AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, November 2, 2016,
Immediately Following the Special Call
Budget Meeting,
Lake Park Town Hall
535 Park Avenue

James DuBois	**—**	**Mayor**
Kimberly Glas-Castro	**—**	**Vice-Mayor**
Erin T. Flaherty	**—**	**Commissioner**
Anne Lynch	**—**	**Commissioner**
Michael O'Rourke	**—**	**Commissioner**
John O. D'Agostino	**—**	**Town Manager**
Thomas J. Baird, Esq.	**—**	**Town Attorney**
Vivian Mendez, CMC	**—**	**Town Clerk**

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

A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS/REPORTS

1. Proclamation-National Pancreatic Awareness Month **Tab 1**

D. PUBLIC COMMENT:

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

E. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal

<u>sequence on the agenda. Any person wishing to speak</u> on an agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. <u>Cards must be submitted before the item is discussed.</u>

2. Regular Commission Meeting Minutes of October 19, 2016 Tab 2

F. <u>PUBLIC HEARING(S) QUASI- JUDICIAL- ORDINANCE ON FIRST READING:</u>

3. Ordinance No. 10-2016 AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN. Tab 3

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR THE CREATION OF A MIXED USE OVERLAY AREA ON THE EAST SIDE OF FEDERAL HIGHWAY BETWEEN PALMETTO DRIVE AND SILVER BEACH ROAD; PROVIDING FOR THE CREATION OF TWO SUB-DISTRICTS WITHIN THE NEW MIXED USE OVERLAY AREA; PROVIDING FOR INCENTIVES FOR REDEVELOPMENT BY ALLOWING PROPERTIES TO SUBSTANTIALLY INCREASE THE DENSITIES OF RESIDENTIAL USES AND THE FLOOR AREA RATIOS OF COMMERCIAL USES FOR THE PROPERTIES WITHIN THE OVERLAY; PROVIDING FOR THE AMENDMENT OF THE FUTURE LAND USE MAP TO SHOW THE BOUNDARIES OF THE NEW MIXED USE OVERLAY AND ITS SUB-DISTRICTS; PROVIDING FOR AMENDMENTS TO OBJECTIVE 9 AND ITS IMPLEMENTING POLICIES; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

G. <u>PUBLIC HEARING(S) - ORDINANCE ON SECOND READING:</u>

4. Ordinance No. 10-2016 A TOWN INITIATED ORDINANCE PROPOSING THE MODIFICATION OF TOWN CODE SECTION 6-6 TO PROVIDE FOR FLEXIBILITY THAT IS CONSISTENT WITH FLORIDA STATE STATUTE 562.45(2)(A) FOR THE SALE OF ALCOHOL NEAR CERTAIN USES AND ADDITIONAL CLARIFICATIONS. Tab 4

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 6, SECTION 6-6 OF THE TOWN CODE PERTAINING TO THE SALE OF ALCOHOL NEAR CERTAIN USES PROHIBITED; PROVIDING FOR AMENDMENT OF SECTION 6-6 TO PROVIDE THE SAME FLEXIBILITY AS FLORIDA STATE STATUTE 562.45(2)(A); PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

H. <u>NEW BUSINESS:</u>

5. Resolution No. 51-11-16 Authorizing the Mayor to Execute the Florida Inland Navigation District Project Agreement for Installation of Boat Lifts at the Lake Park Harbor Marina (Lake Park Harbor Marina Dock Retrofit Phase I Project) Tab 5

6. Authorize the Purchase of a Toro Groundsmaster 72 inch Mower from Hector Turf as Part of a Scheduled Replacement Cycle **Tab 6**

I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

J. ADJOURNMENT:

Next Scheduled Regular Commission Meeting will be held on Wednesday, November 16, 2016

Special Presentations /Reports

TAB 1

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: **November 2, 2016** **Agenda Item No.** Tab 1

Agenda Title: Proclaiming Pancreatic Cancer Awareness Month

[X] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[ ] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 10/19/16

John O. D'Agostino, Town Manager
Name/Title

Originating Department: **Town Manager**	Costs: -0- Funding Source: Acct. # [ ] Finance _____	**Attachments:** • **Pancreatic Cancer Awarness Resolution**
Advertised: Date: _____ Paper: _____ [X] 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_JOD_____ or Not applicable in this case ____ JOD **Please initial one.**

Summary Explanation/Background: Last year at the request of Donatella Botolino, the proud owner of THE GIVE, a local business in the Town of Lake Park, the Town of Lake Park is proud to provide a Proclamation for Pancreatic Cancer Awareness Month for November. In addition, the proclamation will recognize the passing of Denali Botolino, the son of Donatella Botolino who passed away in 2012

Recommended Motion: I move to approve the Proclamation recognizing November 2015 as the National Pancreatic Cancer Awareness Month in the Town of Lake Park.

PROCLAMATION
RECOGNIZING NATIONAL PANCREATIC CANCER AWARENESS MONTH

WHEREAS; pancreatic cancer is one of the deadliest forms of cancer with a five-year survival rate of only 7.0 percent after being diagnosed with this disease; and

WHEREAS; according to National Cancer Institute statistics, an estimated 53,070 Americans are diagnosed with pancreatic cancer in 2015. Of the 53,070 diagnosed with Pancreatic Cancer, 27,670 are men and 25,400 are woman. It is estimated that 41,780 deaths from Pancreatic Cancer have occur in 2015; and

WHEREAS; pancreatic cancer is the third leading cause of cancer death in the United States; and

WHEREAS; additional research is needed to address the challenges posed by this disease such as improving screening or finding better treatments; and

WHEREAS; the month of November has been designated as National Pancreatic Cancer Awareness Month in order to raise awareness and hope in the fight against this disease; and

WHEREAS; this proclamation is in memory of Denali Botolino who passed away in 2012 from Pancreatic Cancer.

NOW, THEREFORE, on behalf of the Commission of the Town of Lake Park, I, James DuBois, Mayor of the Town of Lake Park, do hereby publicly recognize the month of November 2015 as the National Pancreatic Cancer Awareness month.

IN WITNESS WHEREOF, *I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 2nd day of November 2016.*

BY: ATTEST:

Mayor James DuBois *Vivian Mendez, Town Clerk*

TOWN OF LAKE PARK SEAL FLORIDA

Consent Agenda

TAB 2

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 2, 2016 **Agenda Item No.** Tab 2

Agenda Title: Regular Commission Meeting Minutes of October 19, 2016.

[ ] SPECIAL PRESENTATION/REPORTS [X] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[ ] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 10/26/16

Shaquita Edwards, Deputy Town Clerk
Name/Title

Originating Department: **Town Clerk**	Costs: **$ 0.00** Funding Source: Acct. # [ ] Finance _____	**Attachments:** • **Agenda** • **Meeting Minutes** • **Exhibits "A-I"**
Advertised: Date: _____ Paper: _____ **[X] 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_____ or Not applicable in this case *S.E.* **Please initial one.**

Summary Explanation/Background:

To approve the Regular Commission Meeting Minutes of October 19, 2016

AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, October 19, 2016 6:30 PM,
Lake Park Town Hall
535 Park Avenue

James DuBois	—	**Mayor**
Kimberly Glas-Castro	—	**Vice-Mayor**
Erin T. Flaherty	—	**Commissioner**
Anne Lynch	—	**Commissioner**
Michael O'Rourke	—	**Commissioner**
John O. D'Agostino	—	**Town Manager**
Thomas J. Baird, Esq.	—	**Town Attorney**
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A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS/REPORTS

1. Proclamation for Dwayne Bell, Sr. Employee of the Year for 2015 **Tab 1**

D. PUBLIC COMMENT:

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E. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda. Any person wishing to speak on an agenda item is asked to

& Equipment, Inc. **Tab 10**

11. Resolution No. 45-10-16 to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Grants Writer **Tab 11**

12. Resolution No. 47-10-16 Extension of Emergency Management Standby Disaster Debris Removal and Disposal Agreement with Crowder Gulf Joint Venture, Inc. **Tab 12**

13. Resolution No. 48-10-16 Extension of Emergency Management Standby Disaster Debris Removal and Disposal Agreement with Phillips and Jordan, Inc. **Tab 13**

14. Reimburse Legal Fees Incurred from a Florida State Ethics Complaint Filed Against Former Commissioner Kathleen Rapoza Acting in her Official Capacity as a Town Commission Member in the Amount of $10,110.85 **Tab 14**

15. Christmas Tree Sales in Kelsey Park **Tab 15**

I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

J. ADJOURNMENT:

Next Scheduled Regular Commission Meeting will be held on Wednesday, November 2, 2016

Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, October 19, 2016, 6:30 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, October 19, 2016 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Anne Lynch and Michael O'Rourke (arrived at 6:38 p.m.), Town Manager John O. D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

SPECIAL PRESENTATIONS/REPORTS

1. Proclamation for Dwayne Bell, Sr. Employee of the Year for 2015.

Mayor DuBois presented Mr. Bell, Sr. the proclamation. Mr. Bell, Sr. thanked his fellow co-workers, and the Commission for the proclamation.

PUBLIC COMMENT:

Debbie Maken, endorsed her husband Sonny Maken for the Port of Palm Beach seat during the November 8, 2016 election.

CONSENT AGENDA:

2. **Final Public Hearing on the Budget Meeting Minutes of September 20, 2016**
3. **Regular Commission Meeting Minute of September 21, 2016**
4. **Resolution No. 46-10-16 Second Amendment to the U.S. Security Associates, Inc. Contract**
5. **Notification and Approval of Emergency Purchasing Procedures used in Response to Hurricane Matthew Activities**

Motion: Commissioner O'Rourke moved to approve the consent agenda; Commissioner Lynch seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:

6. Ordinance No. 10-2016 A TOWN INITIATED ORDINANCE PROPOSING THE MODIFICATION OF TOWN CODE SECTION 6-6 TO PROVIDE FOR FLEXIBILITY THAT IS CONSISTENT WITH FLORIDA STATE STATUTE 562.45(2)(A) FOR THE SALE OF ALCOHOL NEAR CERTAIN USES AND ADDITIONAL CLARIFICATIONS.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 6, SECTION 6-6 OF THE TOWN CODE PERTAINING TO THE SALE OF ALCOHOL NEAR CERTAIN USES PROHIBITED; PROVIDING FOR AMENDMENT OF SECTION 6-6 TO PROVIDE THE SAME FLEXIBILITY AS FLORIDA STATE STATUTE 562.45(2)(A); PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comment Opened:
None
Public Comment Closed:

Town Manager D'Agostino explained the item (see Exhibit "A").

Motion: Commissioner Flaherty moved to approve the Ordinance 10-2016 on first reading; Commissioner Lynch seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

Attorney Baird read the Ordinance by title only.

PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:
None

PUBLIC HEARING(S)-QUASI-JUDICIAL – RESOLUTION:

7. Resolution No. 39-09-16 Site Plan Application for the Special Exception use for a Self-Storage Facility that is proposed in Two Phases and will include a total of 201,600 Square Feet, to be located with the Congress Business Park Planned Unit Development.

Disclosure of Ex-Parte Communication:

Commissioner O'Rourke had no ex-parte communication to disclose.

Vice-Mayor Glas-Castro disclosed that she emailed staff regarding the project prior to the start of the Commission Meeting.

Mayor DuBois disclosed that he met with staff regarding the project prior to the start of the Commission Meeting.

Commissioner Flaherty had no ex-parte communication to disclose.

Commissioner Lynch had no ex-parte communication to disclose.

Attorney Baird swore in all witnesses.

Town Planner Scott Shultz explained that the item was continued from the Regular Commission Meeting held on September 21, 2016 and presented the item (see Exhibit "B").

Vice-Mayor Glas-Castro asked for clarification of conditions 15 and 19. Attorney Baird explained that conditions 15 and 19 allowed the Town of Lake Park to retain a cash surety if Phase II was not constructed after the removal of temporary conditions (see Exhibit "C").

Brian Cheguis of iPlan & Design, LLC explained the item (see Exhibit "D").

Public Comment Opened:
None
Public Comment Closed:

Mayor DuBois asked for clarification of the canopy and fencing options. Mr. Cheguis explained Phase I Architecture- Canopy and Louver Options of exhibit "D".

Attorney Baird read the following condition for the record, "Prior to the issuance of any development permits the applicant shall provide a letter of credit to the Town of Lake Park equal to the amount of 110% of the cost to install the perimeter infrastructure and landscaping improvements for Phase II as shown in the approved plans. In the event that the applicant does not initiate construction of Phase II within 18 months of the completion of Phase I, the applicant shall abandon the temporary storage use in the area of Phase II where upon the Town may call the letter of credit and install the improvements secured by the letter of credit."

Mayor DuBois questioned if Attorney Bairds' clarification of the conditions accurately addressed the concerns of Vice-Mayor Glas-Castro. Vice-Mayor Glas-Castro stated that she did not believe the Town was authorized to remove the fence if the applicant should abandon the use. Attorney Baird suggested that changes to the conditions should include specified language to address stipulations in the event that the applicant abandons use prior to the implementation of Phase II. He referenced condition 16 of exhibit "C" and

asked staff if Phase I included the outdoor storage area. Town Planner Schultz answered "yes" and explained that Phase I included the outdoor storage area. Attorney Baird explained that the Commission could approve the site plan for Phases I & II with conditions or they could approve Phase I and allow the applicant the option to present Phase II site plans in the future.

Commissioner Lynch agreed with the concerns of Vice-Mayor Glas-Castro and suggested that it could be beneficial to continue with Phase I and present Phase II at a later date.

Mayor DuBois and Commissioner Flaherty suggested that the louvers and classic fencing should be used for the project (see Exhibit "D").

Vice-Mayor Glas-Castro expressed concerns with the sufficiency of the proposed landscaping, and the implementation of Phase II.

Commissioner O'Rourke asked what would be the course of action if Phase II were not completed in 18 months. Attorney Baird explained that per the proposed condition and the development order of the Town the property would need to be returned to a vacant lot with a landscaped perimeter and that the Special Magistrate would assess fines if necessary.

Vice-Mayor Glas-Castro and Commissioner Lynch expressed that they were uncomfortable moving forward with the project.

Motion: Commissioner O'Rourke moved to approve the application per staff recommendations with additional conditions to include classic fencing, louvers and suggested modifications of the conditions provided by Attorney Baird; Commissioner Flaherty seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

NEW BUSINESS:

8. A Request from the Event Organizers of the Veterans Day Car Show proposed for Sunday, November 13, 2016 to allow the Town to be a Co-Sponsor, thereby allowing for the waiver of certain fees.

Town Manager D'Agostino explained the item (see exhibit "E").

Mayor DuBois suggested that the event comply with the noise Ordinance of the Town in efforts to avoid complaints regarding the revving of car engines.

Motion: Commissioner O'Rourke moved to approve the request from the Event Organizers of the Veterans Day Car Show proposed for Sunday, November 13, 2016 to allow the Town to be a Co-Sponsor, thereby allowing for the waiver of certain fees; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

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

Motion passed 5-0

9. Commission Approval to Reject Bids Associated with the Kelsey Park & Lake Shore Park Community Development Block Grant (CDBG) Improvements Project – RFP No. 104-2016; Re-bid Project.

Town Manager D'Agostino explained the item (see Exhibit "F").

Mayor DuBois asked if funds were available for the sodding of the demolition that had taken place at Kelsey Park. Town Manager D'Agostino explained that the Town would be able to sod Kelsey Park.

Motion: Commissioner O'Rourke moved to reject all bids associated with the Kelsey Park Community Development Block Grant (CDBG) Improvements Project – RFP No. 104-2016; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

Public Works Director David Hunt explained that the costs of construction would be roughly $300,000.00 of the available $385,000.00 Community Development Block Grant if the Town continued with improvements to Lake Shore Park. He explained that the Town would return $85,000.00 to Palm Beach County. Commissioner O'Rourke suggested that the amount of $85,000.00 could be used as a down payment for Tennis Court Lighting at Lake Shore Park. Public Works Director Hunt explained that alternates could be included in the rebid of the project and that specifications would be provided in regards to lighting. He explained that based on the received submittals he did not believe that the Community Development Block Grant would allow the completion of both

projects at Kelsey and Lake Shore Parks. Town Manager D'Agostino asked if the rebid would include additional trash receptacles and park benches at Lake Shore Park. Public Works Director Hunt explained that the Town had applied for the fiscal year 2016-2017 Community Development Block Grant and that plans were made for additional trash receptacles and park benches.

Motion: Commissioner O'Rourke moved to rebid the project and include the Lake Shore Park Tennis Lighting alternates; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

10. Resolution No. 44-10-16 Award Contract for RFP 105-2016, Sanitation Vehicle Refurbishment, Public Works Vehicle No. 50, to Sunbelt Hydraulics & Equipment, Inc.

Town Manager D'Agostino explained the item (see Exhibit "G").

Mayor DuBois asked if the remaining balance would be enough to fund the refurbishment of the Sanitation Vehicle No. 45. Public Works Director Hunt explained that there was a possibility that the Town could afford the refurbishment of both Sanitation Vehicles.

Motion: Commissioner O'Rourke moved to approve Resolution 44-10-16; Commissioner Flaherty seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

11. Resolution No. 45-10-16 to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Grants Writer.

Mayor DuBois asked if administrative collaboration with the Town Manager and Town Lobbyist should be included in the Job Description for the Position of Grants Writer. Town Manager D'Agostino explained that administrative collaboration would not be an issue.

Motion: Commissioner O'Rourke moved to approve Resolution 45-10-16; Commissioner Flaherty seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

12. Resolution No. 47-10-16 Extension of Emergency Management Standby Disaster Debris Removal and Disposal Agreement with Crowder Gulf Joint Venture, Inc.

Town Manager D'Agostino explained the item (see Exhibit "H").

Motion: Commissioner O'Rourke moved to approve Resolution 47-10-16; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

13. Resolution No. 48-10-16 Extension of Emergency Management Standby Disaster Debris Removal and Disposal Agreement with Phillips and Jordan, Inc.

Town Manager D'Agostino explained the item (see Exhibit "I").

Motion: Commissioner O'Rourke moved to approve Resolution 48-10-16; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Lynch	X		
Commissioner O'Rourke	X		

Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

14. Reimburse Legal Fees Incurred from a Florida State Ethics Complaint Filed Against Former Commissioner Kathleen Rapoza Acting in her Official Capacity as a Town Commission Member in the Amount of $10,110.85.

Town Manager D'Agostino explained that Attorney David Acton on behalf of his client Kathleen Rapoza requested reimbursement of legal fees in the amount of $10,110.85. He explained that such fees were incurred representing former Commissioner Rapoza on an ethics compliant leveled against Kathleen Rapoza during the Earl Stewart expansion project.

Motion: Commissioner O'Rourke moved to approve the reimbursement of incurred legal fees; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

15. Christmas Tree Sales in Kelsey Park.

Town Manager D'Agostino explained that the administration did not agree with the private use of public land for an extended period. Mayor DuBois suggested that municipalities commonly lease private use for public land that exceeds a thirty-day period. Town Manager D'Agostino asked Mayor DuBois if he would like to lease a portion of Kelsey Park for thirty-days each year. Vice-Mayor Glas-Castro asked how the Town would limit the types of sales that would occur and select vendors or concessionaires. Mayor DuBois suggested specified language for the exclusive sale of Christmas Trees. Town Manager D'Agostino suggested that the public should benefit from the use of the land. Mayor DuBois suggested that sales could be listed as a permitted use of the property. Town Manager D'Agostino explained that staff would proceed per recommendation of the Commission. Mayor DuBois explained that he would prefer to create a facilities use that specifies a particular location; and that applications be submitted from July to August of each year for the review of the Commission. Town Manager D'Agostino asked the Commission to provide guidance and clarification about the process. Commissioner Flaherty expressed that he was in favor of establishing an ordinance that would require the applicant to address the Commission.

Motion: Commissioner Flaherty moved to revisit the agenda item at a later date for further discussion; Commissioner Lynch seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird requested an Attorney-Client session to discuss R.G. Towers Breach of Contract lawsuit against the Town of Lake Park. He explained that R.G. Towers had appealed the denial of the cell tower on public property. Furthermore, R.G. Towers has filed a second lawsuit for the Breach of Option Agreement that the Town Commission executed and amended. He explained that he sought the agreement of opposing counsel to a stay of the Breach of Contract action while the Town awaits the decision of the appellate panel on the appeal of the denial of the cell tower. The opposing counsel agreed and an order granted the stay of the Breach of Contract was entered on Monday, October 17, 2016. He informed the Commission that he would present an update on the Sober House Taskforce at the Palm Beach County League of Cities Meeting on Wednesday, October 25, 2016.

Town Manager D'Agostino requested the permission of the Town Commission to issue a proclamation in support of National Pancreatic Month.

Motion: Commissioner Flaherty moved to approve the Proclamation in support of National Pancreatic Month; Commissioner Lynch seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

Town Manager D'Agostino informed the Commission that Lake Park Elementary School has a new Principal. He explained that at the request of the Town Commission he would extend an invitation to the Principal of Lake Park Elementary School to a social event. He informed the Commission that the Florida League of Cities Legislative

Conference would be held on December 8th –9th, 2016 in Orlando, Florida. He announced that a phone line has been established in the Town Commission's Office and provided phone number (561) 882-1819 as a general contact for the Town Commission. He informed the Commission that they would receive their identification badges and keys to the office upon the close of the meeting. He announced that the Operating Budget for the Town of Lake Park had been finalized and published. He announced that the Sunset Fall Fest would be held on Friday, October 28, 2016 at the Lake Park Harbor Marina. He announced that on Tuesday, October 18, 2016 the Town recognized Florida City Government Week with the participation of students from Lake Park Elementary School and Lake Park Baptist School.

Commissioner Flaherty had no comments.

Commissioner Lynch announced that the Library and the Friends of the Lake Park Public Library would sponsor a free Women's Health Panel on Thursday, October 27, 2016 at 6:30 p.m.

Commissioner O'Rourke had no comments.

Vice-Mayor Glas-Castro questioned when the Mixed-Use Comprehensive Plan notice would be provided to the Town residents. Town Manager D'Agostino explained that the Town would post the information to the Town Website and send email notifications per the direction of the Town Commission. Vice-Mayor Glas-Castro suggested that those listed on the contact lists provided at the Mixed-Use Workshops be notified via email. She asked if the Town planned to participate in Read for the Record. Town Manager D'Agostino answered, "yes" and explained that staff members also planned to participate. Library Director Karen Mahnk announced that she was the event coordinator for Read for the Record and that the Commission would receive notice of the itinerary upon its completion. She announced that an event in partnership with Bridges of Lake Park would be held on Wednesday, October 25, 2016 at 5:30 p.m. in the Town Hall Mirror Ballroom. Vice-Mayor Glas-Castro announced that an R.S.V.P. was required for the Palm Beach League of Cities Luncheon held on Wednesday, October 25, 2016 in Wellington, Florida. She suggested that the staff research a Music Band called the Never Glades.

Mayor DuBois referenced the South Florida Southern Rock Festival Event held on October 1-2, 2016. He informed the Commission that he had received several complaints, which were forwarded to Town Manager D'Agostino. Town Manager D'Agostino received suggestions about future locations for the placement of the stage. Vice-Mayor Glas-Castro added that she had received mixed reviews about the event. Mayor DuBois recognized Commissioner Lynch as a new member with the Kiwanis Club of Lake Park.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner O'Rourke and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 9:30 p.m.

_____
Mayor James DuBois

_____
Town Clerk, Vivian Mendez, CMC

_____
Deputy Town Clerk, Shaquita Edwards

Town Seal

Approved on this _____ of _____, 2016

Public Hearing Quasi-Judicial Ordinance on First Reading

TAB 3

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 2, 2016 **Agenda Item No.** Tab 3

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN.

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

Approved by Town Manager _____ **Date:** 10/26/16

Nadia Di Tommaso / Community Development Director ND
Name/Title

Originating Department: **Community Development**	Costs: **$ Consultant Fee per the agreement; Attorney Review & Legal Ads** Funding Source: **Community Development** Acct. **# 500-34000 (Consultant) / 106-48100 (Clerk) / Legal (108)** [ ] Finance _____	**Attachments:** ➔ **Staff Memo** ➔ **Ordinance 09-2016 (with proposed Comp Plan amendments)** ➔ **Zoning/LDR's (no action required)** ➔ **LPA Minutes (July 11 and August 22)** ➔ **Copy of Legal Ad for 1st reading** ➔ **Copy of LPA Legal Ad and Clearinghouse Notice**
Advertised: Date: **10-26-2016** ***(for transmittal hearing – LPA advertised separately on 06-30-2016)*** Paper: **Palm Beach Post** [ ] 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* or Not applicable in this case ____ **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 Residential and Commercial land use designation. This is an Ordinance process that requires two readings. Tonight will be the first reading (considered the "transmittal" hearing). 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

October 24, 2016

TO: TOWN COMMISSION

FROM: Alex David & Associates, *Consultant*
Nadia Di Tommaso, *Community Development Director*
Scott Schultz, *Planner*
(Town Attorney also provided a tremendous amount of assistance on this item)

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. The Comprehensive Plan changes are very important. The Town had created the "mixed-use" vision for the US-1 corridor back in 2009 when the entire corridor was assigned a 'Residential and Commercial' 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 Federal Highway/Intracoastal Waterway Mixed-Use Overlay (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/documentation insertions 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) Updated Objective 9 and its implementing Policies to identify the land use and the creation of the Overlay and its sub-districts

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x: (561) 881-3323

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Community
Development
Department

(3) The creation of Objective 10 and its implementing Policies to identify the zoning requirements for the land use. repeal of Policy 9.9 to eliminate the

(4) Updated 'Residential and Commercial' land use designation classification system definition to bring it in line with Objective 9 and Objective 10.

The Planning & Zoning Board (P&Z) will be holding their third meeting to review the (separate) proposed land development regulations on December 5, 2016, however, the same board members sit as the LPA and as this body, they have approved the proposed Comprehensive Plan Amendments (which had been presented to them in a different format and revamped by the Town Attorney for the Town Commission meeting). 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 (*an earlier DRAFT is enclosed since many components are still being worked on and are not ready for publication*). 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. It is anticipated this will occur in the first quarter of 2017.

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**
- ➔ **DRAFT** 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 TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR THE CREATION OF NEW OBJECTIVE 10 AND IMPLEMENTING POLICIES PERTAINING TO THE CREATION OF A MIXED USE OVERLAY AREA ON THE EAST SIDE OF FEDERAL HIGHWAY BETWEEN PALMETTO DRIVE AND SILVER BEACH ROAD; PROVIDING FOR THE CREATION OF TWO SUB-DISTRICTS WITHIN THE NEW MIXED USE OVERLAY AREA; PROVIDING FOR INCENTIVES FOR RE-DEVELOPMENT BY ALLOWING PROPERTIES TO SUBSTANTIALLY INCREASE THE DENSITIES OF RESIDENTIAL USES AND THE FLOOR AREA RATIOS OF COMMERCIAL USES FOR THE PROPERTIES WITHIN THE OVERLAY; PROVIDING FOR THE AMENDMENT OF THE FUTURE LAND USE MAP TO SHOW THE BOUNDARIES OF THE NEW MIXED USE OVERLAY AND ITS SUB-DISTRICTS; PROVIDING FOR AMENDMENTS TO OBJECTIVE 9 AND ITS IMPLEMENTING POLICIES; 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

~~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, nonresidential, 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 9.1: The first floor of any building in a mixed-use project that has frontage on the Federal Highway corridor, may not contain any residential uses.~~

~~Policy 9.2: Single family lots located east of 2nd Street and west of Federal Highway within a Residential and Commercial Land Use District shall remain as single family lots used for residential purposes only, with no commercial or multifamily mixed use development permitted, until the Town adopts specific land development regulations for the Mixed-Use Zoning District.~~

~~Policy 9.3: A commercial only mixed use project shall only be approved through a PUD process as defined and regulated in the zoning code.~~

~~Policy 9.4: A mixed-use Commercial or multifamily (including duplexes) expansion or development project that extends to the west more than 175 feet beyond the Federal Highway frontage line shall only occur through a design-unified mixed use redevelopment project as defined in the zoning code. Any such project must have commercial frontage on Federal Highway.~~

~~Policy 9.5: Development on the east side of Federal Highway that combines lots fronting on both Federal Highway and Lakeshore Drive shall only occur through a design-unified mixed use redevelopment project as defined in the zoning code.~~

~~Policy 9.6: A 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. 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 in front of businesses is discouraged. 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.~~

~~Policy 9.7: To the west of Federal Highway there shall be a fully landscaped buffer/screen between any mixed use redevelopment project and a single family use or a public right of way. All such projects shall be compatible with the surrounding area.~~

~~Policy 9.8: Development along Lakeshore Drive shall maintain pedestrian oriented architecture, landscaping, and access.~~

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

Objective 9. Mixed Use Overlay District

The Commission shall amend the Town's Future Land Use Map creating a unified redevelopment area to be known as the Federal Highway/Intracoastal Waterway (ICW) Mixed-Use Overlay (MXD Use Overlay) within the Residential and Commercial land use designation.

Policy 9.1

The commercial use component of a building within the Mixed Use Overlay may include those uses established by the land development regulations. These commercial uses would generally include small scale retail sales and services; business services; and medical or professional offices which serve primarily the residents of the town and those within close proximity of the town.

