |
| East | Rear | 50% of front wall max. calc. | 180 sf. | 0 sf. |
| North | Side | 50% of front wall max. calc. | 180 sf. | 100 sf. |

| Phase I – Freestanding Signs | | | | |
|---|---|---|---|---|
| Frontage / Location | West Access Road | East Access Road | North Access Road | Park Avenue |
| Sign Type | Monument | Monument | Monument | Monument |
| Max. No. of Signs | 1 | 0 | 0 | 0 |
| Max. Sign Area<br>1.0 sf. / 1.5 ft. of frontage<br>(1.0 x 760.29 / 2 = 380 sf.) | 380 sf | 0 | 0 | 0 |
| Proposed Sign Area | 80 sf | 0 | 0 | 0 |
| | | | | |
| Sign Type | Parking Area Instructional | Parking Area Instructional | Parking Area Instructional | Parking Area Instructional |
| Max. No. of Signs (N/A) | 1 | 2 | 0 | 1 |
| Max. Sign Area<br>(Legible to drivers accessing site) | 18 sf | 18 sf | 18 sf | 18 sf |
| Proposed Sign Area | 18 sf | 18 sf | 0 | 18 sf |
| | | | | |
| Phase II – Freestanding Signs | | | | |
| Sign Type | Parking Area Instructional | Parking Area Instructional | Parking Area Instructional | Parking Area Instructional |
| Max. No. of Signs (N/A) | 0 | 0 | 1 | 0 |

| | | | | |
|---|---|---|---|---|
| Max. Sign Area (Legible to drivers accessing site) | 18 sf | 18 sf | 18 sf | 18 sf |
| Proposed Sign Area | 0 | 0 | 18 sf | 0 |

**A previously approved off-site "PUD Directional Sign" has been specified to be constructed in concert with the development of this back parcel. Currently, the Property Owner and Applicant have identified the potential location at the intersection of Congress Avenue and the northernmost access road (between Parcels A1 and A2), on either the north or south side of the access road along the east side of Congress Avenue (See PUD Exhibit herein).**




***Zoning:***

Article III, section 78-72(2)(n) outlines that Storage Warehouse uses are allowed as Special Exceptions within the Business District (C-2) zoning district if approved by Town Commission. The proposed use will be developed consistent with the current Land Development Regulations of the Town of Lake Park Zoning Code and the Congress Business Park PUD development regulations as prescribed on the

approve Master Plan approved by Town Council on June 08, 2014 (by way of Reso. No. 16-06-14). The maximum FAR for non-residential/commercial projects with a Commercial/Light industrial District is 2.0 and the project at final build out will be at approximately 1.0 FAR. All other property development regulations have been met or exceeded as part of the site and building programming for this specific use.

***Water/Sewer:***

All required easements for water/sewer purposes have been previously established and platted. Seacoast Utility Authority shall be contacted as part of obtaining the necessary water capacity reservation for the development of a Self-Storage Facility (up to +/-201,600 sf of Self-Storage use).

***Design:***

The Applicant shall adhere to the design requirements from Chapter 78, Article XII *Architectural Design Guidelines for Nonresidential Buildings* and also to the *Congress Avenue Business Park PUD-Development Regulations (General and Specific Standards).*

*Congress Avenue Business Park PUD-Development Regulations (General and Specific Standards).*

A. General

The site programming and building orientation have been developed so as to maximize the terminal vista for patrons accessing the site from Congress Avenue. The main public entrance to the site and building are fully aligned with the intersection of the internal roadways. The colors and materials for the buildings and signage on the subject site will be consistent with the existing nonresidential developments (Aldi Food Market and RaceTrac) located adjacent to the property. Elements from these adjacent projects will be incorporated into the design of the Self-Storage buildings.

B. Specific

1. Colors & Materials

The Applicant has utilized lighter off whites for a majority of the building and provided slightly darker colors to accent various architectural elements around the entire building as well as to accentuate various massing changes along each façade. They have used

variations in materials to indicate a strong base to the building as well as identify and highlight the entry elements.

2. Architectural Character

The architectural vernacular of the building is contemporary and maintains a sense of consistency between the two buildings on the subject site. There is no over-use of superfluous details as the building design is clean and modern and uses a change in materials, color and depth to break up the façade and introduce visual interest. The main materials include the integration of stucco, stone veneer and decorative CMU, glass and dark charcoal grey canopies and metal accents.

3. Building Façade

Façade articulation shall be incorporated into all four sides of the architecture in combination with variations in color, material and vertical articulation. The following design elements have been integrated into the design: varied roof lines, well defined public entries by way of combining different material finishes, horizontal and vertical articulation, multiple colors, and projections. All facades on both buildings have been visually broken up through the use of building offsets and the alteration of building materials and various accent bands. **Further, and in response to comments from the Planning and Zoning Board the Applicant has extended the architectural element (a canopy feature), an additional 18" to provide more depth and interest on the west façade of the Phase I building. Also, in response to a comment requesting additional fenestration on the building the Applicant has committed to providing a change in stucco textures on the large panels on all facades of the buildings, (see specification herein).**

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4. Building Height

   The building shall be less than the approved 50 foot height restriction for the PUD. The proposed height will be 37' 6.5" in height.

5. Signage

   See Signage Section above. All building, freestanding and parking area instructional signage complies with the requirements of LDR Article IV, Section 70-103(5)(a-b), and will comply with the approved Master Plan signage requirements for the use of multiple materials and colorful lettering and/or backgrounds.

6. Screening

   See Screening Section above. All building mounted mechanical equipment shall be effectively screened from public view. A combination of landscaping, fencing and post and panel concrete walls shall be used to screen at-grade mechanical equipment, dumpsters and utilities. Further, all rooftop AC condensers are to be residential sized units and behind parapet walls.

7. Pedestrian Circulation

   A pedestrian sidewalk has been specified from the adjacent nonresidential projects (Aldi Food Market and RaceTrac) across the internal roadway to the front of the subject property. It is expected that foot traffic to the Self-Storage use will be extremely low as most patrons access the site from a vehicle to either deposit or pick up stored goods.

8. Color Rendering
   Full color renderings and a materials board for both proposed phases of development shall be provided as part of the Site Plan application.

***Extra-jurisdictional Review:***

***Palm Beach County Fire Rescue (PBCFR)*** – The Phase I and II site plans will be provided to and reviewed by Palm Beach County Fire Rescue for compliance with their emergency vehicle circulation standards for Fire and/or Emergency Vehicles. Status of review – Pending

***Palm Beach Sherriff's Office (PBSO)*** – The Site and Landscaping have been designed to maximize surveillance of the interior and exterior of the building(s) and site. Further, this Applicant will provide CCTV as part of the building permit approval for the Self-Storage use.

***Seacoast Utility Authority (SUA)*** – Status of review – Pending

AN AD VALOREM TAX ANALYSIS OF

# TRACT G1, CONGRESS BUSINESS PARK
# SPACE BOX LAKE PARK
# LOCATED ON THE NORTH SIDE OF
# PARK AVENUE WEST
# IN THE TOWN OF LAKE PARK,
# PALM BEACH COUNTY, FLORIDA

PREPARED FOR

IPLAN & DESIGN, LLC
C/O MR. BRIAN CHEGUIS
5090 PGA BOULEVARD, STE 212
PALM BEACH GARDENS, FL 33418

AS OF

AUGUST 8, 2016

BY

DOUGLAS B. LAWSON, MAI
LAWSON APPRAISAL SERVICE, LLC

**LAWSON APPRAISAL SERVICE, LLC**

Real Estate Appraisers and Consultants

9250 Alternate A1A, Suite A
North Palm Beach, FL 33403
Telephone: (561) 622-5533

August 10, 2016

iPlan & Design, LLC
c/o Mr. Brian Cheguis
5090 PGA Boulevard, Ste 212
Palm Beach Gardens, FL 33418

RE: Space Box Development Site
Park Avenue West,
Lake Park, Florida

Dear Mr. Cheguis:

As requested, we have made an investigation and analysis of the above-referenced property located on the north side of Park Avenue West, one block east of Congress Avenue in the Town of Lake Park, Palm Beach County, Florida. The property contains a total of 4.665 acres, or 203,207 SqFt. The purpose of our assignment was to provide an analysis of the probable Ad Valorem Tax resulting from various proposed development scenarios. The analysis is as of August 8, 2016, the date of inspection.

The property consists of a Vacant Commercial Parcel located in the Congress Business Park, a new planned unit development located at the northeast quadrant of Congress Avenue and Park Avenue West.

The extent of research and analysis performed for this appraisal report is considered to conform to the reporting requirements set forth under Standards Rule 2-2 of the Uniform Standards of Professional Appraisal Practice.

The three potential development scenarios for the Subject Site provided the following projected ad valorem taxes. Based on the calculations and projections of a reasonable assessment for the Subject Property, the planned use as a Self Serve Storage Facility provides the highest indication of Ad Valorem Tax.

| Summary of Projected Ad Valorem Taxes | |
|---|---|
| Self Storage Facility | $279,000 |
| Retail Use | $144,000 |
| Typical Industrial Use | $150,000 |

The opinion of value as well as every other element of this analysis is qualified in their entirety by the general assumptions and limiting conditions which are an attachment to this report and which are an integral part of the report.

A brief description of the property is contained in the attached appraisal. This appraisal assignment was not made nor was the appraisal rendered on the basis of a requested minimum valuation, a specific valuation, or amount that would result in the approval of a loan. It is our opinion that the following appraisal report was prepared in conformity with Uniform Standards of Professional appraisal Practice (USPAP). For your convenience, an Executive Summary follows this letter. Should you have any questions regarding this report, please do not hesitate to contact us.

Respectfully submitted,

LAWSON APPRAISAL SERVICE, LLC

Douglas B. Lawson, MAI
State-Certified General Appraiser RZ170

DBL (File #16082)

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ADDENDA
Subject Property Information
Qualifications:
- Douglas B. Lawson, MAI

## CERTIFICATION

I certify that, to the best of our knowledge and belief:

1. The statements of fact in this report are true and correct.

2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, unbiased professional analyses, opinions, and conclusions.

3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.

