



**Town of Lake Park, Florida
 Planning & Zoning Board
 Meeting Minutes
 November 4, 2019, 6:30 p.m.
 535 Park Avenue, Lake Park, Florida 33403**

CALL TO ORDER

The meeting was called to order at 6:35 p.m.

PLEDGE OF ALLEGIANCE

Vice-Chair Schneider led the Pledge of Allegiance.

ROLL CALL

Judith Thomas, Chair	Arrived at 6:44 p.m.
Martin Schneider, Vice-Chair	Present
Lawrence Malanga	Present
Charlemagne Metayer	Present
Joseph Rice	Present
Vacant (1 st Alternate)	

Also in attendance were Community Development Director Nadia DiTommaso, Town Attorney Thomas Baird, and Assistant to the Community Development Director Kimberly Rowley.

APPROVAL OF AGENDA

Motion: Board Member Metayer moved to approve the agenda; Board Member Malanga seconded the motion.

Vote on Motion:

Board Member	Aye	Nay	Other
Board Member Malanga	X		
Board Member Metayer	X		
Board Member Rice	X		
Vice-Chair Schneider	X		
Chair Thomas			Not present at time of vote

Motion passed 4-0.

APPROVAL OF MINUTES

- Planning & Zoning Board Meeting minutes of October 7, 2019.

Motion: Board Member Malanga moved to approve the Planning & Zoning Board Meeting minutes of October 7, 2019; Board Member Metayer seconded the motion.

Vote on Motion:

Board Member	Aye	Nay	Other
Board Member Malanga	X		
Board Member Metayer	X		
Board Member Rice	X		
Vice-Chair Schneider	X		
Chair Thomas			Not present at time of vote

Motion passed 4-0.

Public Comment

Vice-Chair Schneider explained the Public Comment procedure.

1) Diane Bernhard resident of the Lake Park asked if the Planning & Zoning Board would be in favor of allowing the Town to issue email addresses to the Board Members so that people could contact them. The Board Members were in favor of being issued Town email addresses. Attorney Baird stated that staff would bring the request before Administration and find out how that would work.

ORDER OF BUSINESS

The normal order of business for Hearings on agenda items are as follows:

- Staff presentation
- Applicant presentation (when applicable)
- Board Member questions of staff and applicant
- Public Comments – limited to 3 minutes per speaker
- Rebuttal or closing arguments for quasi-judicial items
- Motion on floor
- Vote of Board

NEW BUSINESS:

1. PZ-19-009: CONTINUED FROM OCTOBER 7, 2019 AND AUGUST 5, 2019 – TOWN CODE TEXT AMENDMENTS CREATING SECTION 78-84 K. (3), (4), AND (5) RELATED TO HEIGHT AND STORIES EXEMPTIONS FOR PARKING GARAGES WITHIN THE FEDERAL HIGHWAY MIXED-USE DISTRICT OVERLAY (FHMUDO) AND AMENDING TOWN CODE SECTION 78-83, APPENDIX A, FIGURE 1 “TOWER BUILDING TYPE” TO ELIMINATE THE INTERIOR SIDE SETBACK REQUIREMENT FOR BUILDINGS WHEN 80% BLOCK CONSOLIDATION IS ACHIEVED FOR A DEVELOPMENT PLAN.

Attorney Baird explained that the two (2) agenda items were not Quasi-Judicial; they were Text Amendments. He explained that staff would present to the Board and if any

property owner, which would be effected by the Text Amendment wanted to address the Board they could. He wanted to be sure that the Board understood that they were not Quasi-Judicial items.

Community Development Director Nadia DiTommaso gave a recap of what was in the staff report included in the agenda item and previous meeting minutes. She provided a recap of the discussion the Town Commission had as it pertained to this item at their October 30, 2019, Special Call Town Commission meeting. She explained that the Town Commission requested that the Planning & Zoning Board make a recommendation on the Text Amendments so the item could move forward before the Commission and they could take any necessary action. She read the Commission motion to the Board.

Vice-Chair Schneider asked if any changes were made to the documents. Community Development Director DiTommaso stated that there were no changes to the proposal.

Chair Thomas arrived at 6:44 p.m.

Board Member Malanga asked if the Boards request to have an open forum was brought before the Town Commission for consideration. Community Development Director DiTommaso stated that it was discussed during the Town Commission Meeting and the Commission indicated that the Board could make any recommendation they see fit and the Commission would take that up as a recommendation. Board Member Rice asked for clarification that the Commission was aware of the Boards request and the Commission wanted the Board to make a recommendation of approval or denial or approval with recommendations. Community Development Director DiTommaso stated that she could not speak for the Commission, but they indicated that they would consider any motion that came from the Board.

Public Comment open:

1) Carrie Wood – 140 Shore Drive, Riviera Beach, explained that she bought her forever home, renovated it and was devastated to learn that the height of the proposed project would take away her privacy from those living in the building. Chair Thomas asked if Ms. Wood resided in Riviera Beach. Ms. Wood responded that she did. Chair Thomas asked Ms. Wood if she received any notification from the Town. Ms. Wood stated that she had not received any notification from the Town.

2) Diane Bernhard – 301 Lake Shore Drive, asked the Board to not be distracted by the use of the word “Text”. She stated that the Board had approved previous Text and was now being asked to reverse those decisions of just a few months ago. She suggested that the plans be resized and reconfigured to be a better fit for the Town. She asked questions relating to shadowing at an open house and was told those analysis were not ready. She asked if anyone has seen the analysis.

3) Karen Young – 126 Lake Shore Drive, she recapped the last two Planning & Zoning Board meetings. She stated that the rear setback would affect her property. She would be opposed to a project being placed right at anyone’s property. She stated that more clarity was needed and quoted Palm Beach County Code regarding shadowing. She expressed her concerns with the projects colossal size.

- 4) Mieler Joseph, 822 Park Avenue, expressed his support of building.
- 5) Wilfrid Placher, 822 Park Avenue, the bakery on Park Avenue, expressed his support of the project on Lake Shore Drive.
- 6) John Hyne, 310 Lake Shore Drive, expressed his support of the project.
- 7) Cliff Roberts, 302 Lake Shore Drive, expressed concern with the notices that were provided for this meeting. He stated that the registered mail notice was received seven (7) days prior to the meeting and the newspaper notice had the wrong dates. He expressed concern with the size of the project and the notice provided.

Public Comments closed:

Board Member Malanga recapped the last Text Amendment pertaining to this particular sub-core area. He expressed concern with amending the Code each time a new development was proposed. He was disappointed with what he heard from the Town Commission and the Town Manager at the last Commission meeting.

Board Member Metayer stated that his concerns have not changed since the last meeting.

Board Member Rice apologized to the Board and staff for his actions last week. He stated that he has had an opportunity to really review the language. He stated that to be the “Jewel” they needed to be progressive. He suggested that the Board advise the Town Commission.

Vice-Chair Schneider stated that there was a long visioning process at which the heights were discussed. He was not in support of the height or setback changes in the proposed Text Amendment as they were not compatible with the neighborhood.

Chair Thomas reminded the Board that their responsibility was advisory in nature to the Town Commission. She stated that it was the Commission’s responsibility, as the Town’s elected officials, to make a decision. She explained that she met with the developer and expressed her concerns with the project. She urged the Board to make a recommendation.

Motion: Vice-Chair Schneider moved to recommend denial of the zoning Text Amendment because the height is not consistent with the vision plan and because the setback waiver is not compatible with the existing neighbors; Board Member Rice seconded the motion.

A Roll-Call Vote was conducted.

Vote on Motion:

Board Member	Aye	Nay	Other
Board Member Malanga	X		
Board Member Metayer	X		
Board Member Rice	X		

Vice-Chair Schneider	X		
Chair Thomas		X	

Motion passed 4-1.

2. PZ-19-012: AMENDING THE LAND DEVELOPMENT REGULATIONS ASSOCIATED WITH THE CLIC-1 CAMPUS LIGHT INDUSTRIAL/COMMERCIAL DISTRICT AND ASSOCIATED USES PURSUANT TO TOWN CODE SECTION 78-75.

Community Development Director DiTommaso gave a staff report of the item (see Exhibit “B”). Chair Thomas asked for information regarding the project that was on Jewel Road in the conservation area. Community Development Director DiTommaso stated that there was no construction taking place in the conservation area. The Board discussed where on the map the development appeared to be taking place. Community Development Director DiTommaso explained that a discussion took place a while ago in which the former Mayor asked to have an entrance into the Preserve area from Jewel Road; however, that project has been at a standstill for a while by Palm Beach County. She assured the Board that she would update them should the project move forward. Board Member Rice asked if one of the uses for this Text Amendment was Education. Community Development Director DiTommaso stated “yes”. Board Member Rice asked if the CLIC was being proposed as one of the areas in Town where Medical Marijuana dispensaries were allowed. Community Development Director DiTommaso stated no, they were not included.

Vice-Chair Schneider asked if any property owners were notified in the area. Community Development Director DiTommaso stated that no certified mail was sent. She stated that suggestions could be made to send out notification. She explained that some of the proposed changes were suggestions from the affected property owners that reached out to notify the Town of the difficult time they had with the way the uses were listed, which was what prompted staff to look at the District. Vice-Chair Schneider noticed that the residential use was removed in the proposed Text Amendment. Community Development Director DiTommaso explained that residential had not been used in quite some time. The Land Use does not allow residential. Vice-Chair Schneider suggested that the manufacturing section be condensed or combined. Community Development Director DiTommaso stated that staff would look further into consolidating the language.

Motion: Board Member Malanga moved to approve the Land Development Regulations with staff recommendations; Board Member Metayer seconded the motion.

A Roll-Call Vote was conducted.

Vote on Motion:

Board Member	Aye	Nay	Other
Board Member Malanga	X		
Board Member Metayer	X		
Board Member Rice	X		
Vice-Chair Schneider	X		

Chair Thomas	X		
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Motion passed 5-0.

PROJECT UPDATES FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Community Development Director DiTommaso updated the Board on the 754 Park Avenue building in which they have completed their demolition, but have not received their renovation permit yet. The plans are currently with the Palm Beach County Fire.

Community Development Director Comments

Community Development Director DiTommaso explained that she was approached by the State asking when a Historic Preservation Workshop for design review could be held. The State would conduct the Workshop, and have proposed two dates: Monday, December 9, 2019 at 9:00 a.m. or 10:00 a.m., or Tuesday, December 10, 2019 at 10:00 a.m., 11:00 a.m. or 1:00 p.m. She stated that training was required throughout the year and this would be a great opportunity for the Board to take advantage of the State coming to the Town. The Board came to consensus to hold the Workshop on Monday, December 9, 2019, at 9:00 a.m.

Planning & Zoning Board Member Comments

None

ADJOURNMENT

There being no further business to come before the Planning & Zoning Board and after a motion to adjourn by Board Member Rice and seconded by Board Member Malanga, and by unanimous vote, the meeting adjourned at 7:36 p.m.