Policy 9.2

Commercial uses within this mixed use overlay may be developed up to the FAR proscribed in the sub-district in which they are located.

Policy 9.3

The residential use component of a building within the Mixed Use Overlay may include multi-family residential units up to the densities established in land development regulations for the sub-district in which they are located.

Objective 10

The Commission shall amend the Town's Official Zoning Map establishing the boundaries of a MXD Use Overlay Zoning District and establishing two mixed use sub-districts consistent with the boundaries of the Future Land Use Map. The Commission shall establish land development regulations for each of the sub-districts with increased residential densities and Floor Area Rations (FAR) for commercial retail and office uses as an incentive to encourage redevelopment within the Overlay east of Federal Highway. The MXD Zoning District shall provide for re-development with a mixture of residential and complimentary commercial uses, open space, public amenities, and pedestrian access from Federal Highway to Lakeshore Drive.

Policy 10.1

The Commission shall amend the Future Land Use Element to establish the following residential densities and FAR intensities for the commercial components of two sub-districts east of Federal Highway. Properties within these sub-districts shall be developed in a mixed use project which integrates a combination of residential, open space, and complimentary commercial retail and office uses.

A. Urban Edge Sub-district

The Commercial component for this sub-district shall not exceed a FAR of 4.0. The Residential component shall not exceed a density of 60 units per acre.

B. Urban Waterfront Sub-district

The Commercial component for this sub-district shall not exceed a FAR of 6.0 The Residential component shall not exceed a density of 80 units per acre.

Policy 10.2

The Land Development Regulations for the sub-districts shall ensure that properties are developed pursuant to a unified re-development site plan or Planned Unit Development which integrates a compatible mix of commercial retail and office uses, residential densities, and open space.

Policy 10.3

The Town shall adopt Land Development Regulations for thee properties developed within the sub-districts of the Overlay east of Federal Highway to require the dedication of easements as an amenity or, in the case of a PUD, public benefit to ensure the public has access from Federal Highway to Lakeshore Drive and the Marina.

Policy 10.4

The first floor of any building which is part of a mixed-use project that has frontage on the east side of Federal Highway shall not contain residential uses.

Policy 10.5

A mixed use development project on the west side of Federal Highway shall only occur when both the land use and zoning address mixed-use on the west side. However, the transfer of development rights pursuant to the land use classification system for the residential and commercial land use designation, for those historically designated or significant properties, shall be made available and established, with maximum transfer limits, in the associated land development regulations.

Policy 10.6

Development on the east side of Federal Highway that combines lots fronting on both Federal Highway and Lakeshore Drive shall be developed s pursuant to the mixed-use land development regulations adopted to implement Objective 10 and its Policies.

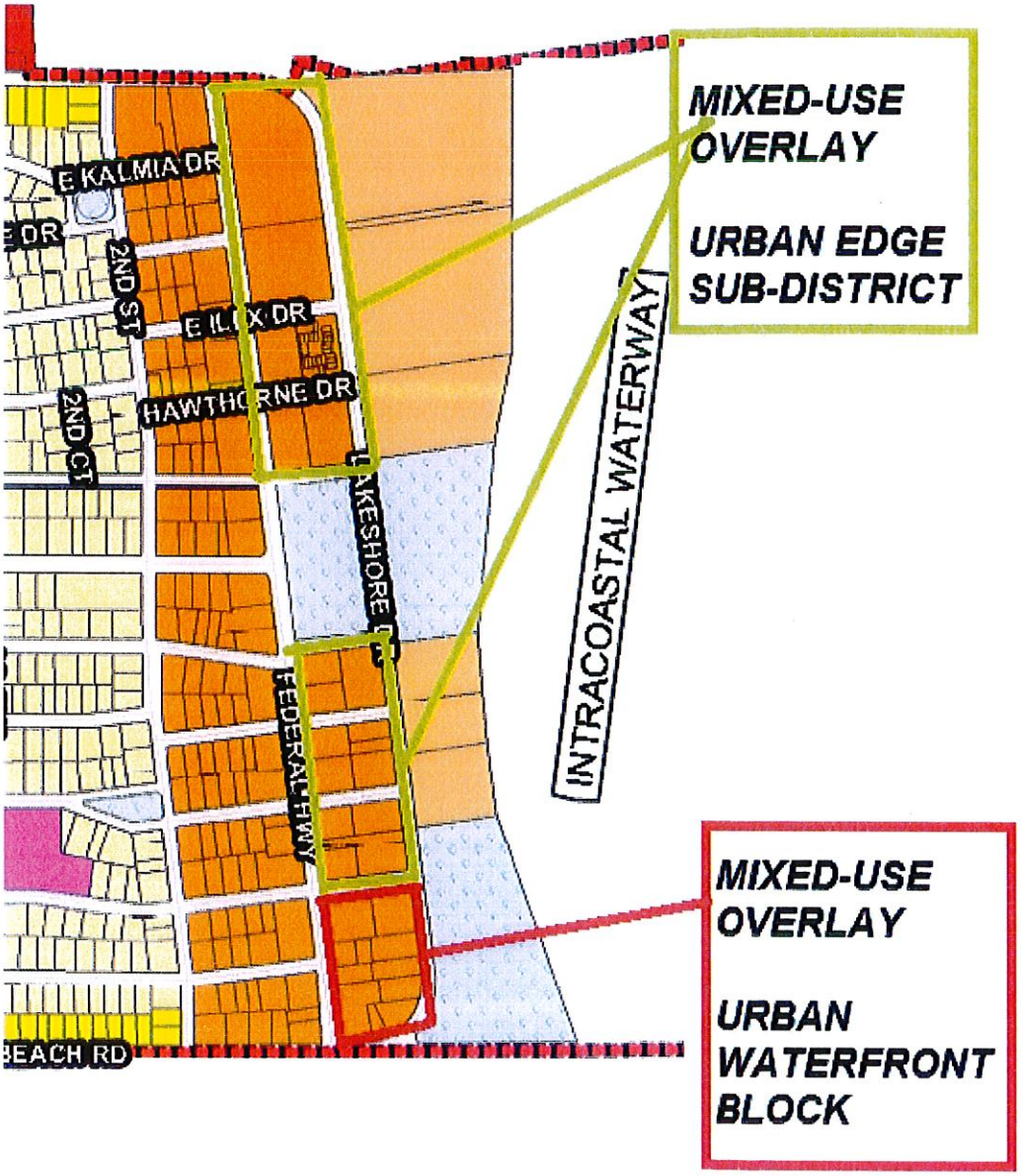
Policy 10.7

Development along Lakeshore Drive shall maintain pedestrian oriented architecture, landscaping and access as defined in the land development regulations.

3.4.3.1.Future Land Use Classification System.

Residential and Commercial – 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 2.5 along major thoroughfares. This land use designation includes the Federal Highway/Intracoastal Waterway (ICW) Mixed-Use Overlay with two sub-districts located on the east side of Federal Highway: Urban Edge Sub-district with a maximum F.A.R. of 4.0 and a maximum density of 60 units per acre; and the Urban Waterfront Block with a maximum F.A.R. of 6.0 and a maximum density of 80 units per acre. ~~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.~~

Future Land Use Map (Excerpt)



FOR REFERENCE ONLY – LEVEL OF SERVICE ANALYSIS

TOWN OF LAKE PARK – CAPACITY ANALYSIS

DATE OF REVIEW: September 23, 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. 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

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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

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

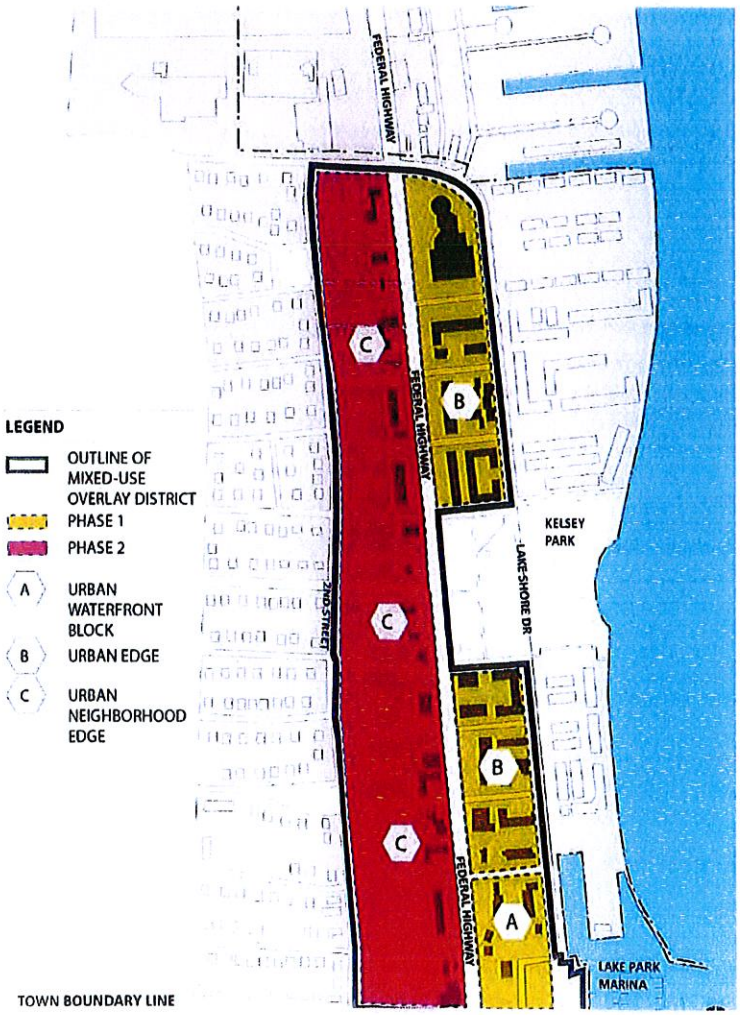
In balancing incentives and requirements, it is important to remember that the community retains control through the mixed-use process. The mixed-use process will require high quality design. The Planning and Zoning Board and/or Commission may always recommend denial or negotiate a more desirable design. 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.

he sub-
listricts
urrently have
he following
roposed
ensities and
loor Area
atio
llocations:

Urban
Waterfront
Block (Marina
rea): 80 units
er acre; 6.0
AR

Urban Edge
east side): 60
mits per acre;
.0 FAR

Urban
Neighborhood
Edge (west
ide): 40 units
per acre; 2.5
AR

(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.

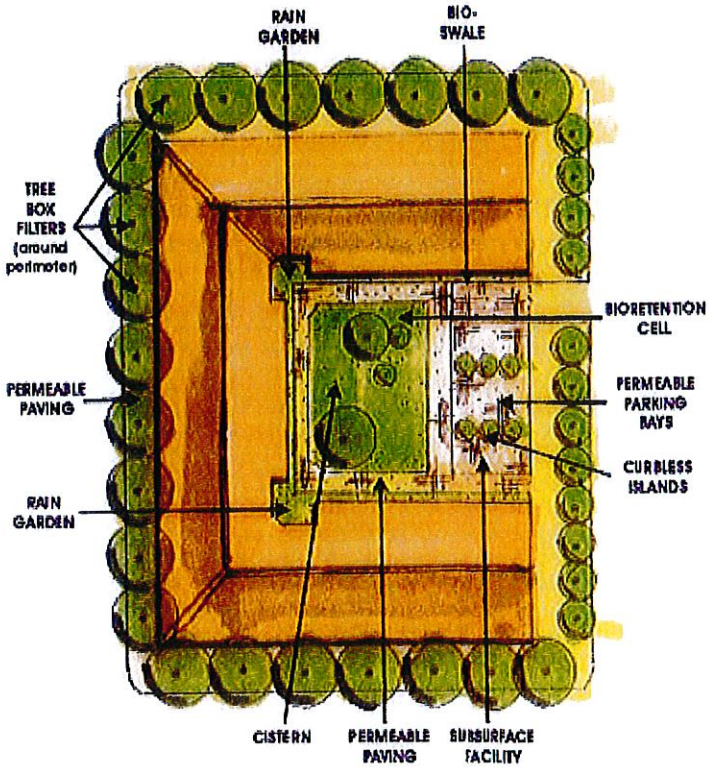
(vi) *Live-work configurations*: Shall comply with residential requirements for dwelling units and commercial requirements for non-residential uses.

(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.

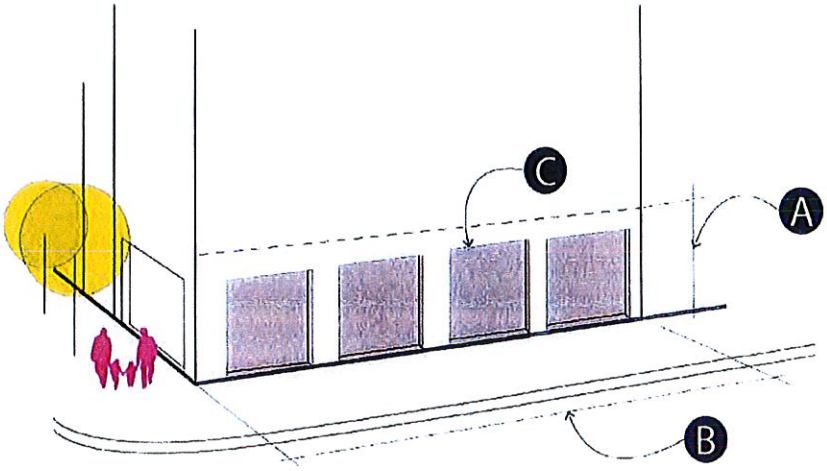
Varied architectural styles are possible. Additional provisions shall include the following:

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.

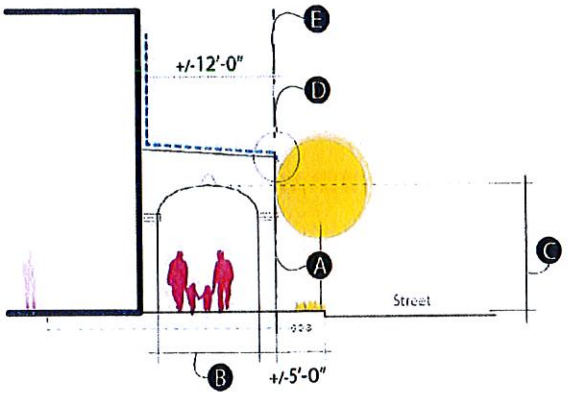


A 12'-0" min. ground floor height
B Length of building facade
C Storefront glazing area

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.



Scale
0' 3' 6' 12'

- 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.

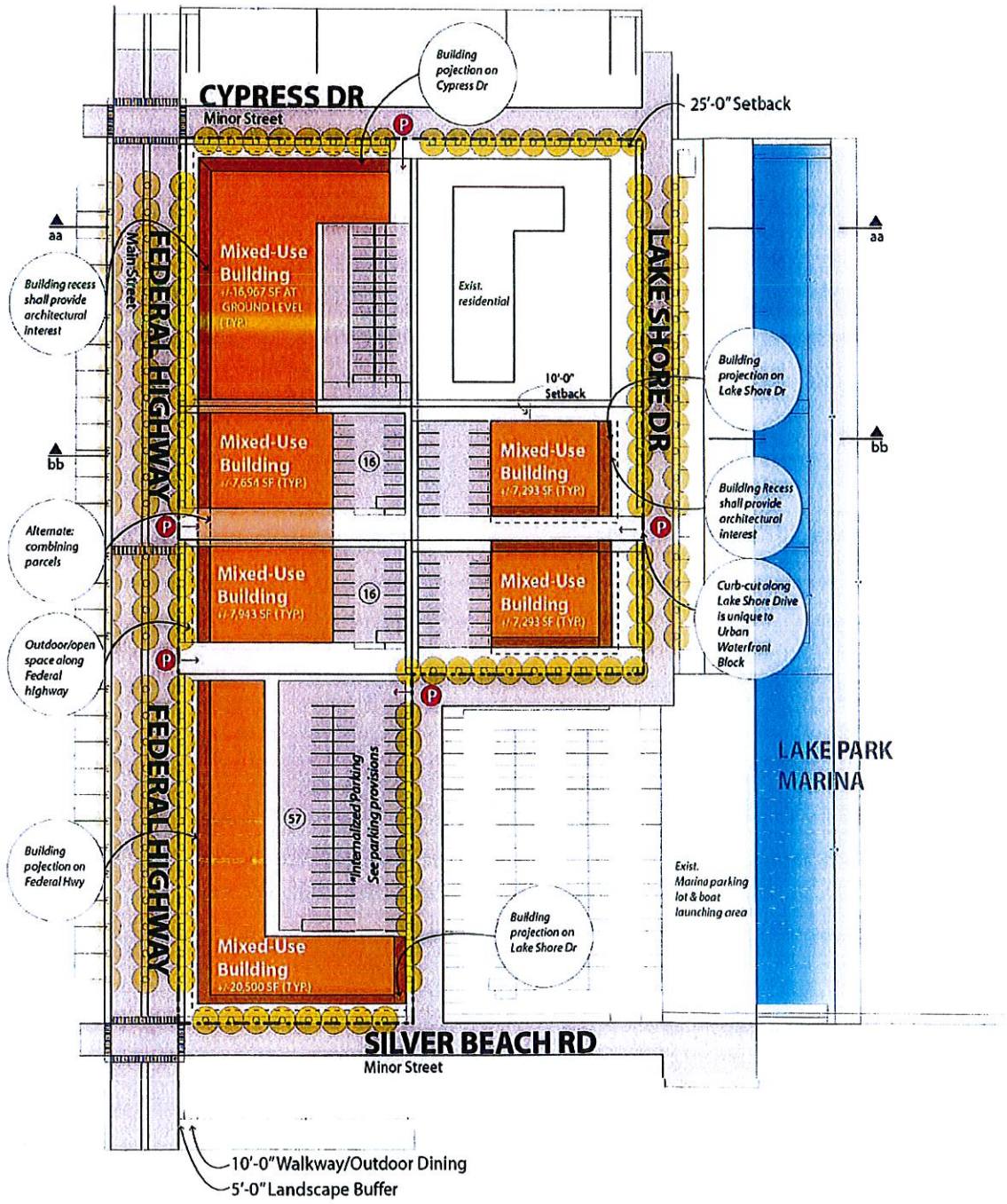
- Provide for a thermally comfortable environment. Provide and environment that supports the productive and healthy performance of the building occupants. Building shall comply with ASHRAE Standard 55-1992, Addenda 1995. Provide permanent temperature and humidity sensors in the building that allow the 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)**



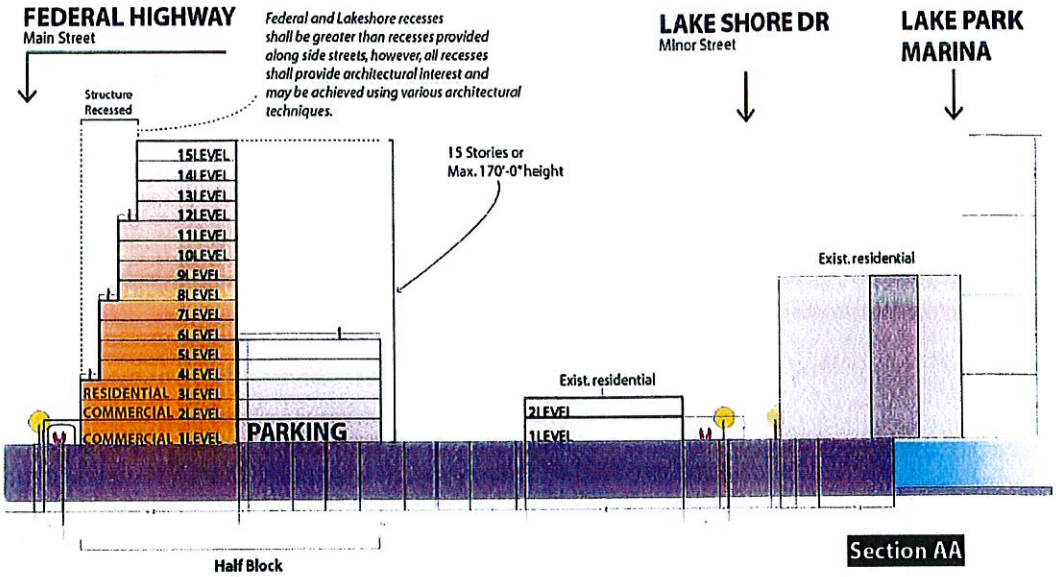
Density level: 80 units/acre

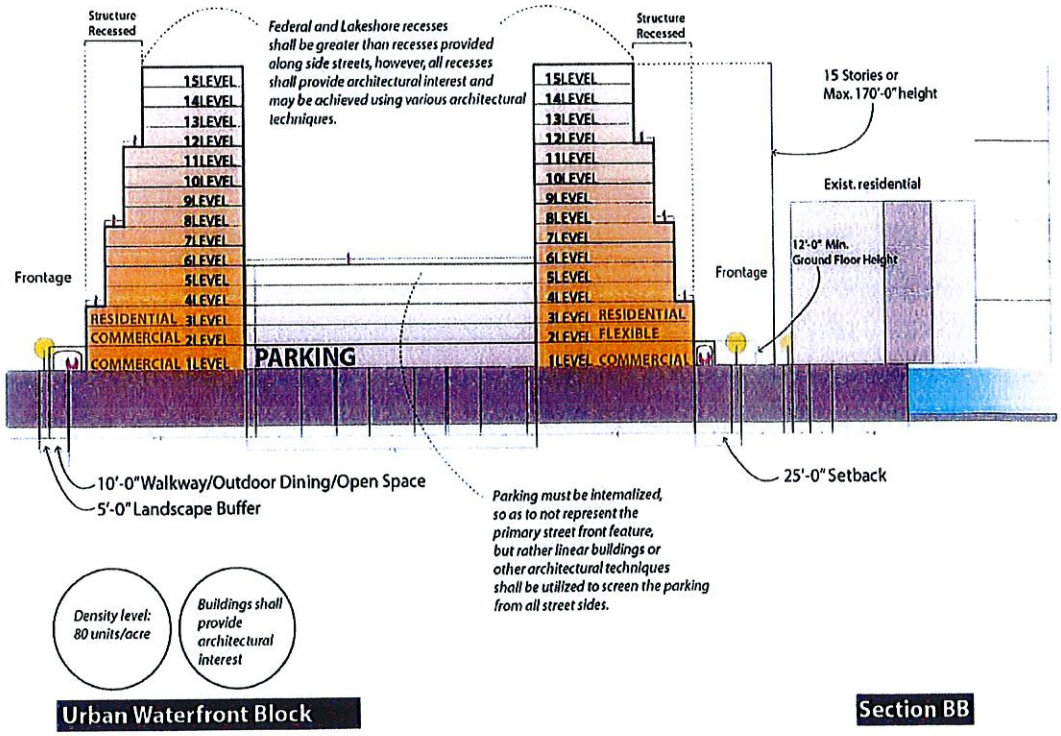
Buildings shall provide architectural interest