4. I have no bias with respect to the property that is the subject of this report or to the parties involved with the assignment.

5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.

6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

7. My analyses, opinions, and conclusion were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice* (USPAP) adopted by the Appraisal Standards Board of the Appraisal Foundation and the *Code of Professional Ethics* and the *Standards of Professional Appraisal Practice* of the Appraisal Institute.

8. The use of this report is subject to the requirements of the State of Florida relating to review by the Department of Professional Regulation, Real Estate Appraisal Board, and to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

9. Douglas B. Lawson has made a personal inspection of the appraised property that is the subject of this report.

10. The appraiser has performed within the context of the Competency Provision of the Uniform Standards of Professional Appraisal Practice.

11. As of the date of this report, Douglas B. Lawson has completed the requirements of the continuing education program of the Appraisal Institute.

12. Douglas B. Lawson currently holds an appropriate state certification allowing the performance of real estate appraisals in connection with federally related transactions in the state in which the Subject Property is located.

13. No one else has provided significant professional contribution to the preparation of this report.

14. We have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. We have not previously appraised this property..

LAWSON APPRAISAL SERVICE, LLC.

Douglas B. Lawson, MAI
State-Certified General Appraiser RZ170

## LIMITING CONDITIONS

The certification of the appraisers is subject to the following conditions and to such other specific conditions as are set forth by the appraisers in this report.

1. Unless otherwise stated, the value appearing in this appraisal represents the opinion of the Market Value or the Value Defined AS OF THE DATE SPECIFIED. Market Value of real estate is affected by national and local economic conditions and consequently will vary with future changes in such conditions.

2. The value estimated in this appraisal report is gross, without consideration given to any encumbrance, restriction or question of title, unless specifically defined.

3. This appraisal report covers only the property described and any values or rates utilized are not to be construed as applicable to any other property, however similar the properties might be.

4. It is assumed that the title to the premises is good; that the legal description is correct; that the improvements are entirely and correctly located on the property described and that there are no encroachments on this property, but no investigation or survey has been made.

5. No responsibility is assumed for matters legal in nature, nor is any opinion of title rendered. In the performance of our investigation and analysis leading to the conclusions reached herein, the statements of others were relied on. No liability is assumed for the correctness of these statements; and, in any event, the appraisers' total liability for this report is limited to the actual fee charged.

6. Neither all nor any part of the contents of this report (especially any conclusions, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or any of its designations) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication without our prior written consent and approval.

7. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The Appraiser assumes no responsibility for such conditions or the engineering, which might be required to discover these factors.

8. We have not been provided with an Environmental Property Assessment pertaining to the Subject site and are unable to report soil conditions in reference to contamination. The existence of hazardous substances which may or may not be present on the property, or other environmental conditions as a result of seepage from adjacent land users, were not called to our attention nor did we become aware of such during our inspection. We have no knowledge of the existence of such material on the property. However, we are not qualified to test such substances or conditions. If the presence of hazardous substances, or other environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no such condition on or in the property or in proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

9. The description of the land is based upon review of Palm Beach County Property Appraiser's Office records and our personal property inspection.

10. We relied on the site plans provided by the client and the maximum development square footage for various alternative developments.

11. For purposes of this analysis, we have assumed completion of the Subject Improvements based on the Site Plan provided by the client as of the 2016 tax year (January 1, 2016). We have considered a reasonable market increase in the current 2015 assessments to apply to the Properties for this analysis.

12. We have estimated the likely assessed value for the Subject Site. The assessed value and taxes are not currently available. A higher or lower figure derived by the County would not have a substantial impact on our estimates.

AERIAL IMAGE OF PROPERTY

## GENERAL INFORMATION

Intended User/Our Client

On August 3, 2016, Mr. Brian Cheguis for the iPlan & Design, LLC engaged Lawson Appraisal Service to provide an Ad Valorem Tax Analysis on behalf of and specifically for iPlan & Design, LLC. Our instructions included preparing an appraisal in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP).

The Intended User is iPlan & Design, LLC and the Town of Lake Park. The client has not advised us of any intended subsequent user of this appraisal. This report has been prepared for no other purpose and for use by no other person or entity than for use by the client for the purpose stated herein. Any other use of this appraisal is considered a misuse and therefore the appraisers will not be held responsible for any outcome associated with such use.

Effective Date of the Appraisal/Date of the Report

The property was inspected August 8, 2016 the date of this analysis. The report was prepared as of August 10, 2016.

Purpose and Intended Use of the Appraisal

Based on our client's instructions, the purpose of our appraisal is to provide an estimate of the probable Assessed Value and resulting Ad Valorem taxes under several development scenarios. The function or intended use of this appraisal was to assist our client (Intended User) in obtaining zoning approval for a multi-story Self Storage Facility .

Appraisal Report Format

Pursuant to our client's instructions, we have prepared an Ad Valorem Tax Analysis. The extent of research and analysis performed for this appraisal report is considered to conform to the reporting requirements set forth under Standards Rule 2 of the Uniform Standards of Professional Appraisal Practice.

Market Value

According to the Department of the Treasury, Office of the Comptroller of the Currency (OCC), Final Rule, published within the Federal Register, Volume 55, Number 165, August 24, 1990, and as adopted by the Appraisal Foundation's Uniform Standards of Professional Appraisal Practice (USPAP) Market Value is defined as:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently and

knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

a. buyer and seller are typically motivated;
b. both parties are well informed or well advised, and each acting in what they consider their own best interest;
c. a reasonable time is allowed for exposure in the open market;
d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

Interest Appraised and Definition

The interest appraised herein is the Fee Simple Estate. The Dictionary of Real Estate Appraisal (Fifth Edition 2010), by the Appraisal Institute, defines Fee Simple Estate as follows:

> "An ownership interest held by a landlord with the rights of use and occupancy conveyed by lease to others. The rights of the lessor (the leased fee owner) and the leased fee are specified by contract terms contained within the lease."

Legal Description

Tract G1, of the Congress Business Park, Plat 2 , according to the Plat thereof, recorded in Plat Book 119, Page 35, of the Public Records of Palm Beach County, Florida.

Property History

The Public Records indicates the ownership of the appraised property as 657 Island, LLC. They purchased the lot in May 29014 for $8,950,000..

Scope of Work

The scope of this analysis is to inspect the property, consider market characteristics and trends, collect and analyze pertinent data, and develop an estimate of probable assessed values under several development options. Douglas B. Lawson inspected the subject property and site and surrounding areas on August 8, 2016.

A study of the appraised property's supporting neighborhood was conducted regarding access, land uses and trends, demographics, and market demand factors for similar residential properties.

The scope of our work included a search of Palm Beach County Property Appraisers Office records, and our internal data base. The search for comparable properties was concentrated in the north portion of the county. The Ad Valorem Tax Analysis report summarizes the pertinent data, which has been collected and analyzed. It is the written result of our findings and analyses in developing our conclusion.

Extraordinary Assumptions and Hypothetical Conditions

Extraordinary assumptions are defined by the Uniform Standards of Professional Appraisal Practice as "...an assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal or economic characteristics of the Subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis." This appraisal employs the following extraordinary assumptions:

- None.

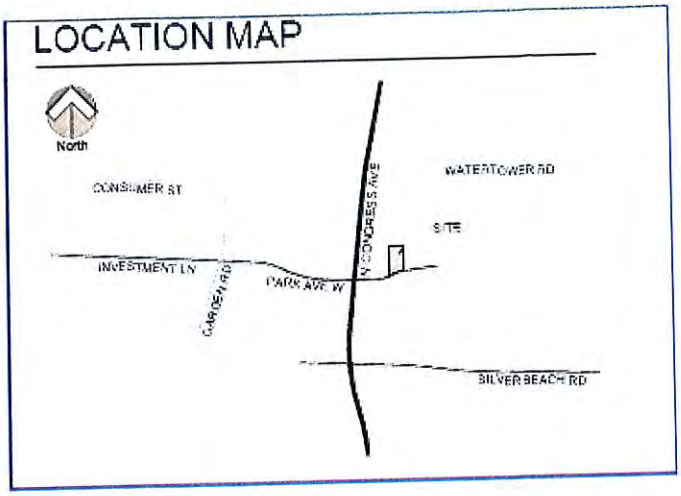
Hypothetical conditions are defined by the Uniform Standards of Professional Appraisal Practice as "...that which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in the analysis." This appraisal employs the following hypothetical conditions:

- We have assumed completion of the Subject Improvements based on the Site Plan provided by the client as of the 2016 tax year (January 1, 2016). We have considered a reasonable market increase in the current 2015 assessments to apply to the Properties for this analysis.

Competency Provision

Lawson Appraisal Service, LLC, and the signatories hereto, have substantial experience in the valuation of similar-type properties. Accordingly, the signatories to this report consider themselves qualified by education, training and experience to prepare an appropriate analysis complying with the competency provision of The Uniform Standards of Professional Appraisal Practice (USPAP). The professional qualifications of the individuals who prepared this report are included in the Addenda section of this report.