Judith Thomas, Chair

Vivian Mendez, Town Clerk

Town Seal

Approved on this _____ of _____, 2019



Exhibit "A"

TOWN LAKE OF PARK

PLANNING & ZONING BOARD

Meeting Date: November 4, 2019

Agenda Item # PZ-19-009

(previously considered at August 5, 2019 and October 7, 2019 meetings)

On October 7, 2019, this item was presented to the Planning & Zoning (P&Z) Board. The minutes related to this meeting discussion are enclosed with this agenda packet. In follow-up to this meeting, the Town Commission held a discussion on "the next steps" for the text amendments at their October 30, 2019 meeting. At this Town Commission meeting, the Commission decided that they would like to the P&Z Board to make a recommendation on the text amendments so that the item can move forward to them and they can take the necessary action. Ultimately, the motion of the Town Commission at their October 30 meeting was as follows:

"Move to direct the Planning & Zoning Board to make a recommendation of approval, denial, or approval with modifications to the proposed text amendments, along with any recommendations on process, but to move forward with the text amendments at their next meeting November 4" – this was approved by the Commission on a 4-1 vote.

Consequently, this item is being brought back to the Planning & Zoning Board for action.



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STAFF REPORT

DESCRIPTION – TOWN CODE TEXT AMENDMENT CREATING SECTION 78-84 K.(3), (4), and (5) RELATED TO HEIGHT AND STORIES EXEMPTIONS FOR PARKING GARAGES WITHIN THE FEDERAL HIGHWAY MIXED-USE DISTRICT OVERLAY (FHMUDO) AND AMENDING TOWN CODE SECTION 78-83, APPENDIX A, FIGURE 1 "TOWER BUILDING TYPE" TO ELIMINATE THE INTERIOR SIDE SETBACK REQUIREMENT FOR BUILDINGS WHEN 80% BLOCK CONSOLIDATION IS ACHIEVED FOR A DEVELOPMENT PLAN.

Staff Recommendation: Approval.

INITIAL PLANNING AND ZONING BOARD MEETING – AUGUST 5, 2019

The Planning and Zoning Board considered the application for a text amendment that would create Section 78-84 K.3. at their August 5, 2019 public meeting. The text amendment proposes to introduce additional flexibility in overall building height (in feet) and stories for the "Core" area identified in the Federal Highway Mixed Use District Overlay (FHMUDO). This flexibility is important since sometimes land development regulations, as adopted, do not take into account the various design elements that are needed and required in order to make a development successful. The Board expressed the following concerns (summarized) which ultimately led them to "continue" the item:

(1) The text amendment is catered to one developer specifically.

STAFF RESPONSE: The reality is that typically, when code regulations are created, they are only put to the test when the first developer submits their plans therefore, while it may seem this is being proposed for one developer, it is actually being proposed for the first developer, as well as any developer that entrusts the Town with their multi-million dollar proposal moving forward. In the end, the first developer takes on the most risk.

(2) Additional flexibility in height alters the vision that was created for the corridor and everyone who was originally involved in creating the regulations, including those properties within the FHMUDO should be notified and involved in this text amendment.



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STAFF RESPONSE: The *Vision Lake Park* created (feasible) mixed-use redevelopment options on the east and west sides of the US-1 corridor. A developer who is proposing bringing forward an almost (100%) code-compliant project with a mixed-use concept that incorporates the necessary open space, pedestrian and streetscape elements that the Code requires, ultimately meets the original and adopted intent of the *Vision Lake Park*. An individuals' 'ground level' experience will not be altered by a 255 foot versus a 210 foot, or a 190 foot versus a 160 foot (for example) overall building height since the intent of the corridor has always been to introduce more intense mixed-use development. The more immediate reality is that from an economic development perspective, we need to introduce the best possible development that is successful in the long run and if granting some additional height is needed, this is minimal in comparison to the overall "vision" that will ultimately be achieved and that is, in reality, desired not only by Staff and the developer, but by those in the surrounding areas as well since they see the value in introducing this type of development in the Town.

Regarding the noticing, the actual site plan application, which is the "development application", is required to be noticed by certified mail to everyone within 300 feet and this will be satisfied. An Ordinance proposing to create an architectural-related exemption in the Code is a text amendment that is approved by Ordinance and required to be advertised once it moves forward to the Town Commission (10 days prior to adoption).

(3) Since design is flexible, there should be a "cap" on how many stories of parking should actually be exempt and not leave it open-ended.

STAFF RESPONSE: A "cap" has been inserted into the proposed Section. It is also being limited to the east side of Federal Highway (for now). *See revised proposal.*

(4) The addition of public parking will be very difficult, if not impossible, to monitor and enforce.

STAFF RESPONSE: While this is true, this is like any other public parking area. Certain mechanisms such as signage, camera surveillance and fine impositions for enforcement purposes can be installed onsite to allow for the proper use of the parking spaces (some additional language has been included in the proposed Section – *see revised proposal*). In the end, requiring additional public parking, for public use, that is free of charge, is an added benefit to the existing operation and future viability of the Marina, special events, and overall area.



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(5) A 200 foot (or more) structure is a big deal for the Town and we cannot focus solely on revenue, but rather on the community and our character as well.

STAFF RESPONSE: The *Vision Lake Park* process already established the ability to introduce a 200+ foot structure in the Core Sub-Area adjacent to the Marina. The text amendment would simply introduce some additional flexibility as it relates to the required private parking and additional public parking, in an attempt to maximize the value and viability of the development project. A cap has been incorporated to limit the additional flexibility.

In conclusion, Staff revised the proposal to incorporate the “cap” recommended by the Board and added some additional terminology related to the public parking space(s) enforcement. A reference to limiting the exemption to the east side of Federal Highway (for now) has also been incorporated. The revised proposal is for the following: **NEW Chapter 78, Article III. Section 78-84 K.(3), (4), and (5)**

(3) Structures with parking garages within identified development parcels in the Core Sub-Area of the Federal Highway Mixed Use District Overlay, east of Federal Highway, are entitled to an exception to the maximum height established for the Core Sub-Area to accommodate the parking of vehicles within the structure. The parking garage shall not be considered as part of the measurement of the total height of a building, provided that: (a) the developer contributes funds to the Federal Highway Mixed-Use District Public Improvement Fund in accordance with Section 78-84(L) proportionate to the overall construction value; and (b) at least 10% of the total number of required parking spaces in the parking garage are designated as free public parking. The free public parking spaces shall be identified as free public parking by signage. The parking garage shall be equipped with camera surveillance of the public parking areas; (c) the parking garage shall be developed with an active use liner on the Federal Highway and Lake Shore Drive frontages of the building.



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(4) Structures within identified development parcels in the Core Sub-Area of the Federal Highway Mixed Use District Overlay, south of Cypress Drive, are entitled to an exemption of up to 5 stories, or 55 feet.

(5) Structures within the development parcels in the other Core Sub-Areas of the Federal Highway Mixed Use District Overlay, north of Cypress Drive are entitled to an exemption cap of 3 stories, or 33 feet.

ONE-ON-ONE MEETINGS WITH BOARD MEMBERS

Since the Board meeting of August 5, one-on-one meetings with Board Members, staff and the developer's team, were also held to discuss what has been explained above, in response to the Board's discussion at the August 5 meeting. These meetings were positive and Staff believes the Board now has a better understanding of what we are trying to achieve. In addition, after reviewing the general development plan with the Board Members at these one-on-one meetings, given the proposed design and the Board Members' understanding that the original vision for the corridor was to allow for block consolidation and minimize the potential impacts to single-family homes on the west side of the corridor, the following additional recommendation was made by Staff and acknowledged by some of the Board Members at these one-on-one meetings. This additional amendment is necessary since, ultimately if a developer has consolidated at least 80% of any given block, the impacts of development to any remaining lots will not be lessened by an interior setback and ultimately the Town must weigh the ultimate redevelopment vision against any remaining lots that will still be impacted by development:

Amending Section 78-83, Appendix A, Figure 1 related to Tower Building Types to eliminate the interior side setback requirement when 80% block consolidation is achieved for a development plan (see next page):



MIXED USE DISTRICT: BUILDING TYPOLOGY AND PLACEMENT REGULATING DIAGRAMS

FIGURE 1: TOWER BUILDING TYPE

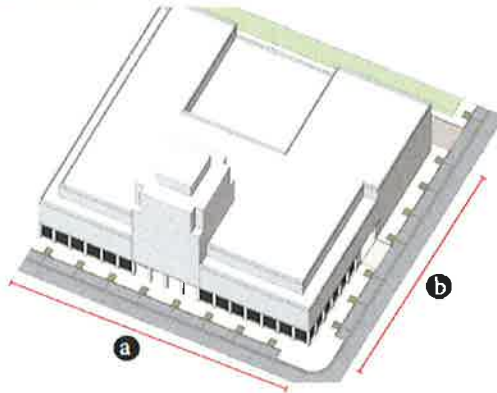
SUB-AREA: Core

DEFINITION:

a multi level building organized around a central core where a part of the building is higher in proportion.

- BUILDING LINE
- - - - - PROPERTY LINE
- ▨ ACTIVE USE
- ▧ PARKING AREA
- Ⓐ LOT WIDTH
- Ⓑ LOT DEPTH

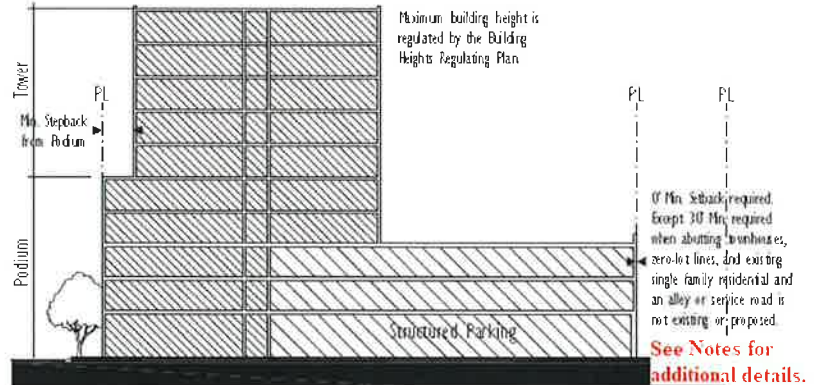
BUILDING MASSING



LOT STANDARDS: MIN. MAX.

a. Lot Width	200'	375'
b. Lot Depth	150'	N/A
c. Lot Area	N/A	N/A
d. Impervious Area	N/A	90% (1)
e. Pervious Area	10%	N/A (1)
f. Interior Side Setback	0' (2)	N/A
g. Rear Setback	0' (2)	N/A

BUILDING CONFIGURATION



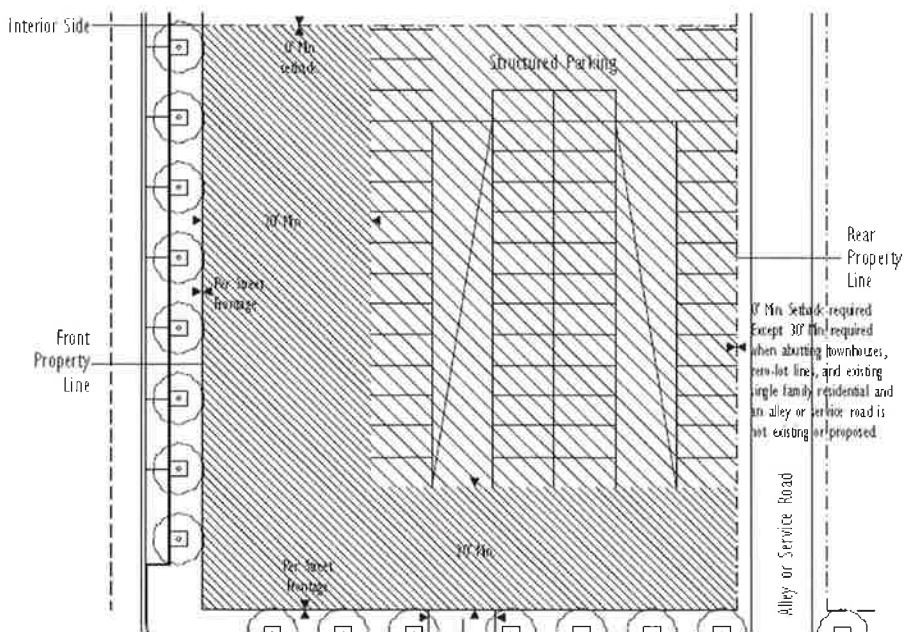
NOTES:

- At grade
- Except 30' minimum when abutting townhouse, zero lot lines and existing single family residential and an alley or service road is not existing or proposed, **unless full block consolidation or at least 80% block consolidation is attained.**

OPEN SPACE STANDARDS:

All multi-family residential, live-work units and mixed use developments with residential dwellings shall reserve a minimum of 10% of the site for common, private open space.