Urban Waterfront Block

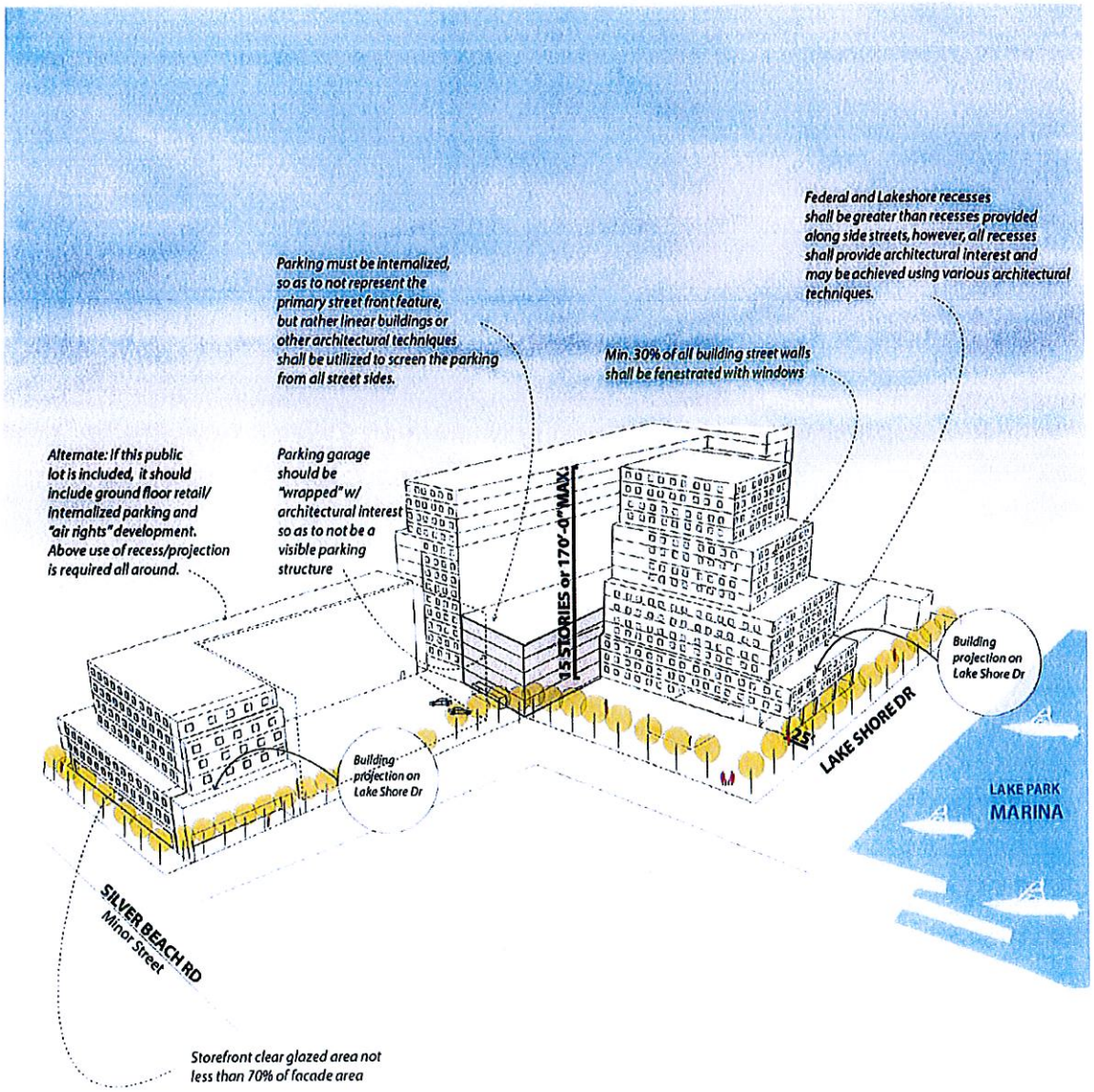
Plan View

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





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



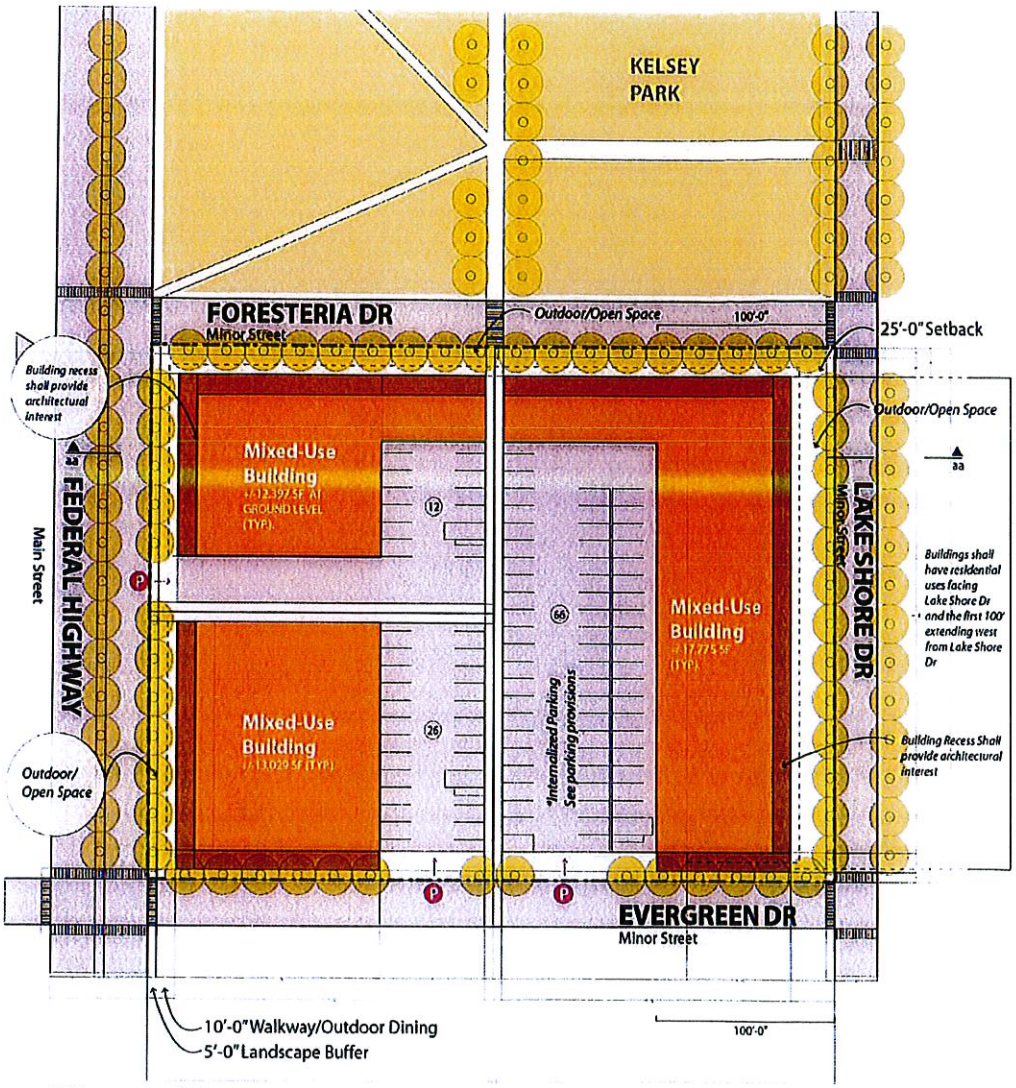
Density level: 80 units/acre

Buildings shall provide architectural interest

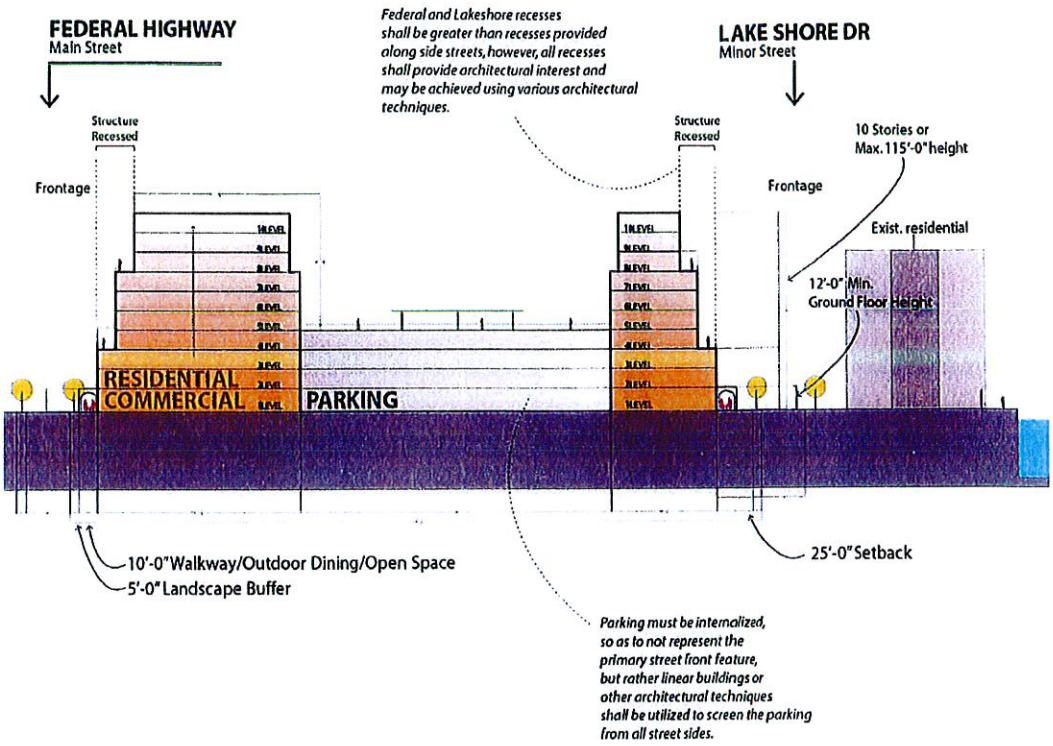
Urban Waterfront Block

Massing

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


KELSEY PARK
FORESTERIA DR
Minor Street
Outdoor/Open Space
100'-0"
25'-0" Setback
Building recess shall provide architectural interest
Mixed-Use Building
+/-12,397 SF AT GROUND LEVEL (TYP.)
Outdoor/Open Space
aa
FEDERAL HIGHWAY
Main Street
LAKE SHORE DR
Minor Street
Buildings shall have residential uses facing Lake Shore Dr and the first 100' extending west from Lake Shore Dr
Mixed-Use Building
+/-17,775 SF (TYP.)
Mixed-Use Building
+/-13,029 SF (TYP.)
*Internalized Parking See parking provisions
Building Recess Shall provide architectural interest
Outdoor/ Open Space
EVERGREEN DR
Minor Street
10'-0" Walkway/Outdoor Dining
5'-0" Landscape Buffer
100'-0"
Density level: 60 units/acre
Buildings shall provide architectural interest
Urban Edge
Plan View

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

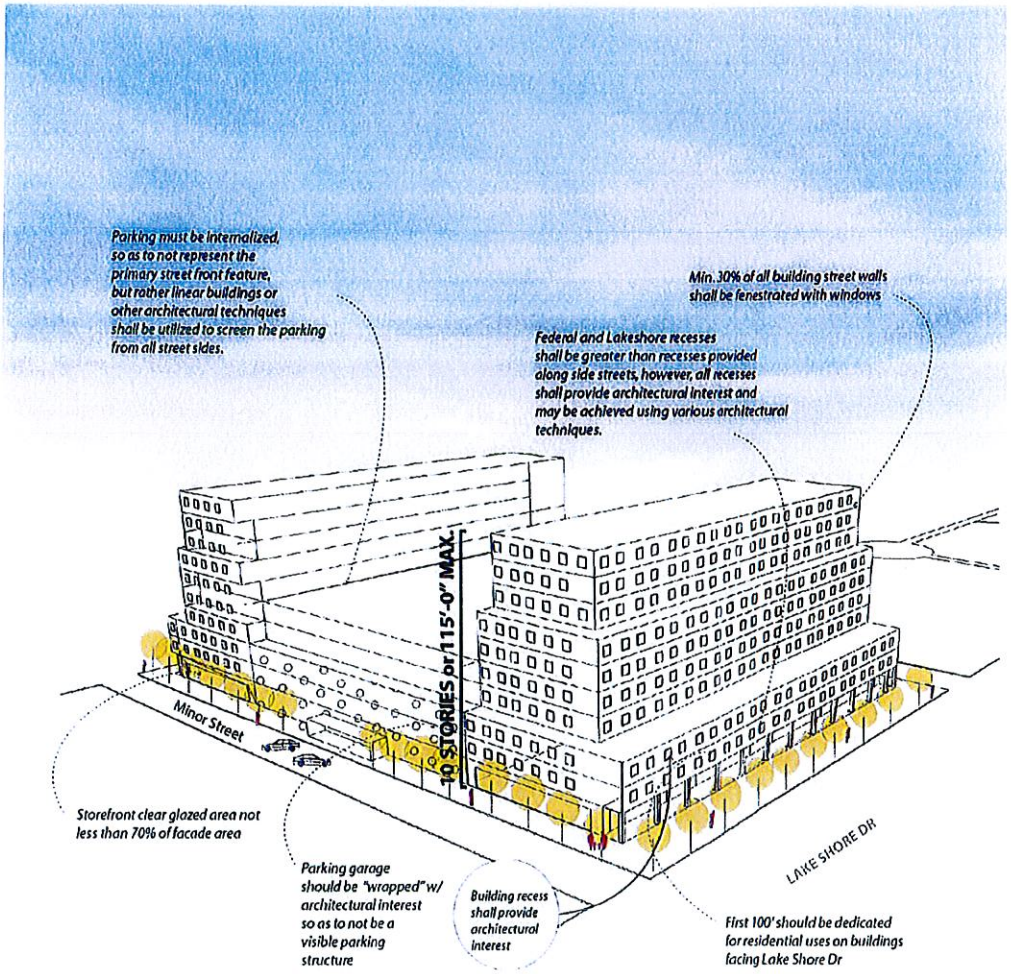


Density level 60 units/acre

Urban Edge

Section AA

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



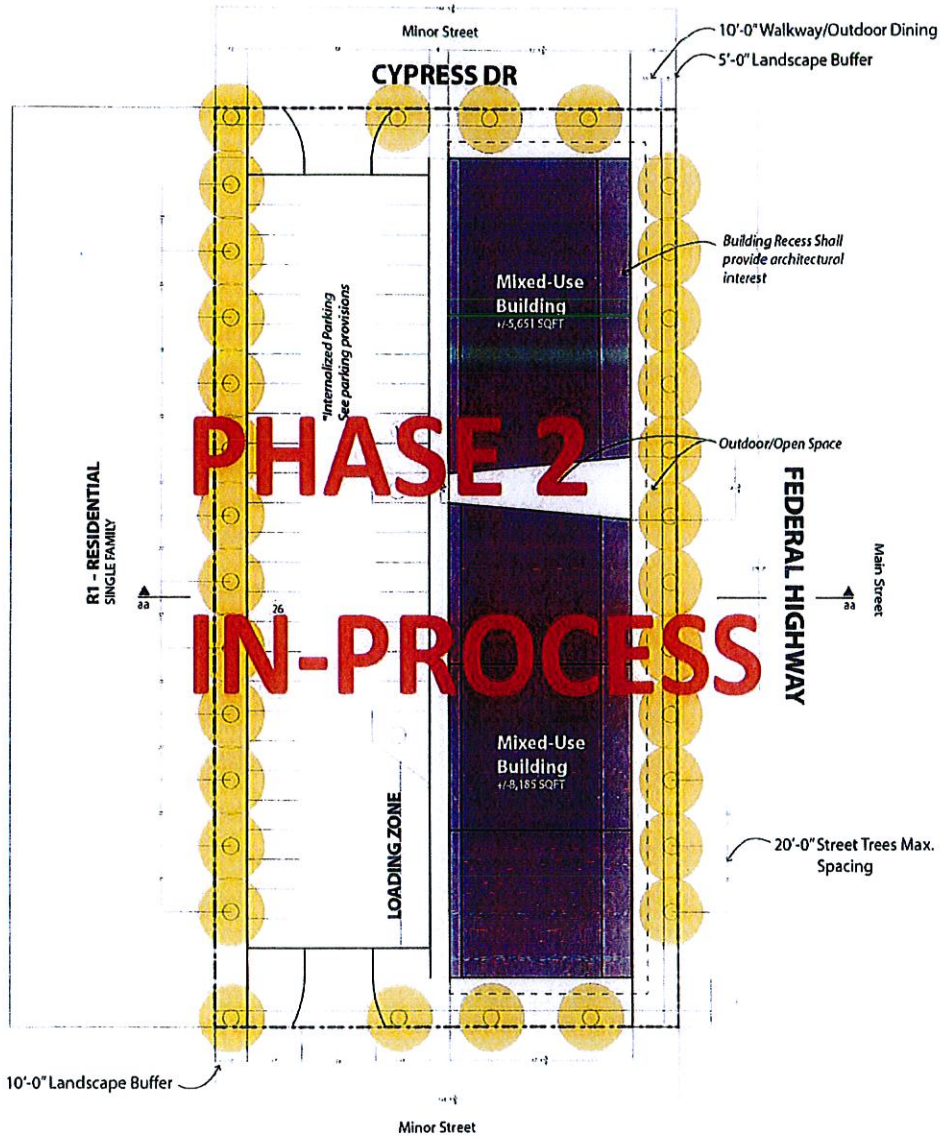
Density level: 60 units/acre

Buildings shall provide architectural interest

Urban Edge

Massing

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

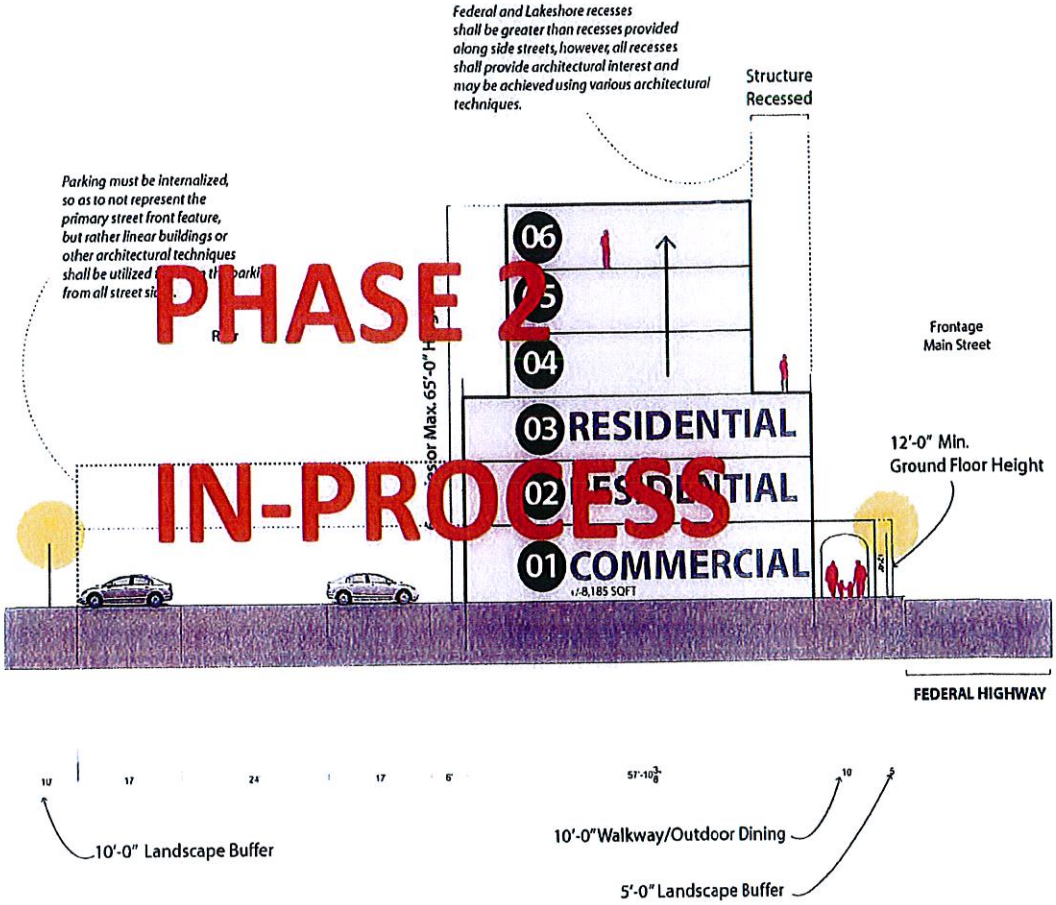


Density level 40 units/acre

Urban Neighborhood Edge

Plan View

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

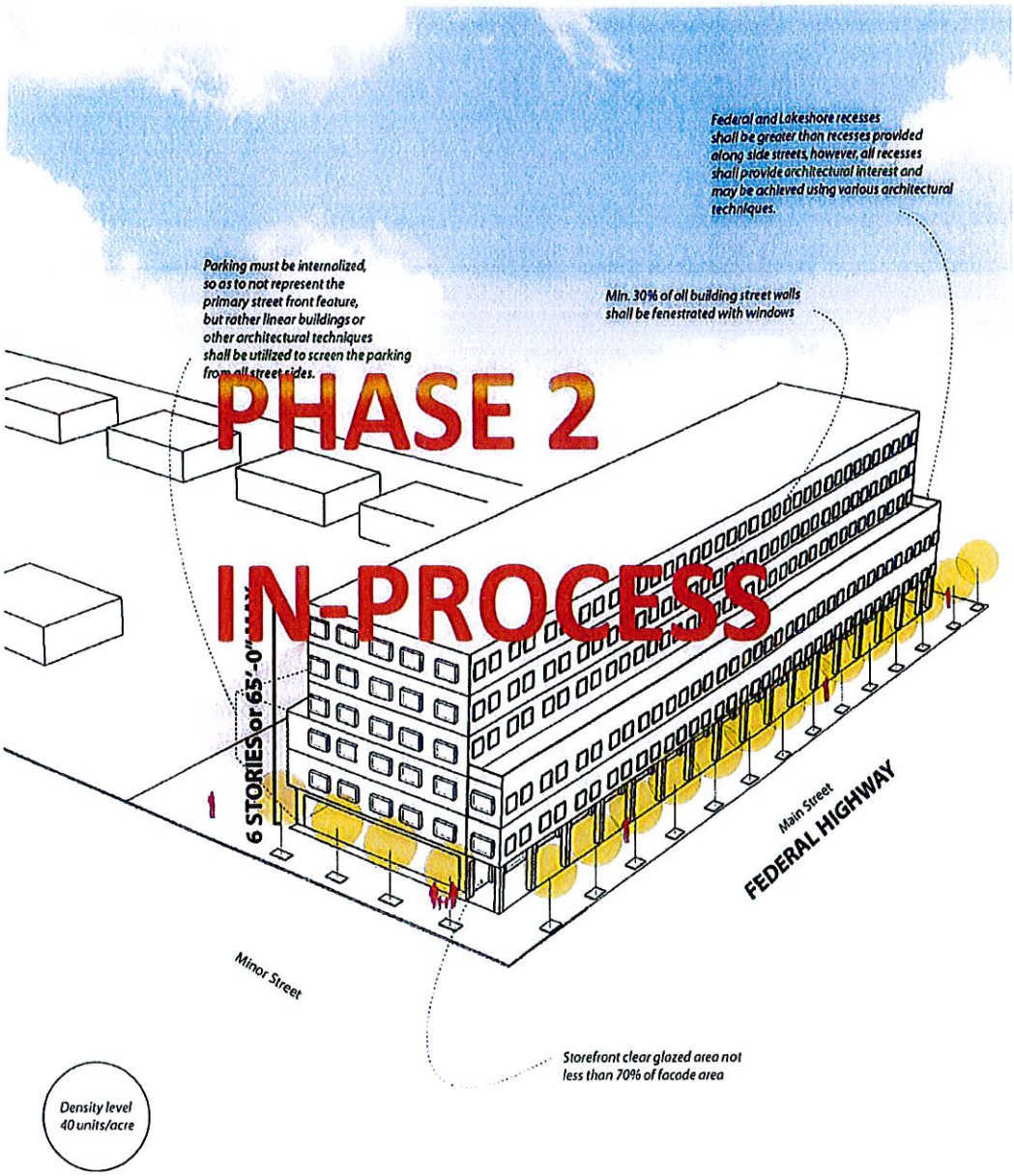


Density level 40 units/acre

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;

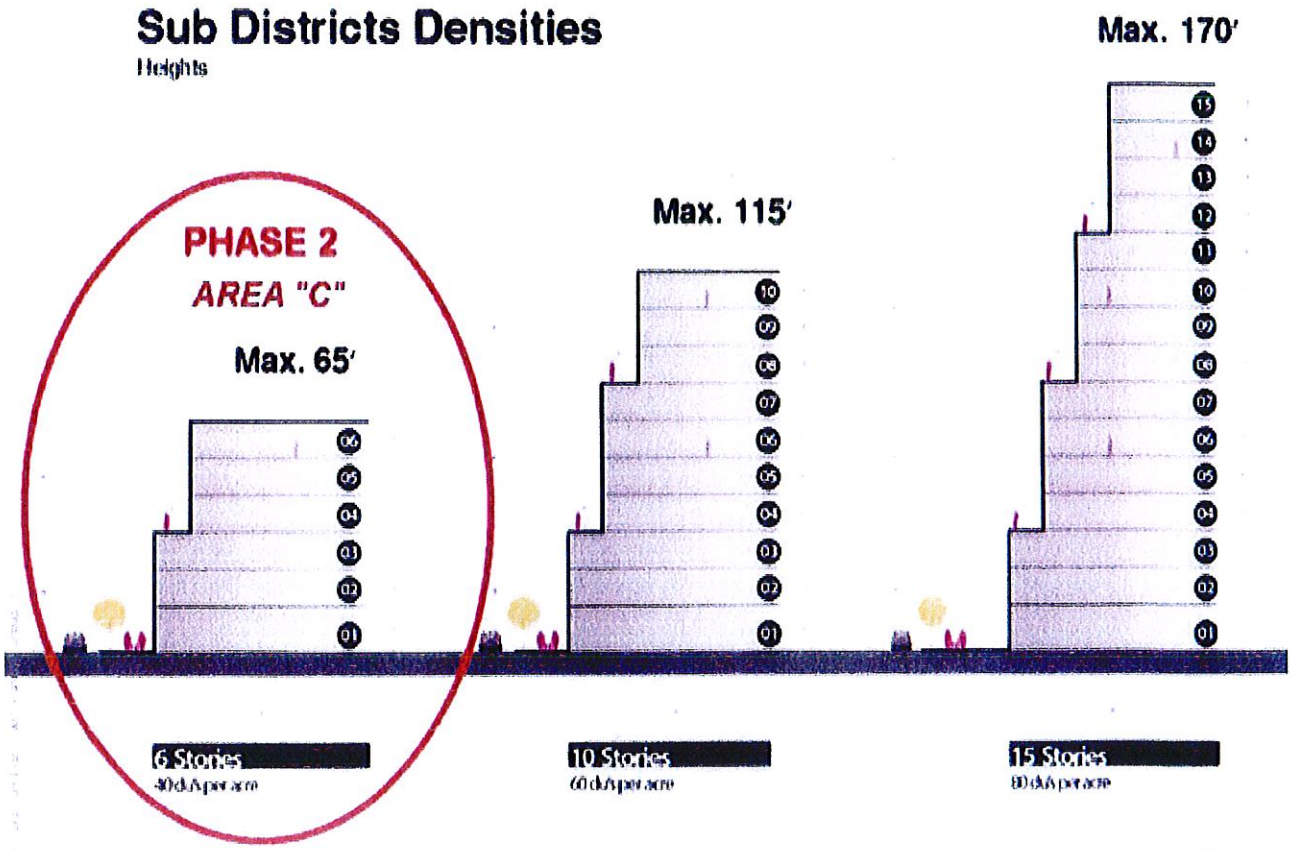
i. Any other agreements required by the LDRs and this section or that may be reasonably requested by the Town Manager or other reviewing agencies.

(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

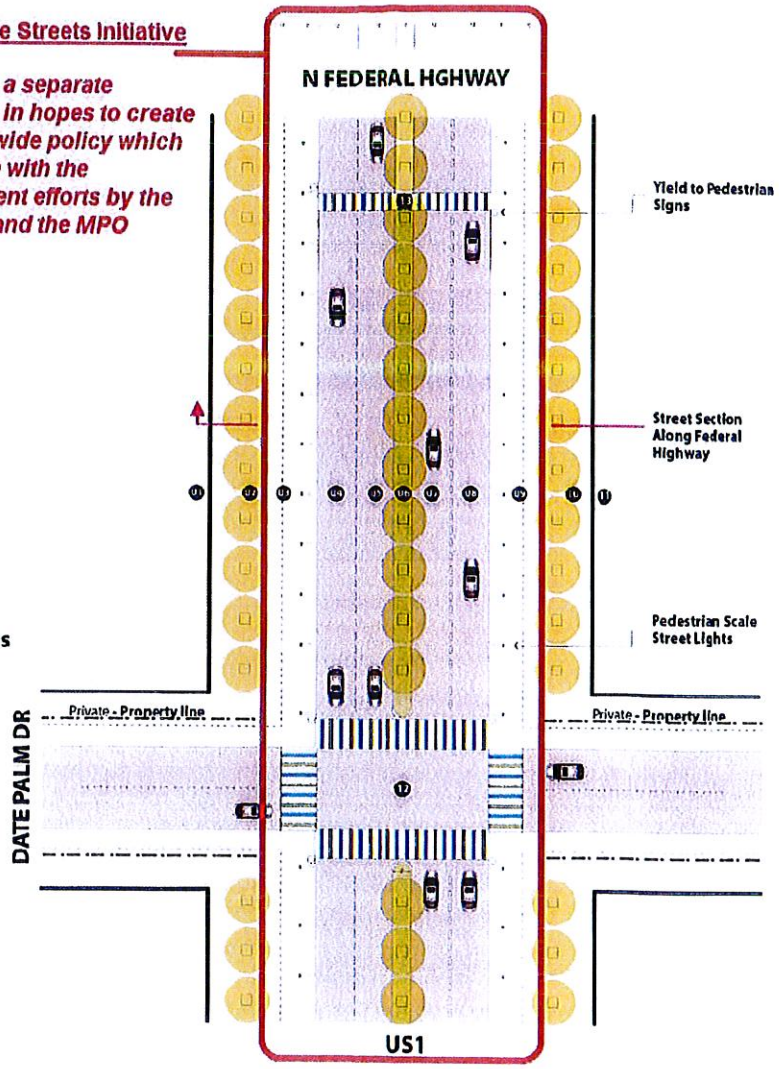


Complete Streets Initiative - Plan

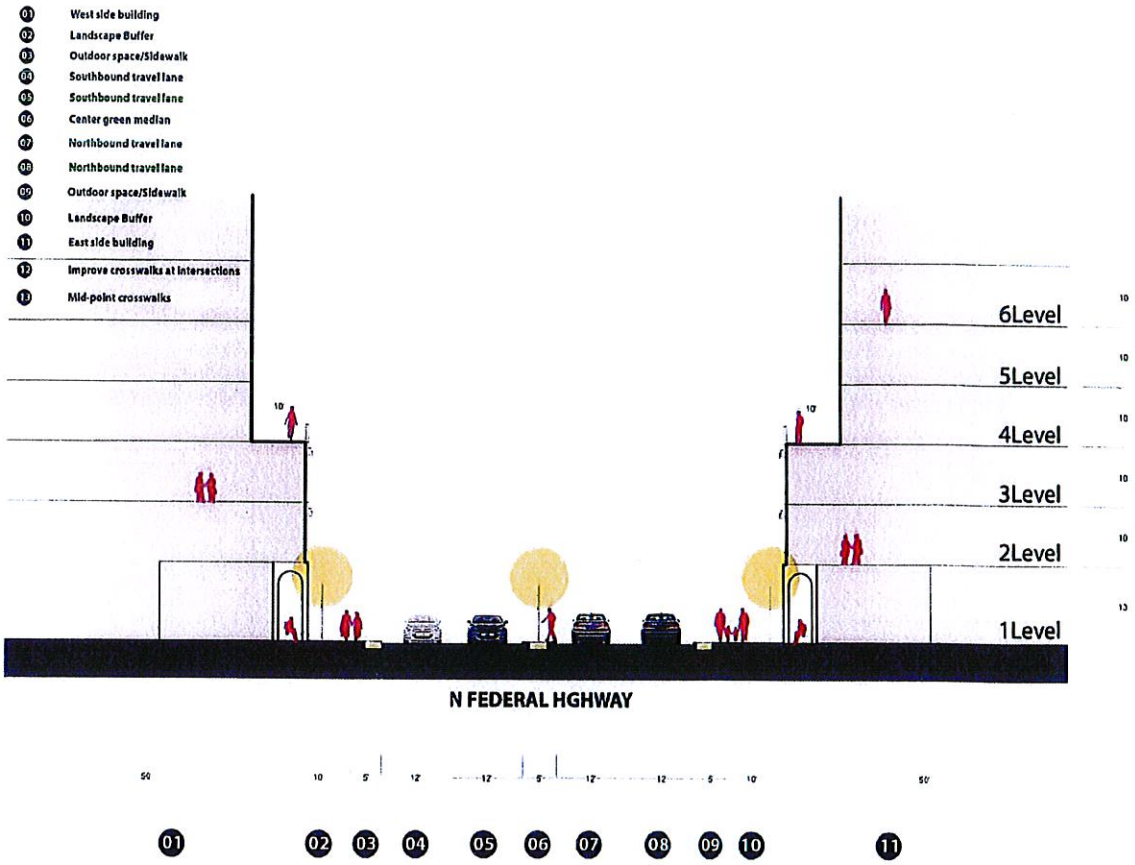
Complete Streets Initiative

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

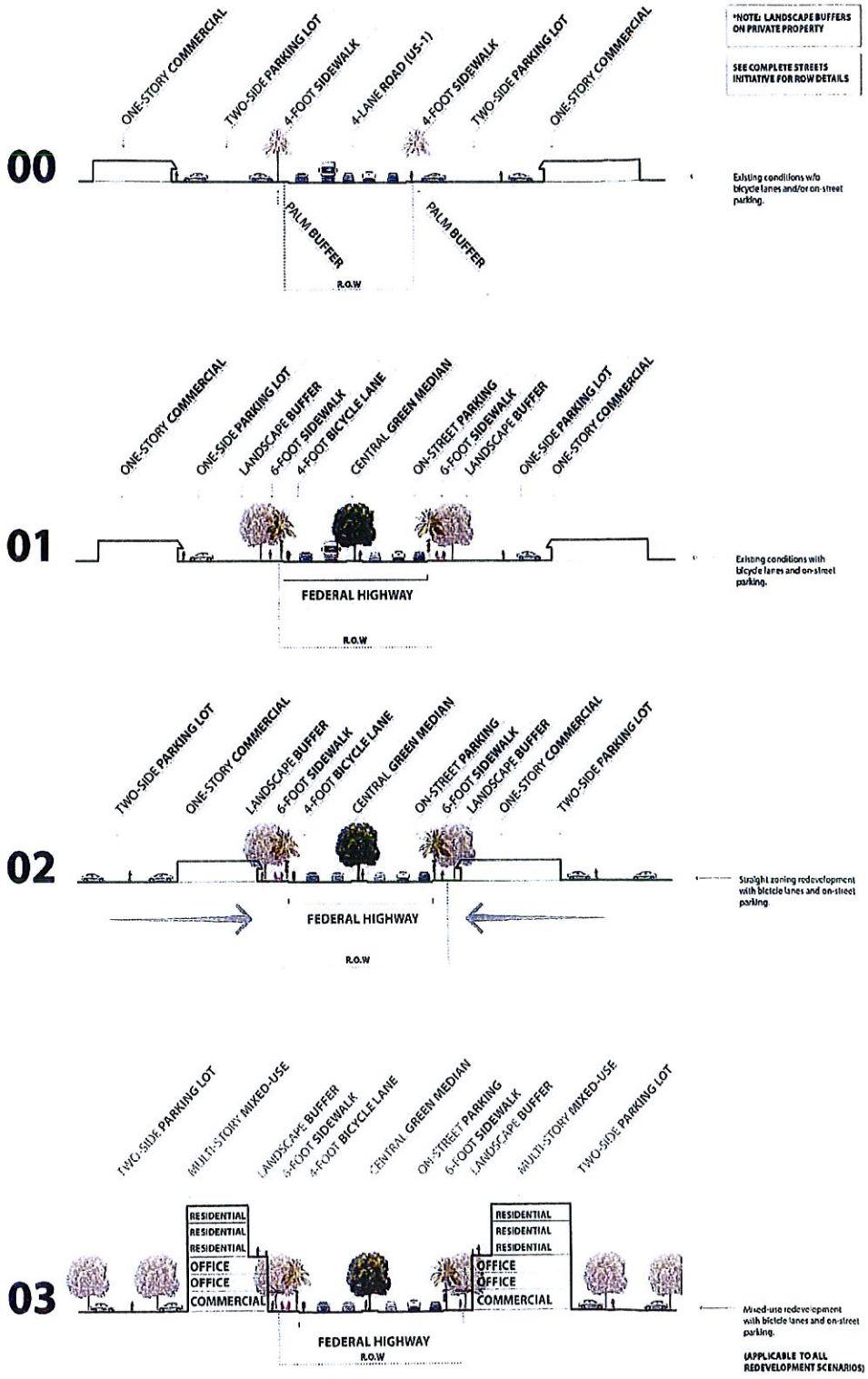
01 West side building
02 Landscape Buffer
03 Outdoor space/Sidewalk
04 Southbound travel lane
05 Southbound travel lane
06 Center green median
07 Northbound travel lane
08 Northbound travel lane
09 Outdoor space/Sidewalk
10 Landscape Buffer
11 East side building
12 Improve crosswalks at intersections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