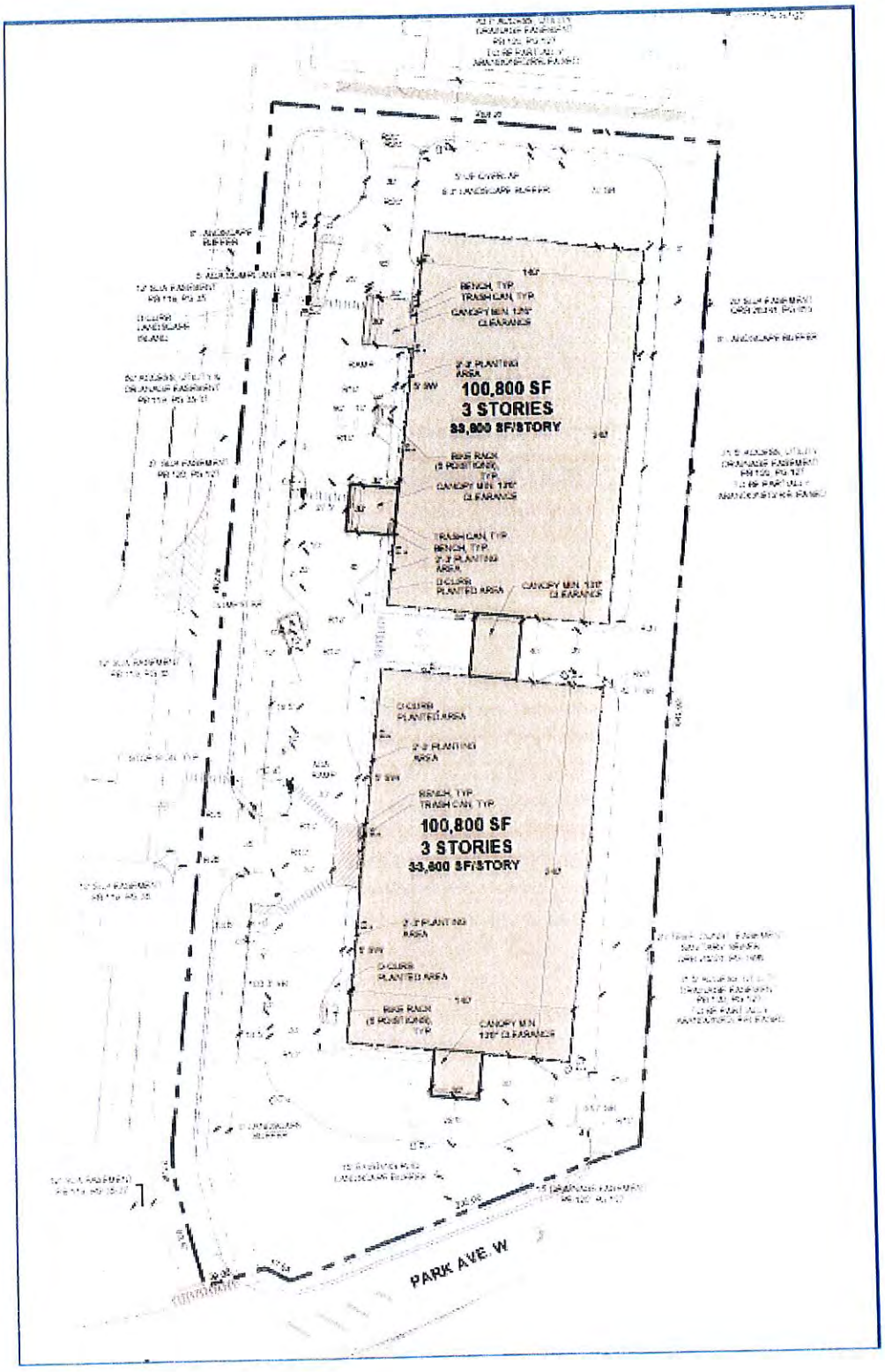
## PROPERTY DATA




The appraised property is located on the north side of Park Avenue West, one block east of Congress Avenue in the Town of Lake Park, Palm Beach County, Florida. The property is within the Congress Business Park. The vacant parcel contains 203,207 SqFt or 4.665 acres and is nearly rectangular in shape. The zoning is C2, Business District by Lake Park. The site is generally at or near the abutting road grade. Self Service Storage Facility is a Special Exception. No apparent drainage problems were evident on the date of inspection and the underlying soils are considered to be typical of the area. A summary of Pertinent Site Data based on the Site Plan is shown below.

### SITE DATA

| | | |
|---|---|---|
| Application Number | TBD | |
| Proposed Use | Self Service Storage Facility (Special Exception) | |
| Existing Zoning District | Business District (C-2) | |
| Existing Future Land Use | Commercial / Light Industrial | |
| Section/Township/Range | 19/42/43 | |
| Property Control Number | 36-43-42-19-26-007-0000 | |
| | Acres | Square Feet |
| Total Site Area | 4.665 | 203,207.40 |
| Pervious Site Area | 1.127 | 48,331.27 |
| Impervious Site Area | 3.538 | 154,876.13 |
| Building Coverage | 1.65 | 71,742.00 |
| Floor Area Ratio (Max. 2.0) | | 1.01 |
| Open Space (Min. N/A) | 1.127 | 48,331.27 sq. ft. |
| Building Height (Max. 50 ft) | | 37' 6 ½" |
| Number of Stories (Max. 3 stories) | | 3 Stories |
| Number of Storage Bays | | 1526 |


100,800 SF
3 STORIES
33,600 SF/STORY
100,800 SF
3 STORIES
33,600 SF/STORY
PARK AVE W

## HIGHEST AND BEST USE

*The Dictionary of Real Estate Appraisal*, 5th ed. (Chicago: Appraisal Institute, 2010) defines Highest and Best Sue as follows:

> "The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity. Alternatively, the probable use of land or improved property—specific with respect to the user and timing of the use—that is adequately supported and results in the highest present value."

In appraisal practice, the concept of Highest and Best Use represents the premise upon which value is based. The determination of Highest and Best Use (maximum profitability) results from the appraiser's judgment and analytical skill. Data collected and analyzed for the purpose of the neighborhood data, and particularly the site and improvement descriptions were useful in arriving at a final conclusion.

In estimating Highest and Best Use as improved, there are essentially four stages of analysis:

1. Legally Permissible: What uses are permitted by zoning, private restrictions, building codes, historic district controls and environmental regulations.
2. Physically Possible: What legally permitted uses are physically possible.
3. Financially Feasible: Which of legally permissible and physically possible uses will produce a net return to the owner of the site.
4. Maximally Productive: From the financially feasible uses, the use which produces the highest price or value is the Highest and Best Use.

The Highest and Best Use of the land (or site) if vacant and available for use may be different from the Highest and Best Use of an improved property. This is true when the improvement is not an appropriate use, but it makes a contribution to the total property value in excess of the value of the site.

We have examined the four criteria that must be met to ensure that the current use is, in fact, the Highest and Best Use of the property. Legally permissible uses involve zoning, deed restrictions, and other legal entities, which may constrain use. The Subject site is zoned C2 Business District. The second constraint imposed on the possible use of the property is that dictated by the physical aspects of the site such as size and shape, location, access and availability of utilities, etc. We have not studied the costs and economics of each of the possible uses. Based on our analysis, the planned Space Box development appears to be a Highest and Best Use for the Site.

## AD VALOREM TAX ANALYSIS

We have been instructed to prepare an analysis of the likely Ad Valorem Tax for various development scenarios that are allowed within the Congress Business Park PUD. Our analysis involves an estimate of the potential Ad Valorem Tax based on Retail Use and typical Industrial Use as compared to the estimated tax for the planned Space Box Self Service Storage Facility.

In order to estimate the potential Ad Valorem Tax for a proposed property, the Palm Beach County Property Appraisers Office Records were used to research the current assessment and taxes on similar properties. The most recent records show the 2015 Market Value estimate for land and improvements, the Assessed Value and the Taxable Value. The estimate of Total Market Value is for tax assessment purposes only and takes into consideration each of the factors enumerated in Section 193.011F.S. The Total Market Value estimate may be less than the actual market value of the property. All values are as of January 1st of each year displayed.

For the planned Space Box Storage Facility we gathered information on several self storage facilities in Northern Palm Beach County. The pertinent information on this data sample are summarized as follows:

**AD VALOREM TAX ANALYSIS - SELF STORAGE FACILITY**

| | | | 2015 Assessment | | | | | |
|---|---|---|---|---|---|---|---|---|
| Name/Location | Building Area (SqFt) | Year Built | Total Market Value | Market Value Per SqFt | Land Value per SqFt | Improvement Value | Assessment Per SqFt | Comments |
| 7000 N. Military Trail<br>Riviera Beach, FL | 63,029 | 1986 | $2,680,940 | $42.54 | $6.50 | $1,400.167 | $22.21 | One-story Self Storage Facility |
| 4085 Burns Road<br>Palm Beach Gardens, FL | 140,098 | 1995 | $9,000,000 | $64.24 | N/A<br>*2014* | N/A<br>*$5.058.427* | N/A<br>$36.11 | One-story Self Storage Facility includes climate controled units |
| 4801 E. Park Drive<br>Palm Beach Gardens, FL | 80,575 | 1999 | $4,800,000 | $59.57 | N/A<br>*2014* | N/A<br>*$2.905.542* | N/A<br>$36.06 | One and multi-story Self Storage Facility includes climate controled units |
| 8755 N. Military Trail<br>Palm Beach Gardens, FL | 37,065 | 1986 | $2,800,000 | $75.54 | N/A | N/A | N/A | One and multi-story Self Storage Facility |
| 3601 Blue Heron Boulevard<br>Riviera Beach, FL | 166,400 | 1976 | $7,000,000 | $42.07 | N/A<br>*2014* | N/A<br>*$3.491.564* | N/A<br>$20.98 | One-story Self Storage Facility includes climate controled units |
| 7301 Garden Road<br>Riviera Beach, FL | 39,151 | 1979 | $1,408,708 | $35.98 | $4.75 | $955.567 | $24.41 | One-story Self Storage Facility |
| 5100 Military Trail<br>Jupiter, FL | 104,420 | 2002 | $10,000,000 | $95.77 | N/A | N/A | N/A | One and multi-story Self Storage Facility |
| 11655 US Highway 1<br>North Palm Beach, FL | 88,872 | 1998 | $7,200,000 | $81.02 | N/A | N/A | N/A | Multi-story Self Storage Facility includes climate controled units |
| 1401 Mercer Avenue<br>West Palm Beach, FL | 180,774 | 2000 | $14,000,000 | $77.44 | N/A | N/A | N/A | Multi-story Self Storage Facility includes climate controled units |
| 401 Northlake Boulevard<br>North Palm Beach, FL | 78,730 | 2006 | $5,193,225 | $65.96 | $9.61 | $4,255,289 | $54.05 | One and multi-story Self Storage Facility includes climate controled units |
| **Subject Property - Mini Storage<br>Park Avenue West<br>Lake Park, FL** | 201,600 | 2017<br>proposed | | | $7.50<br>estimated | | | Multi-story Self Storage Facility climate controled units |

The ten properties provide a range in Market Value from $35.98 to $95.77 per SqFt with an average of $64.01. It appears that many of the properties had their assessment appealed in 2015 and as a result, the breakdown between land and improvements is not available (N/A). We have included the improvement assessment from 2014 if available. The Value of Improvements ranged from $20.98 to $54.05, with an average of $32.30 per SqFt.

