



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, November 1, 2017, 6:30 p.m.
Lake Park Town Hall
535 Park Avenue

Michael O'Rourke	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
Anne Lynch	—	Commissioner
Roger Michaud	—	Commissioner
<hr style="border-top: 1px dashed black;"/>		
John O. D'Agostino	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, CMC	—	Town Clerk

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

- A. **CALL TO ORDER/ROLL CALL**
- B. **PLEDGE OF ALLEGIANCE**
- C. **SPECIAL PRESENTATIONS/REPORTS**
None
- D. **PUBLIC COMMENT:**
This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.
- E. **CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda. Any person wishing to speak on an agenda item is asked to

complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

1. Regular Commission Meeting Minutes of October 18, 2017 Tab 1

F. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:

None

G. PUBLIC HEARING(S) - ORDINANCE ON SECOND READING:

2. Ordinance No. 15-2017 Modification to Town Code Section 78-2 Related to Sheds Tab 2

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-2 OF CHAPTER 78, ARTICLE I, AMENDING THE DEFINITION OF THE TERM "SHED"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Ordinance No. 16-2017 Modification to Exempt Signs as it Relates to Historical Significance – Town Code Section 70-101(14) Tab 3

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV, PROVIDING FOR AN AMENDMENT TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinance No. 17-2017 Clarification to Landscape Around the Base of Ground Signs – Town Code Section 78-253(d) Tab 4

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-253(d) OF CHAPTER 78, ARTICLE VIII, TO AMEND THE LANDSCAPING REQUIREMENTS FOR GROUND SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

H. NEW BUSINESS:

5. Setting a date for the Mixed-Use US-1 Corridor General Public Meeting in January 2018. Tab 5

I. PUBLIC COMMENT:

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

J. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

K. REQUEST FOR FUTURE AGENDA ITEMS:

L. ADJOURNMENT:

Next Scheduled Regular Commission Meeting will be held on Wednesday, November 15, 2017

TAB 1



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 1, 2017

Agenda Item No. Tab 1

Agenda Title: Regular Commission Meeting Minutes of October 18, 2017.

- SPECIAL PRESENTATION/REPORTS **CONSENT AGENDA**
- BOARD APPOINTMENT OLD BUSINESS
- PUBLIC HEARING ORDINANCE ON _____ READING
- NEW BUSINESS
- OTHER: _____

Approved by Town Manager *Shaquita Edwards* **Date:** 11-26-17

Shaquita Edwards, Deputy Town Clerk
Name/Title

Originating Department: <p style="text-align: center;">Town Clerk</p>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Meeting Minutes Exhibits "A-I"
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <u>SE</u> Please initial one.

Summary Explanation/Background:

Recommended Motion: I move to approve the Regular Commission Meeting Minutes of October 18, 2017.



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, October 18, 2017, 6:30 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, October 18, 2017 at 6:30 p.m. Present were Mayor Michael O'Rourke, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Anne Lynch, and Roger Michaud, Assistant Town Manager Bambi McKibbon-Turner, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call and Mayor O'Rourke led the pledge of allegiance.

SPECIAL PRESENTATIONS/REPORTS

1. Future Recreation Programs and Services

Riunite Franks, Special Events Director introduced Brittany Freeman, Recreation Supervisor whom made a presentation to the Commission (see Exhibit "A"). Mayor O'Rourke asked if there had been any discussion regarding the resurfacing of Bert Bostrom Park. Special Events Director Franks explained that the Town was aware of the issue with the grass. Mayor O'Rourke suggested that the Special Events Department consider working in collaboration with similarly situated recreational programs for the shared use of fields. Vice-Mayor Glas-Castro thanked the Special Events Department for their presentation; she commented that there might be an issue in retaining volunteers. Assistant Town Manager McKibbon-Turner explained that volunteer opportunities would be posted via the Town of Lake Park Website. Special Events Director Franks explained that the fifty plus club would be the first advertised program (November 2017) of the recreational initiatives. Mayor O'Rourke thanked the Special Events Department for their presentation.

PUBLIC COMMENT: None

CONSENT AGENDA:

- 2. Special Call Commission Meeting Minutes of September 27, 2017**
- 3. Regular Commission Meeting Minutes of October 4, 2017**
- 4. Resolution No. 86-10-17 Declaring Certain Town-Owned, Tangible Personal Property as "Surplus" and Eligible for Disposal**

Motion: Commissioner Flaherty moved to approve the consent agenda; Commissioner Michaud seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Lynch	X		

Commissioner Michaud	X		
Vice-Mayor Glas-Castro	X		
Mayor O'Rourke	X		

Motion passed 5-0.

BOARD MEMBERSHIP NOMINATION:

5. Nomination for Appointment to the Planning & Zoning Board as an Alternate Member

Assistant Town Manager McKibbon-Turner explained that the Town Clerk's Office received a Board Membership Application from Mr. John Linden. She explained that Vice-Mayor Glas-Castro nominated Mr. Linden for appointment as an alternate member to the Planning & Zoning Board. Mayor O'Rourke recognized that Mr. Linden was in attendance and invited him to address the Commission. Mr. Linden thanked the Town Commission for their nomination and consideration of appointment.

Motion: Commissioner Flaherty moved to approve the consent agenda; Commissioner Michaud seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

QUASI-JUDICIAL HEARING (S) – RESOLUTION:

6. Resolution No. 74-09-17 AMENDING RESOLUTION 39-09-16 THE DEVELOPMENT ORDER AUTHORIZING THE DEVELOPMENT OF A SPACEBOX SELF-STORAGE FACILITY; PROVIDING FOR THE AMENDMENT OF SECTION 2 TO MODIFY CONDITION 1 PERTAINING TO THE PLANS PURSUANT TO WHICH THE FACILITY WILL BE CONSTRUCTED; PROVIDING FOR AMENDMENTS TO CONDITIONS 15, 16 AND 22 OR RESOLUTION 39-09-16 AUTHORIZING A TEMPORARY OUTDOOR STORAGE LOT; PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Rourke opened the Public Hearing.

Town Attorney Baird asked members of the Town Commission to disclose all ex-parte communication prior to the Quasi-Judicial Hearing.

Disclosure of Ex-Parte Communication:

Commissioner Flaherty had no ex-parte communication to disclose.

Commissioner Lynch had no ex-parte communication to disclose.

Commissioner Michaud had no ex-parte communication to disclose.

Vice-Mayor Glas-Castro had no ex-parte communication to disclose.

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

Attorney Baird swore in all witnesses.

Community Development Director Nadia DiTommaso introduced the item and explained that the hearing was a continuation of the September 27, 2017 Quasi-Judicial Hearing. Brian Chequis of iPlan & Design, LLC, presented to the Commission (see Exhibit "B"). Commissioner Flaherty asked Community Development Director DiTommaso if there was a condition that prohibited the use of undesignated property. Community Development Director DiTommaso answered, "Yes" and explained that the development order as amended would not include that entitlement. Commissioner Flaherty asked for additional clarification; Community Development Director DiTommaso explained that a separate condition could be included to prohibit any form of parking. Commissioner Michaud asked for clarification in reference to condition number seventeen. Community Development Director DiTommaso explained that the application did not propose a time extension in addition to the allotted eighteen months. Vice-Mayor Glas-Castro referenced the previous comment of Commissioner Flaherty and suggested that a specific condition to prohibit parking and outdoor staging on Town greenery be included. She also referenced the previous comment of Commissioner Michaud and asked Mr. Chequis if eighteen months was enough time for completion of the project. Mr. Chequis explained that eighteen months was allotted per the Town Code and that iPlan & Design, LLC would make every effort to complete the project within the period. He explained that iPlan & Design, LLC would go through the permitting process if additional time were needed.