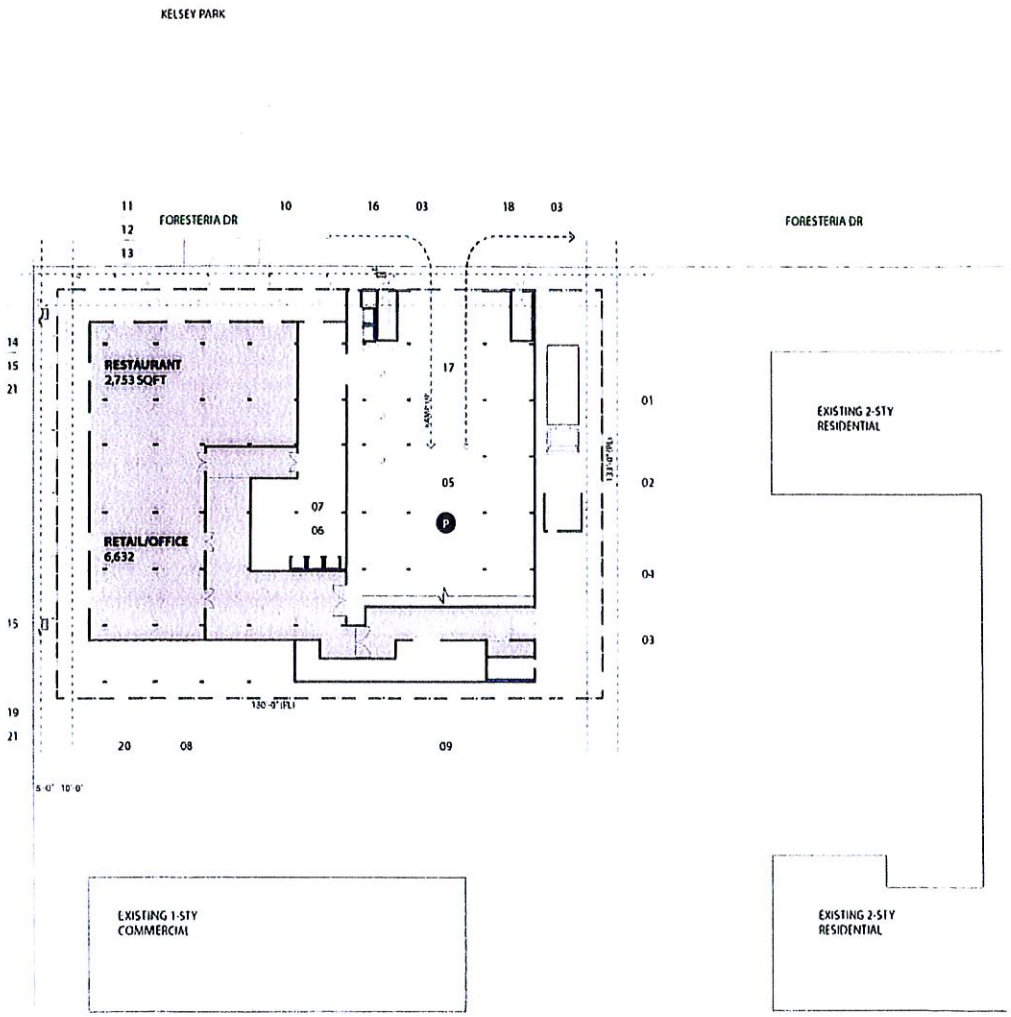
Complete Streets Initiative - Section



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-UNIT LIVING	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) 158 REQUIRED

TOWN
LAKE P
MU

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

DATE:
06.24.16

REVISIONS:

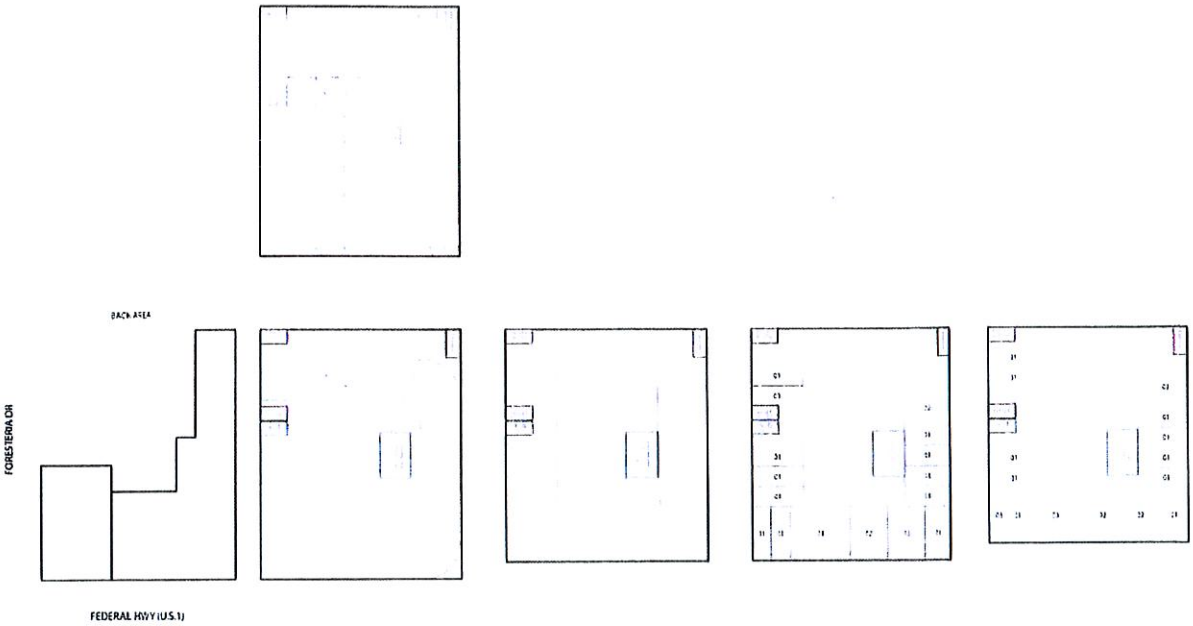
SHEET:

01 - SITE

Sample - Urban Edge development

***Sample**

TOWN OF LAKE PARK
MUZ



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

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

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

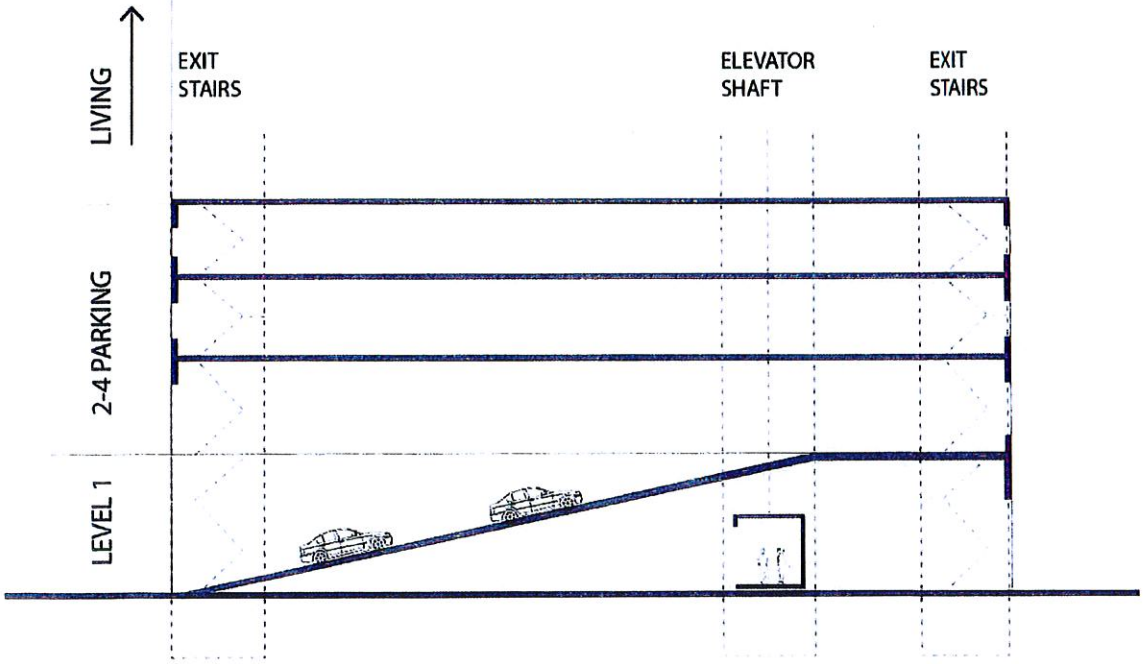
DATE:
06.24.16

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 MANOR
Multi-Family Res	1 space / 1 bedroom unit; 1.5 spaces / 2 bedroom unit 1.75 spaces / 3 or more bedroom units + 1 guest space for every 3 overall dwelling units.	1.5 spaces for each efficiency unit or 1 bedroom unit. 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 2.0 spaces for a 2-bedroom unit 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 2 spaces for 2 - 3 bedroom units + 1 for each bedroom over 3 bed. + guest parking of 2 per 10 units for the first 50 units + 1.5 per 10 units for all units over 50 units	1 space per dwelling unit (historic dist.) 2 spaces per dwelling unit (all else)	1 space per bedroom + minimum of 5% of total required spaces for guest parking	1.5 spaces per 1 bedroom unit 2 spaces per 2 bedroom unit 2.5 spaces per 3 bedroom unit or larger + an additional twenty (20) percent of the total number of required spaces for guests.	DOWNTOWN: Efficiency: 1 per unit 1 BR: 1.25 per unit ≥ 2 BR: 1.5 per unit (Applies to the Northwood Master Plan Area) CITYWIDE: Efficiency: 1.5 per unit 1 BR: 1.75 per unit ≥ 2 BR: 2 per unit, 1 per 10 units for guests	2.5 spaces per dwelling unit up to ten (10) dwelling units 2.7 spaces per dwelling unit for eleven (11) dwellin 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 + parking at the rate of 40% the requirements of this section for any accessory uses	1 per room + 1 per 5 rooms for employees + 1 per 85 SF of GFA for restaurant or meeting areas + 1 per 2 seats for lounge areas	1 space per lodging unit + 1 space for the owner or manager	1.1 spaces per room + 1 space for each 100 sf of meeting space + 1 space for each 100 sf of office space + required parking for additional use (lounge, retail, restaurant, etc.)	1 space per room or suite + 1 space per employee on maximum work shift + additional spaces as may be required for permitted uses such as restaurants and lounges.	1 per room 1 per 5 rooms for employees 1 per 100 of meeting space 1 per 4 Fixed seats. Other uses as required.	One and one-tenth (1.1) spaces per gue 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 1 PER 300 CITYWIDE: 1 PER 250	1 space per 200 sf o 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: 1 per 275 CITYWIDE: 1 per 250	1 space per 200 sf o 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 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/nightclu 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 + 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: A) 1 per 300 B) 1 per 400 CITYWIDE: A) 1 per 200 B) 1 per 350	1 space per 300 sf o 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) + 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 + 1 space per 250 sf for employee parking	1 space per 75 sf of GFA + 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

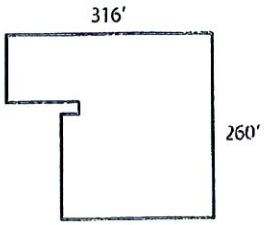
Lake Park Mixed-Use Overlay District

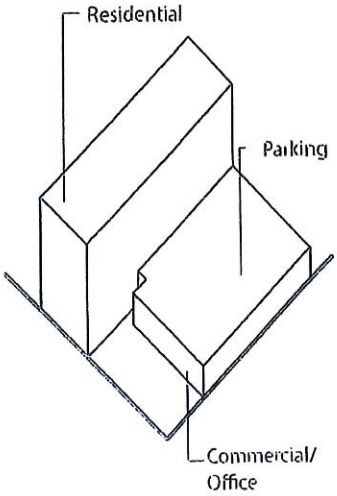
08.12.16

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)





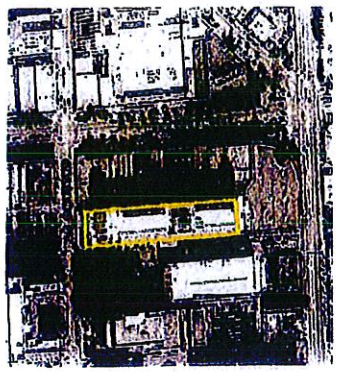
Source: Miami-Dade County, "Property Appraiser"

www.miamidade.gov/propertysearch/#/

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

Scale: Lot size and Bulk/Mass

02

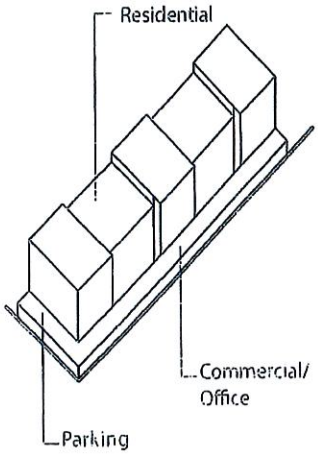


Name:	The Palace at Coral Gables
Address:	1 Andalusia Ave.
	Coral Gables, FL 33134
Zone:	6400 - Commercial - Central
Land Use:	35- Multi Family, high density
	(over 25 du/gross acre)
Type:	Mixed-Use
Lot Size:	46,322 SQFT (1.0 Acre)
Total SF:	370,576 SQFT
F.A.R:	8.0
# Floors:	9
# Units:	252
Parking:	557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

Source: Miami-Dade County, "Property Appraiser"

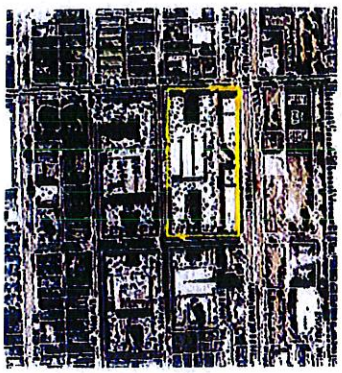
www.miamidade.gov/propertysearch/#/

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

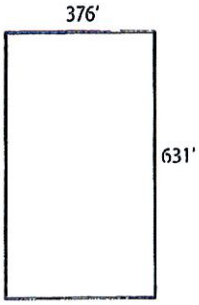


Scale: Lot size and Bulk/Mass

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"

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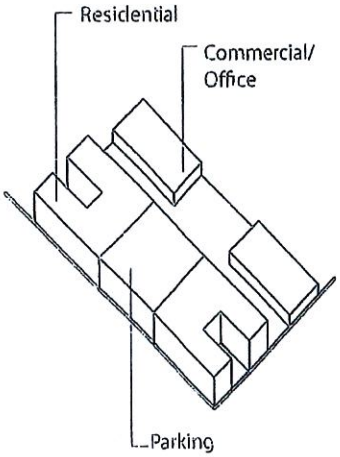
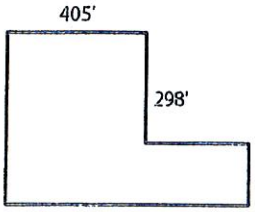
The Related Group, "TMFV"



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"

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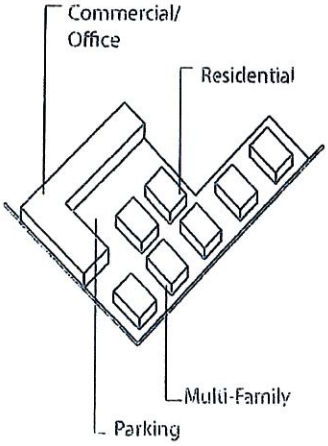
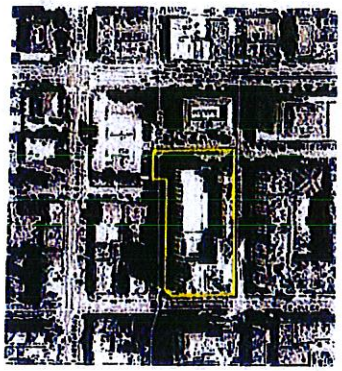
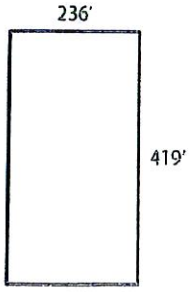


Scale: Lot size and Bulk/Mass

05

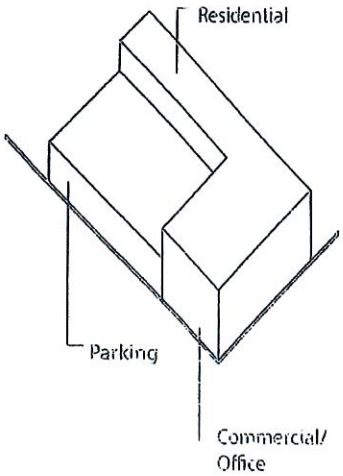


Name:	The Mark at Cityscape
Address:	11 Plaza Real S
	Boca Raton, FL 33432
Zone:	-
Land Use:	1200 - Store/Office/Residential
Type:	Mixed-Use
Lot Size:	98,884 SQFT (2.2 Acres)
Total SF:	266,810 SQFT
F.A.R:	2.6
# Floors:	12
# Units:	208
Parking:	+/-312



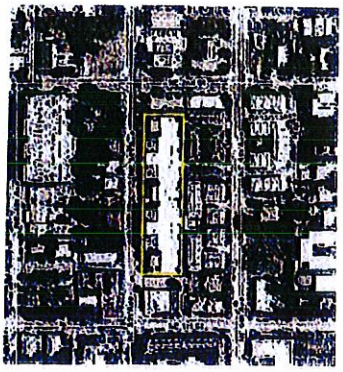
Source: Palm Beach County, "Property Appraiser"

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

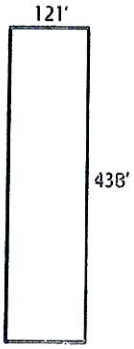


Scale: Lot size and Bulk/Mass

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



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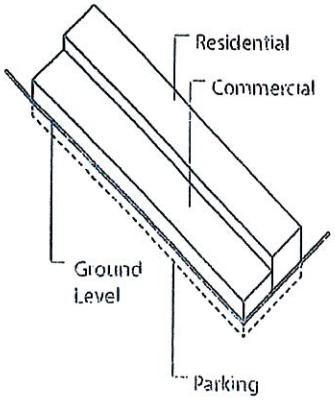
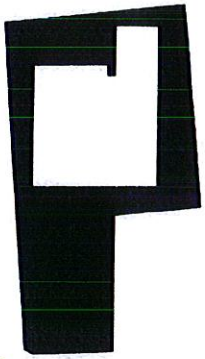
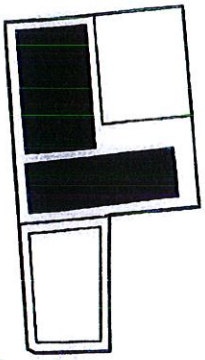


Scale: Lot size and Bulk/Mass

Applicability



A.



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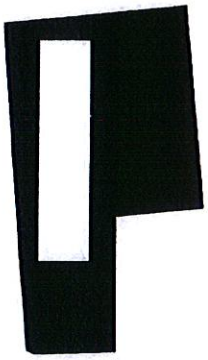

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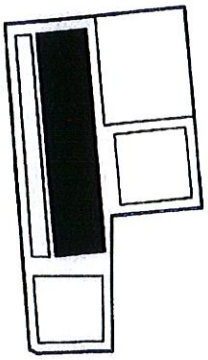

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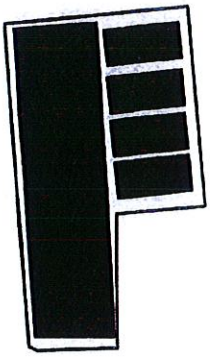

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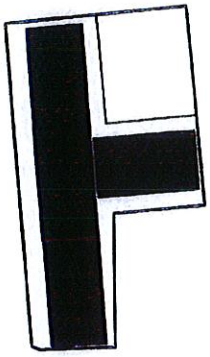


F.

 # 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.

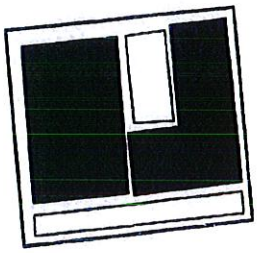
04 - Gables Wilton Park

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

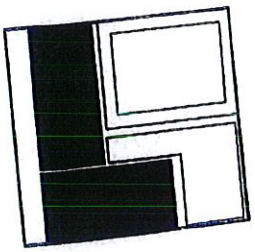
05 - The Mark at Cityscape

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

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



A.



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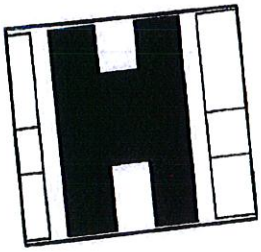

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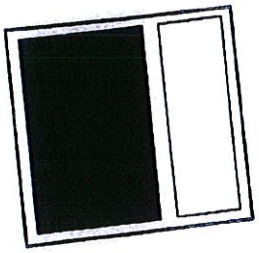

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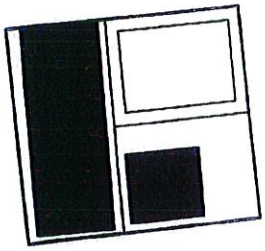


E.

 # 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)

C PY

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 until 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 objectives 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: 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. 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	
Lanac 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 B. Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:

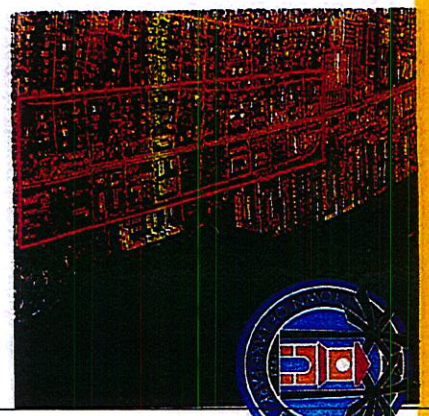
Judith Thomas, Chair, Town of Lake Park Planning & Zoning Board
DATE: 8/22/2016

LAKE PARK WATERFRONT REVIVAL

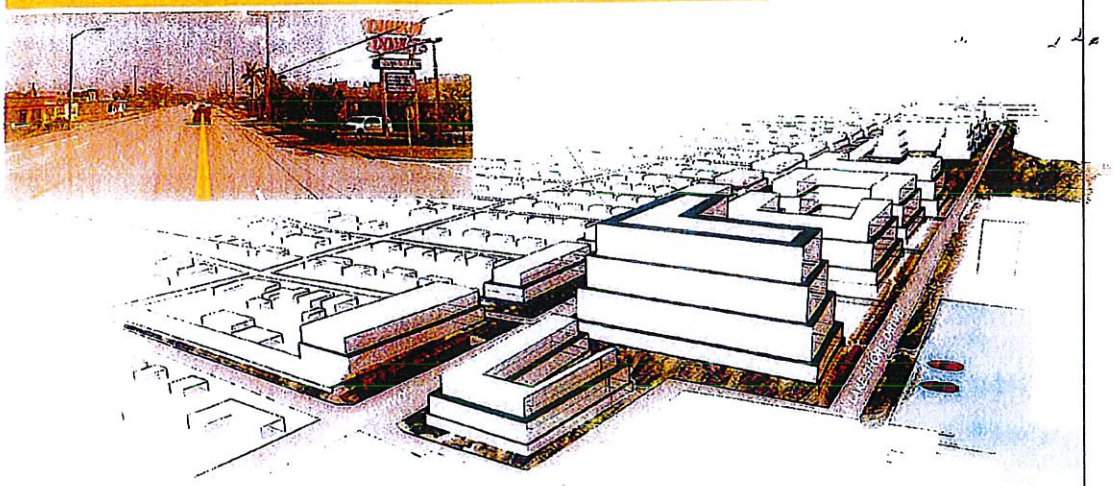
"Cherishing the old, bringing in the new"

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

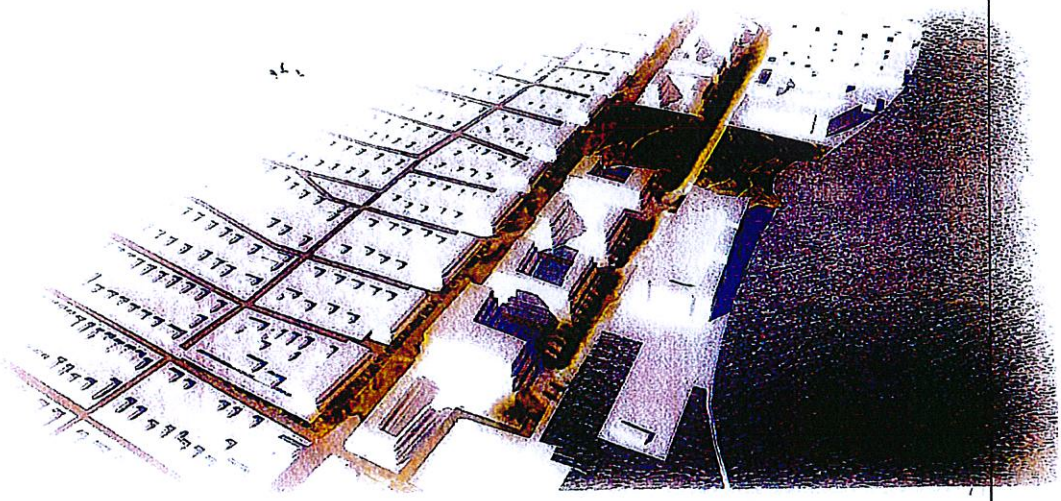
Nadia Di Tommaso, Community Development Director
Scott Schultz, Town Planner
Alex David, Jerry Bell and Camilo Lopez, Alex David & Associates