We considered the location and land value of the comparables as well as the age and condition. Each were over ten years old resulting in a depreciated or reduced improvement value. The Subject is assumed to be newly completed construction with no observed depreciation. Another factor is the Floor Area Ratio (FAR), or the Land to Building Ratio. Few of the self storage properties in the area are multistory like the Subject. We have assumed completion of the project as planned and made reasonable projections of value increases for the 2016 tax roll date.

In order to project the hypothetical Market Value Assessment for the planned use, we have concluded at a market supported value of $60 to $70 per SqFt overall. As a secondary indication, we have projected the value of Improvements at $57.00 per SqFt which is added to the Estimated Assessed Land Value at $7.50 per SqFt. We have projected the 2016 Market Value Assessment for the planned Space Box use at **$13,000,000**, based on the following two calculations.

| **Projected 2016 Market Value Assessment** | | | | |
|---|---|---|---|---|
| 201,600 | SqFt x | $60 | per SqFt = | $12,096,000 |
| 201,600 | SqFt x | $70 | per SqFt = | $14,112,000 |
| | | | Reconciled at | **$13,100,000** |

| **Projected 2016 Market Value Assessment** | | | | |
|---|---|---|---|---|
| Land Value Projection | | | | |
| 203,207 | SqFt x | $7.50 | per SqFt = | $1,524,053 |
| Projected Value of Improvements | | | | |
| 201,600 | SqFt x | $57.00 | per SqFt = | $11,491,200 |
| | | | Rounded to | **$13,000,000** |

The Millage Rate for this area of Lake Park is 21.4245, which provides the following 2016 projection of Ad Valorem Taxes for the planned Space Box use, as if completed.

| **Projected 2016 Ad Valorem Taxes as Self Storage** | | | | |
|---|---|---|---|---|
| $13,000,000 | x | 0.0214 | = | $278,200 |
| | | Rounded | | **$278,000** |

## Retail Use

As an alternate use as Retail, the site could accommodate about 58,000 SqFt in a one-story center with required parking. We have gathered information on ten retail properties in Northern Palm Beach County. The pertinent information on this data sample are summarized as follows:

**REAL ESTATE TAX ANALYSIS - RETAIL SHOPPING CENTERS**

| Name/Location | Building Area (SqFt) | Year Built | 2015 Assessment: Total Market Value | Market Value Per SqFt | Land Value per SqFt | Improvement Value | Assessment Per SqFt | Comments |
|---|---|---|---|---|---|---|---|---|
| 801 Federal Highway Lake Park, FL | 12,638 | 1976 | $1,004,506 | $79.48 | $8.40 | $616,090 | $48.75 | One-story Retail strip center |
| 804 Federal Highway Lake Park, FL | 11,200 | 1994 | $860,000 | $76.79 | N/A | N/A | N/A | One-story Retail strip center |
| 421 Northlake Boulevard North Palm Beach, FL | 15,888 | 1977 | $1,649,347 | $103.81 | $9.61 | $945,985 | $59.54 | One-story Retail strip center |
| 900 Northlake Boulevard Lake Park, FL | 14,460 | 1966 | $1,244,960 | $86.10 | $8.50 | $889,337 | $61.50 | One-story Retail strip center |
| 2863 Northlake Boulevard North Palm Beach, FL | 15,801 | 1977 | $1,753,191 | $110.95 | $13.68 | $966,605 | $61.17 | One-story Retail strip center |
| 1224 Northlake Boulevard North Palm Beach, FL | 68,314 | 1974 | $4,622,997 | $67.67 | $6.25 | $2,820,647 | $41.29 | One-story Retail shopping center |
| 3355 Military Trail Jupiter, FL | 72,915 | 1999 | $9,668,410 | $132.60 | $8.83 | $6,502,864 | $89.18 | One-story Community shopping center |
| 4209 Northlake Boulevard North Palm Beach, FL | 9,854 | 1962 | $709,035 | $71.95 | $6.00 | $482,205 | $48.93 | One-story Retail strip center |
| 400 N. Congress Avenue North Palm Beach, FL | 98,905 | 2008 | $7,890,395 | $79.78 | $5.20 | $5,880,501 | $59.46 | One-story Kohls Big Box Retail |
| 4367 Northlake Boulevard North Palm Beach, FL | 34,375 | 2001 | $5,771,228 | $167.89 | $9.60 | $3,687,490 | $107.27 | One-story Retail shopping center with bank and medical building |
| **Subject Property - Retail Use Park Avenue West Lake Park, FL** | 58,000 | 2017 proposed | | | $7.50 estimated | | | One-story Retail shopping center |

The ten properties provide a range in Market Value from $67.67 to $167.89 per SqFt with an average of $97.70. The Value of Improvements ranged from $41.29 to $107.27, with an average of $64.12 per SqFt.

We have again considered the location and land value of the comparables as well as the age and condition, and construction quality. Each were over eight years old resulting in a depreciated or reduced improvement value. The Subject is assumed to be newly completed construction.

In order to project the hypothetical Market Value Assessment for the planned use, we have concluded at a value of $110 to $120 per SqFt overall. As a secondary indication, we have projected the value of Improvements at $90.00 per SqFt then added this to the Estimated

Assessed Land Value at $7.50 per SqFt. We have projected the 2016 Market Value Assessment for a new good-quality Retail use at **$6,700,000**, based on the following two calculations.

| Projected 2016 Market Value Assessment | | | | |
|---|---|---|---|---|
| 58,000 | SqFt x | $110 | per SqFt = | $6,380,000 |
| 58,000 | SqFt x | $120 | per SqFt = | $6,960,000 |
| | | | Reconciled at | **$6,700,000** |

| Projected 2016 Market Value Assessment | | | | |
|---|---|---|---|---|
| Land Value Projection | | | | |
| 203,207 | SqFt x | $7.50 | per SqFt = | $1,524,053 |
| Projected Value of Improvements | | | | |
| 58,000 | SqFt x | $90.00 | per SqFt = | $5,220,000 |
| | | | Reconciled at | **$6,744,053** |

The Millage Rate for this area of Lake Park is 21.4245, which provides the following projection of Ad Valorem Taxes for the planned Space Box use.

| Projected 2016 Ad Valorem Taxes as Retail | | | | |
|---|---|---|---|---|
| $6,700,000 | x | 0.0214 | = | $143,380 |
| | | Rounded | | **$143,000** |

## Industrial Use

As an alternate use as typical Industrial use, the site could accommodate about 92,000 SqFt of building area in a one-story facility. We have gathered information on ten industrial properties in Northern Palm Beach County. The pertinent information on this data sample are summarized as follows:

**REAL ESTATE TAX ANALYSIS - INDUSTRIAL/WAREHOUSE FACILITY**

| Name/Location | Building Area (SqFt) | Year Built | 2015 Assessment: Total Market Value | Market Value Per SqFt | Land Value per SqFt | Improvement Value | Assessment Per SqFt | Comments | Adj. Pri :SqF |
|---|---|---|---|---|---|---|---|---|---|
| 3874 Fiscal Court Riviera Beach, FL | 84,712 | 1987 | $4,192,826 | $49.50 | $4.00 | $3,038.806 | $35.87 | Multi-tenant warehouse distribution center. | |
| 8011 Monetary Drive Riviera Beach, FL | 77,828 | 1987-89 | $3,400,000 | $43.69 | $2.94 | $2,799.101 | $35.97 | Multi-tenant warehouse distribution center. | |
| 7830 Byron Drive Riviera Beach, FL | 251,720 | 1988 | $12,775,856 | $50.75 | $4.28 | $10,361,564 | $41.16 | Multi-tenant warehouse distribution center. | |
| 2001 N. Congress Avenue Riviera Beach, FL | 164,757 | 1990 | $6,902,311 | $41.89 | $4.28 | $5,228.429 | $31.73 | Multi-tenant warehouse distribution center | |
| 3541 Dr. Martin Luther King Blvd Riviera Beach, FL | 106,050 | 2003 | $4,192,826 | $39.54 | $4.61 | $3,038.806 | $28.65 | Multi-tenant warehouse distribution center | |
| 2000 Avenue P Riviera Beach, FL | 59,351 | 1987 | $4,192,826 | $70.64 | $4.44 | $3,038,806 | $51.20 | Multi-tenant warehouse distribution center | |
| 1177 W. Blue Heron Boulevard Riviera Beach, FL | 98,830 | 1984 | $4,403,733 | $44.56 | $3.29 | $3,184.850 | $32.23 | Single-tenant warehouse distribution center | |
| 5851 45th Street West Palm Beach, FL | 312,446 | 2003 | $15,828,075 | $50.66 | $1.90 | $10,873,858 | $34.80 | Costco warehouse distribution center | |
| 5731 Premier Park Drive West Palm Beach, FL | 119,172 | 2007 | $6,662,706 | $55.91 | $3.88 | $4,878,752 | $40.94 | Single-tenant warehouse distribution center | |
| 6965 Vista Parkway West Palm Beach, FL | 77,931 | 2008 | $5,023,008 | $64.45 | $4.51 | $3,787,943 | $48.61 | Multi-tentant Warehouse Flex Complex. | |
| **Subject Property - Industrial Park Avenue West Lake Park, FL** | 92,000 | 2017 proposed | | | $7.50 estimated | | | Multi-tentant Warehouse Flex Complex. | |

The ten properties provide a range in Market Value from $39.54 to $70.64 per SqFt with an average of $51.16. The Value of Improvements ranged from $28.65 to $51.20, with an average of $38.12 per SqFt.

We have again considered the location and land value of the comparables as well as the age and condition, and construction quality. Each were over eight years old resulting in a depreciated or reduced improvement value. The Subject is assumed to be newly completed construction.