Public Comment Opened:

None

Public Comment Closed:

Motion: Commissioner Michaud moved to approve Resolution 74-09-17 per the amendment of prohibited parking and staging; Commissioner Lynch seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

7. Resolution No. 87-10-17 APPROVING A SITE PLAN FOR A 4,638 SQUARE FOOT FAST FOOD RESTAURANT (CULVERS) TO BE DEVELOPED WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SITE PLAN AND USE; AND PROVIDING FOR AN EFFECTIVE DATE

Town Attorney Baird asked members of the Town Commission to disclose all ex-parte communication prior to the Quasi-Judicial Hearing.

Disclosure of Ex-Parte Communication:

Commissioner Flaherty had no ex-parte communication to disclose.

Commissioner Lynch had no ex-parte communication to disclose.

Commissioner Michaud had no ex-parte communication to disclose.

Vice-Mayor Glas-Castro disclosed a voting conflict per the Palm Beach County Ethics Ordinance (see Exhibit "C"). She recused herself from voting and discussion and sat in the audience during the hearing.

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

Attorney Baird swore in all witnesses.

Community Development Director DiTommaso introduced the item and Representatives of Gentile, Glas, Holloway, O'Mahoney & Associates, Inc., presented to the Commission (see Exhibit "D"). Mayor O'Rourke asked for clarification regarding condition number fourteen. Community Development Director DiTommaso explained that condition number fourteen was an original condition created with reference to the color palette when the site plan application was presented before the Planning & Zoning Board. Discussion ensued regarding the percentage of the blue color palette for the proposed site plan application. Commissioner Flaherty asked for clarification regarding the shared entrance as indicated in the presentation. Ms. Dodi Glas explained the shared entrance (see Exhibit "D"). Commissioner Flaherty asked if the representatives of Gentile, Glas, Holloway, O'Mahoney & Associates, Inc., were comfortable with the conditions of approval. Ms. Glas explained that they were comfortable with the conditions of approval and that they appreciated the opportunity to work with Town Staff. Commissioner Lynch asked for clarification regarding the restaurant capacity and number of employees. Ms. Glas explained that the restaurant capacity would be about one-hundred and eight, and that there would be eight managers and seventy-five staff members. Commissioner Michaud asked for the anticipated date of project commencement. Ms. Glas explained that they would like to begin as soon as possible and were working on construction plans to be presented at a future meeting. Mayor O'Rourke was not in support of the color of blue being the dominant color for the Towers (see Exhibit "D"). He was in favor of the stone architectural design and that the Congress Business Park Planned Unit Development specified earth tone color pallets. Ms. Glas directed the attention of the Commission to the architectural design language of the Congress Business Park Planned Unit Development. Mayor O'Rourke expressed concern with the after-hours use

(loitering) of outdoor seating. He asked Community Development Director DiTommaso if the site plan application included surveillance specifications. Community Development Director DiTommaso explained that the application did not reference surveillance specifications but that it could be included as a condition. Mr. Jim and Holly Swan explained that there are established policies with reference to security and the building would have full surveillance. Community Development Director DiTommaso spoke with Lieutenant Thomas Gendreau, whom informed her that the Palm Beach County Sheriff's Office was in agreement as long as adequate illumination and security requirements were met. Commissioner Lynch asked if a security guard would be present during the hours of operation. Ms. Glas explained that the owners would work very closely with the Palm Beach County Sheriff's Office and the Town to ensure that adequate security is provided. Mayor O'Rourke commented, "I am still uncomfortable with the blue towers on the western elevation". Commissioners Flaherty, Lynch and Michaud added that they were in support of the unique design of the blue towers on the western elevation.

Public Comment Opened:

None

Public Comment Closed:

Motion: Commissioner Flaherty moved to approve Resolution No. 87-07-17 with the suggested conditions proposed by Town Staff; Commissioner Michaud seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Lynch	X		
Commissioner Michaud	X		
Vice-Mayor Glas-Castro			(see Exhibit "C")
Mayor O'Rourke	X		

Motion passed 4-0.

Mayor O'Rourke closed the Public Hearing.

PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:

8. Ordinance No. 15-2017 Modification to Town Code Section 78-2 Related to Sheds.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-2 OF CHAPTER 78, ARTICLE I, AMENDING THE DEFINITION OF THE TERM "SHED"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director DiTommaso explained that a text amendment would allow more flexibility to the Town's current code Section 78-2 "Sheds", which provides a definition with standards for sheds throughout the Town's residential areas. Commissioner Michaud asked for clarification with reference to the conformity of Town

residents with pre-existing sheds. Community Development Director DiTommaso explained that the original definition of sheds limited the height specifications and that the text amendment would not affect Town residents with sheds. She explained that if sheds were replaced or destroyed more than 50% that they would need to meet the current code.

Public Comment Opened:

None

Public Comment Closed:

Motion: Vice-Mayor Glas-Castro moved to approve Ordinance No. 15-2017 on first reading; Commissioner Michaud seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

Attorney Baird read Ordinance No. 15-2017 by title.

9. Ordinance No. 16-2017 Modification to Exempt Signs as it Relates to Historical Significance – Town Code Section 70-101(14).

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV, PROVIDING FOR AN AMENDMENT TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director DiTommaso explained the item (see Exhibit “E”). Mayor O’Rourke asked if the matters would go before the Historic Preservation Board. Community Development Director DiTommaso answered, “Yes” and explained that the members of the Planning & Zoning Board also served as members of the Historic Preservation Board and Local Planning Agency. Vice-Mayor Glas-Castro questioned if the Special Certificate of Appropriateness would go before the Historic Preservation Board; Community Development Director DiTommaso answered, “Yes”.

Public Comment Opened:

None

Public Comment Closed:

Motion: Vice-Mayor Glas-Castro moved to approve Ordinance No. 16-2017 on first reading; Commissioner Flaherty seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

Attorney Baird read Ordinance No. 16-2017 by title.

10. Ordinance No. 17-2017 Clarification to Landscape Around the Base of Ground Signs – Town Code Section 78-253(d).

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-253(d) OF CHAPTER 78, ARTICLE VIII, TO AMEND THE LANDSCAPING REQUIREMENTS FOR GROUND SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director DiTommaso explained the item (see Exhibit “F”). Mayor O’Rourke expressed concern regarding the overgrowth of landscaping that would cover signs. Community Development Director DiTommaso explained that language could be amended to include proper maintenance of landscaping.

Public Comment Opened:

None

Public Comment Closed:

Motion: Commissioner Flaherty moved to approve Ordinance No. 17-2017 on first reading with amended language with reference to proper maintenance of landscaping; Commissioner Michaud seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

Attorney Baird read Ordinance No. 17-2017 by title.

PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:

11. Ordinance No. 12-2017 – Amending Various Provision of the Park Avenue Downtown District (PADD), to Provide for the Amendment of Table 78-70-1 to add the use of Microbrewery, Brewery, and Brewpub

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING VARIOUS PROVISIONS OF THE PARK AVENUE DOWNTOWN DISTRICT (PADD); PROVIDING FOR THE AMENDMENT OF TABLE 78-70-1 TO ADD THE USES OF MICROBREWERY, BREWERY, AND BREWPUB; PROVIDING FOR AN AMENDMENT TO THE ADDITIONAL STANDARDS FOR TABLE 78-70-1 PERTAINING TO MICROBREWERIES; PROVIDING FOR THE AMENDMENT OF SECTION 78-70(o) IDENTIFYING THAT THE PARKING REQUIREMENTS OF THE TOWN’S GENERAL PARKING CODE DO NOT APPLY IN THE PADD; PROVIDING FOR THE AMENDMENT TO THE OFF-STREET PARKING REQUIREMENTS IN TABLE 78-70-4; PROVIDING FOR THE CREATION OF SECTION 78-70(u); PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Assistant Town Manager McKibbon-Turner explained that there were no changes to the Ordinance No. 12-2017 since its adoption on first reading.

Public Comment Opened:

None

Public Comment Closed:

Motion: Vice-Mayor Glas-Castro moved to approve Ordinance 12-2017 on second reading; Commissioner Flaherty seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

Attorney Baird read Ordinance No. 12-2017 by title.