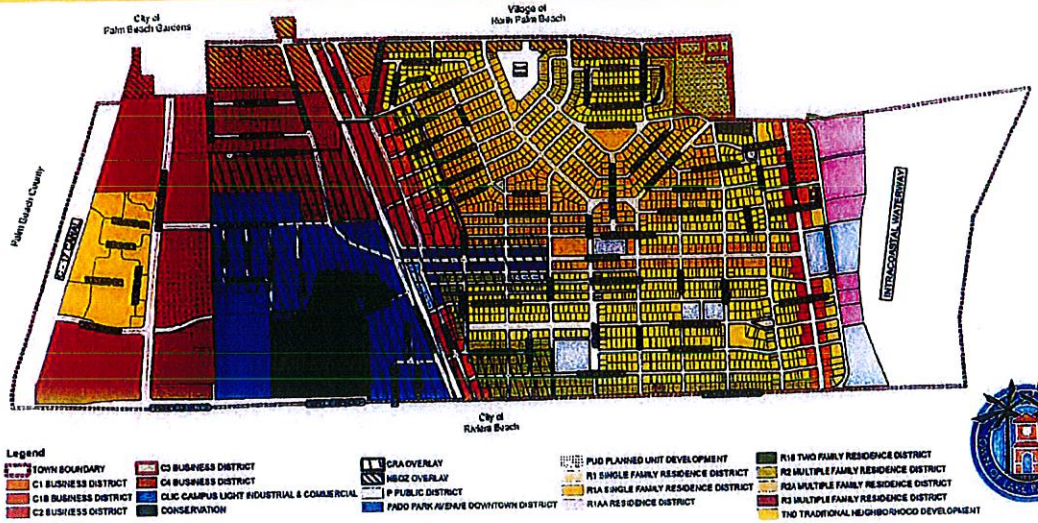
FEDERAL HWY CORRIDOR – BIRD'S EYE



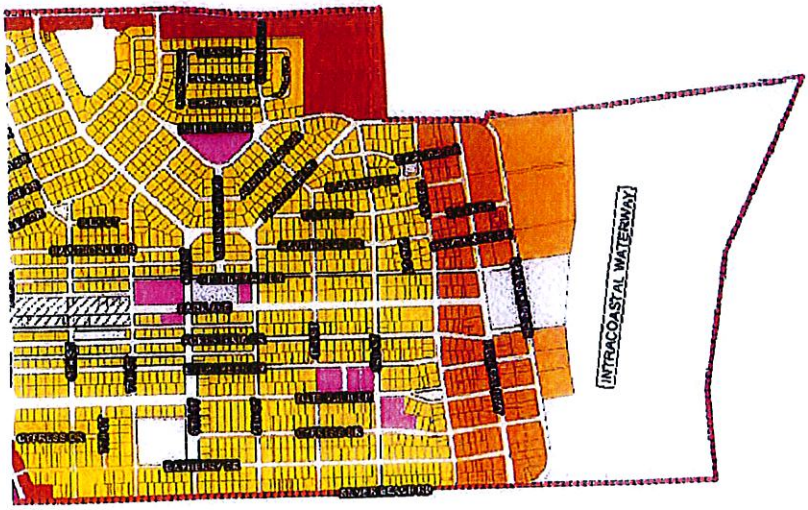
FEDERAL HWY CORRIDOR – BIRD'S EYE



LAKE PARK ZONING MAP



LAKE PARK FUTURE LAND USE PARTIAL MAP



L. 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

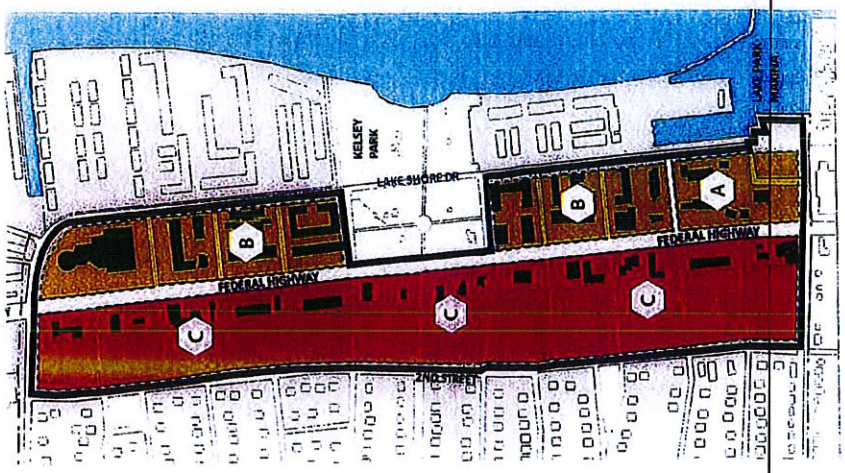
2. CAPACITY ANALYSIS

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

3. LAND DEVELOPMENT REGULATIONS – LOCATION

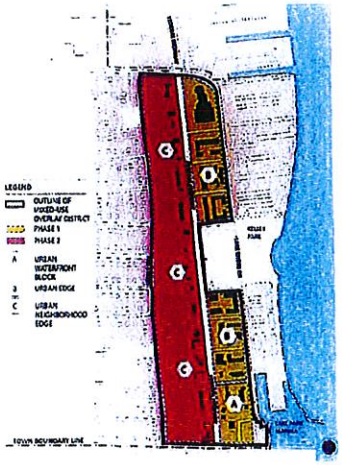
LEGEND

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



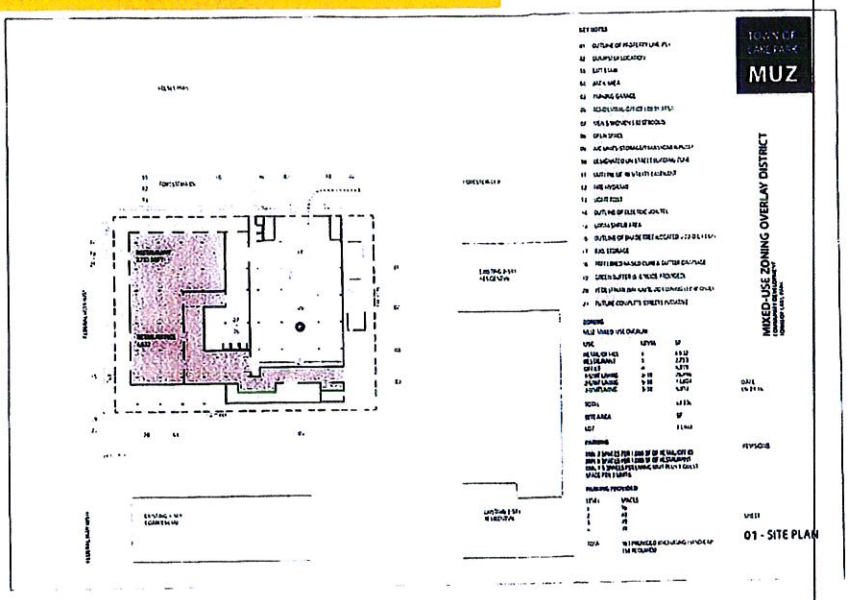
3. LAND DEVELOPMENT REGULATIONS

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



3. LAND DEVELOPMENT REGULATIONS

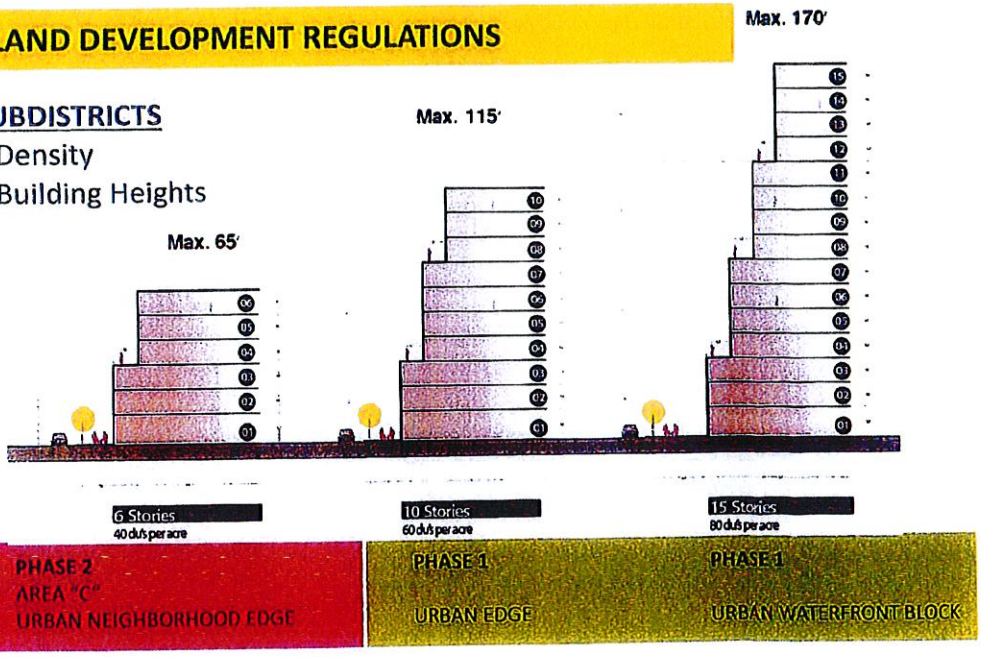
- Site Plan Review



3. LAND DEVELOPMENT REGULATIONS

SUBDISTRICTS

- Density
- Building Heights

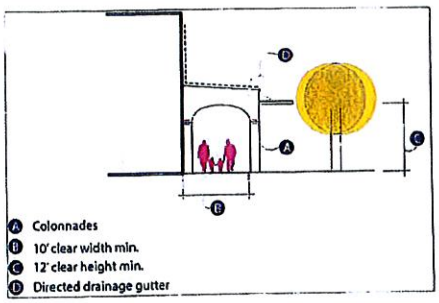


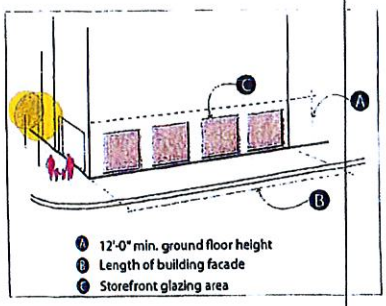
3. LAND DEVELOPMENT REGULATIONS

- Permitted Uses

3. LAND DEVELOPMENT REGULATIONS

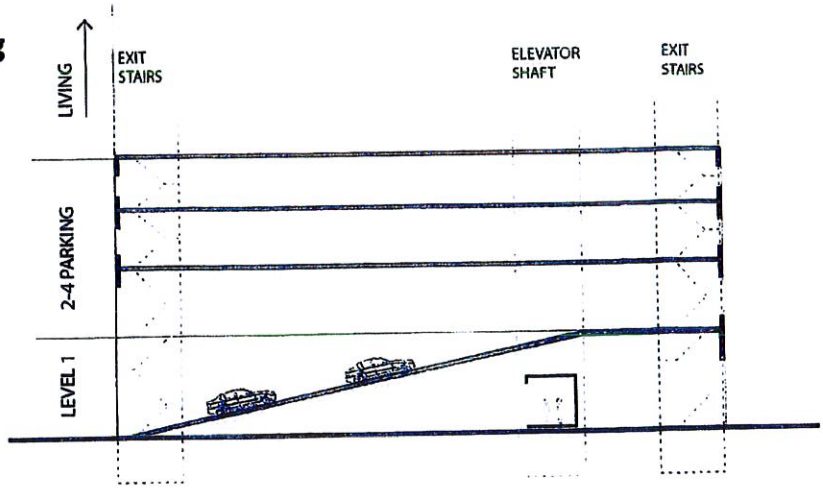
- Urban Design Principles
- Urban Design Objectives





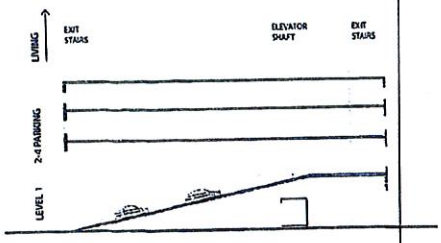
3. LAND DEVELOPMENT REGULATIONS

- **Parking**



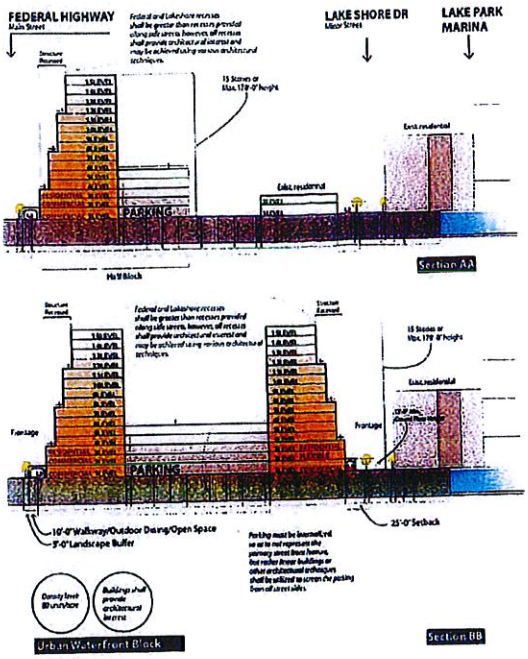
3. LAND DEVELOPMENT REGULATIONS

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



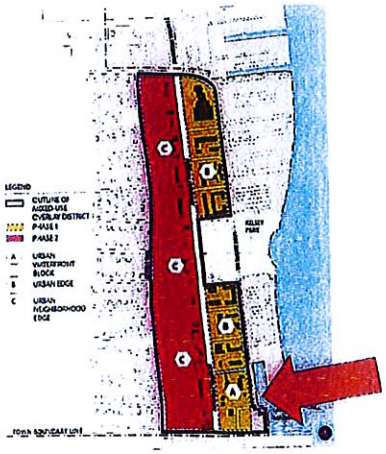
Urban Waterfront Block

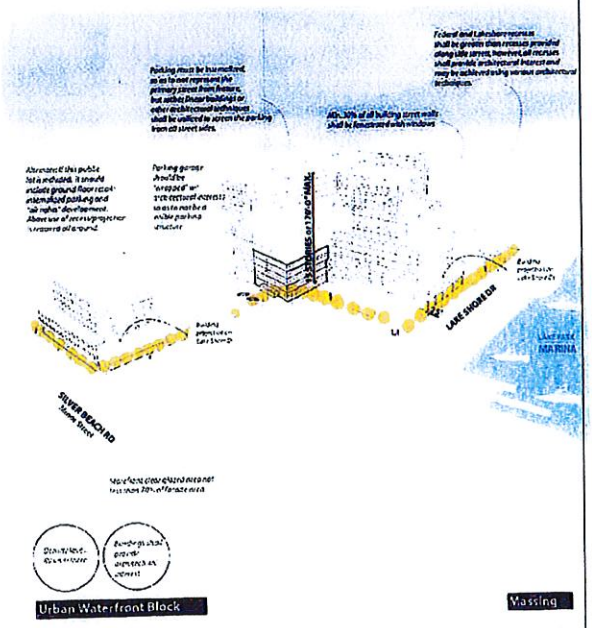
Building Heights/Use



Urban Waterfront Block

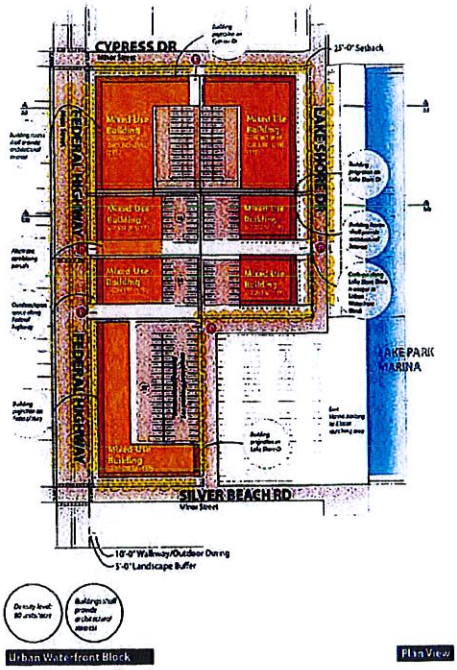
Phase 1





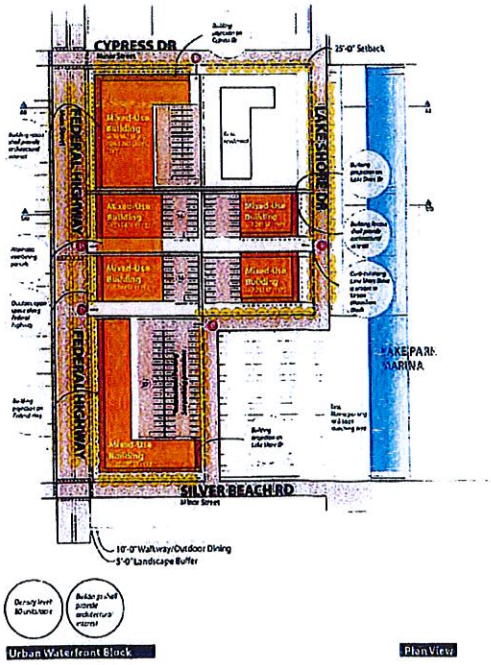
Urban Waterfront Block

Possible Option "B"



Urban Waterfront Block

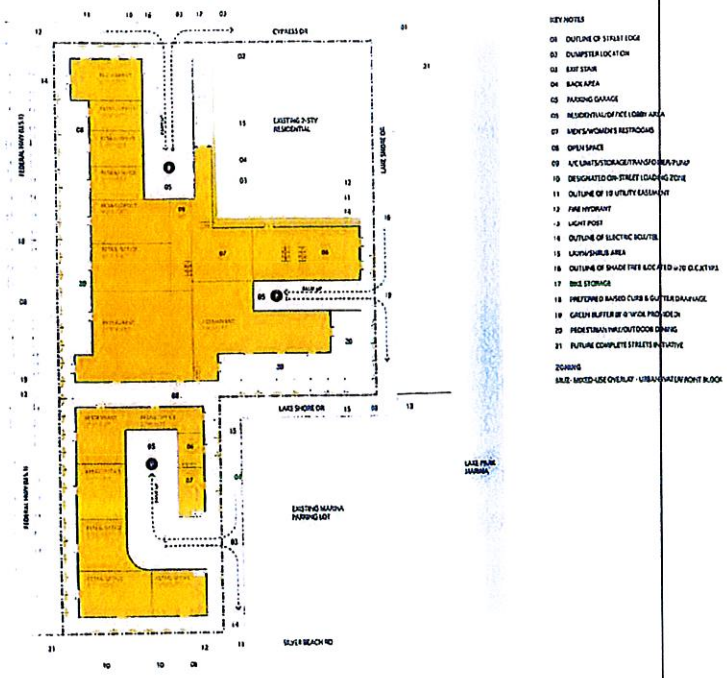
Possible Option "A"



Urban Waterfront Block

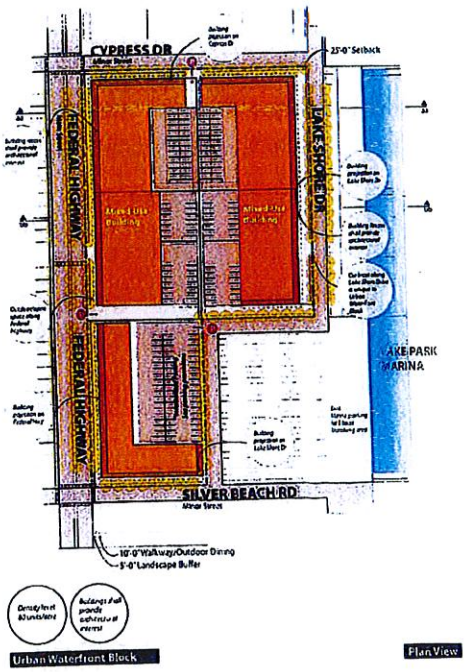
Site Development

Sample



Urban Waterfront Block

Possible Option "C"

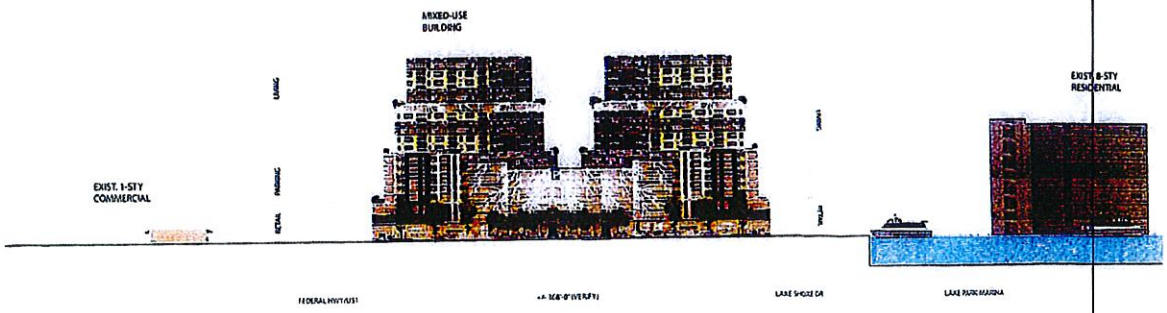


Urban Waterfront Block

Urban Waterfront Block

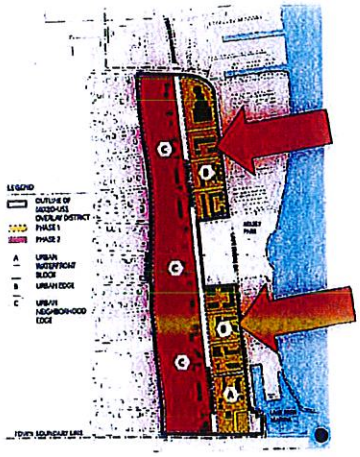
Site Development

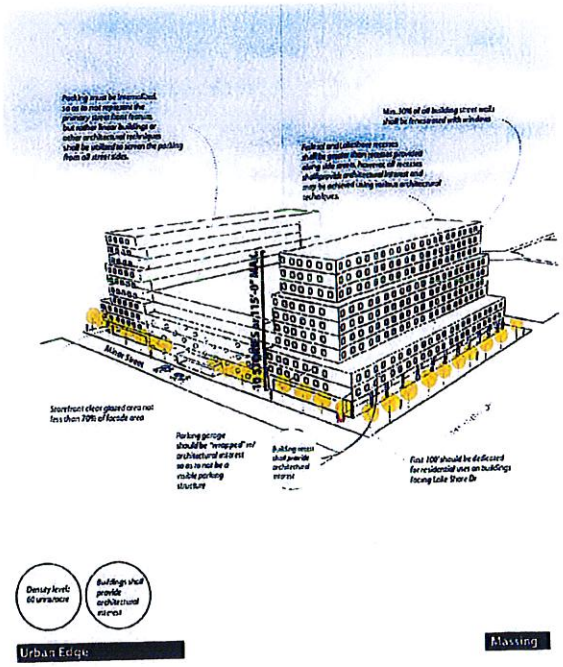
Sample - Elevations



Urban Edge

Phase 1

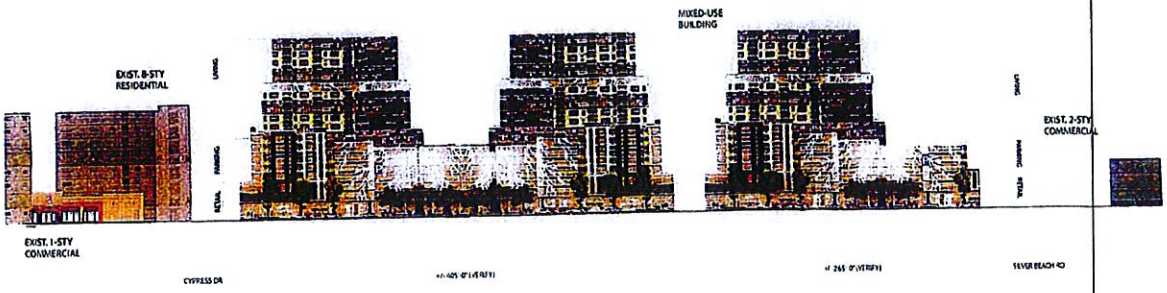




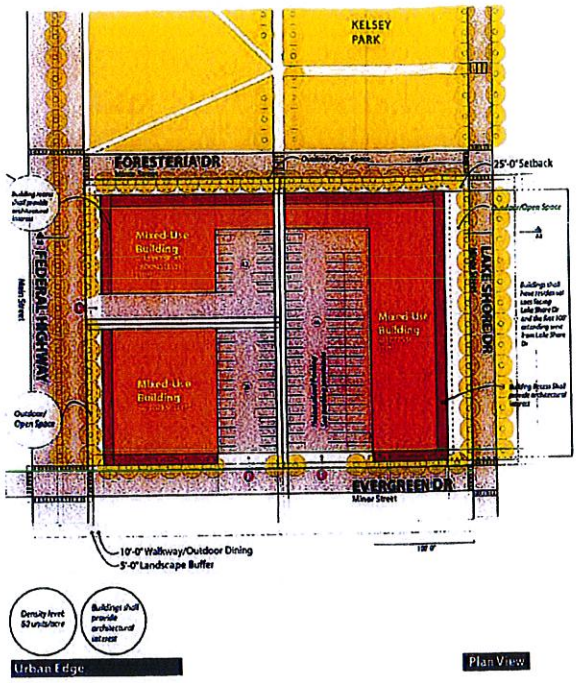
Urban Waterfront Block

Site Development

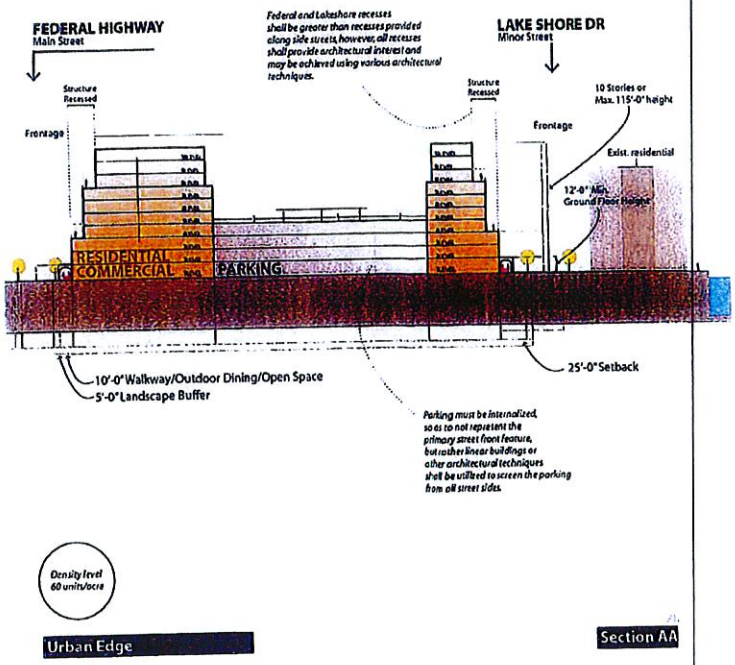
Sample - Elevations



Urban Edge
Plan



Urban Edge
Building Heights/Use



Urban Edge

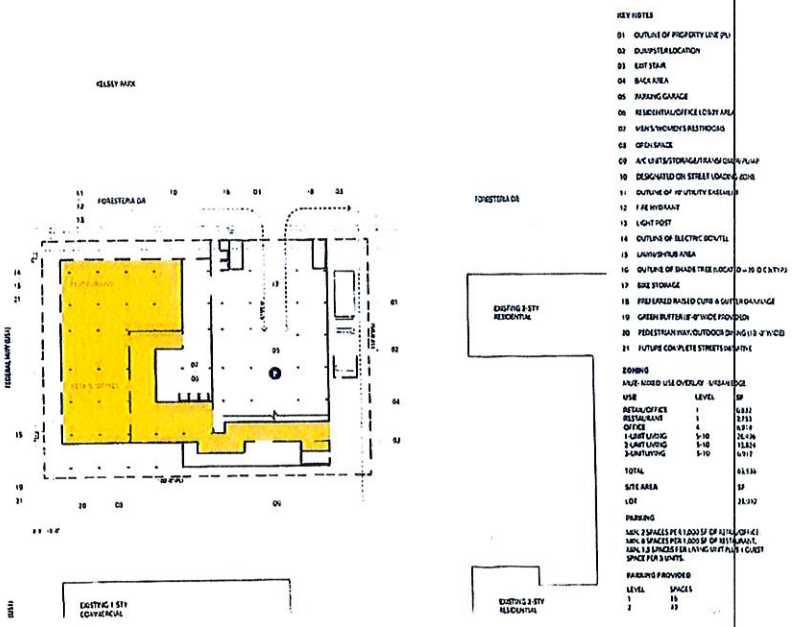
Site Development

Sample - Elevations

Urban Edge

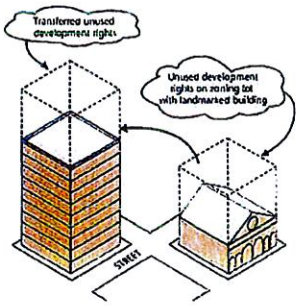
Site Development

Sample



3. LAND DEVELOPMENT REGULATIONS

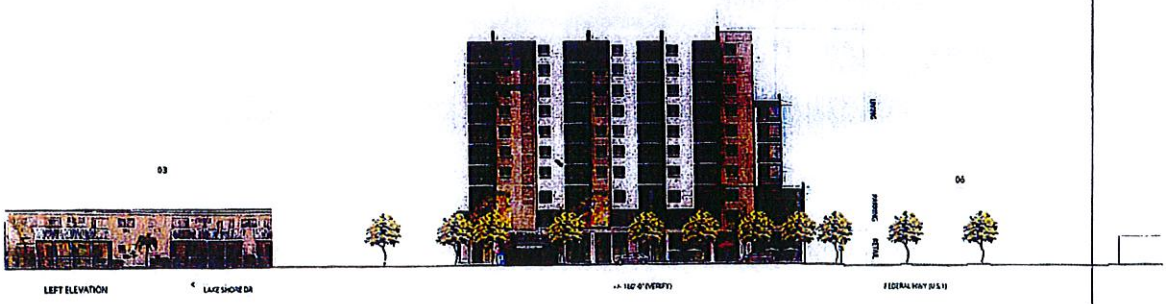
- Transfer of Development Rights



Urban Edge

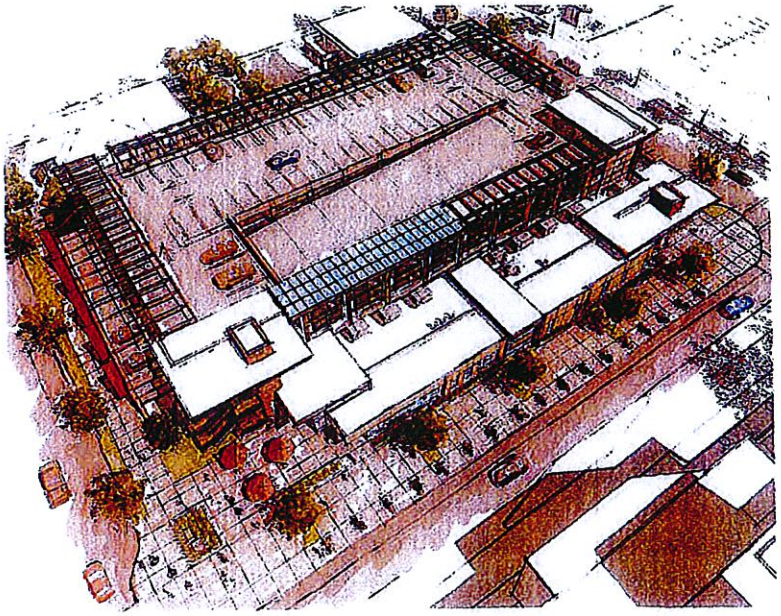
Site Development

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)