In order to project the hypothetical Market Value Assessment for the planned use, we have concluded at a value of $70 to $80 per SqFt overall. As a secondary indication, we have projected the value of Improvements at $60.00 per SqFt then added this to the Estimated

Assessed Land Value at $7.50 per SqFt. We have projected the 2016 Market Value Assessment for a new good-quality Retail use at **$7,000,000**, based on the following two calculations.

| Projected 2016 Market Value Assessment | | | | |
|---|---|---|---|---|
| 92,000 | SqFt x | $70 | per SqFt = | $6,440,000 |
| 92,000 | SqFt x | $80 | per SqFt = | $7,360,000 |
| | | | Reconciled at | **$6,900,000** |

| Projected 2016 Market Value Assessment | | | | |
|---|---|---|---|---|
| Land Value Projection | | | | |
| 203,207 | SqFt x | $7.50 | per SqFt = | $1,524,053 |
| Projected Value of Improvements | | | | |
| 92,000 | SqFt x | $60.00 | per SqFt = | $5,520,000 |
| | | | Reconciled at | **$7,044,053** |

The Millage Rate for this area of Lake Park is 21.4245, which provides the following projection of Ad Valorem Taxes for the planned Space Box use.

| Projected 2016 Ad Valorem Taxes as Industrial | | | | |
|---|---|---|---|---|
| $7,000,000 | x | 0.0214 | = | $149,800 |
| | | Rounded | | **$150,000** |

Conclusion

The three potential development scenarios for the Subject Site provided the following projected ad valorem taxes. Based on the calculations and projections of a reasonable assessment for the Subject Property, the planned use as a Self Serve Storage Facility provides the highest indication of Ad Valorem Tax.

| Summary of Projected Ad Valorem Taxes | |
|---|---|
| Self Storage Facility | $279,000 |
| Retail Use | $144,000 |
| Typical Industrial Use | $150,000 |

We have not included the Non Ad Valorem Tax which is not applicable in this case. The comparable Self Storage Facilities indicate a range from $0.08 to $0.10 per SqFt of building area. This range would project a figure of about $16,000 to $20,000.

# *ADDENDA*

# *SUBJECT PROPERTY DATA*

Gary R. Nikolits, CFA
# Property Appraiser
Palm Beach County

Homestead Exemption E-file

| | |
|---|---|
| Location Address | |
| Municipality | LAKE PARK |
| Parcel Control Number | 36-43-42-19-26-007-0000 |
| Subdivision | CONGRESS BUSINESS PARK PLAT NO 2 PUD |
| Official Records Book | Page |
| Sale Date | |
| Legal Description | CONGRESS BUSINESS PARK PLAT NO 2 PUD TR G1 K/A FUTURE DEVELOPMENT |

**Owners**
CONGRESS AVENUE PROPERTIES LTD

**Mailing address**
4500 PGA BLVD STE 207
PALM BEACH GARDENS FL 33418 3965

No Sales Information Available.

No Exemption Information Available.

Number of Units *Total Square Feet 0 Acres 4.6656
Use Code 1000 - VACANT COMMERCIAL Zoning -

| Tax Year | 2015 | 2014 | 2013 |
|---|---|---|---|
| Improvement Value | $0 | $0 | $0 |
| Land Value | $0 | $0 | $0 |
| Total Market Value | $0 | $0 | $0 |

All values are as of January 1st each year

| Tax Year | 2015 | 2014 | 2013 |
|---|---|---|---|
| Assessed Value | $0 | $0 | $0 |
| Exemption Amount | $0 | $0 | $0 |
| Taxable Value | $0 | $0 | $0 |

| Tax Year | 2015 | 2014 | 2013 |
|---|---|---|---|
| Ad Valorem | $0 | $0 | $0 |
| Non Ad Valorem | $0 | $0 | $0 |
| Total tax | $0 | $0 | $0 |

# *QUALIFICATIONS*

## DOUGLAS B. LAWSON, MAI

## QUALIFICATIONS

Douglas B. Lawson is the Principal of Lawson Appraisal Service, LLC, a real estate appraisal and consulting firm in North Palm Beach, Florida.

Mr. Lawson has been actively engaged in various phases of real estate appraisal since 1977. He has prepared appraisals encompassing most of the major categories of land and buildings. Mr. Lawson has conducted appraisals for the purpose of sale/purchase, insurable value, rental, financial, ad valorem tax, purchase price allocation and corporate planning.

Mr. Lawson has been a resident of Palm Beach County, Florida, since 1955. He received his secondary education from the University of Florida, where he graduated in 1978 with a Bachelor of Science degree in Business Administration, majoring in Real Estate and Urban Land Development.

## PROFESSIONAL AFFILIATIONS

- Member of the Appraisal Institute -- MAI Certification No. 7581
- Qualified as an expert witness in Circuit Courts of Palm Beach and Martin Counties, as well as in Federal Bankruptcy Court
- Board of Directors, South Florida Chapter of the Appraisal Institute, 1999-2003
- Licensed as a Broker with Florida Real Estate Commission – (License BK3001120)
- State-Certified General Real Estate Appraiser, License RZ170, by the State of Florida, Department of Professional Regulation, Real Estate Appraisal Board through November 30, 2016.

## APPRAISAL EDUCATION

- Society of Real Estate Appraisers / American Institute of Real Estate Appraisers
  Numerous appraisal courses and seminars between 1977 and 1986
- Appraisal Institute
  Comprehensive Examination--Challenged and Passed, 1987
  Standards of Professional Practice A & B, 1992, 1994, 1996
  Standards of Professional Practice C, 1998, 2002, 2004
  Litigation Valuation, 1993
  USPAP Update, 1994, 1996, 1998, 2000, 2003, 2005, 2008, 2010, 2012, 2014
  Appraisal Review: Residential Properties, 1995

Business Enterprise Valuation, 1999
Apartment Appraisal: Concepts and Applications, 1999
Appraising Automobile Dealership Facilities 2000
Standards and Ethics for Professionals 2003 and 2005
Florida State Law for Appraisers 2003, 2005, 2008, 2010, 2012 and 2014
Business Practices and Ethics 2003, 2006, 2012
Roles and Rules of Supervisors and Trainees, 2008, 2010
Appraising High Value and Historic Homes, 2008
Property Tax assessment, 2010
Small Hotel/Motel Valuation, 2010
Analyzing Operating Expenses 2010
The Uniform Appraisal Dataset from Fannie Mae and Freddie Mac 2011
US Hotel Industry/HVS Hotel Market Studies & Valuation 2012
Lessons From the Old Economy: Working in the New 2012
HVS Hotel Valuation Software 2012, The US Hotel Industry 2012
Retail Center Analysis 2012
Fundamentals of Separating Real Property, Personal Property and Intangible Business Assets 2013
Real Estate Finance Statistics and Valuation Modeling 2013

- Attended over 120 hours of valuation seminars sponsored by the Appraisal Institute during the past five years.

## APPRAISAL EXPERIENCE

- Principal, Lawson Appraisal Service, LLC, Real Estate Appraisal and Consulting Firm, Palm Beach Gardens, Florida—2009 to present.
- President, Lawson Valuation Group, Inc., Real Estate Appraisal and Consulting Firm, Palm Beach Gardens, Florida--1998-2009.
- President, Lawson & Powel, Inc., Real Estate Appraisal and Consulting Firm, Palm Beach Gardens, Florida, 1993 to 1998.
- Vice President, R.C. Bennett & Associates, Inc., Palm Beach, West Palm Beach and Palm Beach Gardens, Florida, July 1988 to August 1993.
- Staff Appraiser, Callaway & Price, Inc., West Palm Beach, Florida, June 1977 to July, 1988.
- Served as Special Magistrate for Palm Beach County Value Adjustment Board: 1987 through 1992, 2000, 2002 and 2003 through 2008, 2012-2014. Served/Approved as Special Magistrate for Martin County Value Adjustment Board: 2011-2014 and Served Miami-Dade County in 2013.
- Bachelor of Science in Business Administration from the University of Florida, 1978, majoring in Real Estate and Urban Land Development.

## TYPES OF PROPERTY APPRAISED

Appraisals made on the following types of property from individuals, corporations, banks, attorneys, governmental agencies, savings and loans and mortgage companies:

Acreage
Adult Congregate Living Facilities
Apartment Buildings
Automobile Agencies
Boat Yards
Churches
Commercial Buildings
Condemnations
Correctional Facilities
Country Clubs
Day Care Facilities
Duplexes
Easements
Foreclosures
Furniture & Furnishings
Golf Courses
Hotels
Industrial Buildings
Islands
Landfills
Landmark Properties
Life Care Facilities
Marinas
Medical Buildings
Mobile Home Parks
Motels
Nursing Homes
Office Buildings
Prison Facilities
Planned Unit Developments
Ranches
Race Tracks
Recreational Vehicle Property
Residential - High-Value and Historic
Restaurants
Retail Properties
Service Stations
Shopping Centers
Single Family Residences
Ski Resorts
Special Purpose Properties
Subdivisions
Vacant Lots
Warehouses

Mr. Lawson has appraisal experience in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia and Wisconsin.

**STATE OF FLORIDA**
**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

FLORIDA REAL ESTATE APPRAISAL BD
1940 N. MONROE ST.
TALLAHASSEE FL 32399-0783

850-487-1395

LAWSON, DOUGLAS B
9250 ALTERNATE A1A
SUITE A
NORTH PALM BEACH FL 33403

Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida's economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto **www.myfloridalicense.com**. There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department's initiatives.

Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RZ170 ISSUED: 08/25/2014

CERTIFIED GENERAL APPRAISER
LAWSON, DOUGLAS B

IS CERTIFIED under the provisions of Ch 475 FS
Expiration date NOV 30, 2016 L1408250003142

DETACH HERE

RICK SCOTT, GOVERNOR

KEN LAWSON, SECRETARY

**STATE OF FLORIDA**
**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**
**FLORIDA REAL ESTATE APPRAISAL BD**

| LICENSE NUMBER | |
|---|---|
| RZ170 | |

The CERTIFIED GENERAL APPRAISER
Named below IS CERTIFIED
Under the provisions of Chapter 475 FS.
Expiration date: NOV 30, 2016

LAWSON, DOUGLAS B
10226 HUNT CLUB LANE
PALM BEACH GARDENS FL 33418

ISSUED: 08/25/2014

DISPLAY AS REQUIRED BY LAW

SEQ # L1408250003142

# NOTICE OF QUASI-JUDICIAL PUBLIC HEARING
## Town of Lake Park

Please take notice and be advised that the Planning & Zoning Board will hold a quasi-judicial special call public hearing on **Monday, August 22, 2016, at 6:30 p.m., or as soon thereafter as can be heard**, in the Town of Lake Park Commission Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida, to hear the following application by iPlan & Design, LLC on behalf of Spacebox Lake Park, LLC: A Site Plan Review application for the Special Exception Use approval of a 201,600 square foot self-storage facility being proposed in two phases. The proposed site is a 4.6 acre vacant lot that is located east of North Congress Avenue between Park Avenue West and Watertower Road with PCN# 36434219260070000. The item will also tentatively be heard by the Town Commission of the Town of Lake Park on **Wednesday, September 21, 2016 at 6:30 p.m., or as soon thereafter as can be heard** in the Lake Park Town Commission Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida. Records related to this item may be inspected at the Community Development Department located at Town Hall.

If a person decides to appeal any decision made by the Planning and Zoning Board or the Town Commission with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

**Town Clerk**: Vivian Mendez
**PUB**: The Palm Beach Post – Monday, August 8, 2016

**Town of Lake Park**
Community Development Department

**Certified Mail** – ***You are receiving this notice because you are the legal owner of record for property that is located within 300 feet of the subject property.***

August 5, 2016

**Re: PCN:** 36434219260070000
**Spacebox, Lake Park, FL – Site Plan Application for the Special Exception Use of a Self-Storage Facility**

Dear Property Owner:

Please be advised that iPlan & Design, LLC, on behalf of Spacebox Lake Park, LLC, has filed the following application regarding the development of a self-storage facility on a 4.6 acre vacant lot that is located east of North Congress Avenue between Park Avenue West and Watertower Road and owned by Congress Avenue Properties Ltd:

→ A Site Plan Review application for the Special Exception Use approval of a 201,600 square foot self-storage facility being proposed in two phases.

The **Planning and Zoning Board** will conduct a quasi-judicial public hearing to consider this application at a special call meeting on **Monday, August 22, 2016, at 6:30 p.m.**, or as soon thereafter as can be heard.

The item will also tentatively be heard by the **Town Commission at a quasi-judicial public hearing** of the Town of Lake Park on **Wednesday, September 21, 2016 at 6:30 p.m.**, or as soon thereafter as can be heard.

Both hearings will be held in the Town Hall Commission Chambers located at 535 Park Avenue, Lake Park, Florida. If you have any questions, please do not hesitate to call the Community Development Department at (561) 881-3320.

Sincerely, Scott Schultz

Scott Schultz, Planner

**535 Park Avenue, Lake Park, Florida 33403 – Phone: 561-881-3320 Fax: 561-881-3323**
**Web Site: www.lakeparkflorida.gov Email: dabraham@lakeparkflorida.gob**

# Ordinance on Second Reading

# TAB 8

## Town of Lake Park Town Commission

### Agenda Request Form

**Meeting Date: September 21, 2016** **Agenda Item No.** Tab 8

**Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, SECTION 78-6 OF THE LAKE PARK TOWN CODE, ENTITLED "REASONABLE ACCOMMODATION PROCEDURES" IN ITS ENTIRETY AND REPLACING IT WITH NEW REASONABLE ACCOMMODATION REGULATIONS TO PROTECT PERSONS WITH DISABILITIES DUE TO SUBSTANCE ABUSE AND THE GENERAL PUBLIC.**

[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
**[ X ] ORDINANCE ON 2nd READING**
[ ] NEW BUSINESS
[ ] OTHER: _____

**Approved by Town Manager** _____ **Date:** 9-14-16
*Thomas J. Baird / Town Attorney*
**Name/Title**

| | | |
|---|---|---|
| **Originating Department:**<br><br>**Town Attorney**<br>*(agenda request form prepared by Community Development)* | Costs: **$ Town Attorney Costs and Legal Ad**<br>Funding Source: **Legal and Town Clerk**<br>Acct. # **Legal & Clerk 106-48100**<br>[ ] Finance _____ | **Attachments:**<br>➔ **Ordinance 06-2016**<br>➔ **Legal Ad** |
| **Advertised:**<br>Date: **09-11-2016**<br>Paper: **Palm Beach Post**<br>[ ] | 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 *ND*<br>or<br>Not applicable in this case<br><br>**Please initial one.** |

**Summary Explanation/Background:**
In June and July of this year, the Community Development Department moved several Reasonable Accommodation (RA) applications forward to Special Magistrate Hearings. At these Hearings, our RA Ordinance codified in Chapter 78 was objected. Consequently, the Magistrate requested that our Town Attorney review the Ordinance and revise it as necessary. Enclosed with this agenda item is the revised Ordinance prepared by the Town Attorney. Upon adoption of the revised Ordinance, the Community Development Department will work with applicants to revise their RA applications as is necessary to reflect the changes and will then resume with the RA Hearings in the next few months.

**Recommended Motion: I move to ADOPT Ordinance 06-2016 on second reading.**

**ORDINANCE NO. 06-2016**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, SECTION 78-6 OF THE LAKE PARK TOWN CODE, ENTITLED "REASONABLE ACCOMMODATION PROCEDURES" IN ITS ENTIRETY AND REPLACING IT WITH NEW REASONABLE ACCOMMODATION REGULATIONS TO PROTECT PERSONS WITH DISABILITIES DUE TO SUBSTANCE ABUSE AND THE GENERAL PUBLIC; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, §2(b) of the Constitution of the State of Florida and Chapter 166, Florida Statutes, the Town Commission of the Town of Lake Park, Florida (the "Town") has the home rule authority to establish such regulations as it deems necessary to advance and protect the health, safety, morals and general welfare of the Town; and

**WHEREAS**, pursuant to § 397.487(1), Fla. Stat., the Florida Legislature has made the legislative finding that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence after completing treatment from a licensed service provider; and

**WHEREAS**, pursuant to § 397.487(1), Fla. Stat. the Florida Legislature has made the legislative finding that the state, its subdivisions, and municipal corporations have a legitimate state interest in protecting persons suffering from addiction, who represent a vulnerable consumer population in need of housing; and

**WHEREAS**, pursuant to § 397.487(1), Fla. Stat., the Florida Legislature has made the legislative finding that persons who live in a recovery residence require protection; and

**WHEREAS**, the Florida Legislature has determined that persons suffering from addiction who live in recovery residences can be better protected by the establishment of a voluntary certification program for recovery residences; and

**WHEREAS**, the Florida Legislature has determined that persons suffering from addiction would be better protected by the establishment of a program for the certification of recovery residence administrators to ensure that these administrators adhere to certain core competencies, including (1) A code of ethics and disciplinary process; (2) Biennial continuing education requirements; (3) Annual certification renewal and requirements; and

**WHEREAS,** the Florida Legislature has determined that persons suffering from addiction who live in recovery residences can be better protected by encouraging recovery residences to employ a recovery residence administrator who has earned and who will maintain certification from a credentialing entity approved by the Department of Children and Families; and

**WHEREAS**, the Town Commission finds that the voluntary certification of recovery residences, the management of the recovery residence and the supervision of the residents therein by a certified recovery residence administrator is necessary and appropriate to further the health, safety and general welfare of the residents of a recovery residence and the general public; and

**WHEREAS**, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety, and general welfare to amend Chapter 78, Article 1, Section 78-6 of the Town Code, as more specifically provided herein.

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

**Section 1.** The foregoing recitals are adopted herein as true and correct and shall constitute the legislative findings of the Town Commission.

**Section 2.** Chapter 78, Article I, Section 78-6 is hereby amended and replaced in its entirety as follows:

~~Sec. 78-6. Reasonable accommodation procedures.~~

~~(1) This section implements the policy of the town for processing requests for reasonable accommodation from the town's ordinances, rules, policies, practices, and procedures for persons with disabilities as provided by the federal Fair Housing Amendments Act (42 U.S.C. 3601 et. seq.) ("FHA") and Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et. seq.) ("ADA"). For purposes of this section, a "disabled individual" or a "disabled person" means an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who is disabled (or a qualifying entity) may apply for a reasonable accommodation with respect to the town's land use or applicable zoning district's laws, rules, land use policies, or other relevant practices and/or procedures as provided by the FHA and the ADA by submitting an application for a reasonable accommodation pursuant to the procedures set forth in this section. For purposes of this section, a qualifying entity shall mean, a licensed service provider in the State of Florida as defined by F.S. § 397.311(18. All qualifying entities shall submit as part of an application for a reasonable accommodation, proof of the licensable service component the qualifying entity holds pursuant to F.S. ch. 397. Applications for a reasonable accommodation whether individually, or, if through a qualifying entity, must submit proof that he or she requires a reasonable accommodation because he or she is disabled and/or handicapped under the FHA and/or ADA, including the persons legal name and documentation demonstrating the nature of the handicap or disability.~~

~~(2) A request by a disabled person or individual ("applicant") for a reasonable accommodation under this section shall be made in writing by completing a form which is available in the town's community development department ("department"). The form shall contain questions and requests for information, which are necessary for the town to process the reasonable accommodation request.~~

~~(3) If the information required to be provided by the applicant to the town, includes medical information and/or records, including records relating to the medical~~

~~condition, diagnosis or medical history of the applicant, the applicant at the time of the submission of the medical information, may request that the town treat the medical information as confidential information of the applicant. In such case, the town shall endeavor to keep the applicant's medical information confidential to the extent permitted by law. The town shall thereafter use its best efforts to provide written notice to the applicant and/or the applicant's authorized agent, attorney or representative, of any request received by the town for disclosure of the medical information or documentation which the applicant has previously requested be treated as confidential by the town. The town will cooperate with the applicant to the extent allowed by law, in actions initiated by persons or entities that challenge or oppose the town's nondisclosure of medical information or records of the applicant. However, the town shall have no obligation to defend against any action seeking to compel the production of public records or to incur any legal or other expenses in connection therewith, and may produce the records to the extent the town determines the records are not exempt from the Public Records Act, or to comply with any judicial or administrative order without prior notice to the applicant.~~