12. Ordinance No. 14-2017 Amending Article XVI (16), Section 18 of the Town Charter Pertaining to Filing Dates for the Election of the Offices of Mayor or Commissioner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE XVI, SECTION 18 OF THE TOWN OF LAKE PARK'S CHARTER PERTAINING TO FILING DATES FOR THE ELECTION OF THE OFFICES OF MAYOR OR COMMISSIONER; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Assistant Town Manager McKibbon-Turner explained that there were no changes to the Ordinance No. 14-2017 since its adoption on first reading.

Public Comment Opened:

None

Public Comment Closed:

Motion: Vice-Mayor Glas-Castro moved to approve Ordinance No. 14-2017 on second reading; Commissioner Michaud seconded the motion.

Vote on Motion:

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

Motion passed 5-0.

Attorney Baird read Ordinance No. 14-2017 by title.

NEW BUSINESS:

13. A Request from the Event Organizers of the Veterans Day Car Show Proposed for Sunday, November 12, 2017 to Allow the Town to be a Co-Sponsor, thereby Allowing for the Waiver of Certain Fees.

Special Events Director Franks explained the permit application proposed the annual Veteran's Day Car Show event to be held in Lake Shore Park on Sunday, November 12, 2017 from 8 a.m.-5 p.m. She explained that if approved the waiver of fees totaled \$1,308.80. Mayor O'Rourke and Vice-Mayor Glas-Castro commented that they enjoyed the annual event.

Motion: Vice-Mayor Glas-Castro moved to approve the request to allow the Town to be a Co-Sponsor, thereby allowing for the Waiver of Certain Fees; Commissioner Michaud seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Lynch	X		

Commissioner Michaud	X		
Vice-Mayor Glas-Castro	X		
Mayor O'Rourke	X		

Motion passed 5-0.

14. Resolution No. 88-10-17 Authorizing and Directing the Mayor to execute an option Renewing the Town's Contract with Hy-Byrd, Inc. for building official services.

Community Development Director DiTommaso explained the item (see Exhibit "G"). Vice-Mayor Glas-Castro asked if the primary function of Hy-Byrd included plan reviews and inspections; Community Development Director DiTommaso explained that Hy-Byrd would complete a combination of the two. She explained the various inspections that were included in the monthly payments to Hy-Byrd (see Exhibit "G").

Motion: Commissioner Michaud moved to approve Resolution No. 88-10-17; Commissioner Lynch seconded the motion.

Mayor O'Rourke recognized and thanked Community Development Director DiTommaso with reference to her hard work and due diligence in the renewal of the Town's contract with Hy-Byrd, Inc.

Vote on Motion:

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

Motion passed 5-0.

15. Resolution No. 89-10-17 Authorizing Professional Engineering Services to Perform Hydraulic Computations to Determine the Feasibility of a Single Storm Water Outfall/Pump Station for Lake Shore Drive Drainage.

Project Manager Richard Pittman explained the item (see Exhibit "H"). He explained that Calvin, Giordano & Associates (CGA) proposed that a drainage study was required to determine the optimal pipe sizes to collect and direct storm water run-off to one location whereby a storm water pump station would most likely be feasible. He explained that the study would provide important information as it relates to the feasibility of a single storm water outfall/pump station for Lake Shore Drive Drainage. Vice-Mayor Glas-Castro questioned if the study would evaluate all options and present a preferred course of action. Project Manager Pittman explained that it would not include all of the options but that it would include cost considerations. Mayor O'Rourke expressed concerns and commented, "This study seems to be only addressing the issue with regard whether a pump station is the best way to approach the drainage in this area, and whether or not there will be a study with regard to alternatives for a better solution". Commissioner Lynch asked if other feasibility studies had been completed for Lake Shore Drive. Project

Manager Pittman answered “not that I am aware of”. Discussion ensued with reference to lack of funds to support storm water project initiatives.

Motion: Commissioner Flaherty moved to approve Resolution No. 89-10-17; Commissioner Michaud seconded the motion.

Vice-Mayor Glas-Castro suggested a review and modification of the scope of services.

Vote on Motion:

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

Motion failed 5-0.

16. Medical Marijuana/Cannabis Discussion.

Community Development Director DiTommaso explained the item (see Exhibit “I”). Mayor O'Rourke explained concerns with the legislative preemptions. Discussion ensued, Town Attorney Baird explained the law and commented, “I can't recommend that you do something contrary to the law”. Per the consensus of the Commission, Town Attorney Baird was directed to create an Ordinance for the Town of Lake Park.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird requested a private Attorney-Client Session for R.G. Towers on Wednesday, November 15, 2017 at 6:00 p.m. He complimented Vice-Mayor Glas-Castro for her disclosure with reference to agenda item number seven.

Assistant Town Manager McKibbon-Turner announced Town Manager D'Agostino was currently at a conference, and the following announcements were being made on his behalf:

Mixed Use Initiative

As previously discussed, the Town of Lake Park is interested in developing various mixed-use sub districts within the already established and soon-to-be re-established mixed-use land use designation along the east and west sides of the Federal Highway Corridor in the Town. This corridor extends from Silver Beach Road (to the south), Palmetto Drive (to the north), 2nd Street (to the west) and Lake Shore Drive (to the east). There will be a West Side Second Public Input Meeting on Monday, 10/23/2017, (which is the new date), at 6:00 p.m. here in the Town Hall Commission Chamber, 535 Park Avenue, Lake Park. Refreshments will be served.

Firestone Outfall

Staff met on 10/12/2017 with the Town Attorney and Calvin Giordano and Associates (CGA) to discuss this project, and it was determined that best course of action would be

to have CGA determine what the storm water calculation would be for having the Village of North Palm Beach ty into the Town's storm water utility which will provide the Town Manager with the information that he needs to begin negotiation with the North Palm Beach Village Manager.

CGA presented the Town with a proposal for such work not to exceed \$4,000. A purchase order is being prepared and CGA has advised that once the purchase order has been issued, they will be able to complete their calculation in approximately one week period of time. Town Attorney will draw up temporary construction easements and permit easements based on legal descriptions to be provided to him by the Town in order to facilitate the repair to the outfall.

Re-Use of the 800 Park Avenue Building

We have received information from the Town Attorney that he has spoken with the Town's Bond Counsel, Mark David-Adams, Esquire, regarding the restrictions of the bond on the above property. Bond Counsel advised that the use of the building by the Artist of the Palm Beaches for an Art Studio which is open to the public, and for which it pays nominal rent could be considered to be consistent with the Bond restrictions. He also stated that if the Commission would now like to lease or sell the building to a use that is not for a public purpose, it should contact the lender, Bank of America, to remove this property from the bond. To do so, the Town would have to "pay off" the pro-rata remaining balance of the loan which was allocated to the purchase of this property/building. For example, if the amount allocated in the original loan documents was \$300,000 for this property, the Town should propose paying back to the lender the balance which remains to be paid through 2018. That amount would be \$300,000 less the amounts allocated for the purchase of the property/building paid to Bank of America from 2009 through the present (the day the property is released from the bond).

The Town Manager asked me to present this information to you this evening and determine how the Commission wishes to proceed.

Florida League of Cities 57th Annual Legislative Conference

The Florida League of Cities 57th Annual Legislative Conference will be held Wednesday 12/6 - Friday 12/8, 2017 at the Embassy Suites Orlando, in Lake Buena Vista South. The conference starts on Wednesday morning, 12/6 with a Research Symposium entitled "Ready & Resilient: Combating Water Hazards in an Era of Extreme Weather". I understand that the Mayor will be attending starting with the Mayor's Roundtable on 12/6 and that the Vice Mayor will not be attending and will be available to lead the 12/6/2017 Commission meeting; however, a quorum will be needed in order for the 12/6 meeting to proceed.