BUILDING SETBACKS





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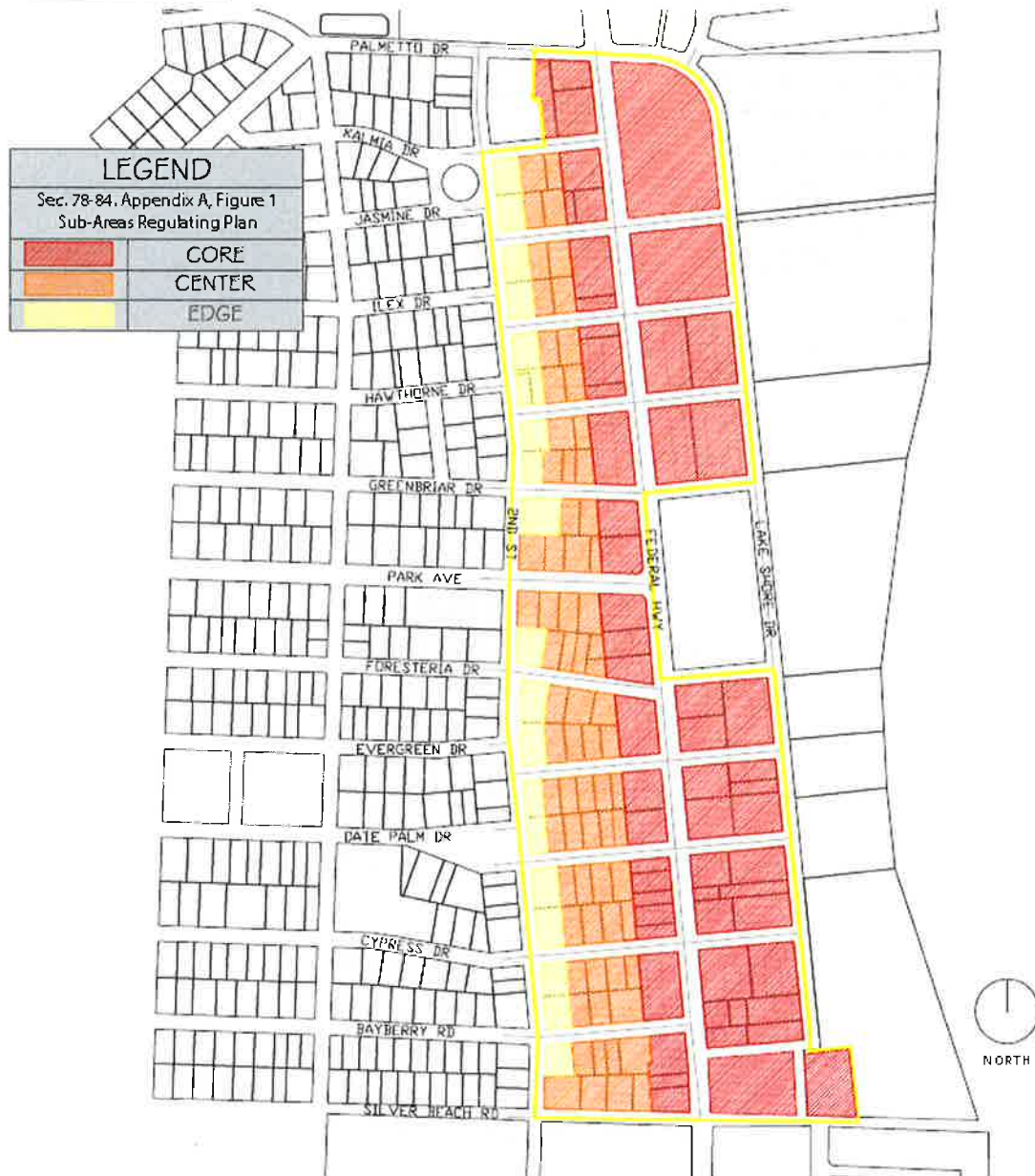
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FINAL PROPOSAL

In conclusion, after several months of discussion and with a mixed-use project submittal on the horizon, this is a Staff initiated application for two text amendments that are required in order to encourage and allow market-feasible development along the US-1 corridor. While Staff has been working with one developer in particular, normally this occurs when newly developed land development regulations are put to the test within existing market conditions.

FOR REFERENCE ONLY:





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FROM PREVIOUS STAFF REPORT:

Given Staff's working relationship with several individuals associated with the redevelopment area adjacent to our Marina, based on their expertise and experience, Staff requested that they (the property owner and developer's team) prepare justifications related to why this text amendment is required. This is important since typically, developers face similar challenges and we want to ensure that the land development regulations encourage feasible and successful site development, not only within the imminent land area adjacent to our Marina, but elsewhere within the Federal Highway Mixed-Use District Overlay (FHMUDO). Naturally, Code provisions should always benefit the community as well and be geared towards the public's health, safety and general welfare therefore, in addition to the extensive public benefit a large mixed-use project will bring to the community as it relates to the ability to introduce increased services (at a minimum), additional requirements are also being folded into the text amendment per the proposal hereinabove. In requesting the justifications from the developer, Staff received the following information:

(While the following justification is project specific, it is extremely important and relevant not only for this "imminent" project, but also for the future redevelopment viability of the entire corridor. All projects are subject to their individual public hearing process therefore, there will be ample opportunity to review and comment on any site plan specific details that are presented in the future)

START OF ZABIK & ASSOCIATES (AGENT FOR NAUTILUS 211) JUSTIFICATION

NOTE: The following information is from Zabik & Associates (verbatim) and some responses are repetitive:

1. PROJECT FEASIBILITY (if the text amendment were not enacted)

If the text amendment is not adopted, the Nautilus 211 project is not feasible. The risks associated with a \$350 million project require that the development team have full



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confidence in governmental approvals. The Nautilus 211 project will be developed based on one of the underlying assumptions in the new Lake Park code. That assumption being the ability to consolidate a full block, or the better part a block, in order to successfully develop a project that makes the most economical sense. Full review of the original design plan for the Nautilus 211 project found that it would not be feasible to build without acquisition of the condominium lot as the original configuration would be limited to parcels along the western side of the block. The one developer-owned parcel on the eastern side of the block would not support the proposed development due to code-required setbacks and restrictions. Due to this reason, the development team acquired the condominium parcel located at the northeast corner of the block further pursuing the Vision Lake Park goal of block consolidation and re-development.

The proposed configuration is designed to maximize the development potential currently allowed by code. This design could be considered inconsistent with some provisions of the Lake Park zoning code. The proposed text amendment provides an umbrella clarification to allow the development to move forward. The proposed text amendment provides clear language as to developer requirements for contributions to Lake Park. The proposed text amendment also provides clear guidance as to overall building height and numbers of stories.

This text amendment only has an upside for the Town of Lake Park. It clearly defines the public benefit and reduces any risk to the Town of Lake Park due to a public challenge. The clarification in this text Amendment allows the approval of Nautilus 211 to be the standard by which all projects will be judged. It sets a precedent that defines the public benefits for the Town of Lake Park. In addition, it clarifies the requirements for active use liners, retail and commercial space.



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2. MARKET NEEDS (requiring the text amendment specifically)

The development will not be feasible without the adoption of the proposed text amendment. This text amendment only has an upside for the Town of Lake Park. It clearly defines the public benefit and reduces any risk to the Town of Lake Park due to a public challenge. The clarification in this text amendment allows the approval of Nautilus 211 to be the standard by which all products will be judged. It sets a precedent that is for the benefit of the Town of Lake Park. In addition, it clarifies the requirements for active use liners, retail and restaurant space.

A full summary, of the current market conditions based on two targeted specific market studies, and a third overall economic review of Palm Beach County, fully supports the development of Nautilus 211. The development of high-rise condominiums includes a significant "fixed-cost component" due to the required density and infrastructure required to support high-rise development. There are significant economies of scale as recognized by the Town of Lake Park code the Nautilus 211 project. In order to be successful, this project needs to be able to take full advantage of these economies of scale.

Analysis of the high-rise condominium market shows that for developments to be successful, there needs to be sufficient units and enough height to make them economically feasible. The lack of mid-rise condominiums in the market is a clear indication of the significant fixed costs associated with the development and construction of condominiums in today's market. Investors and lenders are looking for developments that minimize risk and have attractive rates of return. Significantly increasing the projected income from projects of this nature is directly tied to the level of quality and in the elevation of the units. The higher the unit, the better the view and thus the higher price per square foot. These higher prices per square foot are necessary to offset the significant fixed cost portions of the project.



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In summary, the economics of Palm Beach County, along with continued and strong population growth, support the development of additional housing. Housing at this price-point is in strong demand. A review of market analyses indicates minimal competition for this product in the north Palm Beach County area. The project site location adjacent to the Lake Park Marina offers a unique location. In all real estate the number 1 rule is: location, location, location.

3. PROJECT SUCCESS (if the text amendment were not enacted)

The Nautilus 211 project, as outlined above, would not be feasible without the adoption of the proposed text amendment. The economics of this project require the clarifications of this text amendment in order to proceed. The text amendment provides clear guidance with respect to the number of stories, height of the building and Town benefits.

We recognize that a project of this size requires a willing partner on the part of the local government. The Nautilus 211 team has moved forward based on the new Lake Park zoning code providing a vision for upscale development along the US1 corridor in Lake Park.

This development was conceived based on the Vision Lake Park program. While we recognize we are the "test case" for the detailed specifics of the zoning code, the proposed text amendment provides clear guidance allowing the project to move forward. The project, being the first under the new zoning code, will set a positive precedent for subsequent projects and guarantee additional public benefit. While the proposed text amendment is essential to the Nautilus 211 project, the clarification it provides will also be essential to future development to realize the goals of Vision Lake Park.