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

= URBAN EDGE (6 potential development blocks)

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

= URBAN WATERFRONT BLOCK (1 large potential Development block)

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

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

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

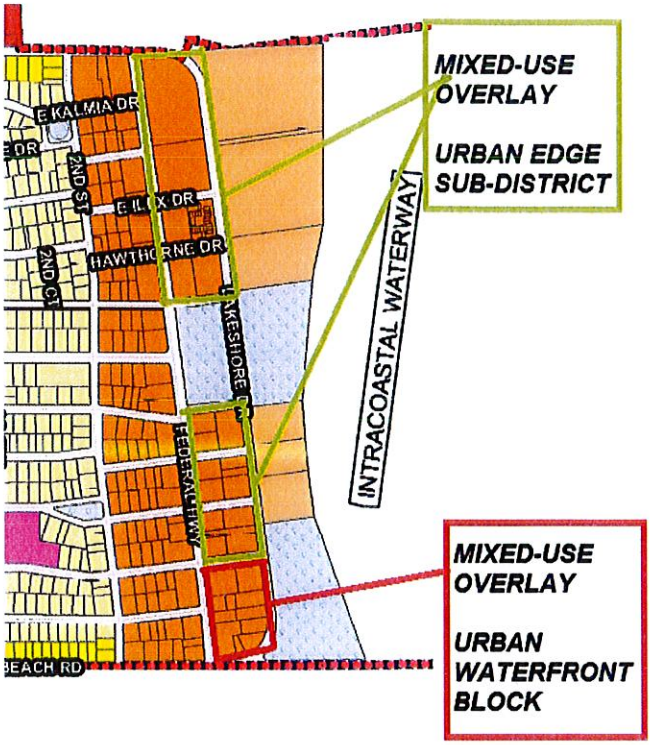
LEGAL NOTICE OF PUBLIC HEARING
COMPREHENSIVE PLAN AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN
TOWN OF LAKE PARK, FLORIDA

Please take notice and be advised that the Town Commission will hold a public hearing (transmittal hearing) on **Wednesday, November 2 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 TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR THE CREATION OF NEW OBJECTIVE 10 AND IMPLEMENTING POLICIES PERTAINING TO THE CREATION OF A MIXED USE OVERLAY AREA ON THE EAST SIDE OF FEDERAL HIGHWAY BETWEEN PALMETTO DRIVE AND SILVER BEACH ROAD; PROVIDING FOR THE CREATION OF TWO SUB-DISTRICTS WITHIN THE NEW MIXED USE OVERLAY AREA; PROVIDING FOR INCENTIVES FOR RE-DEVELOPMENT BY ALLOWING PROPERTIES TO SUBSTANTIALLY INCREASE THE DENSITIES OF RESIDENTIAL USES AND THE FLOOR AREA RATIOS OF COMMERCIAL USES FOR THE PROPERTIES WITHIN THE OVERLAY; PROVIDING FOR THE AMENDMENT OF THE FUTURE LAND USE MAP TO SHOW THE BOUNDARIES OF THE NEW MIXED USE OVERLAY AND ITS SUB-DISTRICTS; PROVIDING FOR AMENDMENTS TO OBJECTIVE 9 AND ITS IMPLEMENTING POLICIES; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Future Land Use Map
(Excerpt)



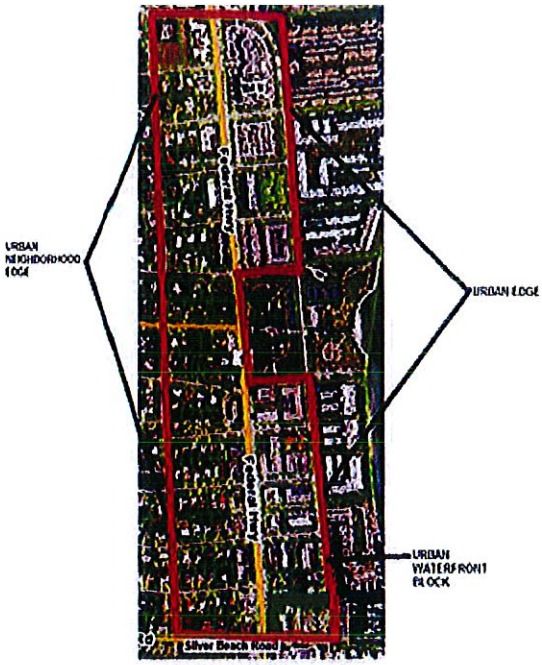
If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal 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 – Wednesday, October 26, 2016

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

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**

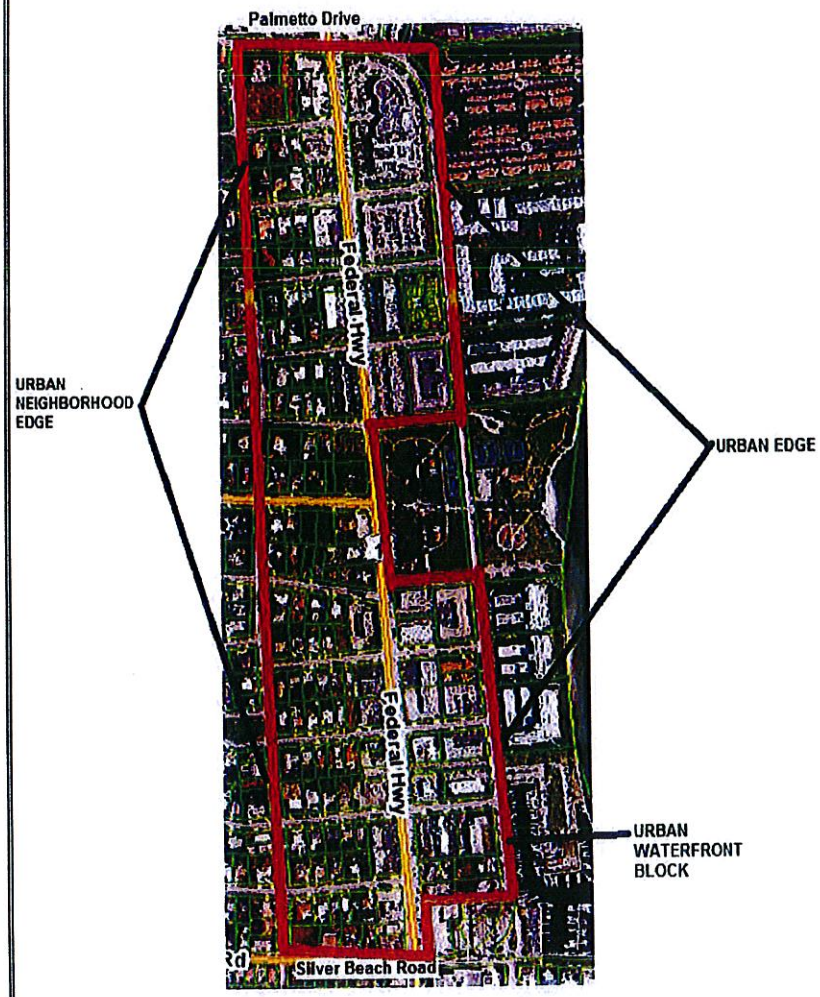
Nature of plan amendments as you have indicated is desired for review:

____ 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

Ordinance on Second Reading

TAB 4

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 2, 2016 **Agenda Item No.** Tab 4

Agenda Title: A TOWN INITIATED ORDINANCE PROPOSING THE MODIFICATION OF TOWN CODE SECTION 6-6 TO PROVIDE FOR FLEXIBILITY THAT IS CONSISTENT WITH FLORIDA STATE STATUTE 562.45(2)(a) FOR THE SALE OF ALCOHOL NEAR CERTAIN USES AND ADDITIONAL CLARIFICATIONS.

[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[X] ORDINANCE ON 2nd READING
[ ] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 10/18/16

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

Originating Department: **Community Development**	**Costs: $ Legal Review of ORD and Legal Ad** Funding Source: **Legal (Dept. 108) & Town Clerk (Dept. 106)** Acct. # [ ] Finance _____	**Attachments:** ➔ **Ordinance 10-2016** ➔ **Copy of FSS 562.45(2)(a)** ➔ **Copy of Legal Ad**
Advertised: Date: **October 23, 2016** Paper: **Palm Beach Post** [ ]	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*** or Not applicable in this case ____ **Please initial one.**

Summary Explanation/Background:
In reviewing the State Statute regarding alcohol sales near certain uses (FSS 562.45), it appears the Town Code is far more restrictive than the State Statute in terms of disallowing (restaurants that sell alcohol for example) near certain uses. In an effort to bring the Town Code in line with the Statute and promote certain businesses along our commercial corridors (always keeping in mind that alcohol related uses are regulated by the individual zoning districts where, for example, liquor stores are prohibited along Northlake Boulevard and Park Avenue under current code), Staff is proposing amendments to Section 6-6 to limit the restriction to elementary, middle and secondary school. Consequently, the additional uses (churches, day cares and parks) are proposed to be eliminated and additional emphasis is being added where appropriate.

Recommended Motion: I move to ADOPT Ordinance 10-2016 on 2nd reading.

ORDINANCE NO. 10- 2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 6-6 OF THE TOWN CODE PERTAINING TO THE SALE OF ALCOHOL NEAR CERTAIN USE TO BRING THE TOWN'S REGULATIONS INTO CONFORMANCE WITH FLORIDA STATE STATUTE 562.45(2)(A); PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR 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, the Town Commission has adopted regulations and criteria in Chapter 6 of the Town's Code of Ordinances which prohibits the sale of alcohol within 500 feet of churches, schools, and day care centers; and

WHEREAS, Town Manager has recommended to the Town Commission that Section 6-6 of Chapter 6 be amended so that it is consistent with the provisions of Florida State Statute 562.45(2)(A); and

WHEREAS, the Town Commission, has considered the Town Manager's recommendation and has determined that it is appropriate and furthers the public health, safety and general welfare.

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

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

Section 2.

Sec. 6-6. Sale of alcohol near certain uses prohibited.

(a)

No person or entity may sell alcoholic beverages for consumption either on or off the premises where the place of sale is within 500 feet of real property that is being used as an ~~church, public or private day care center,~~ elementary school, middle school, high school, or secondary school~~, or park~~. Provided, however, that businesses located on Park Avenue between 7th Street and 10th Street shall be exempt from this 500-foot distance regulation.

(b)

The measurement provided in subsection (a) of this section shall be measured by drawing a straight line between the closest property lines of the place of sale and the real property being used as an ~~church, public or private day care center,~~ elementary school, middle school, high school or secondary school~~, or park~~.

(c)

~~For purposes of this section, Kelsey Park, Lake Shore Park and the Lake Park Harbor Marina shall be excluded from the definition of "park" provided that any c~~Consumption of alcohol in Kelsey Park, the Lake Park Harbor Marina, or Lake Shore Park must be pursuant to a special event permit, or permanent concession sales located on the premises, which authorizes the sale and consumption of alcohol in Kelsey Park, the Lake Park Harbor Marina, or Lake Shore Park.

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.

p:\docs\26508\00002\doc\1qm7326.docx

562.45 Penalties for violating Beverage Law; local ordinances; prohibiting regulation of certain activities or business transactions; requiring nondiscriminatory treatment; providing exceptions.—

(1) Any person willfully and knowingly making any false entries in any records required under the Beverage Law or willfully violating any of the provisions of the Beverage Law, concerning the excise tax herein provided for shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. It is unlawful for any person to violate any provision of the Beverage Law, and any person who violates any provision of the Beverage Law for which no penalty has been provided shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; provided, that any person who shall have been convicted of a violation of any provision of the Beverage Law and shall thereafter be convicted of a further violation of the Beverage Law, shall, upon conviction of said further offense, be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) Nothing contained in the Beverage Law shall be construed to affect or impair the power or right of any county or incorporated municipality of the state to enact ordinances regulating the hours of business and location of place of business, and prescribing sanitary regulations therefor, of any licensee under the Beverage Law within the county or corporate limits of such municipality. However, except for premises licensed on or before July 1, 1999, and except for locations that are licensed as restaurants, which derive at least 51 percent of their gross revenues from the sale of food and nonalcoholic beverages, pursuant to chapter 509, a location for on-premises consumption of alcoholic beverages may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location as

promoting the public health, safety, and general welfare of the community under proceedings as provided in s. 125.66(4), for counties, and s. 166.041(3)(c), for municipalities. This restriction shall not, however, be construed to prohibit the issuance of temporary permits to certain nonprofit organizations as provided for in s. 561.422. The division may not issue a change in the series of a license or approve a change of a licensee's location unless the licensee provides documentation of proper zoning from the appropriate county or municipal zoning authorities.

(b) Nothing in the Beverage Law shall be construed to affect or impair the power or right of any county or incorporated municipality of the state to enact ordinances regulating the type of entertainment and conduct permitted in any establishment licensed under the Beverage Law to sell alcoholic beverages for consumption on the premises, or any bottle club licensed under s. 561.14, which is located within such county or municipality.

(c) A county or municipality may not enact any ordinance that regulates or prohibits those activities or business transactions of a licensee regulated by the Division of Alcoholic Beverages and Tobacco under the Beverage Law. Except as otherwise provided in the Beverage Law, a local government, when enacting ordinances designed to promote and protect the general health, safety, and welfare of the public, shall treat a licensee in a nondiscriminatory manner and in a manner that is consistent with the manner of treatment of any other lawful business transacted in this state. Nothing in this section shall be construed to affect or impair the enactment or enforcement by a county or municipality of any zoning, land development or comprehensive plan regulation or other ordinance authorized under ss. 1, 2, and 5, Art. VIII of the State Constitution.

History.—s. 15, ch. 16774, 1935; s. 3, ch. 19301, 1939; CGL 1940 Supp. 4151(240), 7648(6); s. 4, ch. 29964, 1955; s. 1, ch. 57-327; s. 573, ch. 71-136; s. 2, ch. 72-230; s. 1, ch. 87-365; s. 24, ch. 91-60; s. 4, ch. 97-165; s. 2, ch. 99-156; s. 128, ch. 2014-17.

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, November 2, 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. 10- 2016
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 6-6 OF THE TOWN CODE PERTAINING TO THE SALE OF ALCOHOL NEAR CERTAIN USE TO BRING THE TOWN'S REGULATIONS INTO CONFORMANCE WITH FLORIDA STATE STATUTE 562.45(2)(A); 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
Town of Lake Park, Florida
PUB: The Palm Beach Post
10-23/ 2016 #665088

New Business

TAB 5

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 2, 2016 **Agenda Item No.** Tab 5

Agenda Title: Resolution Authorizing the Mayor to Execute the Florida Inland Navigation District Project Agreement for Installation of Boat Lifts at the Lake Park Harbor Marina (Lake Park Harbor Marina Dock Retrofit Phase I Project)

[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[x] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 10/24/16

Name/Title HUMAN RESOURCES DIRECTOR

Originating Department: Town Manager	**Costs: $** 110,000 Funding Source: FIND GRANT + BUDGET Acct. # [X] Finance BKR	**Attachments:** **Resolution; and, Florida Inland Navigation District Project Agreement**
Advertised: Date: _____ Paper: _____ **[x] 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_____ or **Not applicable in this case** **BMT** **Please initial one.**

Summary Explanation/Background:

At its April 6, 2016 meeting, the Commission authorized by Resolution 17-04-16 the submittal by the Town of an application to the Florida Inland Navigation District (FIND) Waterways Assistance Program for Fiscal Year 2016 for installation of five boat lifts at the Lake Park Harbor Marina. The total cost of the project was estimated to be $110,000 with FIND contributing 50 percent. The Town match in the amount of $55,000 has been included in the Fiscal Year 2017 budget for the Lake Park Harbor Marina.

The Town has now been advised by FIND that such application has been approved, and FIND has provided the Town with the Project Agreement for execution. The purpose of this agenda item is to authorize the Mayor to execute the Project Agreement with FIND for this project.

Recommended Motion: I move to adopt Resolution 51-11-16 **2016.**

Bambi Turner

From: Baird, Thomas J. <TBaird@jonesfoster.com>
Sent: Tuesday, October 18, 2016 10:56 AM
To: Bambi Turner
Subject: RE: FIND Agreement for Lake Park Harbor Marina Dock Retrofit Project

Follow Up Flag: Follow up
Flag Status: Flagged

The agreement is a standard FIND agreement, and is ok. Marilyn is returning a Resolution to you today.

JONESFOSTER
JOHNSTON & STUBBS, P.A.

Thomas J. Baird Florida Bar Board Certified City, County and Local Government Attorney
Telephone: **561.650.8233** | Fax: **561.650.5300** | tbaird@jonesfoster.com

Jones, Foster, Johnston & Stubbs, P.A.
4741 Military Trail, Suite 200, Jupiter, Florida 33458
561-659-3000 | www.jonesfoster.com

Incoming emails are filtered which may delay receipt. This email is personal to the named recipient(s) and may be privileged and confidential. If you are not the intended recipient, you received this in error. If so, any review, dissemination, or copying of this email is prohibited. Please immediately notify us by email and delete the original message.

From: Bambi Turner [mailto:bturner@lakeparkflorida.gov]
Sent: Monday, October 17, 2016 4:00 PM
To: Baird, Thomas J.
Cc: Green, Marilyn R.
Subject: FIND Agreement for Lake Park Harbor Marina Dock Retrofit Project

This message originated from outside your organization

Earlier this year, the Town applied for a grant from FIND to install boat lifts at our Marina, and we have now received a letter from FIND notifying us that our application has been approved and enclosing the project agreement. John asked that I send the attached agreement to you for your review. Please also prepare the accompanying Resolution authorizing the Mayor to execute this agreement.

Thanks ☺

Bambi McKibben-Turner, M.S., HRM
Human Resources Director
Town of Lake Park
535 Park Avenue
Lake Park, Florida 33403
Telephone: 561-881-3300

Please note: Florida has a very broad public records law. Written communication regarding Town business are public records available to the public upon request. Your email communications are therefore subject to public disclosure. If you do not want your email released in response to a public records request, do not send electronic mail to this entry, instead contact this office by telephone or in writing. Section 668.6076 F.S.

RESOLUTION NO. 51-11-16

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT PERTAINING TO THE LAKE PARK HARBOR MARINA DOCK RETROFIT PHASE I PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of lake Park (Town) has all of the powers and authority conferred upon it pursuant to the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town has applied for financial assistance from the Florida Inland Navigation District (FIND); and

WHEREAS, FIND has evaluated the Town's application and has agreed to provide the Town with financial assistance in the form of a matching grant; and

WHEREAS, by entering into the agreement with FIND the Town is agreeing to fund the costs of the improvements at the Lake Park Harbor Marina, but will be reimbursed 50% of the costs of the improvements upon the completion of the improvements; and

WHEREAS, the Town Commission has determined that it has the funds available to match the grant awarded by FIND and that it will procced with the Phase I improvements to retrofit the docks at the Lake Park Harbor Marina; and

WHEREAS, the Town Manager has determined that the Town has sufficient funds budgeted to enter into the Grant Agreement with FIND and recommends that the Commission agree to the terms therein.

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

Section 1. The foregoing recitals are incorporated herein.

Section 2. The Mayor is hereby authorized and directed to execute the Agreement with FIND, a copy of which is attached hereto and incorporated herein as **Exhibit "A"**.

Section 3. This Resolution shall be effective upon adoption.

EXHIBIT A

FLORIDA INLAND NAVIGATION DISTRICT
PROJECT AGREEMENT

PROJECT NO. PB-LP-16-192

EXHIBIT ONLY -- NOT FOR SIGNATURE

This PROJECT AGREEMENT made and entered into this _____ day of _____, 20____ by and between the Florida Inland Navigation District (hereinafter the "DISTRICT"), and the Town of Lake Park, (hereinafter the "PROJECT SPONSOR").

In consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. **PROJECT** - Subject to the provisions of this Agreement and Rule 66B-2 of the Florida Administrative Code (a current copy of which is attached as Exhibit "B"), the DISTRICT has approved assistance funding to the PROJECT SPONSOR in furtherance of an approved project ("PROJECT") consisting of the Lake Park Harbor Marina Dock Retrofit Phase I. Said PROJECT is more specifically described in the PROJECT SPONSOR'S Waterways Assistance Application, which is on file at DISTRICT headquarters.

Any modifications to the PROJECT'S scope of work shall require written advance notice and justification from the PROJECT SPONSOR and the prior written approval of the DISTRICT.

2. **TERM** - The PROJECT SPONSOR shall not commence work on the PROJECT prior to the execution of this Agreement unless specifically authorized by the DISTRICT Board and **shall complete the PROJECT and submit all required payment reimbursement information on or before September 30, 2018 ("PROJECT PERIOD"),** unless the PROJECT PERIOD has been extended with the prior written approval of the DISTRICT. Any request for an extension of the PROJECT PERIOD shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than 60 days prior to the original expiration date of the PROJECT PERIOD. This request will then be considered by the DISTRICT Board, whose decision shall be final. In no event other than a declared state of emergency that affects the project completion shall the PROJECT be extended beyond September 30, 2019. The PROJECT SPONSOR acknowledges this is the only provision to carry over the DISTRICT assistance funding under this Agreement beyond September 30, 2018, and that any extension of funding beyond this date shall be at the sole discretion of the DISTRICT.

3. **ASSISTANCE AMOUNT** - The DISTRICT shall contribute ("ASSISTANCE AMOUNT") no more than fifty percent (50%) ("MATCHING PERCENTAGE") of the PROJECT SPONSOR'S eligible out-of-pocket costs for completion of this PROJECT ("PROJECT AMOUNT"). Payment of funds by the DISTRICT to the PROJECT SPONSOR (the "ASSISTANCE AMOUNT") will be on a reimbursement basis only, and only for those authorized out of pocket costs as shown in Exhibit A ("PROJECT COSTS") and meeting the requirements of Paragraph 5 below and shall not, in any event, exceed $55,000.00.

Any modifications to the PROJECT'S Cost Estimate (Exhibit A) shall require written advance notice and justification from the PROJECT SPONSOR and the prior written approval of the DISTRICT.

4. **MATCHING FUNDS** - The PROJECT SPONSOR warrants and represents that it has the PROJECT SPONSOR Match Amount (the PROJECT AMOUNT less the ASSISTANCE AMOUNT) available for the completion of the PROJECT and shall, prior to the execution of this Agreement, have provided the DISTRICT with suitable evidence of the availability of such funds using DISTRICT Form #95-01 (Exhibit C) and, upon request, providing the DISTRICT with access to applicable books and records, financial statements, and bank statements.

5. **PROJECT COSTS** - To be eligible for reimbursement under the Project Agreement, PROJECT COSTS must be necessary and reasonable for the effective and efficient accomplishment of the PROJECT and must be directly allocable thereto. PROJECT COSTS are generally described in Exhibit B. PROJECT COSTS must be incurred and work performed within the PROJECT PERIOD, with the exception of pre-agreement costs, if any, consistent with Paragraph 6 below, which are also eligible for reimbursement by the DISTRICT.

6. **PRE-AGREEMENT COSTS** - The DISTRICT and the PROJECT SPONSOR fully understand and agree that there shall be no reimbursement of funds by the DISTRICT for any obligation or expenditure made prior to the execution of this Project Agreement unless previously delineated in Exhibit A, consistent with Exhibit B, and previously approved by the DISTRICT Board during the grant review process.

7. **REIMBURSEMENT PROCEDURES** - PROJECT COSTS shall be reported to the DISTRICT and summarized on the Payment Reimbursement Request Form (Form #90-14) attached as Exhibit D. Supporting documentation including bills and canceled payment vouchers for expenditures shall be provided to the DISTRICT by the PROJECT SPONSOR or LIAISON AGENT with any payment request. All records in support of the PROJECT COSTS included in payment

requests shall be subject to review and approval by the DISTRICT or by an auditor selected by the DISTRICT. Audit expenses shall be borne by the PROJECT SPONSOR.

Project funds may be released in installments, at the discretion of the DISTRICT, upon submittal of a payment request by the PROJECT SPONSOR or LIAISON AGENT. The DISTRICT shall retain ten percent (10%) of each installment payment until the completion of the PROJECT.

The following costs, if authorized in the attached Exhibit B, shall be reimbursed only upon completion of the PROJECT to the reasonable satisfaction of the DISTRICT and in accordance with Exhibit B: personnel, equipment, project management, administration, inspection, and design, permitting, planning, engineering, and/or surveying costs. Assuming the PROJECT SPONSOR has otherwise fully complied with the requirements of the Agreement, reimbursement for all PROJECTS approved as Phase I projects will be made only upon commencement of construction of the PROJECT for which the Phase I planning, designing, engineering and/or permitting were directed, which may or may not involve further District funding. Procedures set forth below with respect to reimbursement by the District are subject to this requirement of commencement of construction.

The DISTRICT shall have the right to withhold any payment hereunder, either in whole or part, for non-compliance with the terms of this Agreement.

8. **FINAL REIMBURSEMENT** - The PROJECT SPONSOR, upon completion of the PROJECT, shall submit to the DISTRICT a request for final reimbursement of the ASSISTANCE AMOUNT less any prior installment payments. The payment amounts previously retained by the DISTRICT shall be paid upon (1) receipt of the Final Audit report of expenses incurred on the PROJECT by the DISTRICT, (2) full completion of the PROJECT to the reasonable satisfaction of the DISTRICT, (3) submission of Project Completion Certification Form No. 90-13 (Exhibit E), (4) submission of a photograph of the PROJECT showing the sign required by Paragraph 18 and (5) a Final Project Report as described in Exhibit G. As part of the documentation accompanying the request for final reimbursement, PROJECT SPONSOR shall provide proof of payment of all contractors, material suppliers, engineers, architects and surveyors with whom Project Sponsor has directly contracted (each a "DIRECT PROVIDER") to provide services or materials for the PROJECT. The final reimbursement amount shall be adjusted as necessary such that neither the total ASSISTANCE AMOUNT nor the MATCHING PERCENTAGE is exceeded. Unless otherwise determined by the DISTRICT, the final reimbursement check shall be presented by a DISTRICT representative to the PROJECT SPONSOR during a public commission meeting or public dedication ceremony for the PROJECT facility.

9. **RECORDS RETENTION** - The PROJECT SPONSOR shall retain all records supporting the PROJECT COSTS for three (3) years after the end of the fiscal year in which the Final Payment is released by the DISTRICT, except that such records shall be retained by the PROJECT SPONSOR until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the three-year retention period.

10. **DEFAULT AND REMEDIES** – In the event of a breach of any of the terms of this Agreement by the PROJECT SPONSOR, the DISTRICT shall provide written notice to the PROJECT SPONSOR, which shall have sixty (60) days in which to cure the breach. If the PROJECT SPONSOR fails to cure the breach within the cure period, the DISTRICT shall have the right, but not the obligation, to demand that the PROJECT SPONSOR immediately refund the ASSISTANCE AMOUNT to the extent paid. PROJECT SPONSOR shall refund the full amount of the ASSISTANCE AMOUNT to DISTRICT, whereupon this Agreement, and all further rights thereunder, shall be terminated. If the DISTRICT does not demand reimbursement as aforesaid, the DISTRICT may exercise any and all other remedies available at law or in equity. With respect to the PROJECT SPONSOR's obligations under Sections 15, 17 and 20, PROJECT SPONSOR acknowledges that breach by PROJECT SPONSOR of one or more of its obligations under said sections might cause the DISTRICT to suffer irreparable harm, namely harm for which damages would be an inadequate remedy. PROJECT SPONSOR further acknowledges that the DISTRICT might suffer irreparable harm due to delay if as a condition to obtaining an injunction, restraining order, or other equitable remedy with respect to such a breach the DISTRICT were required to demonstrate that it would suffer irreparable harm. The parties therefore intend that if the PROJECT SPONSOR breaches one or more of its obligations under Sections 15, 17 or 20, the DISTRICT, in addition to such other remedies which may be available, shall have the right to seek specific performance and injunctive relief and for purposes of determining whether to grant an equitable remedy any court will assume that the breach would cause the DISTRICT irreparable harm. The provisions of this section shall survive completion of the PROJECT.