Library News

Tomorrow, Bridges of Lake Park will be bringing people to our Lake Park Public Library for Read for the Record at 11 a.m., and Vice-Mayor Glas-Castro will be reading "Quackers" at 5:30 p.m. Our Librarian Judith Cooper will be doing a story time at the Library that is not Read for the Record related at 1 p.m., on the book "At the Old Haunted House" by Helen Ketteman.

Next week on Tuesday 10/24/2017, the Morikami will be at our Library with a presentation on traditional Japanese Fashion at 6 p.m.

The adult book club is reading “A Brave New World” by Aldous Huxley and will discuss this book on Thursday 10/26/2017 at 6 p.m. at the Library.

The teen book club is reading “The Hate U Give” by Angie Thomas and will discuss this book on Tuesday 10/31/2017 at 4:30 p.m. at the Library.

Documentary and Discussion Night will take place on Tuesday, 10/31/2017 at 5:30 p.m. and will be about North Korea.

Next month the Library will be a “Come Write (W-R-I-T-E) In” location for National Novel Writing Month and will hold write-ins on Saturdays and a pop-up write in during the week.

Our Lake Park Public Library is located at 529 Park Avenue, Lake Park, Florida. For more information regarding these events, please call our Lake Park Public Library at 561-881-3330.

Special Events Department News

The Town will celebrate Florida City Government Week on Tuesday, 10/24/2017, with the fifth grade students from Lake Park Elementary and Lake Park Baptist School. The students will participate in a Mock Commission Meeting, tour Town Hall and the Library and enjoy demonstrations from the Public Works Department and the Palm Beach County Sheriff’s Office.

Fall Fest at Sunset will be held on Friday, 10/27/2017 from 6:00 p.m. – 9:00 p.m. at the Lake Park Harbor Marina. This will be a family fun Halloween alternative that the whole family can enjoy, including costumes, giveaways and Trick or Treating. Candy will be provided by the Palm Beach County Sheriff’s office and that evening’s vendors. This month’s entertainment, D-Funk & The Flo, will return to deliver an electrifying performance of hard hitting funk, retro and modern soul, and a sprinkle of smooth jazz! Fall Fest at Sunset offers happy hour prices, a variety of food and art vendors and free admission and parking. The Lake Park Marina is located at 105 Lake Shore Drive, Lake Park, Florida.

For more information, please call our Special Events Department at 561-840-0160 or the Town’s official at website www.lakeparkflorida.gov.

Commissioner Lynch announced that she had been appointed President of the Community Advisory Board.

Commissioner Michaud announced that he noticed signage around Town that was covered by tree shrubs. Thanked the Special Events Department for their presentation. He expressed concerns with speeding in the Town. He announced that he had joined the Town of Lake Park Citizens on Patrol.

Commissioner Flaherty thanked Project Manager Pittman for his presentation. He suggested that a large electronic reader board (signage) be installed at Town Hall.

Vice-Mayor Glas-Castro announced an upcoming session for planning officials training for advisory board members was scheduled for Friday, November 17, 2017. She announced that the Palm Beach County League of Cities met on October 17, 2017; and that she had a brief conversation with Representative Al Jaquet. She announced that the next Palm Beach County League of Cities Meeting was scheduled for October 25, 2017.

She commented that in the future they might be an issue with the proposed color pallet for Auto Zone.

Mayor O'Rourke announced that he had attended a Mayor's and Manger's informative session where he met with representatives of the Federal Emergency Management Agency and that discussion ensued with reference to debris disposal. He announced that he participated in Read for the Record at the Lake Park Library. He announced that the Lake Park Diversity Council was scheduled to meet on Thursday, October 19, 2017 at 10:00 a.m. in the Town Hall Mirror Ball Room.

Future Agenda Items:

Discussion for changeable copy-signs.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Commissioner Michaud, and by unanimous vote, the meeting adjourned at 9:40 p.m.

Mayor Michael O'Rourke

Town Clerk, Vivian Mendez, CMC

Deputy Town Clerk, Shaquita Edwards

Town Seal

Approved on this _____ of _____, 2017

Exhibit "A"



TOWN OF LAKE PARK SPECIAL EVENTS DEPARTMENT



Presents.....

FUTURE
RECREATION
ACTIVITIES



YOUTH PROGRAMS

AYSO
AMERICAN YOUTH SOCCER
ORGANIZATION

Region 1452

Serves: LAKE PARK

Philosophy:

We want our players to have fun and learn some skills. We may or may not keep score and want all players to be able to participate equally. No experience required!

Team Bio:

AYSO is child-first and child focused. We are a soccer organization with happy, healthy kids as our passion. Every decision, every rule and every program has what's good for kids as its basis. Every girl and boy stepping on a soccer field for the first time can have fun. AYSO's child-first approach also makes it one of the finest player development programs. Everybody likes to win, but developing successful players and people is what's fundamental in AYSO."



SPRING SEASON



PLAYSOCCER[®]
American Youth Soccer Organization

AYSO JAMBOREE

We will start with a special event jamboree on Saturday, January 20th

Time: TBA

Registration, demonstrations, practice and soccer game.

There will be food, music and much more!

Town of Lake Park
Special Events Department



SOUTH FLORIDA LACROSSE

SOFLA Lacrosse's mission is to increase the Development and Growth of Lacrosse by providing student-athletes the best coaching across South Florida region through positive reinforcement, encouragement & commitment by providing a variety of services to enhance the players knowledge and to garner more experience. They are a not-for-profit entity which allows us provide high level of value to each family.

Our coaching staff is carefully selected with Players & Coaches who have integrity and experience at the highest levels of College Lacrosse & Professional Lacrosse. We strive to help Lacrosse Players of all ages to have an opportunity to play and train all year round in the beautiful South Florida Weather.

They offer:

Recreational BOX Lacrosse

Travel Field Lacrosse

Showcase/Travel Lacrosse Teams



HIGH SCHOOL RUGBY

Coach: David Sellepack

"We are a boy's high school rugby team that practices in Lake Park, Florida.

Our practice field is at 6th street and Bayberry.

Anyone can join.

We practice two nights a week with most games on Saturdays.

COST IS \$60

Website:

<https://www.facebook.com/groups/Vikingrugby/>

FALL SEASON



REGISTER NOW!



REGISTRATION FEE: \$60
HIGH SCHOOL AGED ALL BOYS TEAM

LOCATION: 311 7th Street
Lake Park, FL 33403

Coach: David Sellepack



Viking Rugby
email:
vikingrugby2017@gmail.com
561-676-2576

561-676-2576
vikingrugby2017@gmail.com

 Groups/Vikingrugby/

LIST OF POSSIBLE ACTIVITIES



SPRING BREAK

3 vs. 3 basketball Tournament

Skills Camp; different activity each day

Example: Soccer, Basketball, Baseball, Cheerleading, Tennis

SPORTS LEAGUE

Co-Ed Flag Football



SUMMER CAMP

SUMMER CAMP THEME



IT'S TIME TO RIDE THE WAVES TO THE SUMMER'S TROPICAL BEAT. SWIMMING, MAKING FRIENDS, PLAYING GAMES AND TRYING NEW ACTIVITIES ARE ON THE CAMP CALENDAR. CAMPERS WILL BE PART OF AN EXCITING SUMMER THAT WILL KEEP THEM ON THE GO WHILE PROVIDING QUALITY SUPERVISION IN SAFE SURROUNDINGS!

SUMMER CAMP MISSION

THE MISSION OF THE SUMMER CAMP PROGRAM IS TO OFFER A SAFE, FUN AND AFFORDABLE SUMMER EXPERIENCE FOR THE TOWN OF LAKE PARK FAMILIES. WE PROVIDE LASTING MEMORIES, IMAGINATIVE PLAY, AND EXPOSURE TO LIFELONG RECREATIONAL ACTIVITIES THAT ENCOURAGE CAMPERS TO DEVELOP TO THEIR FULL POTENTIAL. WE OFFER A SIMPLE REGISTRATION PROCESS, INFORMATION ABOUT DAILY CAMP ACTIVITIES, AND FAMILY-FRIENDLY CUSTOMER SERVICE THROUGH AVAILABLE AND WELL-TRAINED STAFF.