The property in which the Nautilus 211 project is located is currently underutilized. The proposed development of Nautilus 211 took into account the Town of Lake Park's new zoning code and the Town of Lake Park's requirements to develop based upon climate change and sea level increases through 2060. The substantial increase in property taxes,



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public parking benefit and enhancement of Lake Park amenities will be of great long-term benefit to the Town of Lake Park.

We are proposing that you move forward with the text amendment in order to prevent any third-party challenges that could jeopardize future Town developments or the Town's code.

4. **Renderings Illustrating Potential Visual Impact** (*as an example only* – will be treated on a case by case basis and each project will be subject to its own public hearing process).

Full size version enclosed.



EAST ELEVATION - BUILDING HEIGHT 255 FEET



EAST ELEVATION - BUILDING HEIGHT 209 FEET

END OF ZABIK & ASSOCIATES JUSTIFICATION



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Agenda Item # PZ-19-009

(previously considered at August 5, 2019 and October 7, 2019 meetings)

SUMMARY AND CONCLUSION

The Town Manager and Community Development Staff have met on several occasions with the team representing the very first mixed-use project within the FHMUDO. The development team submitted a copy of their "Assessment of Financial Viability" (enclosed). Their design team has spent months designing the site with the Town's desired vision of proposing the best and most attractive development. For the most part, their team has indicated that the recently adopted land development regulations are workable however, interior parking structures (parking garages) would need to be considered as it relates to the overall (permissible) stories and height in feet. The number of residential units proposed in a mixed use building is generally market-driven and pro-forma driven to meet a desirable return on investment that encourages a developer to move forward and ultimately renders a project successful not only for the developer, but for the final built product. A secondary text amendment is also being proposed for the interior side setback to single-family residential properties for the "Tower Building Type Design", only when the original "block consolidation" intent is met in order to limit impacts to neighboring properties. While the Town's responsibility is to focus on the built environment and the community as a whole, we have an equal responsibility to ensure our redevelopment plans and provisions are delivered in a feasible manner. Being the first development often means taking on the most risk and discovering items within the provisions that need to be amended. For these reasons, the text amendments are being proposed.

STAFF RECOMMENDATION

**APPROVAL OF THE NEW TOWN CODE SECTION 78-84 K. (3), (4) AND (5)
AND AMENDMENT TO TOWN CODE SECTION 78-83, APPENDIX A,
FIGURE 1 "TOWER BUILDING TYPE".**



Memorandum

To: Forest Development, LLC
From: THE CONCORD GROUP
Date: August 30, 2019
Re: Assessment of Financial Viability Relative to Select Programming Scenarios for the Nautilus 211 Condominium Project in Lake Park, Florida

BACKGROUND AND OBJECTIVE

Forest Development, LLC (“Forest Development”) is refining its programming and pricing strategy for a two-tower condominium development along the intercoastal waterfront of Lake Park, Florida (“the Project”). The Project is well located at the southwest corner of Lake Shore and Cypress Drive, adjacent to the city’s marina. Two development scenarios are considered for the site, each differentiated by building elevation. Scenario 1 considers the development of 271 condominiums, in two 17-story towers, each 209 feet in height. Scenario 2 plans the development of 332 units in two 23-story towers, with a building elevation of 255 feet.

In support of project financing, Forest Development required a market assessment of the financial viability of each scenario. To meet management’s objective, The Concord Group (“TCG”) completed the following work scope:

1. Visited the Project site and evaluated its marketability for the development of upscale condominium units;
2. Identified relevant condominium competition in the north Palm Beach County coastal marketplace, and surveyed for unit pricing, elevation and view premiums and absorption;
3. Recommended a pricing strategy for the Project and recommended condominium prices, including elevation and view premiums, for each development scenario;
4. Evaluated construction cost estimates provided by Forest Development;
5. Developed a cash flow model for the Project, and concluded to developer / equity return (IRR and equity multiple) for each scenario;
6. Based on the results of Step 5, concluded to the financial viability of each development scenario.

The following is a brief summary of our findings and conclusions generated by the market update.

PRICING POTENTIAL

The Project site represents a rare, water-fronting residential development opportunity in the greater Palm Beach County marketplace. The nearest “like” project to the site is the three-building Water Club highrise project located approximately four-miles to the north in North Palm Beach. Developed by Kolter, the Water Club is planned for nearly 200 units at build-out, with nearly every unit possessing unobscured, intercoastal views. TCG recommends pricing the Project units at 15% to 20% discount to North Palm Beach, owing to Water Club’s superior proximity to upscale dining and entertainment options.

Base pricing (lower level units) at Water Club ranges from the mid-\$700,000s to high \$900,000s for units ranging in size from 1,600 to 2,000 square feet (note: Water Club possesses larger unit sizes, but the larger units are located on upper floors). TCG recommends base pricing in the mid- to high \$700,000s, with Scenario 2 base pricing of \$770,000 (1,895 SF unit) and Scenario 1 at \$790,000 (1,970 SF).

THE CONCORD GROUP

Typical Water Club elevation / view premiums average approximately \$30,000. Penthouse units achieve an even greater premium, with top floor premium revenue of \$250,000. Scenario 2 garners more premium revenue compared to Scenario 1 due to its higher elevation, with an additional four floors of units possessing dramatic intercoastal and ocean views.

Based on the above, TCG projects a per unit average price of \$1.055M for Scenario 1 (average premium of \$265,000 per unit, or \$535 PSF) and \$1.093M for Scenario 2 (\$577 PSF, average premium of \$323,000).

DEVELOPER / EQUITY RETURN

TCG modeled the development cash flow of each building scenario, under the following market driven assumptions:

- Vertical costs of \$375 PSF (\$300 hard cost, \$75 soft);
- Debt Financing – 75% of costs, assuming 6.5% APR and 2.0% loan fee;
- Broker Commissions – 3.0% of sale price;
- Sales Pace – 100 sales per year.

Scenario 1 – 209' Option

Scenario 1 generates an IRR of 14.9% and multiple of 1.7.

Scenario 2 – 255' Option

Scenario 2 generates an IRR of 19.1% and multiple of 2.1.

CONCLUSIONS

Condominium development carries many risks, not limited to potential cost over-runs, construction defect litigation and downward trending market forces slowing sales pace and lowering sale prices. Active developer / equity partners and providers price these risks at a minimum 20% return (IRR) and / or 2.0 plus investment multiple. Based on these minimum threshold requirements, TCG concludes that Scenario 1 is not financeable. Scenario 1 neither achieves a 20% IRR nor 2.0+ multiple. Scenario 2 is considered financially viable, with additional elevation and view premium revenue enhancing returns, with an IRR close to 20% and a multiple in excess of 2.0.

* * *

The above assignment was completed by Hunter Holliday and Michael Reynolds. Should you have any questions regarding the data or conclusions generated by the analysis, feel free to contact us at (949) 717-6450.



Exhibit "B"

Town of Lake Park
Planning & Zoning Board Meeting
Meeting Date: November 4, 2019 – 6:30pm
PZ ITEM 19-012 – CLIC District

STAFF REPORT

PROPOSAL (full version is attached)

This is a staff initiated agenda item pursuant to the Planning & Zoning Board's recommendations at their June 3, 2019 meeting regarding the Campus Light Industrial and Commercial (CLIC – Section 78-75) zoning district. At the meeting in June, a proposal recommending the inclusion of a special exception section of the Code for the CLIC District was discussed. The Board recommended that the use list is revisited for the District as a whole. In doing so, Staff determined that the district requires a complete rewrite since it had not been overhauled in decades. The rewrite does not change the intent of the district, or directly affect any of the properties and uses currently in operation, but it does attempt to provide additional flexibility in uses by not overburdening the district with unnecessary regulations. Use definitions are also being proposed if they do not already exist in the Code.

The CLIC is our main industrial district and its capacity to attract steady industrial tenants should be preserved, but looking to the future of industry and some recent developments in the Town like the move of Dedicated IT in our downtown area, along with three microbreweries underway (which are in proximity to this district), as well as our continued desire to market to creative millennials, the uses being proposed introduce an innovative, technology-oriented and educational-oriented approach to the district. These will enable the creation of a more diversified employment base in the CLIC as well as branding Lake Park as a hip place where innovation happens. The CLIC area can essentially serve as an extension to the downtown given the possibility that spillover success from Park Avenue may also transform the character of CLIC areas along Old Dixie Highway. Other uses such as 'distribution centers' have been incorporated with flexibility in order to introduce a more contemporary spin to the retail distribution centers that are increasing in popularity given the steady increases in online-only retailers (for example, Amazon just opened a large distribution center in West Palm Beach). Various types of office/warehouse and design workshop-type space related uses have also been incorporated to satisfy the increasing demand for contractors, tradesmen, artists and others. Clarifications on accessory uses have also



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been incorporated to provide for clear distinctions between primary and accessory uses on any given parcel.

The proposal does *not* create any legal, non-conforming uses and is essentially structured to allow for flexibility in the permitted uses, along with a streamlined process for review that eliminates the need for a special exception approval, but ensures that certain performance standards are being met for certain manufacturing-type uses. These performance standards would include the following:

TOWN CODE SECTION 78-283 (for reference only - already part of the Code):

Sec. 78-283. - Performance standards.

All uses within the town shall conform to the performance standards set forth herein.

(1) *Smoke and particulate matter standards.*

- a. *Requirements.* The amount of particulate matter resulting from smoke or other sources permitted in ambient air shall not exceed 200 milligrams per cubic meter during any 24-hour period of continuous measurement.
- b. *Method of measurement.* The amount of particulate matter present in ambient air shall be measured by a high-volume sampler, capable of pulling approximately 30 to 50 cubic feet of air per minute through a pre-weighed filter, and approved for use by the Florida State Board of Health, Bureau of Sanitary Engineering.
- c. *Locational requirements for measurement.* The amount of particulate matter shall be measured at the property line of the use from which such particulate matter is emitted.
- d. *Density and prevention of smoke emissions.* In the event that a high-volume sampler is not available to the town, every use shall be so operated as to prevent the emission of smoke from any source whatever, to a density greater than described as Number 1 on the Ringelmann Smoke Chart, provided, however, that smoke equal to but not in excess of that shade of appearance described as Number 2 on the Ringelmann Chart may be emitted for a period or periods totaling four minutes in any 30 minutes. For the purpose of grading the density of smoke, the Ringelmann Chart, as published and used by the United States Bureau of Mines, and which is hereby made, by reference, a part of these regulations, shall be the standard. All measurements shall be at the point of emission for this period of measurement.

(2) *Odor standards.*

- a. *Requirements.* All uses shall be controlled to prevent the emission of odorous gases or other matter in such quantities as to be objectionable or offensive at the specified points of measurement.
- b. *Method of measurement.* A noxious concentration shall be deemed to be the point at which the threshold of smell can be achieved.