11. **DISTRICT PROJECT MANAGER** - The Executive Director, or his designee, is hereby designated as the DISTRICT's Project Manager for the purpose of this Project Agreement and shall be responsible for monitoring performance of its terms and conditions and for approving all reimbursement requests prior to payment.

12. **SPONSOR'S LIAISON AGENT** - The PROJECT SPONSOR shall appoint a LIAISON AGENT, whose name and title shall be submitted to the DISTRICT upon execution of the

Project Agreement, to act on behalf of the PROJECT SPONSOR relative to the provisions of the Project Agreement.

13. **STATUS REPORTS** - The PROJECT SPONSOR or LIAISON AGENT shall submit to the DISTRICT project status reports during the PROJECT term. These Quarterly Reports are to be on Form #95-02 (Exhibit F). Project design drawings, engineering drawings, and a copy of the Project bid award construction item cost list will be submitted as available. Photographs shall be submitted when appropriate to reflect the work accomplished. NON-COMPLIANCE by the PROJECT SPONSOR with the reporting schedule in Exhibit G may result in revocation of this Agreement.

14. **LAWS** - The PROJECT SPONSOR agrees to obtain and to abide by all federal, state and local permits and proprietary authorizations, and all applicable laws and regulations in the development of the PROJECT. The PROJECT SPONSOR agrees that all PROJECT facilities shall be designed and constructed in compliance with applicable state and federal statutory requirements for accessibility by handicapped persons as well as all other federal, state and local laws, rules and requirements.

15. **NON-DISCRIMINATION** - The PROJECT SPONSOR agrees that when completed, the PROJECT shall be readily accessible, on a non-exclusive basis, to the general public without regard to age, sex, race, physical handicap, or other condition, and without regard to residency of the user in another political subdivision.

16. **PARKING FACILITIES** - Adequate parking shall be made available by the PROJECT SPONSOR to accommodate vehicles for the number of persons for which the PROJECT is being developed.

17. **SITE DEDICATION** - The PROJECT SPONSOR also agrees that the PROJECT site shall be dedicated for the public use for a minimum period of twenty-five (25) years from the completion of the PROJECT, such dedication to be in the form of a deed, lease, management agreement or other legally binding document. Any change in such dedication shall require the prior approval of the DISTRICT. The PROJECT SPONSOR shall record evidence of such dedication within the Public Records of the County in which the PROJECT is located.

18. **ACKNOWLEDGMENT** – For construction projects, the PROJECT SPONSOR shall erect a permanent sign, approved by the DISTRICT, in a prominent location such as the project entrance of the completed project, which shall indicate that the DISTRICT contributed funds for the PROJECT. The wording of the sign required by this paragraph shall be approved by the DISTRICT's staff before construction and installation of said sign. This sign shall contain the DISTRICT logo

(Exhibit H) unless otherwise stipulated by the DISTRICT. In the event that the PROJECT SPONSOR erects a temporary construction sign, it shall also indicate the DISTRICT's participation. For all other type projects, the PROJECT SPONSOR shall acknowledge the DISTRICT where feasible, in concurrence with the DISTRICT staff's recommendations.

19. **PROJECT MAINTENANCE** - When and as applicable, the PROJECT SPONSOR agrees to operate, maintain, and manage the PROJECT for the life of the PROJECT improvements and will pay all expenses required for such purposes. The PROJECT improvements shall be maintained in accordance with the standards of maintenance for other local facilities owned and operated by project sponsor, and in accordance with applicable health standards. PROJECT facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The PROJECT SPONSOR warrants and represents that it has full legal authority and financial ability to operate and maintain said PROJECT facilities and improvements.

20. **FEES** – Any fees charged for this PROJECT shall be reasonable and the same for the general public of all member counties. The PROJECT SPONSOR must demonstrate that a minimum of fifty percent (50%) of the PROJECT fees will be utilized for project maintenance and improvements throughout the anticipated 25-year life of a development project or the design life of other project types, as applicable.

21. **SOVEREIGN IMMUNITY** - Each party hereto agrees that it shall be solely responsible for the wrongful acts of its employees, contractors and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity under Section 768.28, Florida Statutes. The PROJECT SPONSOR acknowledges that the DISTRICT, its employees, commissioners and agents are solely providing funding assistance for the PROJECT and are not involved in the design, construction, operation or maintenance of the PROJECT.

22. **INSPECTIONS** - The DISTRICT reserves the right, upon reasonable request, to inspect said PROJECT and any and all records related thereto at any time.

23. **RIGHTS AND DUTIES** - The rights and duties arising under this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, and shall, unless the context clearly requires otherwise, survive completion of the PROJECT. The PROJECT SPONSOR may not assign this Agreement nor any interest hereunder without the express prior written consent of the DISTRICT.

24. **WAIVERS** - Waiver of a breach of any provision of this Agreement shall not be deemed a waiver of any other breach of the same or different provision.

25. **NOTICE** - Any notice required to be given pursuant to the terms and provisions of this Agreement shall be in writing, postage paid, and shall be sent by certified mail, return receipt requested, to the DISTRICT or PROJECT SPONSOR at the addresses below. The notice shall be effective on the date indicated on the return receipt.

To the DISTRICT at:

Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477-9498

To the PROJECT SPONSOR at:
Town of Lake Park
Attention: Town Manager, Marine Dept.
535 Park Ave
Lake Park, FL 33404

26. **NO JOINT VENTURE** - The DISTRICT's role with respect to the PROJECT is that of a funding assistance authority only and the DISTRICT is not, and shall not be considered to be, an agent, partner, or joint venturer with the PROJECT SPONSOR.

27. **GOVERNING LAW** - The validity, interpretation and performance of this Agreement shall be controlled and construed according to the laws of the State of Florida.

28. **TRANSFERENCE** - It is the intent of the DISTRICT to issue this funding assistance to the PROJECT SPONSOR who has made application for this assistance. In the event the PROJECT SPONSOR transfers ownership or management of the PROJECT to a party or parties not now a part of this document, other than another governmental entity that agrees to assume, in writing, PROJECT SPONSOR'S obligation hereunder, the DISTRICT retains the right to full reimbursement from the PROJECT SPONSOR to the full extent of the funding assistance provided by the DISTRICT, including but not limited to any costs and reasonable attorney's fees (regardless of whether litigation ensues) incurred by the DISTRICT in collecting said reimbursement.

29. **ENTIRE UNDERSTANDING** - This Agreement, including any exhibits made a part hereof, embodies the entire Agreement and understanding of the parties and supersedes all prior oral and written communications between them. The terms hereof may be modified only by a written amendment signed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day, month and year aforesaid.

WITNESSES:

_____

_____

FLORIDA INLAND NAVIGATION DISTRICT

By: _____
Executive Director

Date: _____

WITNESSES:

_____

_____

PROJECT SPONSOR

By: EXHIBIT ONLY -- NOT FOR SIGNATURE

Title: _____

Date: _____

EXHIBIT A

ATTACHMENT E-5

FLORIDA INLAND NAVIGATION DISTRICT
ASSISTANCE PROGRAM 2016

PROJECT COST ESTIMATE
(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

Project Title:	Lake Park Harbor Marina Docking Facility Retrofit Phase I
Applicant:	Town of Lake Park

Project Elements *(Please list the MAJOR project elements and provide general costs for each one. For Phase I Projects, please list the major elements and products expected)*	**Quantity or Total Estimated Cost** (Number and/or Footage etc.)	**Applicant's Cost**	**FIND Cost**
Design and Permitting for the installation of 5 boat lifts capable of lifting 16,000 pounds. Not to Exceed Lump Sum	$110,000	$55,000	$55,000
*** TOTALS =	$110,000	$55,000	$55,000

**TOTALS =	$	$ 0	$

Form No. 90-25 (New 10/14/92, Revised 04-24-06)

EXHIBIT B

2016
CHAPTER 66B-2
WATERWAYS ASSISTANCE PROGRAM

66B-2.001 Purpose
66B-2.002 Forms
66B-2.003 Definitions
66B-2.004 Policy
66B-2.005 Funds Allocation
66B-2.006 Application Process
66B-2.0061 Emergency Applications
66B-2.008 Project Eligibility
66B-2.009 Project Administration
66B-2.011 Reimbursement
66B-2.012 Accountability
66B-2.013 Acknowledgement
66B-2.014 Small-Scale Spoil Island Restoration and Enhancement Projects
66B-2.015 Small-Scale Derelict Vessel Removal Projects
66B-2.016 Waterways Cleanup Events

66B-2.001 Purpose.
Recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created Section 374.976, F.S. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policy and procedures for the implementation of an assistance program under Section 374.976, F.S., for local governments, member counties and navigation related districts within the District. This program will be known hereafter as the Florida Inland Navigation District's Waterways Assistance Program.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Formerly 16T-2.001.

66B-2.002 Forms.
All forms for the administration of this program are available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Formerly 16T-2.002.

66B-2.003 Definitions.
The basic terms utilized in this rule are defined as follows:

(1) "APPLICANT" means an eligible governmental agency submitting an application through this program.

(2) "APPLICATION" means a project proposal with the required documentation.

(3) "AUTHORIZED SUBMISSION PERIOD" means the established period for submitting applications to the District.

(4) "BEACH RENOURISHMENT" means the placement of sand on a beach for the nourishment, renourishment or restoration of a beach.

(5) "BOARD" means the Board of Commissioners of the Florida Inland Navigation District.

(6) "DISTRICT" means the Florida Inland Navigation District (FIND).

(7) "ELIGIBLE GOVERNMENTAL AGENCY" means member counties, local governments and navigation related districts within the taxing boundaries of the District.

(8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of

Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) "EXECUTIVE DIRECTOR" means the Executive Director of the Florida Inland Navigation District.

(10) "LIAISON AGENT" means the contact person officially designated to act on behalf of the applicant or the project sponsor.

(11) "LOCAL GOVERNMENTS" means municipalities, cities, or consolidated county governments, which are located within the member counties.

(12) "MARITIME MANAGEMENT PLAN" means a written plan containing a systematic arrangement of elements specifically formulated to identify, evaluate and promote the benefits of eligible waterway accessibility and enjoyment, with consideration and respect to the physical, environmental and economic parameters of the planning area.

(13) "MATCHING FUNDS" means those funds provided by the local sponsor to the project.

(14) "MEMBER COUNTY" means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(15) "NAVIGATION RELATED DISTRICTS" means port authorities, inlet districts or any other agency having legally authorized navigation related duties in waterways of the District.

(16) "PRE-AGREEMENT COSTS" means project costs approved by the District Board which have occurred prior to the execution of the project agreement.

(17) "PROGRAM" means the Florida Inland Navigation District Waterways Assistance Program.

(18) "PROGRAM FUNDS" means financial assistance awarded by the Board to a project for release to the project sponsor pursuant to the terms of the project agreement.

(19) "PROJECT" means a planned undertaking consisting of eligible program facilities, improvements or expenses for the use and benefit of the general public.

(20) "PROJECT AGREEMENT" means an executed contract between the District and a project sponsor setting forth mutual obligations regarding an approved project.

(21) "PROJECT MAINTENANCE" means any usual action, activity, expense, replacement, adjustment or repair taken to retain a project or grant item in a serviceable, operational or normal condition, or the routine efforts and expenses necessary to restore it to serviceable or normal condition, including the routine recurring work required to keep the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

(22) "PROJECT MANAGER" means the District employee who is responsible for monitoring the performance of the Project and compliance with the project agreement.

(23) "PROJECT PERIOD" means the approved time during which costs may be incurred and charged to the funded project.

(24) "PROJECT SPONSOR" means an eligible governmental agency receiving program funds pursuant to an approved application.

(25) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(26) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(27) "PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS" means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District's waterways to serve the infrastructure needs of the District's waterway users.

(28) "TRIM HEARING" means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

(29) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(30) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the

environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; and, becomes motivated to apply action strategies to maintain balance between quality of life and quality of the environment of waterways.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11.

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) Financial Assistance Eligibility: Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, maritime management plans, and boating safety projects directly related to the waterways.

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, and boating safety projects directly related to the waterways.

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must meet the development and operational criteria established by the District through a long-range dredge material management plan for that county. Navigation related districts may also be provided with assistance for waterway related access projects, environmental mitigation projects associated with waterway improvement related activities, and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(d) Eligible projects shall include the acquisition and development of public boat ramps and launching facilities, including those in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-2.003, F.A.C.

(2) Notification: The District will notify by direct mail, email and/or advertised public notice all eligible governmental agencies of the program and the upcoming authorized submission period.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

(4) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

(5) Waterway Impacts: All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in Section 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6) Project Maintenance: The project sponsor shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

(7) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

(8) Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

(9) Third-Party Project Operators: Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(10) Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

(11) Fees: Any public project eligible for District program funds that charges a fee or will charge a fee must create and maintain an enterprise fund for the public project that shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life. Accounting records of the previous five years of the public project's enterprise fund will be submitted as part of any subsequent assistance program application to the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History–New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15.

66B-2.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (A) through (F) Waterways Assistance Program Application and Evaluation Worksheet (effective date 1/2014), hereby incorporated by reference and available at: http://www.flrules.org/Gateway/reference.asp?No=Ref-03568 and available from the District office or by download from the District's webpage at: www.aicw.org.

(1) Funding Assistance Availability: In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) percent of the proportional share of the District's ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs, or in counties that are recovering from a state of emergency declared under Chapter 252, F.S.

(2) Project Funding Ratio: All financial assistance and support to eligible governmental agencies shall require, at a minimum, equal matching funds from the project sponsor, with the exception of public navigation projects that meet the provisions of subsection 66B-2.005(6), F.A.C., land acquisition projects in accordance with subsection 66B-2.005(7) and Rule 66B-2.008, F.A.C., small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-2.014, derelict vessel projects consistent with Rule 66B-2.0015, F.A.C., and Waterway Cleanup Projects approved under Rule 66B-2.0016, F.A.C. Applicant's in-house costs are limited pursuant to paragraph 66B-2.008(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty percent (50%) of the local share of the cost of an inlet management or beach renourishment project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within

the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) Multi-Year Funding: The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process. All approved multi-year projects are limited to a maximum of two (2) additional funding requests.

(5) Inlet Management and Beach Renourishment: Projects and project elements in the categories of inlet management and beach renourishment shall be subject to the following provisions. The District shall contribute no more than fifty percent of the local share of the cost of the project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. Funding for the construction phase of an inlet management or beach renourishment project may be approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. Additionally the following provisions shall be met for inlet management or beach renourishment projects:

(a) Inlet Management: Inlet management projects shall benefit public navigation within the District and shall be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to Section 161.161, F.S. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

(b) Beach Renourishment: All projects in this category shall be consistent with the statewide beach management plan. Beach renourishment projects shall only include those beaches that have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. The determination of beach areas that are adversely impacted by navigation for the purposes of this program shall be made by Department of Environmental Protection approved inlet management plans. If state funding is not provided for a beach project, public access with adequate parking must be available in accordance with Chapter 161, F.S.

(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more publicly accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels.

Navigation projects or project elements that have one facility open to the public will qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) Land Acquisition: Land acquisition projects that provide for commercial/industrial waterway access shall qualify for a maximum of fifty (50) percent funding. All other land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. All funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding. Immediately upon acquiring title to the land, the applicant shall record a declaration of covenants in favor of the District stating that if the required boating access facility is not constructed within 7 years and dedicated for the public use as a boating access facility for a minimum period of 25 years after completion of construction, the District shall require the applicant to refund the program funding.

(8) Seaport Funding Eligibility: Financial assistance to seaports may exceed the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the county in which such seaport is located if the seaport can demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History–New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11, 3-7-12, 4-10-13, 1-27-14, 5-15-16.

66B-2.006 Application Process.

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Projects eligible Small-Scale Derelict Vessel Applications and Waterway Cleanup Events, all applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and the Waterway Assistance Program Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) (effective date 1/2014) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, the Small-Scale Derelict Vessel program, and eligible Waterway Cleanup Events, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and the Waterway Assistance Program Project Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date 4-15-07).

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Form No. 90-21, Resolution for Assistance Under the Florida Inland Navigation District Waterways Assistance Program (effective date 10-14-92), hereby incorporated by reference and available from the District office.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00), hereby incorporated by reference and available from the District office.

(5) Maps and Geographic Information: All applicants shall be required to submit, at minimum, the following geographic information: A County location map, a project location map, a project boundary map, and a clear and detailed site development map for land development projects.

(6) Application Review: Applicants shall obtain the local FIND Commissioner's initials on Form No. 90-26 prior to submitting the application to the District office. It is the applicant's responsibility to make timely arrangements for the local FIND Commissioner's review. In the absence of extenuating circumstances outside of the applicant's control as determined by the Board of Commissioners, an application shall not be considered complete if it does not include the local FIND commissioner's initials on Form No. 90-26. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 7-30-02), and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(7) Interlocal Agreements: Applications that the Board determines will directly benefit the maintenance of the Atlantic Intracoastal

Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to Chapter 163, F.S., or Section 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and property control requirements.

(8) Application Presentations: Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(9) Application Evaluation and Rating Score: Following the presentations, the Board will review the applications and evaluate them using the Waterways Assistance Program Application and Evaluation Worksheets No. 91-25 (A) through (F) for Waterways Assistance Program applications. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application. Only Applicants that are eligible under Rule 66B-2.0061, F.A.C., "Disaster Relief Applications", shall complete FIND Form No. 91-25F Emergency Re-Construction (effective date 4-24-06, 1/2014).

(10) Funding Determination: The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11, 1-27-14.

66B-2.0061 Disaster Relief Applications.

Disaster Relief applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. The District shall consider these applications in accordance with these rules.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended 4-24-06.

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, inlet management, maritime management planning, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, or improvement, of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;

9. Derelict Vessel Removal;

10. Waterways related environmental education programs and facilities;

11. Public fishing and viewing piers;

12. Public waterfront parks and boardwalks and associated improvements;

13. Maritime Management Planning;

14. Waterways boating safety programs and equipment;

15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and,

16. Environmental restoration, enhancement or mitigation projects; and,

17. Other waterway related projects. Waterway projects that do not meet specific criteria in subsection 66B-2.005(5) or (6) or subparagraphs 66B-2.008(1)(a)1.-16., F.A.C., but are located on eligible waterways shall be considered for funding under the priority listing of "other waterway related project" and eligible for 25% funding.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;

2. Restrooms for non-waterway users;

3. Roadways providing access to non-waterway users;

4. Parking areas for non-waterway users;

5. Utilities for non-waterway related facilities;

6. Lighting for non-waterway related facilities;

7. Project maintenance and maintenance equipment;

8. Picnic shelters and furniture for non-waterway related facilities;

9. Vehicles to transport vessels; and,

10. Operational items such as fuel, oil, etc.

11. Office space that is not incidental and necessary to the operation of the main eligible public building; and,

12. Conceptual project planning, including: public surveys, opinion polls, public meetings, organizational conferences; and,

13. Inlet maintenance.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

a. Project management, administration and inspection;

b. Design, permitting, planning, engineering or surveying costs for completed construction project;

c. Restoration of sites disturbed during the construction of an approved project;

d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting, Marine law enforcement and other vessels are eligible for a maximum of $60,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental

entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the District's final TRIM hearing. This demonstration will be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. Should the environmental permitting element of an application that has construction elements requiring state or federal environmental permits or authorizations not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. Whereby funding decisions are completed at the final TRIM hearing, the District will not deviate from the funding schedule to accommodate any application deficiency.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas. The public marina will be required to establish and maintain an accounting of the funds for the facility and shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life.

(5) The District may assist eligible local governments with efforts to prepare and implement a comprehensive maritime management plan. The plan shall be utilized by the eligible government to promote and maximize the public benefit and enjoyment of eligible waterways, while identifying and prioritizing the waterway access needs of the community. The plan should not duplicate any existing or ongoing efforts for the same waterway or water shed, nor shall the District participate in any effort that does not address the basic maritime needs of the community.

(a) Existing plans may be updated at reasonable intervals or amended to include waterway areas previously not included in the original effort. Public, government, environmental, industry and other pertinent interest groups shall be solicited and included for input in the planning process.

(b) The plan shall be utilized as a tool to provide a minimum 5-year planning analysis and forecast for the maritime needs of the community, and shall include, at minimum, the following:

1. Public boat ramp and ramp parking inventory and analysis.
2. Public mooring and docking facility analysis, including day docks and transient slips.
3. Commercial and working waterfront identification and needs analysis.
4. The identification, location, condition and analysis of existing and potential navigation channels.
5. An inventory and assessment of accessible public shorelines.
6. Public Waterway transportation needs.
7. Environmental conditions that affect boat facility siting, a current resource inventory survey, and restoration opportunities.
8. Economic conditions affecting the boating community and boating facilities.
9. Acknowledgment and coordination with existing data and information, including an emphasis on the Intracoastal Waterway.

(c) Projects requested for assistance program funding shall be consistent with the applicant's maritime management plan. The applicant should utilize the plan to assist in prioritizing waterway improvement projects.

(6) All eligible environmental restoration, enhancement or mitigation projects as well as the environmental restoration, enhancement or mitigation components of other types of projects shall be required to pursue and assign any available mitigation

credits to the District for that share of the project funded through the District's Assistance Program. All eligible environmental restoration, enhancement or mitigation projects shall provide public access where possible.

(7) Final Decisions: The Board will make all final decisions on the eligibility of a Project or specific project costs.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History–New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15, 2-21-16.

66B-2.009 Project Administration.

The District will appoint a project manager who shall be responsible for monitoring the project and the project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) Project Agreement: For each funded project, the District and the project sponsor will enter into a project agreement. The project agreement shall be executed and returned by the project sponsor within six (6) months of the approval of the project funding and prior to the release of program funds, setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. Any request for a one-year extension of funding shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than July of fiscal year two of the approved project. This request will then be considered by the DISTRICT Board, whose decision shall be final. In review of these requests, the Board will take into consideration the current status and progress of the project and the ability of the applicant to complete the project within one additional year.

(2) Matching Funds: The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) Agreement Modification: All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the Executive Director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category, result in a reallocation of more than 35% of the approved funding of the project among project elements, nor allow for a greater than 35% change in the project scale or scope of work. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.

(4) Project Reporting: The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project. The report shall be submitted on Form 95-02, "Assistance Program Project Quarterly Status Report", dated 7-30-02, hereby incorporated by reference and available at the District office. A Final Project Report shall be submitted at the completion of the project and shall at minimum include: project summary, photo of completed project, final cost, project benefits to the waterway and location address.

(5) Reimbursement Requests: The liaison agent may submit periodic reimbursement requests during the project period in accordance with Rule 66B-2.011, F.A.C. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project by the District.

(6) Project Inspection: Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) Project Completion: The project shall be completed within three (3) years of the date of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), hereby incorporated by reference and

available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.

(d) Photograph(s) of the completed project clearly showing the program improvements.

(9) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment which will include all retained funds from previous requests.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Formerly 16T-2.009, Amended 3-21-01, 7-30-02, 3-7-11, 1-27-14.

66B-2.011 Reimbursement.

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 7-30-02) hereby incorporated by reference and available from the District office.

(1) Authorized Expenditures: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of:

(a) The percentage total of project funding that the Board has agreed to fund, or

(b) The maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(4) Retainage: The District shall retain ten percent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5) Check Presentations: A District representative shall present the final reimbursement check to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

(6) Recovery of Additional Project Funding: If the project sponsor receives additional funding for the project costs from another source that was not identified in the original application and that changes the agreement cost-share percentage, the project sponsor shall proportionately reimburse the District's program funds equal to the cost-share percentage in the approved project agreement. The project sponsor shall promptly notify the District of any project payments it receives from a source other than the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Amended 6-24-93, Formerly 16T-2.011, Amended 3-31-99, 7-30-02, 3-7-11.

66B-2.012 Accountability.

The following procedures shall govern the accountability of program funds:

(1) Accounting: Each project sponsor is responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with subsection 66B-2.009(4), F.A.C.

(3) Completion Certification: All required final completion certification documents and materials as outlined in subsection 66B-2.009(8), F.A.C., of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) Auditing: All project records including project costs shall be available for review by the District or by an auditor selected by the District for 3 years after completion of the project. Any such audit expenses incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Formerly 16T-2.012, Amended 7-30-02.

66B-2.013 Acknowledgement.

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Formerly 16T-2.013, Amended 2-22-10.

66B-2.014 Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02, Call for Proposals – Small-Scale Spoil Island Restoration and Enhancement Program (effective date 7-30-02), hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Matching Funds: Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant's ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-2.014(4)(b), F.A.C.

(3) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding:

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District. The applicant shall include a map clearly delineating the location of all proposed work included in the application.

(4) Funds Allocation: Funds shall be allocated pursuant to Rule 66B-2.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to $7,500 per project, not to exceed $22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding $10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

(5) Hold Harmless Waiver: All volunteers, who are not government employees, shall sign a hold harmless waiver Form No. 02-01 (New 7-30-02) as approved by the District and hereby incorporated by reference and available from the District office.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 7-30-02, Amended 4-24-06, 3-7-11.

66B-2.015 Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to $30,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C. The applicant shall include a map clearly delineating the location of all vessels included in the application

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 4-24-06, Amended 4-15-07, 3-25-08, 3-7-11, 1-27-14.

66B-2.016 Waterways Cleanup Events.

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure: Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Availability: The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of subsections (8) through (10), below.

(3) Applicant Eligibility: The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.

(4) Funding: District funding shall be limited to $5,000 per waterway, per county, except for the provisions of subsections (8) through (10), below.

(5) The District shall be recognized in all written, on-line, audio or video advertising and promotions as a participating sponsor of the clean-up program.

(6) Funding Eligibility: The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, haul and landfill fees, gloves, advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.

(7) The District Board shall make all final decisions concerning the provision of funding for a clean-up program.

In addition to the requirements stated above, a cleanup program implementing all of the following additional incentives will qualify for up to additional $5,000 in clean up funds.

(8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.

(9) The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.

(10) For each additional $1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 3-7-11.

EXHIBIT C

FLORIDA INLAND NAVIGATION DISTRICT

ASSISTANCE PROGRAM

Matching Funds Certification

Sponsor: Town of Lake Park, Lake Park Harbor Marina

Project Title: Dock Retrofit Phase I Project #: PB-LP-16-192

I hereby certify that the above referenced project Sponsor, as of October 01, 2016, has the required matching funds for the accomplishment of the referenced project in accordance with the Waterways Assistance Program Project Agreement between the Florida Inland Navigation District and the Sponsor, dated _____.*

Project Liaison Name: _____

Project Liaison Signature: _____

Date: _____

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

FIND Form No. 95-01
New 9/9/95 (revised 7-30-02)

EXHIBIT D

FLORIDA INLAND NAVIGATION DISTRICT
ASSISTANCE PROGRAM
PAYMENT REIMBURSEMENT REQUEST FORM

PROJECT NAME: _____ PROJECT #: _____

PROJECT SPONSOR: _____ BILLING #: _____

Amount of Assistance		_____
Less Previous Total Disbursements	A.	_____
Less Previous Total Retainage Held	B.	_____
Balance Available	=	_____

Funds Requested This Disbursement

Funds Requested	C.	_____
Less Retainage (-10% unless final)	D.	_____
Check Amount	=	_____

Amount of Assistance		_____
Less Total Prior and Current Payments Including all retainage held (A+B+C+D)		_____
Balance Remaining	=	_____

SCHEDULE OF EXPENDITURES

Expense Description (Should correspond to Cost Estimate Sheet Categories in Exhibit "A")	Vendor Name	Check No. and Date	Total Cost	Applicant Cost	FIND Cost

(NOTE: Signature Required on Page 2)

EXHIBIT D (CONTINUED)

SCHEDULE OF EXPENDITURES

Expense Description **(Should correspond to Cost Estimate Sheet Categories in Exhibit "A")**	Vendor Name	Check No. and Date	Total Cost	Applicant Cost	FIND Cost

Certification for Reimbursement: I certify that the above expenses were necessary and reasonable for the accomplishment of the approved project and that these expenses are in accordance with Exhibit "A" of the Project Agreement. *

Project Liaison

Date

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

EXHIBIT E

FLORIDA INLAND NAVIGATION DISTRICT

ASSISTANCE PROGRAM

Project Completion Certification
http://www.aicw.org/closeout_wap.jsp

Sponsor:_____

Project Title:_____ Project #:_____

I hereby certify that the above referenced project was completed in accordance with the Assistance Program Project Agreement between the Florida Inland Navigation District and _____, dated _____, 20____, and that all funds were expended in accordance with Exhibit "A" and Paragraph 1 of the Project Agreement. *

Project Liaison Name:_____

Project Liaison Signature:_____

Date:_____

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

FIND Form No. 90-13
(Effective Date: 12-17-90, Revised 7-30-02)

EXHIBIT F

ASSISTANCE PROGRAM PROJECT
QUARTERLY STATUS REPORT
http://www.aicw.org/wapapp_pdf.jhtml?method=view&wapapp_pdf.id=1

PROJECT NO. _____

PROJECT TITLE: _____

PROJECT SPONSOR: _____

REPORT PERIOD			
Oct 1-DEC 15____;	Dec 15-Mar 1___ ;	Mar 1-June 15___ ;	June 15-Sep 1___
Report Due: **(Dec 30)**	**(March 15)**	**(June 30)**	**(Sep 15)**

WORK ACCOMPLISHED:

PROBLEMS ENCOUNTERED:

PERCENTAGE COMPLETION:

OTHER NOTABLE ITEMS:

Form No. 95-02
(Effective Date: 7-30-02)

EXHIBIT G
ASSISTANCE PROJECT SCHEDULE

OCTOBER 2016 - Project Agreement Executed, Project Initiates.