2018 LAKE PARK SUMMER CAMP



JUNE 11 - JULY 6
JULY 9 - AUG 3



REGISTRATION
STARTS
APRIL 2nd

AGES: 6-12 YEARS
TIMES: 9:00 AM - 4:00 PM
EARLY BIRD / LATE BIRD:
7:30 AM - 8:30 AM
4:00 PM - 5:30 PM

WWW.LAKEPARKFLORIDA.GOV
bfreeman@lakeparkflorida.gov
311 7th STREET, LAKE PARK, FL 33403 - 561-881-3338

2017 SUMMER CAMP

BUDGET - \$5,000.00

REVENUE - \$8,235.20

EXPENSES - \$4,844.00

ADULT PROGRAMS

CO-ED KICKBALL LEAGUE

For Adults ages 18 and up.

Co-ed teams.

SEASONS: WINTER, SPRING AND FALL

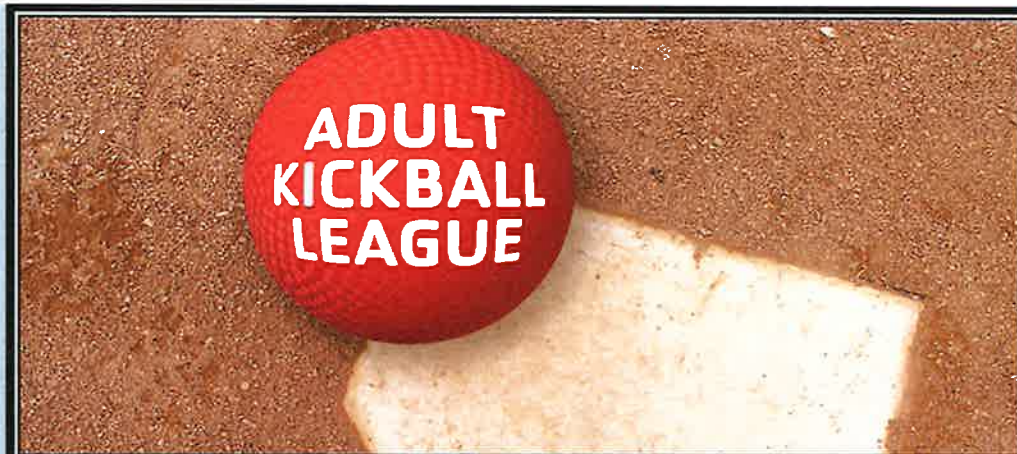
GAME TIMES: TBD

FORMAT: 10 REGULAR SEASON GAMES + SINGLE-ELIMINATION PLAYOFFS

COST: \$TBD/team

LOCATION: BERT BOSTROM PARK

After Games, teams can enjoy an evening with the team at the Brew House Gallery right down the street.



50+ CLUB

Come enjoy an exciting morning with your closest friends and new friends, participating in Lake Park's "50+ Club".

The Club meets on the first and third Wednesday of every month at 10:00 am. Bus trips will be to the movie theatre, museums, parks and many other exciting places. Our meet up location is at Town Hall.



LOGGERHEAD
MARINELIFE CENTER



50+ CLUB

*Bus is not handicap applicable

50+ Club

TOWN OF LAKE PARK

WEDNESDAY, NOVEMBER 8, 2017

ENJOY YOUR SCHEDULED DAY OF
MOVIES, SITES & TRIPS

MEET AT LAKE PARK TOWN HALL @ 10:00 AM

FOR REGISTRATION:
Call 561-881-3338 | Email: Bfreeman@lakeparkflorida.gov
WWW.LAKEPARKFLORIDA.GOV | 535 Park Avenue
Special Events Department

**\$6
PER
PERSON**

PosterMyWall.com

SILVER SNEAKERS WORKOUT PROGRAM

Have fun and move to the music through a variety of exercises designed to increase muscle strength, range of movement and activities for daily living.

Workout is suitable for beginning and intermediate skill levels.

Workout class will be instructed by
Larry Stripling.

You may also visit www.silversneakers.com for more information.



Free to participants with eligible insurance plans.



Town of Lake Park

Special Events Department

Lake Park Marina Meeting Room

501 Lake Shore Drive

561-881-3338



**\$2
DROP
IN**



**SILVER
SNEAKERS
FLEX WORKOUT
PROGRAM**

**Bone Density
Mobility
Balance**

FREE with insurance

or

\$2 Drop in.

Tuesday & Thursday

Starts Nov. 7th

NO CLASS DEC. 26th



Larry Stripling;
Silver Sneakers Instructor.
Visit silversneakers.com for
more information or call your
Insurance for free classes.

Register today 722-1545

THE END

If interested in volunteering, coaching or refereeing please contact Riunite Franks;
Special Events Director or Brittany Freeman; Recreation Supervisor,
for more information.

SPECIAL EVENTS DIRECTOR

RIUNITE FRANKS

PHONE: 561-840-0160

RFRANKS@LAKEPARKFLORIDA.GOV

RECREATION SUPERVISOR

BRITTANY FREEMAN

PHONE: 561-881-3338

BFREEMAN@LAKEPARKFLORIDA.GOV

FAX: 561-881-3314





Exhibit "B"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 18, 2017

Agenda Item No. Table

Agenda Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 39-09-16 THE DEVELOPMENT ORDER AUTHORIZING THE DEVELOPMENT OF A SPACEBOX SELF-STORAGE FACILITY; PROVIDING FOR THE AMENDMENT OF SECTION 2 TO MODIFY CONDITION 1 PERTAINING TO THE PLANS PURSUANT TO WHICH THE FACILITY WILL BE CONSTRUCTED; PROVIDING FOR AMENDMENTS TO CONDITIONS 15, 16 AND 22 OR RESOLUTION 39-09-16 AUTHORIZING A TEMPORARY OUTDOOR STORAGE LOT; PROVIDING FOR AN EFFECTIVE DATE.

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

Approved by ACTING Town Manager Nadia Di Tommaso / Community Development Director Date: 10/11/2017

Table with 3 columns: Originating Department (Community Development), Costs (\$ Legal Ad & Certified Mail/Legal Review), Attachments (Resolution 74-09-17, Applicant's Application/Justification, Copy of Certified Notice to Owners and Legal Ad, Revised Set of Plans in the Dropbox), Advertised (Date: 10-08-2017, Paper: Palm Beach Post), and Yes I have notified everyone (ND - see notation in costs field).

Summary Explanation/Background:

The Applicant's justification is enclosed. At the September 27, 2017 Town Commission meeting, Brian Chequis of iPlan& Design, LLC presented an application to modify Condition #15 of the existing development order for Spacebox so as to eliminate the terminology related to the removal of the outdoor storage area in Phase 1 and replace it with financial commitments to the Town in the event Phase 2 does not get built.

Recommended Motion: I MOVE TO APPROVE RESOLUTION 74-09-17.

Exhibit "C"

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Glas-Castro, Kimberly Kay	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Lake Park Town Commission
MAILING ADDRESS 230 E. Ilex Drive	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Lake Park	NAME OF POLITICAL SUBDIVISION: Town of Lake Park
COUNTY Palm Beach	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED 10-18-17	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Kimberly Glas-Castro, hereby disclose that on October 18, 2017.

(a) A measure came or will come before my agency which (check one)


- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, Dodi Glas, my sister-in-law, and/or her firm Gentile, Glas, Holloway & Omahoney;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Site Plan approval for Culver's restaurant, with waivers from strict application of code and planned development district development order requirements (Resolution 87-10-17)

Dodi Glas, with the firm Gentile, Glas, Holloway & Omahoney, has applied for these Town Commission considerations as Agent for the applicant, and intends on representing the Applicant at the public hearing.