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- c. *Locational requirement.* Noxious odors shall be measured as specified at a point 25 feet from the point of origin.
- (3) *Toxic gases, fumes, vapors and matter.*
 - a. *Generally.* All uses shall be controlled to prevent the discharge of any toxic gases or matter in such quantity that may endanger the public health, safety or welfare or cause damage or injury to other property or uses.
 - b. *Locational requirement.* Measurement shall be made at point of discharge into the atmosphere.
- (4) *Vibration standards.*
 - a. *Requirements.* All uses shall be controlled to prevent the transmission of any vibration, from any source or at any time whatever, that exceeds the maximum displacement set forth in subsection (4)d of this section.
 - b. *Method of measurement.* The displacement of earth caused by vibration shall be measured in inches by an appropriate instrument approved by the town commission upon recommendation of the town engineer.
 - c. *Location requirement.* Vibration shall be measured as specified along the boundaries of the site.
 - d. *Permitted vibration transmissions.*

Frequency (Cycles Per Second)	Maximum Permitted Displacement Along the Property Line (in inches)
0 to 10	0.0008
10 to 20	0.0005
20 to 30	0.0002
30 to 40	0.0002
Over 40	0.0001

- (5) *Glare and lighting standards.* Any lighting elements or structural materials installed on a site shall be prevented from casting or reflecting glare or light beyond the boundaries of the site, unless their location precludes any hazard or nuisance arising as a consequence of such glare or light. Locations requiring some means of preventing the transmission of glare or light beyond the site's boundaries are established according to the relationship between: Required minimum elevation of the lighting element or structural material above the final grade established along the nearest site boundary, and distance of the lighting element or structural material from the nearest



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boundary. As set forth in the following table, elements or materials below the minimum elevation required of each distance shall be shielded or otherwise screened to prevent transmission of light or glare beyond the site:

Distance From Site Boundary (feet)	Required Minimum Elevation (for lighting sources or elements) (feet)
50	20
60	19
70	18
80	17
90	16
100	15

- (6) *Electromagnetic radiation; requirements.* All uses shall be controlled to prevent any source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation.
- (7) *Heat and humidity.* Any use producing humidity in the form of steam or moist air, or producing heat, shall be carried on in such a manner that steam, humidity or heat is not perceptible to the average person using his normal senses at any lot line.
- (8) *Fire and explosion.* Each use shall be so operated as to minimize the danger from fire and explosion and to comply with the fire regulations.
- (9) *Radiation hazards.* Applicable standards of the Florida State Board of Health Sanitary Code are hereby adopted.

STAFF RECOMMENDATION

APPROVAL

****courtesy notice was advertised in the Palm Beach Post.****

REPEAL

Sec. 78-75. ~~CLIC-1 campus light industrial/commercial district.~~

~~Within the CLIC campus light industrial/commercial district, the following regulations shall apply:~~

- ~~(1) *Purpose and intent.* It is the purpose of the CLIC district to allow the development of a mixed-use, campus light industrial/commercial employment center. The location of this district abutting the MU mixed-use residential/commercial/light industrial district provides opportunities for employment in close proximity to higher population densities, thereby promoting walk-to-work activity and reduced traffic congestion. The regulations for this district are intended to encourage development compatible with surrounding or abutting zoning districts, with suitable open spaces, on-site landscaping and parking areas. A landscape buffer along Silver Beach Road is required so that this district will not be incompatible with residential land uses on the south side of Silver Beach Road.~~
- ~~(2) *Uses permitted.* Within the CLIC zoning district, no building, structure, land or water use shall be permitted and no building shall be erected, structurally altered or enlarged, except for the following uses:
 - ~~a. Any of the following uses shall be permitted:
 - ~~1. Freighting or trucking yard or terminal.~~
 - ~~2. Utility substations, easements, rights-of-way and alleys, transportation easements, alleys and rights-of-way.~~
 - ~~3. Building suppliers, including lumberyards and milling of wood products, but excluding sawmills and planing mills.~~
 - ~~4. Business offices and studios.~~
 - ~~5. Dance instruction.~~
 - ~~6. Electronic equipment, sales and manufacturing.~~
 - ~~7. Hardware, paint and garden supplies.~~
 - ~~8. Laboratories, medical and dental.~~
 - ~~9. Monuments, sales.~~
 - ~~10. Nurseries and greenhouses.~~
 - ~~11. Personal services, including but not limited to barbershops, beauty shops, masseurs and health studios.~~
 - ~~12. Precision instruments and optics.~~
 - ~~13. Printing and publishing plants.~~
 - ~~14. Public and private utility services.~~
 - ~~15. Retail sale, leasing or renting of vehicles, trailers or boats.

Motor vehicle sales on property on which a permanent building is erected, shall mean the area where buildings are used in connection with the sale or lease of motor vehicles and the areas where motor vehicles are displayed for lease or sale.~~
 - ~~16. Transient residential use.~~
 - ~~17. Community residential homes, provided that any such community residential home is not located within a radius of 1,200 feet of another such home.~~~~~~

18. ~~Group home is a permitted use provided that any group home is not located within a radius of 1,000 feet of another existing group home.~~
- b. ~~The following uses are permitted uses when conducted within a completely enclosed building and when they conform to this Code:~~
 1. ~~The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.~~
 2. ~~The manufacture, compounding, assembly or treatment of articles of merchandise from the following previously prepared materials: Aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, rubber, textiles, tin, iron, steel, tobacco, wood (excluding sawmill or planning mill), yarns, and paint not involving a boiling process.~~
 3. ~~The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.~~
 4. ~~The manufacture and maintenance of signs.~~
 5. ~~Light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.~~
 6. ~~The manufacture of musical instruments, toys, novelties, and rubber or metal stamps.~~
 7. ~~Automobile assembling, painting, and upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling.~~
 8. ~~Automobile recycling center, with the following conditions:~~
 - i. ~~The facility must comply with all rules or be licensed and/or permitted (if required) and in compliance with all governmental agencies having jurisdiction over this type of business, including but not limited to the South Florida Water Management District, the state department of environmental protection and the state department of environmental resources management.~~
 - ii. ~~As consistent with this section regarding the permitted uses being conducted within a completely enclosed building, any operations involving mechanisms which contain fluids, including but not limited to the working on or removal of the drive train, including engine removal, transmission removal; removal of the gas tank, radiator, the removal of the brake master cylinder or wheel cylinders or calipers, or power steering mechanism, must be done in a completely enclosed space. Any salvage operations other than those listed above may be done out of doors.~~
 - iii. ~~All Freon removal from air conditioning systems must be done pursuant to MAGS standards. No Freon shall be released into the atmosphere.~~
 - iv. ~~Storage of cars used for stock may be out of doors.~~
 - v. ~~No use of this kind may be within one mile of like use.~~
 9. ~~Machine shop.~~
 10. ~~Foundry casting lightweight nonferrous metals.~~
 11. ~~Wholesale or warehousing enterprises.~~
 12. ~~Research, experimental or testing laboratories.~~
 13. ~~Auctions.~~
 14. ~~Appliance stores, including sales and service.~~

- 15. — Boats, sales, service, manufacturing, storage.
 - 16. — Chemicals, sales and manufacturing.
 - 17. — Furniture, sales.
 - 18. — Machinery, sales and manufacturing.
 - 19. — Mobile homes and recreational vehicles sales, service, maintenance and storage.
 - 20. — Storage warehouses.
 - 21. — Taxidermists.
 - 22. — Upholstery shops.
- c. — The following uses are permitted on parcels which front on the ultimate right-of-way of Park Avenue as extended:
- 1. — Retail and commercial stores and shops.
 - 2. — Mixed use projects which include a residential component and at least two other types of land use, such as retail stores and studios.
 - 3. — Residential multifamily to a density of 15.78 units per acre.
 - 4. — Educational facilities and schools. Shall also be permitted along parcels which front the ultimate right-of-way of Watertown Road. Conditional use approval is required by the town commission.
- d. — Accessory uses. Accessory uses customarily incidental and subordinate to the main use or building shall be permitted in the CLIC zoning district. Accessory uses shall not be located within any required setbacks.
- e. — Additional regulations for permitted and accessory uses. The uses permitted in this section shall be conducted in such a manner that no noxious odor, fumes, glare or dust will be emitted beyond the property line of the lot on which the use is located. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be screened by ornamental walls and fences and in no case shall materials be stacked or stored so as to exceed the height of the screen.
- (3) — *Prohibited uses and structures.* The following are strictly prohibited: churches; cement, lime or gypsum manufacture; disposal plants of all types including trash and garbage, and sewage treatment plants, brewing or distillation of malt beverages or liquors, with the exception of minibreweries or microbreweries that are part of a restaurant and cover no more than 30 percent of the total floor area; acid manufacture of any kind; garbage, offal, or animal reduction; incineration or processing; metal or ore reduction, refining, smelting, or alloying; outdoor salvage operations or for processing of any scrap, salvage, or secondhand automobile parts; aboveground bulk fuel storage facility; all uses and/or structures not specifically permitted herein.
- (4) — *Area regulations.* The following requirements shall apply to all uses permitted in this district:
- a. — *Front yard.* All buildings shall set back from all ultimate street right-of-way lines not less than 25 feet, with the exception of buildings on parcels which front on the ultimate right-of-way of Park Avenue extended which shall be set back a minimum of five feet and a maximum of 20 feet.
 - b. — *Side yard.* No building or structure shall be located closer than ten feet or a distance equal to one-half the building height, whichever is the greater, to a side yard line, with one of said side setback being paved for its entire length; provided, however, that for buildings 24 feet high or less of type one or type two construction, no building or structure shall be located closer than two feet from one of the side yard lines and no closer than 12 feet from the

~~other side yard line. An exception shall apply to buildings on parcels which front on the ultimate right-of-way of Park Avenue extended which shall have no minimum side yard.~~

~~c. *Rear yard.* No building or structure shall be located closer than 20 feet from a rear yard line. No rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or spur that is utilized by the facility, provided suitable fire apparatus access is provided.~~

~~d. *Maximum lot coverage.* Main and accessory buildings and loading facilities shall not cover more than 50 percent of the lot area. An exception shall apply to buildings on parcels which front on the ultimate right-of-way of Park Avenue extended which shall have no maximum lot coverage.~~

~~(5) *Height regulations.* No building or structure shall exceed four stories.~~

~~(6) *Minimum off-street parking and loading requirements.* See section 78-142 for all development on parcels which do not front on the ultimate right-of-way of Park Avenue extended. For all development on parcels which front on the ultimate right-of-way of Park Avenue extended, all off-street parking shall be located behind the buildings.~~

~~(7) *Screening and landscaping.* As regulated in the Lake Park Code. Furthermore, with specific reference to that portion of this zoning district which fronts along Silver Beach Road, there shall be constructed and maintained along Silver Beach Road a landscape berm or combined berm and wall which shall serve as a buffer and screen between the CLIC-1 zoning district and the residential zoning district on the south side of Silver Beach Road. The berm or berm and wall shall be constructed to meet the following standards:~~

~~a. The berm shall be located within a strip having a minimum width of 20 feet, located adjacent to and paralleling the ultimate right-of-way of Silver Beach Road.~~

~~b. The berm alignment can vary within the 20-foot strip.~~

~~c. The height of the berm shall be a minimum of five feet but it can vary to greater heights.~~