DECEMBER 30, 2016 - First Quarterly Report Due.
http://www.aicw.org/wapapp_pdf.jhtml?method=view&wapapp_pdf.id=1

MARCH 15, 2017 - Second Quarterly Report Due.

JUNE 30, 2017- Third Quarterly Report Due.

SEPTEMBER 15, 2017 - Fourth Quarterly Report Due.

DECEMBER 30, 2017 - Fifth Quarterly Report Due.

MARCH 15, 2018 - Sixth Quarterly Report Due.

JUNE 30, 2018 - Seventh Quarterly Report Due.

NOTE: If the project will not be completed and all close out paperwork submitted by September 1st, a request for a 1-year extension of the completion date of the project should be submitted with the June 2018 quarterly report.

SEPTEMBER 01-30, 2018 - Closeout paperwork due. http://aicw.org/closeout_wap.jsp

Closeout paperwork consists of :

1. Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), which certifies that the project was completed in accordance with the project agreement and the final project plans.
2. A final reimbursement request accompanied by all required supporting documentation including bills and canceled payment vouchers for expenditures.
3. Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.
4. Photograph(s) of the completed project clearly showing the program improvements. (jpg or tif format)
5. A Final Project Report (1-2 pages) that shall at minimum include: project name and address, project summary, final cost, and project benefits to the waterway.

SEPTEMBER 30, 2018 - End of Grant. All work must be complete closeout paperwork submitted.

October 2018 - District finishes processing closeout paperwork, performs project inspection and submits final reimbursement check with check presentation to sponsor.

NOTE: ANY MODIFICATIONS to the PROJECT shall require advance notice and prior written approval of the District. The appropriate timing for modifications to the project cost estimate, Exhibit A, would be after receipt of bids.

***NON-COMPLIANCE by the PROJECT SPONSOR with the reporting schedule in Exhibit G may result in revocation of this agreement pursuant to Paragraph 13 of the project agreement.**

EXHIBIT H

http://www.aicw.org/bids.jhtml?method=listByCat_id&bids.cat_id=4

TAB 6

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 2, 2016 **Agenda Item No.** Tab 6

Agenda Title: Authorize the Purchase of a Toro Groundsmaster 72 inch Mower from Hector Turf as Part of a Scheduled Replacement Cycle

[ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[ ] PUBLIC HEARING ORDINANCE ON ____ READING
[X] NEW BUSINESS
[ ] OTHER: _____

Approved by Town Manager _____ **Date:** 10/18/16

David Hunt / Public Works Director

Originating Department: **Public Works**	**Costs: $19,113.89** **Funding Source: Grounds Maintenance Division, Fiscal Year 2016-2017 Budget.** **Acct. # 406-64100** (Machinery and Equipment) **[X] Finance** BKR	**Attachments:** **- Quotation from Hector Turf** **- Extended Warranty Quote** **- Sole Source Letter from Hector Turf** **- Quote from Secondary Vendor** **- National IPA Contract Docs.** **- Memorandum from Public Works Foremen** **- Purchase Order Request Form**
Advertised: Date: _____ Paper: _____ **[X] 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_____ or **Not applicable in this case** **Please initial one.**

Summary Explanation/Background:

The Fiscal Year 2016-2017 Public Works Grounds Maintenance budget contains a line item in the amount of $20,000 for the scheduled replacement of one of the four, 72 inch mulching mowers. These mowers are used for maintaining the turf around town buildings, and in parks, alleys, and landscaped medians.

Accordingly, we solicited a quote from the South Florida sole source vendor, Hector Turf of Deerfield Beach, for a Toro Groundsmaster 7200. Hector Turf quoted us a price of $18,295.89 using the National Intergovernmental Purchasing Alliance (IPA), Contract #120535 which allows cooperative purchasing (piggy-backing) and has an effective date of November 27, 2012. While no other vendors in South Florida may supply Toro units (due to manufacturer's territory conditions), we received an additional quote in the amount of $23,845.00 from Jerry Pate Turf and Irrigation for comparison purposes.

The mower currently slated for replacement is twelve years old. A mower with this many years of service will start to have significant increases in repair costs and down time. In order to maintain an effective level of service, implementing a replacement schedule will ensure equipment dependability. Three of the four mowers we currently operate are Toro brand. Based on our operating experience over a nine year period with these Toro units we have averaged only $300 per year in repair costs. One of the eight year old units did have its hydrostatic drive unit replaced this year for approximately $4,600, but this should give us another five to six years of dependable service.

Based upon past performance and overall dependability Public Works believes that it is in the Town's best interest to continue purchasing the Toro Groundsmaster 7200 with a 28 horsepower Kubota, three cylinder, liquid cooled diesel engine and a 72 inch cutting deck. It is also advisable to purchase a two year extended warranty to go along with the manufacturer's two year warranty (total of four years warranty coverage). Based upon the estimated hourly usage, we can purchase the 48 month warranty for $819.00.

Hector Turf has proven to be a highly responsive repair facility and has a readily available parts inventory. Using the cooperative purchasing process to procure a Toro Groundsmaster 7200 mower through Hector Turf will position the Grounds Maintenance Division to begin a replacement cycle that will ensure effective levels of service for years to come.

Recommended Motion: I move to award the purchase of a Toro Groundsmaster 7200 mower unit with a two year extended warranty from Hector Turf in the amount of $19,113.89.

Hector
Est. 1912

1301 N.W. THIRD STREET • DEERFIELD BEACH, FL 33442
(954) 429-3200 • FAX (954) 725-6701

September 20, 2016

Mr. Patterson
Town of Lake Park
650 Old Dixie Hwy.
Lake Park, FL 33403

Via E-mail: vpatterson@lakeparkflorida.gov

Dear Mr. Patterson:

We are pleased to offer the enclosed quotation for your consideration.

The enclosed quotation is based upon your acceptance within thirty (30) days from the date of this letter and is subject to manufacturer's availability and Florida State Sales Tax (if applicable). Our terms of sale are Cash on Delivery or upon credit approval, Net 10 days. Credit card payment will not be accepted for equipment.

Thank you for the opportunity to provide you a quotation. If you have any questions or require additional information, please contact me at (954) 429-3200 ext. 310. We appreciate your interest and look forward to doing business with you.

Sincerely,

HECTOR TURF

Jason DuPree
Account Representative
Government and Municipals

Hector
Est. 1912

1501 N.W. THIRD STREET • DEERFIELD BEACH, FL 33442
(954) 429-3200 • FAX (954) 725-6791

Quotation Provided for
Town of Lake Park
September 20, 2016

Qty.	Model #	Description	Unit Price
1 ea	30495	Toro Groundsmaster 7200 Heavy Duty Zero Turn Mower with: - 25 HP Kubota Diesel Engine - Direct P.T.O. Drive - 2 Year Limited Warranty	$19,421.00
1 ea	30481	72" Side Discharge Deck	$3,714.00
1 ea	30483	Jack Stand Kit	$260.00
		Subtotal	$23,395.00
		National IPA Contract Discount (21.8%)	(5,100.11)
		Total	**$18,294.89**

Pricing per National IPA Contract
 # 120535
Effective: November 27, 2012

Note:
- **Issue purchase order to Hector Turf**
- **Shipment and service via Hector Turf**

Provided by: Jason DuPree
(954) 429-3200

Hector Est. 1912

1301 N.W. THIRD STREET • DEERFIELD BEACH, FL 33442
(954) 429 – 3200 • FAX (954) 725-6701

Quotation Provided for
Town of Lake Park
October 12, 2016

TPP Extended Warranty Options

1 ea	C329	36 months / 1800 hours	$615.00
1 ea	C331	36 months / 2700 hours	$768.00
1 ea	C439	48 months / 2400 hours	$819.00
1 ea	C443	48 months / 3600 hours	$1,092.00

Provided by: Jason DuPree
(954) 429-3200

Hector
Est. 1912

1560 S.W. THIRD STREET • DEERFIELD BEACH, FL 33442
(954) 429-5266 • FAX (954) 725-6701

September 27, 2016

Town of Lake Park
650 Old Dixie Hwy.
Lake Park, FL 33403

To Whom It May Concern:

This letter is to inform you that Hector Turf is the sole source distributor of Toro commercial products, parts, and services for the Southeast Florida area. The Toro commercial product line includes Greensmasters, Groundsmasters, Reelmasters, Utility Vehicles, Sprayers, Debris Equipment, Aeration Equipment, Sand Pros, Commercial Parts, and Irrigation Products.

Thank you for being a valued Toro customer and we look forward to assisting you in the near future.

HECTOR TURF

Jason DuPree
Account Representative
Government and Municipals

Jerry Pate Turf & Irrigation

Jerry Pate Turf & Irrigation
301 Schubert Drive
Pensacola, FL 32504
Ph# (800) 700-7001
Fax# (850) 484-8596
www.jerrypate.com

DATE: October 11, 2016
EXPIRATION DATE: Valid 30 Days

Exclusively For: Town of Lake Park
Attn: Paul Mathis

Proposed Order

Prepared By: Jake Holbrook Ext. 1217
jholbrook@jerrypate.com
Account Executive:

[Ph#] 561-881-3346
[Fax#]
[Customer Acct#]
[Email] garage@lakeparkflorida.gov

Per your request, I am pleased to submit a proposal on the following equipment:

Qty	Model #	Description	Unit Price	Extension
1	**30495**	**Toro Groundsmaster 7200-D**	$ 23,395.00	**$ 23,395.00**
1	30481	72 Side Discharge Deck		
1	30483	Jack Stand Kit		
			Destination Fee	**$ 450.00**
			Subtotal	**$ 23,845.00**

Prices Do Not Include Sales Tax or Applicable Documentation Fees

This is a proposal on the goods named, subject to the following conditions: The prices and terms on this proposal are not subject to verbal changes or other agreements unless approved in writing by the Home Office of the Seller. All proposals and agreements are contingent on availability of product from the manufacturer. Prices are based on costs and conditions existing on date of proposal and are subject to change without notice. Typographical errors are subject to correction.

To accept this proposal, sign here and return: _____ Date: _____

Thank you, we appreciate your business!

TORO Club Car shindaiwa FOLEY UNITED SUBARU FLOWTRONEX ECHO BEAR CAT ECHO

INTRODUCTION / BACKGROUND

The City of Tucson ("City) is requesting proposals from qualified and experienced firms to provide quality commercial grade **Sports Fields, Parks and Golf Course Grounds Maintenance Equipment.** The City of Tucson has over 110 public parks and 5 public golf courses located throughout the City. City parks come in all shapes and sizes ranging from small neighborhood parks to large district parks. City golf courses are all 18-hole courses that cover approximately 550 acres.

Requirements and qualifications are defined in detail in the Scope of Services Section of this Request for Proposal (RFP). The City seeks a firm that can supply equipment, parts and service. The successful firm will have a sophisticated infrastructure including strategically located, nationwide distribution centers and employ professional sales representatives to provide effective, timely service to the City of Tucson and to Participating Public Agencies.

NATIONAL CONTRACT

The City, as the Principal Procurement Agency, as defined in Attachment I, has partnered with the National Intergovernmental Purchasing Alliance Company ("National IPA") to make the resultant contract ("Master Agreement") from this solicitation available to other public agencies nationally, including state and local governmental entities, public and private primary, secondary and higher education entities, non-profit entities, and agencies for the public benefit ("Public Agencies"), through National IPA's cooperative purchasing program. The City is acting as the contracting agency for any other Public Agency that elects to utilize the resulting Master Agreement. Use of the Master Agreement by any Public Agency is preceded by their registration with National IPA as a Participating Public Agency in National IPA's cooperative purchasing program. Attachment I contains additional information on National IPA and the cooperative purchasing agreement.

With corporate, pricing and sales commitments from the Supplier, National IPA provides marketing and administrative support for the Supplier that directly promotes the Supplier's products and services to Participating Public Agencies though multiple channels, each designed to promote specific products and services to Public Agencies on a national basis. Public Agencies benefit from pricing based on aggregate spend and the convenience of a contract that has already been advertised and competed. The Supplier benefits from a contract that allows Participating Public Agencies to directly purchase goods and services without the Supplier's need to respond to additional competitive solicitations. As such, the Supplier must be able to accommodate a nationwide demand for services and to fulfill obligations as a nationwide Supplier and respond to the National IPA documents (Attachment I). The City, reserves the right to deem submissions that do not include a response to the National IPA documents as non-responsive.

While no minimum volume is guaranteed to the Supplier, the estimated annual volume of Grounds Maintenance Equipment purchased under the Master Agreement through National IPA is approximately $25 million. This projection is based on the current annual volumes among the City, other Participating Public Agencies that are anticipated to utilize the resulting Master Agreement to be made available to them through National IPA, and volume growth into other Public Agencies through a coordinated marketing approach between the Supplier and National IPA.

B. Price Proposal

1. Provide a Price Proposal. Submit the Price Proposal as a separate and clearly identified document. The Price Proposal shall minimally include the following:

   Offerors shall submit pricing based on the product and service requirements categories identified in the Scope of Services of this solicitation. Offerors should offer a fixed percentage discount from the index or indices that is applicable to the products and services in this industry. Include a listing of categories proposed as the offeror's balance of line and the proposed discount off list price for these categories. Include a completed Price Page, contained herein.

2. Describe in detail the proposed business pricing model(s). Include all pertinent details (formulas, definitions, data, audit criteria, etc.) to explain the benefits of the proposed model. Discuss how a participating agency will be able to verify (audit) that the net pricing received conforms to the model.

   We have three Business Units represented in this proposal.

   - ***The Toro Commercial Division pricing will be 21.8% off current MSRP of all wholegoods, attachments and accessories.***
     - ***For participating distributors, the Parts Program will consist of offering discounts on high usage parts such as belts, filters, tires, etc. The discount on these 'Performance Parts' varies by product group but ranges up to 50% off retail. Additionally, Participating Agency's will receive FREE FREIGHT on parts orders $500.00 and greater. Parts sold to Participating Agencies will not be reported to National IPA.***

   - ***The Toro RLC Division pricing will be 27% off current MSRP for their landscape contractor wholegoods, attachments and accessories.***

   - ***The Toro Siteworks Systems Division pricing will be 17% off wholegoods, attachments and accessories.***

   Included in this proposal is a hard copy of Toro's current MSRP. Electronic copies will also be provided. Any product, attachments and accessory that is on these spreadsheet is available for the stated discounts.

   This price model provides an aggressive discount to end users and is easy to calculate.

   Toro will provide a copy of our current MSRP for each of the three Divisions to the City of Tucson and the National IPA for pricing verification.

3. The City's expectation is that the proposed pricing shall include delivery to Tucson and Participating Public Agencies. Based on your distribution network, explain the impact of such pricing to the City, Participating Public Agencies residing in large metropolitan areas and Participating Public Agencies residing in rural areas. Propose an optimal solution(s) that would provide Participating Public Agencies with the best pricing including freight costs.

   The pricing to the City of Tucson includes set-up and delivery of product. It will be a determination of each of our distributors if they want to charge set-up and delivery fees for orders from other Participating Public Agencies.

4. The discount structure provided by the supplier is intended to remain consta. throughout the term of the Contact. Discuss how often price lists are updated and provide a listing of price list changes that have taken place over the last 3 years. Discuss any known future price list changes or industry changes that will effect pricing over the next 5 years.

Toro typically has changes to our MSRP lists once per year. On occasion, we have to veer from this plan as economic forces cause our costs to change more dramatically than anticipated. We do provide at least a 30-day notice to our distributors that these changes are occurring. Over the past 3 years we have been able to hold to our plan of once per year price change. We anticipate a price change toward the end of 2012.
The federal government mandated changes to emissions, know as Tier 4, will significantly impact pricing on our diesel, non-road, 25 – 74 horsepower products in 2013. We anticipate these price increases will range from 10 – 20% based on historical data from other industries, such as over-the-road diesel trucks, that have already experienced the transition to Tier 4.

5 State if pricing is most favorable offered to government agencies. Describe how your firm will ensure this contract will continually offer the best pricing available to Participating Public Agencies.

Pricing is most favorable offered for contracts of this scope. We are continuously provided with feedback from field sales representatives concerning the price/value paradigm versus our competition. We evaluate this balance and make changes to pricing as needed to remain competitive. Toro also strongly believes in reducing cost through our processes and utilize Six Sigma Continuous Improvement Tools such as Kaizens, Lean Manufacturing, Process Mappin and D.M.A.I.C.(Define, Measure, Analyze, Implement, Control). Every year Toro establishe. dollar values goals to Continuous Improvement and tracks and reports our progress against these goals. These procedures allow us to control costs which means controlling price increases to our customers.

6. Provide details of and propose additional discounts for volume orders, special manufacturer's offers, minimum order quantity, free goods program, total annual spend, etc.

As an added incentive for volume purchases (single purchase order), Toro distributors may provide the following Smart Value Program. This program provides the customer with a level of dollars available to be used to purchase additional whole goods, accessories, attachments, parts or extended warrantee based on the volume of purchase according to the following scale.

Purchases at Retail	*Available Dollars*
$150,000 - $199,999	*$4,500*
$200,000 - $249,999	*$6,000*
$250,000 - $299,999	*$10,000*
$300,000 - $349,999	*$12,000*
$350,000 - $399,999	*$14,000*
$400,000 - $449,999	*$16,000*
$450,000 - $499,999	*$18,000*
$500,000 - $549,999	*$20,000*
$550,000 - $599,999	*$22,000*
$600,000 - $649,999	*$24,000*
$650,000 - $699,999	*$26,000*
$700,000 - $749,999	*$28,000*
$750,000 - $799,999	*$30,000*
$800,000 - $849,999	*$32,000*
$850,000 - $899,999	*$34,000*

$900,000 + *$36,000*

7. Provide information on any ordering methods – such as electronic ordering or payment via pCard or EFT – or other criteria which entitle the using agency to additional discounts off of a manufacturer's price list. If so, please provide the percentage discount.

   Orders can be faxed, mailed or emailed. pCards and EFT can be accepted. All pricing is at users net.

8. Provide your payment terms. These payment terms shall apply to all purchases and to all payment methods.

   Payment terms are 0% 30 days for cash/check payments and EFT payments only.

9. Indicate if payment will be accepted via credit card. If so, may credit card payment(s) be made online. Also state the Convenience Fee, if allowable, per Section 5.2.E of the Visa Operating Regulations.

   It is up to the local distributor to determine if credit card payments or online credit card payments are accepted. If credit card payments are accepted, there may be a convenience fee for use.

   For the City of Tucson, Simpson Norton does accept credit cards and has a convenience fee as follows:

   Transactions totaling $5099 or less are not charged a convenience fee

   Transactions totaling $5100 or more will be charged $2 / per $100 for amounts over $5100. (i.e. invoice totaling $5,500 will be accessed a convenience fee of $8).

CONTRACT AMENDMENT

CITY OF TUCSON DEPARTMENT OF PROCUREMENT
255 W. ALAMEDA, 6TH FLOOR, TUCSON, AZ 85701
P.O. BOX 27210, TUCSON, AZ 85726
PHONE: (520) 837-4126 / FAX: (520) 791-4735
Kristina.Tequida@tucsonaz.gov
ISSUE DATE: Tuesday, September 06, 2016

CONTRACT: 120535
CONTRACT AMENDMENT NUMBER: ~~THREE (3)~~ SIX (6)

KT/car
CONTRACT OFFICER: CHRISTINA TEQUIDA

(This page intentionally left blank.)

ALL OTHER PROVISIONS OF THE CONTRACT SHALL REMAIN IN THEIR ENTIRETY.

CONTRACTOR: THE TORO COMPANY

CONTRACTOR HEREBY ACKNOWLEDGES RECEIPT OF AND UNDERSTANDING OF THE ABOVE AMENDMENT.

[signature] 9/8/16
Signature of person authorized to sign Date

Brad Hamilton - General Manager
Name and Title (typed or printed legibly)

The Toro Company
Company Name

8111 Lyndale Avenue S.
Address

Brad.Hamilton@Toro.com
Email Address

Bloomington MN 55420
City State Zip

Contact information for Sales/Account Representative for daily business operations:

Peter Whitacre
Name and Title (typed or printed legibly)

952-887-7936
Phone Number

peter.whitacre@toro.com
Email Address

CITY OF TUCSON:

THE ABOVE REFERENCED CONTRACT AMENDMENT IS HEREBY EXECUTED THIS 9th DAY OF September, 2016, AT TUCSON, ARIZONA.

for Nathan Daon
Marchéta Gillespie, CPPO, C.P.M., CPPB, CPM
as Director of Procurement and not personally

HERE

CONTRACT AMENDMENT

CITY OF TUCSON DEPARTMENT OF PROCUREMENT
255 W. ALAMEDA, 6TH FLOOR, TUCSON, AZ 85701
P.O. BOX 27210, TUCSON, AZ 85726
PHONE: (520) 837-4126 / FAX: (520) 791-4735
Kristina.Tequida@tucsonaz.gov
ISSUE DATE: Tuesday, September 06, 2016

CONTRACT: 120535
CONTRACT AMENDMENT NUMBER: ~~THREE (3)~~ SIX (6)

KT/car
CONTRACT OFFICER: CHRISTINA TEQUIDA

GROUNDSKEEPING, GOLF AND SPORTSFIELDS MAINTENANCE

THIS CONTRACT IS AMENDED AS FOLLOWS:

ITEM ONE (1): RENEWAL

In accordance with Contract 120535, Special Terms and Conditions, paragraph 6 Term and Renewal the City is hereby exercising its renewal option for one year, **November 27, 2016 through November 26, 2017.**

**********END OF AMENDMENT**********

NATIONAL IPA

Groundskeeping, Golf and Sports Field Maintenance Equipment
Executive Summary

Lead Agency: City of Tucson, AZ
RFP Issued: May 4, 2012
Date Open: June 12, 2012

Solicitation: RFP #120535
Pre-Proposal Date: May 22, 2012
Proposals Received: 3

Awarded to: TORO. **Count on it.**

The City of Tucson, AZ Department of Procurement issued RFP #120535 on May 4, 2012 to establish a national cooperative contract for groundskeeping, golf and sports field maintenance equipment.

Notice of the solicitation was sent to potential offerors, as well as advertised in the following:

- City of Tucson, AZ website
- Hawaii Tribune–Herald, HI
- Daily Journal of Commerce, OR
- The State, SC
- The Olympian, WA
- National IPA website

On June 12, 2012 proposals were received from the following offerors:

- Jacobsen Textron Company
- R&R Products
- The Toro Company

The proposals were evaluated by an evaluation committee. Using the evaluation criteria established in the RFP, the committee elected to enter into interview and equipment demonstrations with the top two ranked firms, Jacobsen Textron Company and The Toro Company.

At the conclusion of the interviews and demonstrations, the evaluation committee individually scored and ranked the short-listed firms. As a result, the committee recommended entering into exclusive negotiations with the intent to award to the top ranked firm, The Toro Company.

The City of Tucson, AZ, National IPA and The Toro Company successfully negotiated a contract and the City of Tucson executed the agreement with a contract effective date of November 27, 2012.

TORO. **Count on it.**

Contract includes: Groundskeeping, golf and sports field maintenance equipment

Term:

Initial one year agreement from November 27, 2012 through November 26, 2013, with option to renew for four (4) additional one-year periods through November 26, 2017.

Pricing/Discount:

Discount off Toro MSRP for Commercial, Landscape Contract Equipment and Compact Utility Equipment.

Serviced and supported by local Toro distributors/dealers.

Value Added Services:

- Used equipment
- Financing options
- Smart Value Program volume incentive program

Lead Agency Contracting Process

All agreements offered through National IPA/TCPN have been awarded via a thorough Request for Proposal (RFP) competitive solicitation by a public agency/governmental entity (e.g. state, city, county, public university or school district). The contracting process is the foundation of National IPA/TCPN and sets us apart from other cooperatives. In order for even the most restrictive agencies nationwide to realize the best value offered by cooperative procurement, National IPA/TCPN ensures that industry best practices, processes and procedures are applied.

The Cooperative Contracting Process

1. The lead agency prepares a competitive solicitation, incorporating language to make the agreement accessible nationally to agencies in states that allow intergovernmental (i.e.: "piggyback") contract usage.
2. The lead agency issues the solicitation and any required amendments and notifications, and conducts pre–proposal conferences/meetings.
3. Interested suppliers respond to the solicitation.
4. The lead agency evaluates the responses, negotiates the final terms and conditions and ultimately awards the master agreement.
5. All documentation is posted on the National IPA website and made available to the public.

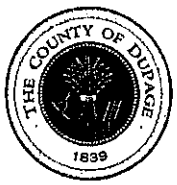
National IPA is committed to the integrity of the procurement process. Access to solicitation and award documentation is always available in the Documentation sections of each awarded agreement. No FOIA or special request necessary.

The lead agency procurement teams and the National IPA team of certified public procurement officials are available to answer any questions you may have or discuss the process in detail.

The Lead Agencies

The lead agencies who currently solicit and award cooperative contracts available through National IPA are considered some of the best procurement teams in the nation. National IPA is honored to be partnered with the best–of–the–best when it comes to process, procedures and industry leaders.

CITY OF
TUCSON


THE COUNTY OF DUPAGE
1839

GREAT SEAL OF THE STATE OF FLORIDA
IN GOD WE TRUST

MARICOPA
ARIZONA
COUNTY

FORT WORTH

CITY OF LAS VEGAS
NEVADA

THE NOBLEST MOTIVE IS THE PUBLIC GOOD
COUNTY OF SAN DIEGO
MDCCCLI

CITY OF ROCHESTER HILLS, MICHIGAN
1984

region 4

County of Allegheny, PA

OSU
Oregon State
UNIVERSITY

Norfolk Public Schools
NATIONALLY RECOGNIZED GLOBALLY COMPETITIVE

Town of
LAKE PARK

Department of
PUBLIC WORKS

MEMORANDUM

Date: 10/12/16
To: Blake Raine
From: Paul Mathis; Verdree Patterson
Subject: **Purchase of Toro Groundsmaster 7200 Zero Turn Mower**

In 2007 the Town demoed and purchased its first Toro Groundsmaster 7200 Mower for the Grounds Division. Based on the performance of the initial purchase, the Town went on to purchase two additional Groundsmaster 7200's the following year. This grade of mower was found to be superior to any other mower the Town demoed afterwards and have given consistent and reliable service through the years. Down time for the three units has been relatively low (see attached). Parts for the units are readily available either locally or from the dealer. When needed, service from the dealer has been very responsive. The Grounds Division and Vehicle Maintenance feel the purchase of the additional Mower would make sense given the units overall reliability, continuity in parts inventory and low cost of maintenance.

Paul Mathis, Vehicle Maintenance Foreman

Verdree Patterson, Grounds Maintenance Foreman

Attachments: Cost Table

cc: Dave Hunt

*650 Old Dixie Highway, Lake Park, Florida 33403 * (561) 881-3345 * Fax: (561) 881-3349*

E-mail: publicworks@lakeparkflorida.gov

TORO GROUNDSMASTER 7200
ANNUAL REPAIR HISTORY

EQUIP. NO.	FY 2007/2008	FY 2008/2009	FY 2009/2010	FY 2010/2011	FY 2011/2012	FY 2012/2013	FY 2013/2014	FY 2014/2015	FY 2015/2016	MAINT COSTS TO DATE	HOUR METER READING
MWR P14 (2007)	$35.00	$504.12	$73.00	$63.54	$422.63	$202.48	$554.38	$714.02	$255.15	$2,824.18	1271
MWR P15 (2007)	$94.50	$35	$115.56	$115.56	$441.60	$332.46	$519.43	$569.27	$4564.68 hydrostatic drive replacement	$6,739.50	2141
MWR P16 (2008)		$94.50	$35.00	$63.54	$390.40	$165.26	$555.04	$900.00	$500.90	$2,703.74	2035

Vendor # _____

Vendor: Hector Turf
1301 N.W. 3rd St.
Deerefield Bch, FL 33442

Deliver To: Public Works

Purchase Order # _____

Purchase Order Date: _____

Requisition No. _____

Date: _____

Required Delivery Date: _____

QUANTITY	UNIT DESCRIPTION	UNIT PRICE	AMOUNT	ACCT. NO.
1	30495 Toro Groundsmaster 7200 Heavy Duty Zero Turn mower with: -25 HP Kubota Diesel engine -Direct P.T.O. Drive	19,421.00		406-64100
1	30481- 72 inch side discharge Deck	3714.00		
1	30483 - Jack stand	260.00		
	subtotal:	23,395.00		
	National IPA Contract discount	(5,100.11)		
	extended warranty 48 month / 2400 Hour	819.00		
	TOTAL		19,113.89	

Reason for Purchase: Budgeted replacement of 72 inch grounds maintenance mower

BUDGET CONTROL	
Balance Available	$
Amount this Request	$
Remaining Balance	$

Approved

10/17/14
(Department Head)

(Finance Department)

(Town Manager)