10-18-17
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 18, 2017

Agenda Item No. *Tab 7*

Agenda Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR A 4,638 SQUARE FOOT FAST FOOD RESTAURANT (CULVERS) TO BE DEVELOPED WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SITE PLAN AND USE; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON ___ READING
- RESOLUTION – PUBLIC HEARING/QUASI-JUDICIAL
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by ^{ACTING} Town Manager *Rand McArthur* Date: *10/11/2017*
 Nadia Di Tommaso / Community Development Director
 Name/Title *ND*

Originating Department: Community Development	Costs: \$ Legal Ad & Certified Mail/Legal Review Funding Source: Applicant (Project Name "Culvers") Acct. # 5041 <input type="checkbox"/> Finance <i>Loaise</i>	Attachments: → Staff Report → Resolution <i>87</i> -10-17 → Applicant's Application/Justification → Copy of Certified Notice to Owners and Legal Ad → Set of Plans in the <u>Dropbox</u>
Advertised: Date: 10-08-2017 Paper: Palm Beach Post <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone ___ <u>ND</u> – see <i>notation in costs field</i> OR Not applicable in this case _____ Please initial one.

Summary Explanation/Background:

Please refer to the Staff Report.

Recommended Motion: I MOVE TO APPROVE RESOLUTION *87*-10-17 with conditions proposed by Staff.



**TOWN LAKE OF PARK
TOWN COMMISSION**

MEETING DATE:	WEDNESDAY, OCTOBER 18, 2017
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STAFF REPORT

PART I: APPLICATION FOR A SITE PLAN

SUMMARY OF APPLICANT’S REQUEST: Gentile Glas Holloway O’Mahoney & Associates, Inc. (“Applicant”), is proposing to develop a 4,638 square foot restaurant (Culvers) on Tract A2A of Congress Business Park Planned Unit Development (PUD).

The Site has a “Commercial/Light Industrial” future land use designation and is within the Congress Business Park PUD Zoning District. The Site has an underlying Commercial-2 Business District (C-2) zoning designation. Restaurants are allowed by right in the C-2 Zoning District.

Staff Recommendation: APPROVAL with conditions.

Planning & Zoning (P&Z) Board Special Call Meeting (September 25, 2017 – 6:30pm):

Approved (4-0) with conditions. The P&Z Meeting was a very productive meeting that enabled the discussion of various items related to the Culvers project. For the most part, the Board was very pleased with the Project and the Architecture of the building and were excited that Culvers has chosen Lake Park. There was some discussion on the Tower feature and how these accessory structures are in-line with other features within Planned Unit Developments (PUDs) throughout the Town. The Board also understood that this is a PUD and with it comes flexibility in design therefore, understood the need for some specialized tree spacing and planting substitutions in certain areas. Consequently, waivers #1 (tree spacing), #2 (palm tree substitutions), and #3 (accessory structure encroaching the setback), were supported by the Board. The bulk of the discussion revolved around the proposed *digital face for the monument sign*, the *“blue” color* on the proposed elevations and the *amount of signage* on the building and accessory structure combined:

Digital Face: The Board discussed gasoline signs throughout the Town and their ability to rotate the price, for example RaceTrac. Staff explained gasoline signs are specifically listed in the Code as a separate category, with the pricing having the intent of constantly changing. The Town Code does not prohibit sign illumination, but it does prohibit signs from having any moving or rotating parts (etc.). While the Board’s final motion agreed with Staff’s recommendation to not allow the digital sign face, there was some discussion on possibly having the Town Commission consider the digital (i.e. illuminated – rotating/moving daily) component which would serve to advertise the “Flavor of the Day” as a condition of approval whereby it would just be permitted to rotate once every 24 hours and only advertise the flavor of the day (Staff would like to stress that this is currently contrary to the Code and a Code amendment would also be needed for consistency since a PUD’s main purpose should not be to evade the Ordinances of the Town).

“Blue” Color: While the Board liked the blue color, they motioned to agree with Staff and the condition the proposal to lessen the *blue* to no more than 10% of the façade areas pursuant to Staff’s justification in that the PUD provides for:

Colors and Materials

- Colors and materials shall be selected for consistency and compatibility to provide a common sense of arrival and place for any building within the PUD.
- Colors shall be predominantly earth tone with warm browns, beiges and tones of white. Accents shall be more aesthetically lively and provide for market branding and recognition of national businesses. Trademarked colors, logos and features may be incorporated into the building design.

PART I: APPLICATION FOR A SITE PLAN

...and the Town Code defines “accents” in Town Code section 78-334(2)(c) as: *Trim colors shall be limited to ten percent of any single wall area. Trim colors are used for accent and identifying purposes and are the brightest group of colors allowed. These colors include greens, blues, yellows, and others that are found in the local landscape and natural features.*

The Applicant is prepared to provide alternatives for discussion at the Town Commission meeting.

Amount of Signage: The Board agreed that the amount of signage being proposed around the building itself, as well as around the accessory tower feature is extensive and motioned to approve Staff’s recommendation to deny the additional signage. The Applicant has since eliminated some signs and reduced their size and will present this at the Town Commission meeting.

While there was much discussion per the above and the Applicant also had follow-up conversations with Staff following the P&Z Board Meeting, the Applicant requested to move the application forward “as-is” therefore, the requests described herein and Staff’s recommendations remain unchanged. Staff is open to further discussion on the pending matters of signage and color palette at the Town Commission meeting.

BACKGROUND:

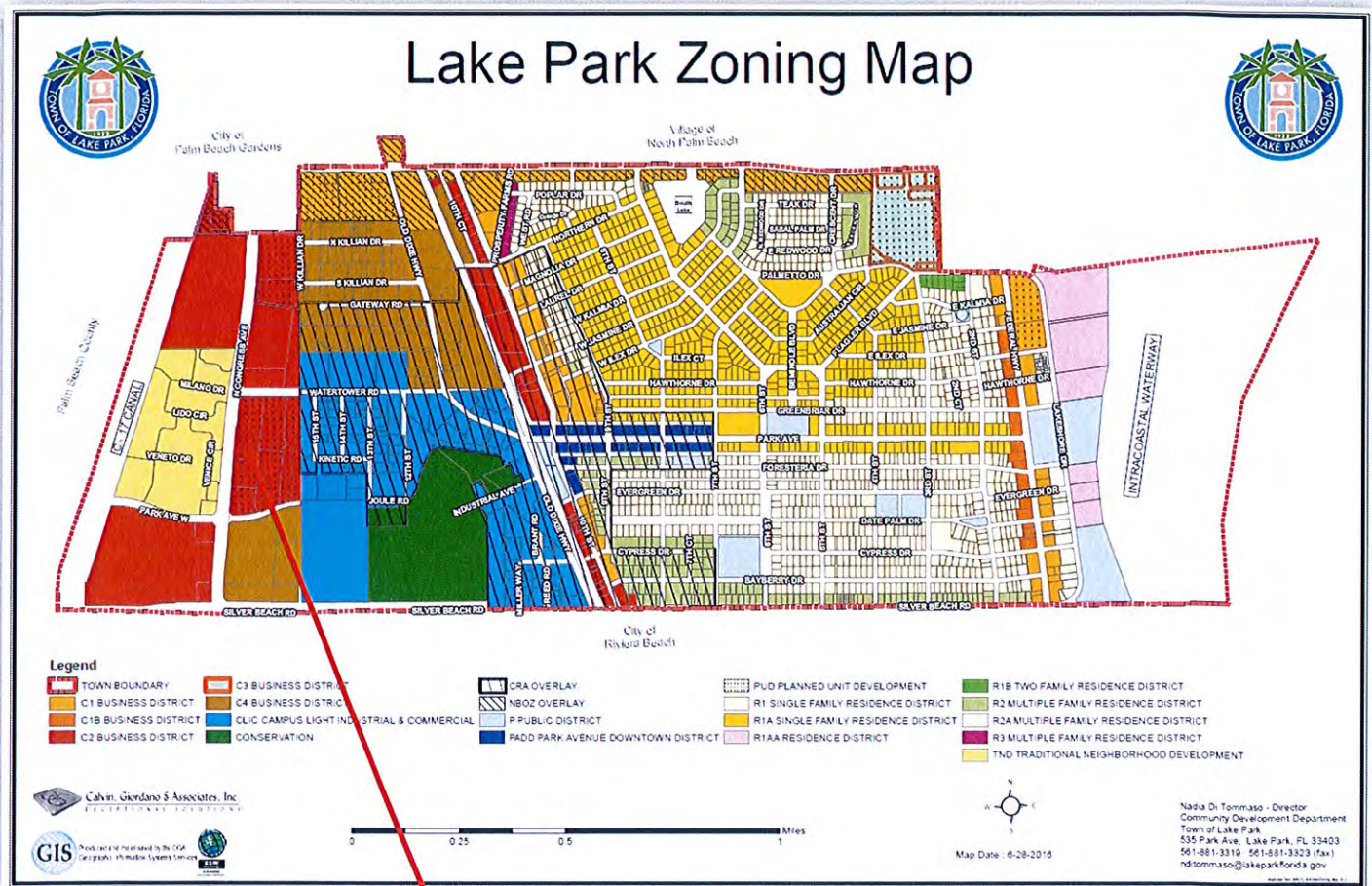
Applicant(s):	Gentile Glas Holloway O’Mahoney & Associates, Inc.
Owner(s):	Custard Queens LLC
Address/Location:	East of N. Congress Avenue between Watertower Road and Park Avenue Extension
Net Acreage:	1.33 acres
Legal Description:	CONGRESS BUSINESS PARK PLAT NO 2 PUD TR A2 K/A FUTURE DEVELOPMENT
Existing Zoning:	C2/PUD – Business District
Future Land Use:	Commercial Light Industrial