~~d. The landscaping scheme shall consist of xeriscape plant materials, shade trees and shall utilize low-volume irrigation techniques and equipment.~~

~~e. Any vehicular access from Silver Beach Road through the berm or berm and wall shall meet the requirements of section 78-254, sight distance for landscaping adjacent to public rights of way and points of access.~~

~~(8) *Requirement for platting.* All development or redevelopment in this zoning district shall be duly platted and recorded according to standards and procedures set out in this subpart B of the Code. At the time of platting, a declaration of the covenants and restrictions to run with the land shall be filed of record whereby the individual lots, plots and building sites thereby created and the common areas, open spaces, easements, and rights-of-way appurtenant thereto shall be made subject to the development criteria of the Code and of the conditions of approval of the applicant's petition for development.~~

~~(Code 1966, § 45-38; Ord. No. 28-1973, § II, 11-7-1973; Ord. No. 31-1974, § I, 11-6-1974; Ord. No. 32-1974, § I, 11-6-1974; Ord. No. 13-1976, § 1, 9-1-1976; Ord. No. 4-1987, § 1, 4-15-1987; Ord. No. 10-1988, §§ I, II, 4-20-1988; Ord. No. 20-1991, § 3, 12-4-1991; Ord. No. 7-1992, § XII, 8-5-1992; Ord. No. 7-1999, § 1, 5-19-1999; Ord. No. 21-2001, § 1, 11-7-2001; Code 1978, § 32-53; Ord. No. 28-2007, § 2, 10-17-2007; Ord. No. 12-2009, § 3, 9-16-2009; Ord. No. 09-2012, § 2, 8-1-2012; Ord. No. 05-2017, § 14, 6-7-2017; Ord. No. 02-2018, § 5, 1-17-2018)~~

CREATE

Sec. 78-75. - CLIC-1 campus light industrial/commercial district.

Within the CLIC campus light industrial/commercial district, the following regulations shall apply:

1. Purpose and intent. It is the purpose of the CLIC district to allow the development of a mixed-use, campus light industrial and commercial employment center. The location of this district provides opportunities for employment in close proximity to higher population densities, thereby promoting walk-to-work, or transit/multi-modal activity and reduced traffic congestion, along with a compatible extension to the Park Avenue Downtown District. The regulations for this district are intended to encourage development compatible with surrounding or abutting zoning districts, with suitable open spaces, on-site landscaping and parking areas. A landscape buffer along Silver Beach Road is required so that this district is compatible with residential land uses on the south side of Silver Beach Road.

2. Uses permitted. Within the CLIC zoning district, no land, body of water or structure shall be used or permitted to be used and no structure shall be erected, constructed, moved or reconstructed, structurally altered, or maintained, which is designed, arranged or intended to be used or occupied for any purpose, except for the following uses:
 - (a) Any of the following uses shall be permitted on any parcel of land:
 - (1) Boat or yacht outdoor storage, as long as not more than thirty (30 percent) of the site area is dedicated to outdoor storage and Town required landscape buffers are installed, along with the required paving, drainage, lighting and screening requirements for outdoor storage areas.
 - (2) Telecommunications towers or facilities.
 - (3) Public and private utility services.

 - (b) Any of the following uses shall be permitted when conducted in conjunction with a completely enclosed building:
 - (1) Indoor commercial recreation for sports, not including nightclubs, lounges, or pool halls.
 - a. No alcoholic beverage shall be served on site.

 - (2) Automobile and truck sales for new and/or used vehicles including as ancillary uses automobile and truck rentals, wholesale distribution and automobile repairs, provided that no more than thirty (30) percent of the total gross building area is devoted to accessory repair/service bays, subject to the following conditions:
 - a. That landscape buffers are planted to meet the Town Code requirements.
 - b. That such uses be conducted on sites consisting of at least two (2) acres.
 - c. That attention attracting devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering, spinning advertising devices (either mobile or stationary) are prohibited, except as permitted for certain events pursuant to the Town's signage regulations.

- d. That outdoor loudspeakers are prohibited.
- e. That outdoor lighting shall be designed to avoid spilling beyond the site boundaries and pursuant to the Town Code lighting requirements.
- f. That no vehicular test drives shall be conducted on local residential traffic streets.

(3) Automobile repairs.

(4) Automobile service station.

- a. Along Old Dixie Highway Only

(5) Indoor agriculture, subject to the following:

- a. Access and loading bays are discouraged from facing toward any street, excluding alleys;
- b. Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of materials into and out of the building;
- c. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.
- d. May include retail storefront component as an accessory use.

(6) Post-secondary school, subject to the following:

- a. Sufficient parking is demonstrated to exist on site.
- b. Maximum of 20 students enrolled.

(7) Automobile and truck rentals, including wholesale distribution.

(8) Bakeries—wholesale, retail with manufacturing onsite.

(9) Banks.

(10) Printing, blueprinting, 3D, and related services.

(11) Personal services, including but not limited to barbershops, beauty shops, masseurs and health studios

(12) Laboratories, medical and dental.

(13) Retail sales, when fronting Old Dixie, Watertower Road, or the extended Park Avenue right of way.

(14) Office/Warehouse.

(15) Storage warehouse.

(16) Distribution center, including freighting and trucking.

- a. Access and loading bays are discouraged from facing toward any street, excluding alleys;

b. Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of materials into and out of the building;

c. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.

(17) Boat or yacht repairing or overhauling, sales or rental.

(18) Brewery, subject to the following conditions:

a. The principal use of the facility shall be for the manufacture of malt liquors.

b. The brewery may have a restaurant as an accessory use, and the restaurant may also have an accessory cocktail lounge-bar that does not exceed 30% of the gross floor area of the restaurant.

(c) The following uses are permitted uses when conducted within a completely enclosed building, when they conform to this Code, and when applicants can demonstrate no impacts from noxious odor, fumes, glare, dust, or noise as further elaborated in Sec. 78-283. - Performance standards:

(1) Manufacturing, including compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.

(2) Manufacturing, including compounding, assembly or treatment of articles of merchandise from the following previously prepared materials: Aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, rubber, textiles, tin, iron, steel, tobacco, wood (excluding sawmill or planning mill), yarns, and paint not involving a boiling process.

(3) Auto painting, top and body work.

(4) Manufacturing, including pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.

(5) Manufacturing and repairing signs.

(6) Manufacturing light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.

(7) Manufacturing musical instruments, toys, novelties, and rubber or metal stamps.

(8) Manufacturing, including assembling and testing robotics.

(9) Research, experimental or testing laboratories.

(10) Manufacturing precision instruments, electronic equipment or optics.

(11) Studio workshop, including design, woodwork, metalwork, painting, and upholstery.

(d) The following uses are permitted on parcels with frontage on Old Dixie between Watertower Road and Railroad Avenue / Old Dixie Highway and the ultimate right-of-way of Park Avenue as extended:

(1) Retail and commercial stores and shops.

(e) Accessory uses: Accessory uses and structures should not exceed thirty (30) percent of the principal lot area or structures. Accessory uses may include:

(1) Restaurants for breweries or other similar uses.

(2) Retail storefronts.

(3) Outdoor storage.

a. Storage area must be screened, landscaped, and no stored items may be viewed from the street.

3. Area regulations. The following requirements shall apply to all uses permitted in this district:

a. Front yard. All buildings shall set back from all ultimate street right-of-way lines not less than 25 feet, with the exception of buildings on parcels which front on Old Dixie between Watertower and Railroad Avenue / Old Dixie and the ultimate right-of-way of Park Avenue extended which shall be set back a minimum of five feet and a maximum of 20 feet.

b. Side yard. No building or structure shall be located closer than ten feet. An exception shall apply to buildings on parcels which front on Old Dixie between Watertower and Railroad Avenue and the ultimate right-of-way of Park Avenue extended which shall have no minimum side yard.

c. Rear yard. No building or structure shall be located closer than 20 feet from a rear yard line. No rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or drive that is utilized by the facility, provided suitable fire apparatus access is provided.

4. Maximum lot coverage. Main and accessory buildings and loading facilities shall not cover more than 50 percent of the lot area. An exception shall apply to buildings on parcels which front on the ultimate right-of-way of Park Avenue extended which shall have no maximum lot coverage.

5. Height: No building or structure shall exceed four stories or 50 feet.

6. Landscaping and Screening: Landscaping shall comply with the general standards set out in the Lake Park Code Article VIII. – Landscaping and vegetation protection. Furthermore, with specific reference to that portion of this zoning district which fronts along Silver Beach Road, there shall be constructed and maintained along Silver Beach Road a landscape berm or combined berm and wall which shall serve as a buffer and screen between the CLIC-1 zoning district and the residential zoning district on the south side of Silver Beach Road. The berm or berm and wall shall be constructed to meet the following standards:

- a. The berm shall be located within a strip having a minimum width of 20 feet, located adjacent to and paralleling the ultimate right-of-way of Silver Beach Road.
 - b. The berm alignment can vary within the 20-foot strip.
 - c. The height of the berm shall be a minimum of five feet but it can vary to greater heights.
 - d. The landscaping scheme shall consist of xeriscape plant materials, shade trees and shall utilize low-volume irrigation techniques and equipment.
 - e. Any vehicular access from Silver Beach Road through the berm or berm and wall shall meet the requirements of section 78-254, sight distance for landscaping adjacent to public rights-of-way and points of access.
7. Parking: As regulated in the Lake Park Code.
8. Open space: Open, landscaped space equal to a minimum of fifteen (15) percent of the lot area (entire site) shall be provided.
9. Requirement for platting. All development or redevelopment in this zoning district shall be duly platted and recorded according to standards and procedures set out in this subpart B of the Code. At the time of platting, as applicable, a declaration of the covenants and restrictions to run with the land shall be filed of record whereby the individual lots, plots and building sites thereby created and the common areas, open spaces, easements, and rights-of-way appurtenant thereto shall be made subject to the development criteria of the Code and of the conditions of approval of the applicant's petition for development.

Sec. 78-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use or accessory building means a subordinate use or building customarily incidental to and located on the lot occupied by the main use or building.

Active use means a use within an enclosed building designed for human occupation with a direct view to adjacent streets or public open space.

Active use, ground floor means an active use that attracts pedestrian activity, provides access to the general public, and conceals uses designed for parking and other non-active uses if present. Ground floor active uses generally include, but are not limited to, retail, other commercial, restaurants, coffee shops, libraries, institution, educational and cultural facilities, residential, and entrance lobbies.

Active use liner means an active use that serves to conceal uses designed for parking and other non-habitable uses. Active liner uses generally include, but are not limited to, commercial, residential, hotel, office and the commercial uses associated with live/work.

Animal day care establishment means an indoor facility operated between the hours of 7:00 a.m.—10:00 p.m., for the purpose of providing care and protection of domesticated animals, no overnight boarding.

Animal grooming establishment means an indoor facility operated between the hours of 7:00 a.m.—10:00 p.m. which accepts domesticated animals for bathing, clipping, dipping, pedicuring or other related grooming services (not to include breeding, veterinary, dentistry or overnight boarding).

Animal service establishment means any establishment having an outdoor component and any establishment which may include any of the following uses as specified in the individual zoning district.