~~The property owner or tenant of property which is the subject of an application for a reasonable accommodation, or, if applicable, a qualifying entity which is an owner or tenant of the property which is the subject of a reasonable accommodation application, shall submit the leases of each and every tenant the property who is requesting a reasonable accommodation. If the tenant is a qualifying entity as defined herein, then the qualifying entity shall submit the leases or subleases of any individual who is requesting a reasonable accommodation. It shall be the joint and several responsibility of the property owner, tenant, and/or qualifying entity to submit any leases or subleases application for persons at the property, at any time which is the subject of a reasonable accommodation request.~~

~~(5) The special magistrate may: (1) grant the reasonable accommodation request in full (2) grant a portion of the a reasonable accommodation request and deny a portion of the reasonable accommodation request and may also impose conditions upon the portion of the reasonable accommodation request that was granted; or (3) deny the reasonable accommodation request. Any denial of a reasonable accommodation request shall be in writing, and shall state the grounds for the denial. All decisions of the special magistrate on a request for reasonable accommodation shall be in writing and shall give the applicant notice of the applicant's right to appeal. The written decision of the special magistrate shall be sent to the applicant (i.e., the disabled individual or his/her authorized agent, attorney, or representative) by certified mail, return receipt requested, at the address specified for notice by the applicant on the application form.~~

~~(5~~6) ~~In determining whether a reasonable accommodation request should be granted or denied, the applicant, or, if applicable, the qualifying entity must establish that the applicant is protected under the provisions of the FHA and/or ADA by demonstrating that the applicant is handicapped or disabled, as defined in the FHA and/or ADA. Although the definition of disability is subject to judicial interpretation,~~

~~for purposes of this section, the disabled individual who is the subject of the request for a reasonable accommodation must show: (i) a physical or mental impairment which substantially limits one or more major life activities; (ii) a record of having such impairment; and (iii) that the disabled individual is regarded as having such impairment. After satisfying the foregoing three criteria, the applicant must demonstrate that the proposed accommodations being sought are reasonable and necessary to afford him/her an equal opportunity to use and enjoy housing.~~

~~(6) If denied an applicant may appeal, by writ of certiorari the special magistrate's written decision on a reasonable accommodation request within 30 days after the date on which the written decision is rendered.~~

~~(7) No fee shall be imposed by the department in connection with a request for reasonable accommodation under this section, or for an appeal of a decision of the special magistrate to the town commission. The town shall have no liability for or legal obligation to pay an applicant's attorney's fees or costs, including attorney's fees and costs incurred in any appeal at any appellate level.~~

~~(8) During the time when an application for reasonable accommodation is pending, the town shall not enforce the zoning ordinance, rules, policies, and procedures which are the subject of the request application for a reasonable accommodation against the applicant.~~

~~(9) The following general provisions shall be applicable:~~

~~(a) The town shall display a notice in the town's public notice bulletin board (and shall maintain copies available for review in the department, the building/permitting division, and the town clerk's office), advising the public that disabled individuals (and qualifying entities, if applicable) may request a reasonable accommodation as provided in this section.~~

~~(b) A disabled individual, or if applicable a qualifying entity who has applied for a reasonable accommodation or may be represented at all stages of the reasonable accommodation process by a person designated by the disabled individual as their authorized agent, attorney, or representative. If an attorney, authorized agent, or other representative is representing an individual, or, if applicable, a qualifying entity, a written authorization designating the attorney, authorized agent, or representative shall be submitted together with the application.~~

~~(c) The town shall provide assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including without limitation, assistance with interpreting the reasonable accommodation application form and responding to the questions contained therein, assistance with completing the form, assistance with filing an appeal and assistance in appearing at hearings to ensure the process is accessible.~~

Sec. 78-6. Applications and regulations for reasonable accommodation for residents of Recovery Residences

(1) Definitions

***Counseling*** means the process, conducted in a facility licensed under Chapter 397, F.S., of engaging a client in a discussion of issues associated with the client's substance abuse and associated problems in an effort to work toward a constructive resolution of those problems and ultimately toward recovery.

***Certified recovery residence administrator*** means a recovery resident administrator who holds a valid certificate of compliance.

***Certified recovery residence*** means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.

***Disabled individual or a disabled person*** means an individual meeting the definition of "disability" set forth in 42 U.S.C.S. § 12102 of the American with Disabilities Act (ADA) means someone having: (i) a physical or mental impairment which substantially limits one or more major life activities; (ii) a record of having such impairment; and (iii) who is regarded as having such an impairment.

***Housing provider*** means a person or entity which has been certified as a recovery residence, or which is in the process of obtaining certification as a recovery residence.

***Licensed service provider*** means a public agency under Chapter 397, F.S., a private for-profit or non-for-profit agency under Chapter 397, F.S., a physician or any other private practitioner licensed under this chapter, or a hospital that offers substance abuse services through one or more licensed service components.

***Qualifying entity*** shall mean, a licensed service provider in the State of Florida as defined by F.S. § 397.311(18), or an entity who is in the business of providing recovery residences for individuals disabled due to substance abuse.

***Recovery*** means a process of personal change through which individuals achieve abstinence from alcohol or drug abuse and improve health, wellness, and quality of life.

***Recovery residence*** means a residential dwelling unit, or other form of group housing that is offered or advertised through any means including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug free living environment.

***Recovery residence administrator*** means the person responsible for the overall management of the recovery residence, including but not limited to, the supervision of residents and staff employed by, or volunteering for, the residence.

***Service component or component*** means a discrete operational entity within a service provider which is subject to licensing as defined by the rules adopted to implement Chapter 397, F.S.

***Substance abuse*** means the misuse of, or dependence on alcohol, illicit drugs, or prescription medications.

***Treatment*** means specific clinical and services such as individual and group counseling.

(2) Application: This section implements the policy of the Town for processing reasonable accommodation applications for persons with disabilities and who are in recovery from substance abuse. Any applicant whether a disabled individual, or a qualifying entity may apply for a reasonable accommodation with respect to the Town's land use or applicable zoning laws, codes, rules, practices and/or procedures by submitting an application for a reasonable accommodation pursuant this section.

(a) All qualifying entities shall submit as part of an application for a reasonable accommodation, proof of the licensable service component the qualifying entity holds pursuant to F.S. ch. 397.

(b) Housing providers for disabled individuals shall submit such information as the Town may deem sufficient to demonstrate that the entity is a certified recovery residence or is in the process of becoming certified to operate a recovery residence for disabled individuals.

(c) Applicants making application for a reasonable accommodation whether individually, through a qualifying entity or as a housing provider, shall submit proof that each individual is seeking a reasonable accommodation is due to the individual's handicap or disability.

(d) Applicants making applications to operate a recovery residence shall identify the recovery residence administrator who is responsible for the overall management and the supervision of residents and any staff. Applicant shall submit such information as is necessary to document that the recovery residence administrator is certified or has applied for certification as a recovery residence administrator.

(e) An applicant for a reasonable accommodation under this section shall submit an application using a form which is available in the Town's community development department ("department"). The information on the form must be

complete as the information solicited is necessary for the Town to process the reasonable accommodation application.

(f) The Town shall display a notice in the Town's public notice bulletin board (and shall maintain copies available for review in the department, the building/permitting division, and the Town Clerk's Office), advising the public that an application for a reasonable accommodation as provided in this section has been submitted to the department.

(g) A disabled individual, a qualifying entity or housing provider who has applied for a reasonable accommodation may be represented at all stages of the reasonable accommodation proceedings by a person designated by the disabled individual as their authorized agent. Any authorized agent representing an individual, or, if applicable, a qualifying entity or housing provider shall submit, a written authorization designating the individual as the agent authorized to legally bind the applicant to the representations in the application, or any conditions agreed to or imposed as part of the order of the Special Magistrate.

(h) No application fee shall be imposed by the department in connection with an application for a reasonable accommodation.

(3) An individual, qualifying entity, or housing provider who is the tenant of a property owner, shall submit the leases or lease between the property owner and the tenant or tenants requesting a reasonable accommodation. It shall be the joint and several responsibility of the property owner or tenant, to submit any leases or subleases pertaining to the residence which is the subject of a reasonable accommodation application for a recovery residence.

(4) Applicants for a reasonable accommodation shall have the burden of establishing that the individuals on whose behalf the application has been submitted are protected under the provisions of the FHA and/or ADA. The applicant shall also demonstrate that the accommodation being sought for all of the individuals who will occupy the recovery residence are reasonable and necessary.

(5) All applications for a reasonable accommodation shall be considered by the Town's Special Magistrate pursuant to the procedures of § 2-2 of the Town Code. The Town shall be responsible for mailing via certified mail a notice containing the date and time of the Special Magistrate's hearing to consider the application. The Special Magistrate may: (1) grant the reasonable accommodation application as requested in the application; (2) grant a portion of the application determined by the Special Magistrate to be a reasonable accommodation given the circumstances and the nature of the request (3) grant the application with conditions to effectuate a reasonable accommodation; or (4) deny the reasonable accommodation requested. All decisions of the Special Magistrate shall be in writing. The written decision of the Special Magistrate shall constitute a Final

Order and shall be sent to the applicant by certified mail, return receipt requested, at the address specified by the applicant on the application form.

If denied the applicant may appeal the Final Order by writ of certiorari within 30 days of the date it is rendered.

**Section 3. Codification.**

The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the Town of Lake Park.