FIGURE 1: AERIAL VIEW OF SITE



The Site

FIGURE 2: LAKE PARK ZONING MAP

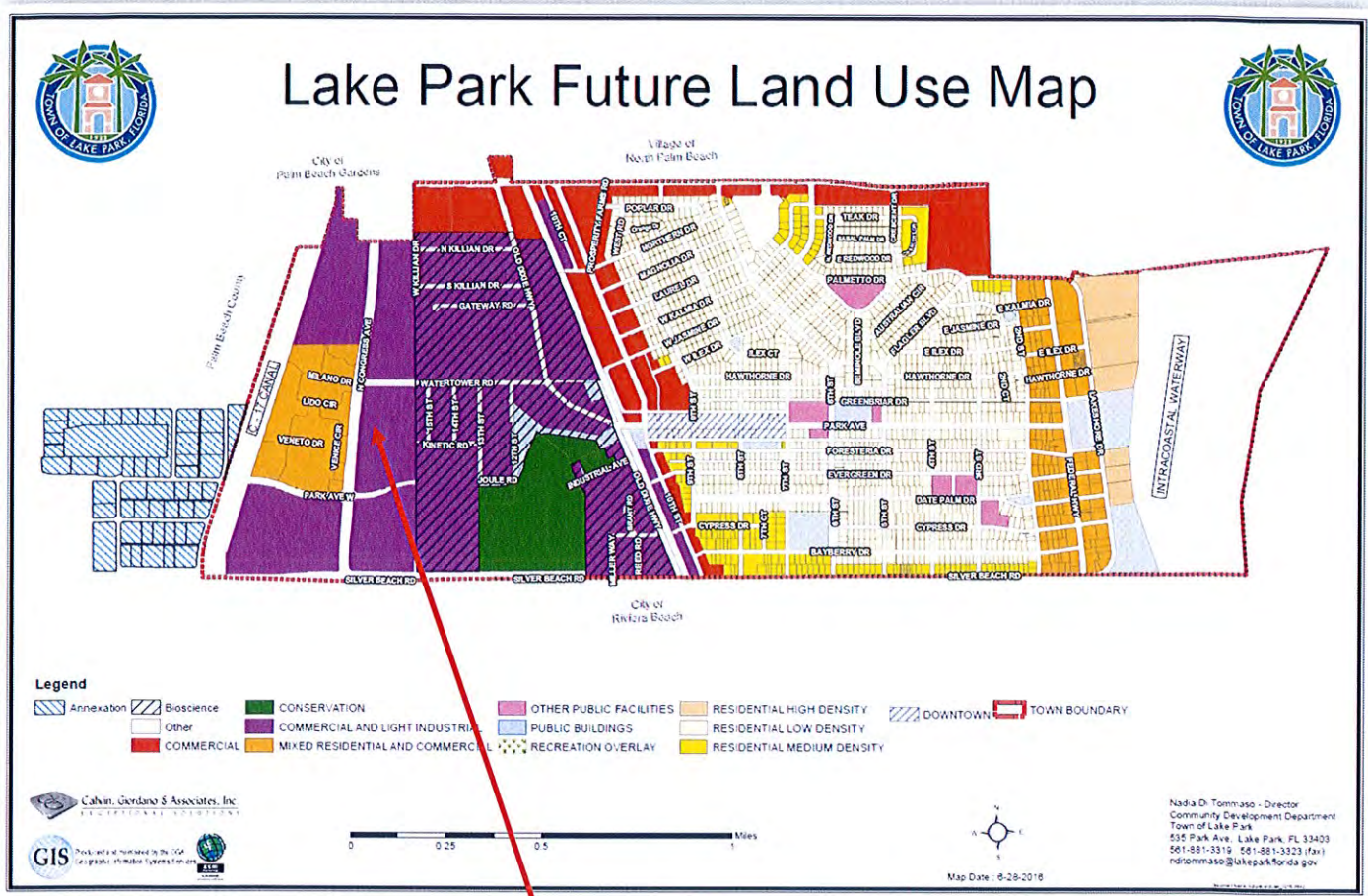


The Site

Adjacent Zoning

- North: C-2 Business District
- South: C-2 Business District
- East: C-2 Business District
- West: Traditional Neighborhood District (TND)

FIGURE 3: LAKE PARK FUTURE LAND USE MAP



The Site

Adjacent Existing Land Use

- North: Commercial/Light Industrial
- South: Commercial/Light Industrial
- East: Commercial/Light Industrial
- West: Residential High Density

PART I: APPLICATION FOR A SITE PLAN

The Site Plan has been reviewed by:

- The Town's consulting Engineers, Design Architect and Landscape Architect
- Community Development Department
- Public Works Department
- Palm Beach County Sheriff's Office for Crime Prevention through Environmental Design (CPTED)
- Seacoast Utilities
- Palm Beach County Fire

Based upon these reviews, Staff finds that the Site Plan meets the Land Development Regulations of the Town Code with the exception of the proposed color palette of the building. Recommendations for waivers are described further herein pursuant to the following Town Code criteria:

Sec. 78-77. - Planned unit development (PUD).

- (i) *Waiver of standard land development regulations allowed.* In conjunction with the review process for a planned unit development application and in accordance with the waiver criteria in other sections of these planned unit development regulations, the town commission may waive the standard land development regulations in the following areas:
- (1) Minimum land area:
 - a. Site configuration;
 - b. Setbacks;
 - c. Minimum lot size;
 - d. Type of dwelling unit;
 - e. Maximum building height;
 - f. Parking;
 - g. Open space; and
 - h. Landscape buffers and setbacks.
 - (2) Waivers may be approved provided the spirit and intent of the zoning regulations are complied with in the total development of the planned unit development and mitigation is provided where required by this chapter.
 - (3) The applicant shall submit a waiver request in writing for each land development regulation from which it seeks relief as part of the planned unit development application, fully explaining the nature of the request, the extent to which it departs from a standard zoning regulation, and the basis for which a waiver is sought. The department of community development may request that an applicant to provide additional information to substantiate or justify a waiver request. The standards for a waiver review shall be, where appropriate, the same as those for a special exception as detailed in [section 78-184](#).
 - (4) The department of community development may recommend requiring or increased requirements for one or more of the following, or others that may be appropriate, to help mitigate the potential impact of waiving any standard zoning regulation:
 - a. Landscaping;
 - b. Building setbacks;
 - c. Open space;
 - d. Recreation or other public land; and
 - f. Architectural design standards.