- (1) *Pet stores.* An indoor facility operated for the sale of domesticated animals, which includes overnight boarding;
- (2) *Boarding kennel.* An indoor facility, where domesticated animals are boarded during the daytime or kept overnight.

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

Animal indoor training center means a facility operated between the hours of 7:00 a.m.-10:00 p.m. for the teaching and training of domesticated animals.

Antiques means objects of an earlier period such as furniture, jewelry, stamps, coins, miniaturized replicas, works of art, or other decorative articles that are collected primarily because of their age, history or expectation of increasing value.

Architectural elements means building components attached to or part of a facade and consisting generally of projections intended to provide architectural character and facade articulation.

Architectural treatment means the provision of architectural and/or landscape elements on a facade which serve to visually screen non-active uses.

Auto-oriented uses means any use that discourages walkability such as but not limited to, large surface parking lots, drive-thru facilities, motor vehicle sales, service and repair, motor vehicle fuel sales and service and similar uses that, by their nature, are built with special accommodations for service directly to the automobile or the occupants of automobiles and require the extensive use of automobiles as part of their primary function.

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

Automobile/vehicle repairs means an establishment that primarily performs the repair, service, and replacement of key mechanical and computer systems within motor vehicles, including boats.

Auto body and paint means an establishment that primarily provides cosmetic and aesthetic enhancements to motor vehicles which do not impact, repair, service, or replace their key mechanical and computer systems.

Awning means a roof-like projection without vertical supports placed above windows and doorways to provide pedestrian protection from sun and rain, and to enhance building facades and storefronts with color and dimension.

Bakery means an establishment engaged in the mixing, cooking, and sale of edible goods created on premises either at retail or wholesale.

Balcony means a horizontal projection above the ground floor that is unenclosed and designed for human occupation.

Building means each of the independent units into which a building is divided by party walls. The term "building" shall also include "structure."

Building frontage means the percentage of a building facade that is generally parallel, facing, or oriented toward a street and that lies within the minimum and maximum setback area allowed and shall include a principal building and active use.

Brewery means a facility whose principle use shall be the manufacture of malt liquors and the wholesale distribution of finished products. Operations shall be subject to the specific provisions of permitting districts.

Cabana means an enclosed or screened-in structure which is constructed on a concrete slab with CBS and stucco or poured concrete and stucco walls, a hard roofing system, and which is subject to the Florida Building Code. Manufactured buildings, factory-built housing, mobile homes, sheds and other similar assembled buildings shall not be considered to be a cabana.

Canopy means a roof-like projection without vertical supports generally placed above primary building entrances or along building facades to provide facade hierarchy, pedestrian orientation and accentuation.

Church/house of worship means a building, structure or premises wherein persons regularly assemble for religious worship which is specifically designed and used only for such purpose and is maintained and controlled by a religious body organized to sustain public worship.

Community development director or director means the community development director of the town.

Community residential home means, as defined in F.S. ch. 419, a dwelling unit licensed to serve clients of the state department of children and family services, which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents, and which meet the notification requirements of F.S. ch. 419.

Courtyard building type means a building characterized as having a central open space that is open to the sky and enclosed by habitable space on at least three sides.

Courtyard, garden means a public or semi-public open space that is partly surrounded by walls or buildings and is open to a public right-of-way or public space on at least one side or portions of its sides, with a higher percentage of vegetated area.

Courtyard house means a dwelling unit distinguished by the provision of an open-air courtyard or atrium. The courtyard is enclosed on at least three sides by habitable space and shall provide penetrable openings such as windows and doors between the interior of the dwelling and the courtyard.

Courtyard, interior means a private open space that is wholly or partly surrounded by walls or buildings.

Covered structures means non-habitable areas such as storage areas, restroom facilities, vertical circulation access ways, open air structures such as cabanas, gazebos, trellis and other similar structures which accommodate outdoor common areas.

Distribution center means a storage space primarily characterized by short-term storage for last-mile product distribution and a high frequency of pickups and drop-offs. Distribution centers shall meet the specific operational standards as outlined in each zoning district where permitted.

Encroachment means the maximum allowed projection of a building element beyond the minimum setback or into an adjacent public right-of-way.

Facade means the vertical exterior surface of a building or parking structure which faces a right-of-way or property line.

Facade articulation means the provision of architectural features or treatment on a facade.

Facade elevation means the entire area of a facade that is visible in a two dimensional architectural elevation drawing, but not including facade areas that abut buildings on separate lots with zero setbacks and are therefore fully hidden from view.

Family means one person or a group of two or more persons living together and interrelated by bonds of legal adoption, blood, or a licit marriage, or a group of not more than three people who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling. Any person under the age of 18 years whose legal custody has been awarded to the state department of children and family services or to a child placing agency licensed by the department, or who is otherwise considered to be a foster child or child in emergency shelter care, and who is placed with a family, shall be deemed to

be related to and a member of the family for the purposes of this chapter. Nothing herein shall be construed to include any roomer or boarder as a member of a family.

Fence means a freestanding structure of any material or combination of materials erected for confinement, screening, or partition purposes.

Fenestration means the arrangement and design of windows, doors, and openings in a building.

Flex building type means a building that is designed to respond to changes of function in a flexible way. The flex building type is able to accept different internal configurations and easily adapt to its surroundings.

Forecourt means an open area, in front of the building, surrounded by walls on at least three sides.

Freestanding canopy means a nonhabitable, self-supporting structure, typically used as a shelter for vehicles, boats, trailers, RVs, motorcycles, and other items of personal property, which is constructed of nonrigid materials, except for the supporting framework which may include, but is not limited to, metal, wood, concrete, plastic, or PVC, and which is not attached to or supported by a building or other structure, and the supporting framework of which extends to the ground.

Funeral home means an establishment engaged in preparing deceased human beings for burial, and managing and arranging funerals.

Greenways, urban means an improved outdoor area in an urban environment, set aside for recreational use or pedestrian connectivity.

Gross building area means the total floor area of a building, including air-conditioned or fully enclosed storage spaces, enclosed areas on the rooftop, such as bathrooms and lobbies, stairs and elevator areas, and external unenclosed circulation areas. The gross building area does not include parking areas; unenclosed colonnades, porches and balconies; mechanical and electrical spaces; and trash rooms. Storage spaces without windows and enclosed by surfaces that allow for natural ventilation or outside air circulation shall not be included. The gross building area shall be measured from the outside face of exterior walls.

Ground floor means the street-level story of a building.

Group home means a dwelling unit that pursuant to F.S. ch. 419 is a type of community residential home licensed to serve clients of the state department of children and family services, which provides a living environment for six or fewer unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents.

Height means the maximum vertical extent of a building or structure that is measured as a number of stories not to exceed a vertical dimension in feet.

Hospital, sanitarium or medical center means a facility for humans or animals, which provides primary, secondary, or tertiary medical care, emergency medical services, including preventive medicine, diagnostic medicine, treatment and rehabilitative service, medical training programs, medical research, and may include association with medical schools or medical institutions.

Indoor agriculture means a facility engaged in planting, cultivating, and harvesting either edible or inedible crops using hydroponics or other indoor farming systems for individual retail sale or wholesale.

Indoor commercial recreation means an establishment offering entertainment or games of skill to the general public for a fee or charge and wholly enclosed in the building. Typical uses include tennis, badminton, indoor swimming pools, and other sports, but excluding gun clubs, video game arcades, pool halls, and bingo.

Instructional studio means an establishment or workplace in which instruction in the performing or visual arts is provided as the primary use, in disciplines such as martial arts, dance, voice, drama, speech, gymnastics, yoga, exercise, painting, photography, music, and other similar areas of instruction which are deemed appropriate by the town's community development director, and which are conducted in either or both group or individual instruction sessions or lessons.

Laboratory, general means a facility used for testing, research, experimentation, quality control or prototype construction, excluding routine manufacturing, repair, maintenance, or similar activities.

Laboratory, medical or dental means an establishment which performs medical tests, or the construction or repair of prosthetic devices, provided such testing or work is performed at the written order of a licensed physician or dentist.

Liner building type means a building that conceals a garage, or other faceless building, that is designed for active use.

Live/work means a type of mixed-use development that combines a nonresidential use with a residential dwelling unit.

Lot means a parcel of land occupied or designed to be occupied by one building, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required by the provisions of this chapter, and such open spaces as are arranged or designed to be used in connection with such buildings. The term "lot" shall also include "plot."

Major recreational equipment means boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Manufacturing means the synthesis, assembly, crafting, transformation, fabrication, machining or blending of raw materials into finished products for wholesale. Shall be subject to the standards and approved activities set forth in each permitting district.

Mezzanine means a partial story that may occur anywhere in the building and shall be utilized for functions ancillary to the floor in which it is located. The height of the mezzanine is not included in the height of a story, provided it does not cause the building to exceed the maximum allowable height.

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

Non-active use means a building use which is generally not intended for human occupation. Non-active uses include, but are not limited to, parking and building service areas such as storage, mechanical, electrical and trash. Architectural treatment shall be provided for all non-active use facade elevations.

Off-street parking space means a minimum net area of 200 square feet of appropriate dimensions for parking of an automobile, exclusive of access drives or aisles thereto. Mixed-use zoning districts permit a minimum net area of 162 square feet of appropriate dimensions for parking of an automobile, exclusive of access drives or aisles thereto.

Office/warehouse means a use characterized by an office supporting administrative functions and a warehouse component utilized for trade work, research, studio work, storage, or any combination thereof.

Open space means an improved outdoor area open to the sky.

Open space, private means open space that is intended solely for the use of building occupants.

Open space, public means a ground floor open space for public use and access abutting a public street on at least one side and with unencumbered pedestrian access from the public sidewalk or right-of-way for the general public at all times.

Open space, semi-public means a ground floor open space intended primarily for use by building occupants but may have limited public access.

Outdoor storage means the storage of goods, materials, vehicles and other suitable materials and shall be allowed as an accessory use to the primary land use, provided it is on an improved, properly drained surface and is screened by fencing, landscaping, fence fabric, and/or suitable screening materials at a location on site deemed appropriate by the community development director.

Pedestrian passageway means an open space that provides a pedestrian-only cross-block connection from two or more public rights-of-way or public spaces.

Personal services means an establishment providing services of a personal nature that are necessary on frequent or recurring basis, but excluding those services specifically classified as an individual use. Personal services may include the accessory retail sale of items related to the service rendered. Personal services also include informational, instructional, personal improvement or services of a similar nature. Such services include, but are not limited to, art and music schools, beauty shops and barbershops, licensed massage therapists, manicurists, photography studios, etc.

Pet shop means an indoor facility operated between the hours of 7:00 a.m.—10:00 p.m. for the purpose of selling animal accessories.

Podium means the lower portion of the tower building type on which the tower rests.

Printing establishment means a business engaged in printing, copying, or creating material based on either original or customer schematics using such mediums as paper, plastic, or clay. This use shall include 3D printers.

Private school or nonpublic school means an organization that designates itself as an educational center for instructional purposes and that may include kindergarten, elementary, middle or junior high school, secondary or high school, or as an elementary, secondary, business, technical, or trade school below college level or that offers academic, literary, or career training below college level, or any combination of the above. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs.