**Section 4. Severability.**

If any section, phrase, sentence 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 5. Repeal of Laws in Conflict.**

All ordinances or parts of ordinances of the Town of Lake Park, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

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

p:\docs\26508\00002\doc\1q99812.doc

The Palm Beach Post

Palm Beach Daily News | ideabar

**RECEIPT**

LEGAL NOTICE OF
PROPOSED ORDINANCE
TOWN OF LAKE PARK

Please take notice that on Wednesday, September 21, 2016, 2016 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 06-2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, SECTION 78-6 OF THE LAKE PARK TOWN CODE, ENTITLED "REASONABLE ACCOMMODATION PROCEDURES" IN ITS ENTIRETY AND REPLACING IT WITH NEW REASONABLE ACCOMMODATION REGULATIONS TO PROTECT PERSONS WITH DISABILITIES DUE TO SUBSTANCE ABUSE AND THE GENERAL PUBLIC; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 07-2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, SECTION 2-24 PERTAINING TO THE RECORDING AND INVENTORY OF CERTAIN PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 08-2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK FLORIDA, AMENDING CHAPTER 18, ARTICLE IV, SECTION 18-123 OF THE TOWN CODE PERTAINING TO THE CRITERIA FOR APPROVAL OF SPECIAL EVENT PERMITS; PROVIDING FOR THE AMENDMENT OF SECTION 18-123(7) RELATED TO REQUIRING LIQUOR LEGAL LIABILITY INSURANCE; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk

PUB: The Palm Beach Post
9-11/ 2016 #649228

# TAB 9

## Town of Lake Park Town Commission

### Agenda Request Form

**Meeting Date:** **September 21, 2016** **Agenda Item No.** Tab 9

**Agenda Title:** **ORDINANCE UPDATING THE THRESHOLD FOR CAPITALIZING ASSETS FROM $750 TO $5,000**

[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[X] PUBLIC HEARING ORDINANCE ON SECOND READING
[ ] NEW BUSINESS
[ ] OTHER: _____

**Approved by Town Manager** _____ **Date:** 9-13-16

**Blake K. Rane** BKR **Finance Director**
**Name/Title**

| | | |
|---|---|---|
| **Originating Department:**<br>**FINANCE** | Costs: None<br>Funding Source:<br>Acct. #<br>[ X ] Finance ____BKR_____ | **Attachments:**<br>**Ordinance** 7 **-2016**<br>**Florida Statue 274.02**<br>-Legal Notice |
| **Advertised:**<br>Date: __9/11/2016____<br>Paper: __Palm Beach Post__<br>[ ] 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_____<br>or<br>Not applicable in this case _BKR_<br>**Please initial one.** |

**Summary Explanation/Background:**

Currently the Town records as a Fixed Asset any purchase of over $750.00 with a useful life of over one year. The dollar value has remained the same since 1992 and should be updated. The amount that staff has selected is $5,000.00. This amount was selected after reviewing the State Statue, polling neighboring towns, and considering value of machinery and equipment typically purchased by the Town.

**Recommended Motion:**

I move to approve Ordinance 7 -2016 on second reading.

**ORDINANCE NO. 7-2016**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, SECTION 2-24 PERTAINING TO THE RECORDING AND INVENTORY OF CERTAIN PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS,** Chapter 2, Article V, of the Town Code requiring the recording and inventory of certain fixtures and other tangible personal property in accordance with § 274.02, Fla. Stat.; and

**WHEREAS,** the Town Commission has determined that it is necessary and appropriate to amend Section 2-224 of the Code of Ordinances of the Town of Lake Park pertaining to the recordation, marking, and inventory of fixtures and other tangible personal property acquired by the Town; and

**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 the findings of the Commission, and are incorporated herein.

**Section 2.** Chapter 2, Article V, Section 2-224 of the Code of Ordinances of the Town of Lake Park is hereby amended as follows:

**ARTICLE IV. BOARDS AND COMMITTEES**

Sec. 2-224. – Recording and inventory of certain property.

Fixtures and other tangible personal property of a nonconsumable nature, the value of which exceeds ~~is $750.00~~ $5,000 ~~or more~~ and for which the normal expected life ~~of which~~ is one year or more, acquired on or after October 1, 1988, shall be recorded, marked and inventoried in accordance with the provisions of ~~F.S.~~ § 274.02~~.~~ Florida Statutes, ~~F.S. ch. 274~~ is hereby incorporated herein by reference, and made a part hereof as if fully set forth herein.

**Section 3.** Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.** Codification. The sections of the ordinance may be renumbered or relettered to accomplish codification, and the words "ordinance," "section," "article," or "paragraph" may be changed to provide for continuity.

**Section 5.** Severability. If any section, subsection, sentence, clause, phase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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

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Select Year: 2016 Go

# The 2016 Florida Statutes

| Title XVIII | Chapter 274 | View Entire Chapter |
| --- | --- | --- |
| PUBLIC LANDS AND PROPERTY | TANGIBLE PERSONAL PROPERTY OWNED BY LOCAL GOVERNMENTS | |

**274.02 Record and inventory of certain property.**—

(1) The word "property" as used in this section means fixtures and other tangible personal property of a nonconsumable nature.

(2) The Chief Financial Officer shall establish by rule the requirements for the recording of property and for the periodic review of property for inventory purposes.

**History.**—s. 2, ch. 59-163; s. 8, ch. 69-82; s. 1, ch. 73-87; s. 5, ch. 82-104; s. 1, ch. 88-53; s. 5, ch. 96-209; s. 2, ch. 2004-296; s. 41, ch. 2006-122.

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**Palm Beach Post, The**
Sept. 11, 2016
Miscellaneous Notices

LEGAL NOTICE OF
PROPOSED ORDINANCE
TOWN OF LAKE PARK

Please take notice that on Wednesday, September 21, 2016, 2016 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 06-2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, SECTION 78-6 OF THE LAKE PARK TOWN CODE, ENTITLED "REASONABLE ACCOMMODATION PROCEDURES" IN ITS ENTIRETY AND REPLACING IT WITH NEW REASONABLE ACCOMMODATION REGULATIONS TO PROTECT PERSONS WITH DISABILITIES DUE TO SUBSTANCE ABUSE AND THE GENERAL PUBLIC; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 07-2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, SECTION 2-24 PERTAINING TO THE RECORDING AND INVENTORY OF CERTAIN PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 08-2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK FLORIDA, AMENDING CHAPTER 18, ARTICLE IV, SECTION 18-123 OF THE TOWN CODE PERTAINING TO THE CRITERIA FOR APPROVAL OF SPECIAL EVENT PERMITS; PROVIDING FOR THE AMENDMENT OF SECTION 18-123(7) RELATED TO REQUIRING LIQUOR LEGAL LIABILITY INSURANCE; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk

PUB: The Palm Beach Post
9-11/ 2016 #649228

# TAB 10

## Town of Lake Park Town Commission

**Agenda Request Form**

**Meeting Date: September 21, 2016** **Agenda Item No.** Tab 10

**Agenda Title: A TOWN INITIATED ORDINANCE PROPOSING THE MODIFICATION OF TOWN CODE SECTION 18-123(7) ALLOWING LIQUOR VENDORS OF SPECIAL EVENTS HELD ON TOWN PROPERTY TO PROVIDE THEIR OWN LIQUOR LEGAL LIABILITY INSURANCE TO THE TOWN.**

[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
**[ X ] ORDINANCE ON 2nd READING**
[ ] NEW BUSINESS
[ ] OTHER: _____

**Approved by Town Manager** _____ **Date:** 9-14-16

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

| | | |
|---|---|---|
| **Originating Department:**<br>**Community Development** | **Costs: $ Legal Ad**<br>Funding Source: **Town Clerk** (m)<br>Acct. **#106-48100**<br>[ ] Finance _____ | **Attachments:**<br>➔ **Ordinance 08-2016**<br>➔ **Legal Ad** |
| **Advertised:**<br>Date: **09-11-2016**<br>Paper: **Palm Beach Post**<br>[ ] | 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**<br>*ND*<br>or<br>Not applicable in this case ____<br>**Please initial one.** |

**Summary Explanation/Background:**
In reviewing the Town Code with the Town's Risk Management Department, staff determined that the insurance requirements in Section 18-123(7) are too limiting. They are limiting since they do not provide any flexibility to event organizers in utilizing individual liquor vendors at their events which would thereby allow the liquor vendor to provide the Town with its own liquor legal liability insurance. For example, if a music festival is applied for in Kelsey Park by an event company, the Town Code currently indicates that this event company (as applicant) must provide the liquor legal liability. This is too limiting since event companies are typically not your liquor vendor at an event. Consequently, staff is proposing a very simple amendment to Section 18-123(7) of the Town Code to enable a liquor vendor to satisfy the Town's liquor legal liability insurance requirement.

**Recommended Motion: I move to ADOPT Ordinance 08-2016 on 2nd reading.**

**Section 1.** The whereas clauses are hereby incorporated as true and correct findings of fact of the Town Commission.

**Section 2. Sections 18-123(7)**

**Sec. 18-123. Additional criteria for permit approval.**

*(7) Insurance.* Insurance is required for those entities which propose to host special events on Town owned property. Insurance coverage must be obtained by the applicant in advance of the special event. The applicant shall submit a certificate of insurance coverage ~~submitted~~ to the Town that ~~and~~ demonstrates to the satisfaction of the Town that the applicant has commercial general liability ~~evidenced by a certificate of~~ insurance coverage with limits of $1,000,000 per occurrence and $2,000,000 aggregate, and which names ~~naming~~ the Town of Lake Park ~~as the certificate holder and~~ as an additional insured ~~with respect to commercial general liability~~. If the applicant proposes to serve alcoholic beverages ~~liquor is to be served~~ at the special event, ~~the~~a certificate of insurance, provided by the applicant or another entity with a license to serve alcoholic beverages shall submit a certificate of insurance which demonstrates to the satisfaction of the Town that the applicant or other entity maintains ~~must include liquor legal~~ liability insurance coverage usual to the insured's operations, pertaining to the serving of alcoholic beverages with ~~the minimum~~ limits of $1,000,000 per occurrence and $2,000,000 aggregate, naming the Town of Lake Park as an additional insured. Proof of insurance to the satisfaction of the Town which covers the applicant or other entity's liability insurance pertaining to serving alcoholic beverages must be submitted to the Town prior to the issuance of ~~the~~ a special event permit. Applicants which are found to have attempted to circumvent this requirement by using another person/entity for the purposes of obtaining the required insurance coverage shall be barred from obtaining another special event permit within the Town for three years.

**Section 3. Severability.** If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Section 4. Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 5.** **Codification.** The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the Ordinance maybe renumbered or re-lettered to accomplish such.

**Section 6.** **Effective date.** This Ordinance shall take effect immediately upon passage.

The Palm Beach Post

Palm Beach Daily News | ideabar

**RECEIPT**

**LEGAL NOTICE OF
PROPOSED ORDINANCE
TOWN OF LAKE PARK**

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