Projection, horizontal means any facade surface or building component which protrudes from the main building facade plane, including, but not limited to, architectural features, awnings, balconies, canopies, colonnades and porches.

Rear line means the line parallel or practically parallel to the front line of a lot and at the furthest extremity thereof.

Resident of a community residential home means a frail elder as defined in F.S. § 400.618; a physically disabled or handicapped person as defined in F.S. § 760.22(7)(a); a developmentally disabled person as defined in F.S. § 393.063(12); a nondangerous mentally ill person as defined in F.S. § 394.455(18); or a child as defined in F.S. § 39.01(14), F.S. § 984.03(9) or (12), or F.S. § 985.03(8).

Restaurant means an establishment where food and beverages are prepared, served and consumed primarily on the premises. The restaurant may include cafeteria or buffet style service. A restaurant shall be subject to the following supplementary use standards:

a. Outdoor dining areas under a solid roof shall be considered a part of the gross floor area and shall comply with district setback requirements for structures.

b. Catering may be permitted as an accessory use to a restaurant.

Restaurant, fast food means an establishment where food and beverages are primarily precooked, prepackaged, served in disposable wrapping and containers and where orders are taken at a counter or drive-through. A fast food restaurant shall be subject to the following supplementary use standards:

a. Outdoor dining areas under a solid roof shall be considered a part of the gross floor area and shall comply with district setback requirements for structures.

b. A fast food restaurant with a drive-through shall be approved as a conditional use. In approving a conditional use for fast food restaurant, the reviewing board shall make a finding that the use is appropriately located, based on the following guidelines:

1. Proper functioning of the site as related to vehicular stacking, circulation and turning movements;

2. Adequate buffering from residential areas; and

3. Provision of adequate ingress, egress and access.

Retail sales means the sale, incidental repair and rental of goods on a retail basis excluding those uses specifically classified and regulated as a separate use in the use chart. Uses shall include the sale of bulky goods such as household appliances. Outdoor storage or display of merchandise shall be prohibited.

School, post-secondary, means an institution offering either or both of the following:

(1) Academic training leading to an associate, undergraduate or graduate degree; or

(2) Technical or vocational training of a career nature, including administrative and secretarial skills, computer operations and repair, drafting, electronic equipment operations and repair, massage therapy, medical technology, nursing, physical therapy and other personal services.

Shed means an accessory structure intended to store lawn, garden, pool care equipment, or other similar items, with walls which do not exceed eight feet and a roof peak not to exceed 12 feet when measured from the finished grade, and the total square footage of which does not exceed 120 square feet. Such structures shall be limited to side and rear yards. Structure materials shall be of a color and design that are compatible in relation to other structures in the immediate area. The structure shall be appropriately landscaped when viewed from a public way or neighboring property.

Side line means the two lines of a lot not the front line or the rear line.

Sideyard house means a detached dwelling distinguished by the provision of an unenclosed porch on the side of the house. The side porch is screened from the view of the street by a wall or fence.

Social service activities means the administration of any community-oriented service, including offices, meetings, storage, library and similar administrative uses. The term "social service activities" shall not mean any social service activities, including, without limitation, substance rehabilitation services, counseling activities and services, shelter for the homeless or abused, food/meal distribution for the needy, job training, and teen oriented programs.

Special exception means a use that would generally not be appropriate throughout the zoning district. However, special exception uses may be within a particular zoning district upon the applicant's compliance with the criteria established within this article and with such conditions as the commission may elect to impose.

Storage warehouse means any use where the majority of space is used for passive storage functions and does not contain a significant administrative or office component.

Story means the vertical space in a building measured between the upper surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between the floor and the uppermost surface of the ceiling assembly or roof above. The number of stories is used to calculate building height.

Street designation, Mixed Use means a street classification system in the mixed use districts that regulates the characteristics of streets and rights-of-way with respect to spatial dimension, pedestrian and vehicular mobility and building active uses. Street designations vary in each mixed use district and generally consist of four types: primary, secondary, tertiary and alleys.

Street line means the dividing line between a lot and the adjoining street.

Studio means a use where skilled labor is performed by a single worker or a small team primarily on a freelance basis. Studio work does not include the mass manufacture of products for wholesale or retail sale. Appropriate studio functions may include but are not limited to woodworking, metalwork, sculpting, painting, upholstery, graphic design, restoration, and detailed repair.

Substance abuse treatment facility means a facility having one or more service components that are not otherwise permitted by right by the governing zoning district and that are operated by service providers licensed by the state as defined in F.S. ch. 397.

Telecommunications facility means a facility that includes cables, wires, lines, wave guilds, antennae and any other equipment or facility that is used or associated with the provision of one or more telecommunications services, including, without limitation, antenna towers, radio transmitting towers other supporting structures, and associated facilities used to transmit telecommunications signals, excluding amateur radio transmitting towers and broadcasting facilities. An open video

system is not a telecommunications facility to the extent that it only provides video services a cable system is not a telecommunications facility to the extent that it only provides cable service.

Telecommunications tower means any structure and support thereto, designed and constructed primarily for the purpose of supporting one or more antennae for intended to provide telecommunications services, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes personal wireless service facilities used for the provision of commercial mobile services, unlicensed wireless services (telecommunications services using duly authorized devices which do not require individual licenses), and common carrier wireless exchange access services. The term "telecommunications tower" does not include radio and television transmission towers, amateur radio transmitting towers and broadcast facilities.

Time sharing means, but shall not be limited to, any building or part thereof in which the right of use or occupancy of any unit circulates among various occupants for a specific period of time, less than a full year during any given year, but not necessarily for consecutive years, in accordance with a fixed time schedule on a periodically recurring basis extending for more than one year.

Tower building type means a multi-level building organized around a central core where a part of the building is higher in proportion.

Townhouse means a single dwelling unit in a group of such units that are attached horizontally in a linear arrangement to form a single building, with each unit occupying space from the ground to the roof of the building, and located or capable of being located on a separate townhouse lot. A townhouse development is considered a type of multifamily dwelling.

Transient residential use means a dwelling that is operated or used in such a way that it has a turnover in occupancy of more than two times in any one year, and shall include, but not be limited to, rooming houses with such turnover. Occupancy by the real property owner(s) of the dwelling unit shall not be counted toward the frequency of turnover, as long as the turnover of other occupants does not exceed more than two times in any one year.

Utility, public and private means one or more elements of utility distribution, collection or transmission, networks or facilities, which provide utility service to a relatively limited geographical area. Typical uses include: electrical distribution substations, sewage lift stations, manned or unmanned telephone exchange buildings and substations. A utility, public, and private (minor) use shall comply with the following supplementary use standards:

a. The use shall be located within a reasonable proximity of the area to be served by the facility;

b. Structures, buildings and appurtenances shall not exceed 2,500 square feet of gross enclosed floor area.

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

(Code 1966, § 45-2; Ord. No. 4-1973, § I, 3-7-1973; Ord. No. 3-1982, § 1, 1-20-1982; Ord. No. 7-1995, § I, 3-15-1995; Ord. No. 10-2002, § 2, 3-20-2002; Ord. No. 29-2002, § 1, 12-18-2002; Code 1978, §§ 32-2, 32-29; Ord. No. 10-2004, § 2, 4-21-2004; Ord. No. 30-2004, § 2, 2-2-2005; Ord. No. 05-2007, § 2, 3-7-2007; Ord. No. 32-2007, § 2, 1-16-2008; Ord. No. 12-2009, § 2, 9-

16-2009; Ord. No. 08-2013, § 2, 7-17-2013; Ord. No. 10-2014, § 2, 8-6-2014; Ord. No. 05-2017, § 2, 6-7-2017; Ord. No. 15-2017, § 2, 11-1-2017; Ord. No. 04-2018, § 2, 4-18-2018)

Cross reference— Definitions generally, § 1-2.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

MEETING DATE: 11/4/2019

Cards must be submitted before the item is discussed!!
***Three (3) minute limitation on all comments

Name: Diane Beardard
Address: 301 Lake Shore Drive

If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item: _____

I would like to make comments on the following Non-Agenda Item(s): _____

Town Communication

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

MEETING DATE: 11/4/19

Cards must be submitted before the item is discussed!!

***Three (3) minute limitation on all comments

Name: Carrie Wood
Address: 140 Shore Drive, Riviera Beach
If you are interested in receiving Town information through Email, please provide your E-mail address: fishhero@aol.com

I would like to make comments on the following Agenda Item:

Nautilus all

I would like to make comments on the following Non-Agenda Item(s):

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.

Notes by Chair from Speaker

Concerned about height of building and lack
of privacy @ 18 stories.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

MEETING DATE: 11/22/19

Cards must be submitted before the item is discussed!!
***Three (3) minute limitation on all comments

Name: Diane Bernhard
Address: 301 Lake Shore Drive
If you are interested in receiving Town information through Email, please provide your E-mail address:

I would like to make comments on the following Agenda Item:
TEXT DOCUMENT

I would like to make comments on the following Non-Agenda Item(s):

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.

Please pay in ~~Shadon~~ ^{Shadon} study and massing
study.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

MEETING DATE: 11/4/2019

**Cards must be submitted before the item is discussed!!
***Three (3) minute limitation on all comments**

Name: KAREN YOUNG
Address: 126 LAKE SHORE DR.
If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:
TEXT AMENDMENTS

I would like to make comments on the following Non-Agenda Item(s):

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

MEETING DATE: 11/4/2019

Cards must be submitted before the item is discussed!!
***Three (3) minute limitation on all comments

Name: Misley Jordan
Address: 822 Park Avenue
If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:
PZ-19-009 220 Lake Shore Drive project

I would like to make comments on the following Non-Agenda Item(s):

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.

Mickitt:

33043

Comes to support the new construction



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

MEETING DATE: 11/4/2019

Cards must be submitted before the item is discussed!!
***Three (3) minute limitation on all comments

Name: Wilfred Plancher
Address: 892 Park Avenue
If you are interested in receiving Town information through Email, please
provide your E-mail address: _____

I would like to make comments on the following Agenda Item:
PZ-19-009 220 Lake Shore Drive building project

I would like to make comments on the following Non-Agenda Item(s):

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.

Come to support — development — bridge ~~more~~ customers.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

MEETING DATE: 11/4/2019

Cards must be submitted before the item is discussed!!
***Three (3) minute limitation on all comments

Name: John Hynes
Address: 310 Lake Shores Lake Park Fl 33403
If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:
PZ-A-007 building project at 220 Lake Shore Drive

I would like to make comments on the following Non-Agenda Item(s):

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.

Support new development
Replace dead space on U.S. 1



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

MEETING DATE: 11/4/19

Cards must be submitted before the item is discussed!!
***Three (3) minute limitation on all comments

Name: Cliff Roberts
Address: 302 Lake Shore Dr
If you are interested in receiving Town information through Email, please provide your E-mail address: Robertscl49 AT Gmail.com

I would like to make comments on the following Agenda Item:
Zoning change

I would like to make comments on the following Non-Agenda Item(s):

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.

1. Discrepancy in noticing from Town of Lake Park.
 - a. Certified mailings did not provide adequate notice.