PART I: APPLICATION FOR A SITE PLAN

- (5) The granting of waivers for a planned unit development shall be subject to review by the planning and zoning board and to a finding by the town commission that the spirit of these planned unit development regulations has been met; and that there is no detrimental effect on the general health, safety, convenience, comfort and welfare of the town residents.
- (6) The town commission may, at its discretion, require adherence to the minimum requirements for the underlying zoning district within certain portions of a planned unit development, if deemed necessary in order to maintain the spirit and intent of the town's land development regulations.
- (7) The town commission shall not consider any waiver requests until it has received an advisory recommendation from the town's planning and zoning board.

Sec. 78-184. - Application requirements and criteria for the evaluation of special exception uses.

- (b) *Criteria for the evaluation of special exception uses.* A special exception use shall not be approved unless an applicant establishes that all of the following criteria are met:
 - (1) The proposed special exception use is consistent with the goals, objectives, and policies of the town's comprehensive plan.
 - (2) The proposed special exception is consistent with the land development and zoning regulations and all other portions of this Code.
 - (3) The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.
 - (4) The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.
 - (5) The proposed special exception use does not have a detrimental impact on surrounding properties based on:
 - a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;
 - b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and
 - c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.
 - (6) That the proposed special exception use:
 - a. Does not significantly reduce light and air to adjacent properties.
 - b. Does not adversely affect property values in adjacent areas.
 - c. Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.
 - d. Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.
 - e. Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.
- (e) *Conditions.* The town commission may impose such conditions of approval as it deems necessary to mitigate the adverse impacts of the proposed special exception use. The conditions may require the applicant to exceed the minimum zoning or land development regulations established by this Code. Conditions of approval may include, but are not limited to, the following:
 - (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and/or restraints to minimize such effects as noise, vibration, air pollution, glare and/or odor.
 - (2) Establish a special setback, open space requirement, and/or lot area or dimension.
 - (3) Limit the height, size, and/or location of a building or other structure.
 - (4) Designate the size, number, location and/or nature of access points (vehicle and pedestrian).
 - (5) Designate the size, location, screening, drainage, type of surfacing material and/or other improvement of a parking and/or loading area.
 - (6) Limit or otherwise designate the number, size, location, height and/or lighting of signs.

PART I: APPLICATION FOR A SITE PLAN

- (7) Require the use of, and designate the size, height, location and/or landscaping materials which may be necessary to screen, buffer, or protect adjacent properties from the potential adverse impacts of the special exception use. This may include designating standards for installation and/or maintenance of the facilities.
- (8) Require the protection and/or relocation of additional trees, shrubs, hedges, or other vegetation, water resources, wildlife habitat and/or other appropriate natural resources.
- (9) Require specific architectural details and/or design to produce a physical development which is compatible in appearance with the uses permitted by right in the zoning district.
- (10) Specify other conditions of approval to permit development of the special exception use in conformity with the intent and purpose of this Code and the town's comprehensive plan.

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SITE PLAN PROJECT DETAILS:

Building Site:

Parcel A2 of Congress Business Park PUD was subdivided into two parcels and recorded with Palm Beach County Clerk and Comptroller on 8/2/17.

- Culvers will occupy the northern portion of the parcel formerly identified as A2, which is now identified as Parcel A2A, a 1.33 acre site.
- The southern portion of the parcel formerly identified as A2 will be occupied by a forthcoming site plan application for an AutoZone retail store, which is now identified as Parcel A2B, a 1.04 acre site.

Site Access:

Two access points are proposed: one located along the northern internal parcel boundary and one located along the western internal parcel boundary. The site shares internal circulation with tract A2B (the forthcoming site plan application for an AutoZone retail store).

Traffic:

The Department has received a letter from Palm Beach County's Traffic Division dated 5/8/17 confirming that there is adequate capacity on the roadways to serve the Site.

PART I: APPLICATION FOR A SITE PLAN

Setbacks:

All proposed setbacks for the primary structure are compliant with code requirements of the C-2 Zoning District.

Primary Structure		
	Required	Proposed
Front*	25'	66' (primary building)
Rear	15'	143.3'
Side (north)	15'	62.2'
Side (south)	15'	69.5'

**The applicant is proposing an accessory structure in the front yard setback, which does not meet setback requirements and is further described under the waiver section of this report.*

Landscaping:

The Town's consulting landscape architect finds that the site meets the landscaping regulations of the Town's with the exception of parking shade tree requirements, for which a PUD waiver is sought (refer to Section II of this report).

Paving/Grading/Drainage:

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

PART I: APPLICATION FOR A SITE PLAN

Parking:

Pursuant to Schedule 78-142-1 the site is required to provide 41 parking spaces inclusive of 2 ADA stalls and 7 drive through queuing spaces. The applicant is proposing 44 parking stalls and 10 drive through queuing spaces as illustrated in the following tables.

	Required	Proposed
Customer Area (1,926 s.f.)	39	44
Standard B	1	
Drive through Window	1	
TOTAL	41	44 (inclusive of 2 ADA)

	Required	Proposed
Drive through window queuing	7	10
TOTAL	7	10

78-142-1 *Restaurant, predominately drive-through or takeout*

- (1) 1 space per 50 square feet of customer service area, plus 1 space and queuing for any drive-through window
- (2) Standard B, which requires one space for the first 10,000 square feet of gross floor area, plus one space for each additional 15,000 square feet. See section 78-143(n)(2).

PART I: APPLICATION FOR A SITE PLAN

Signage:

The applicant is proposing certain types of signage pursuant to their sign package. All signs will also be reviewed and permitted separately from this site plan application, but preliminary reviews confirm that the proposed signs (permitted by right and not through a waiver) are code compliant*.

- Wall (primary structure)
- Directional
- Drive through menu
- Freestanding (minus digital component)
- Window Signage

*Please see the waiver section of this report for information regarding non-compliant signage (1) located on the proposed accessory structure and (2) a proposed electronic sign proposed on the freestanding monument sign.

Photometric (Lighting):

Meets the minimum requirements in the Town code.

Zoning

The proposed restaurant use is permitted by right in the C-2 zoning district.

Water/Sewer:

Seacoast Utility Authority provided confirmation that the proposed site plan meets the basic standards required by their agency.

PART I: APPLICATION FOR A SITE PLAN

Design:

The proposed restaurant building meets the architectural guidelines of the Town Code with the exception of the proposed color palette. The color palette is not compliant with requirements of the Town Code or the Congress Business Park PUD regulations in the following manner:

- The Congress Business Park PUD regulations encourage innovative design and attempts to not limit the architectural theme of any one building however, they do require buildings in the PUD to maintain a compatible style to achieve a town-like campus character, per PUD regulations. This is achieved via the use of consistent materials, design elements and colors. PUD regulations limit the use of colors to those that are “earth tone with warm browns, beiges and tones of white”. The regulations do allow for the limited use of accents colors to achieve company branding or trademarking and Town Code Section 78-334 further restricts the use of accent (trademarked) colors by limiting their use to 10% of any single wall area.

As is proposed by the applicant, the color palette is not compliant with the Town Code or PUD Regulations given the increased blue color proposed throughout. Therefore, a condition of approval has been added for the applicant to present staff with a Code and PUD compliant color palette for review and approval.

Fire:

PBC Fire will be reviewing the plans in greater detail as part of the building permit review process, but their preliminary review comments have been addressed by the applicant.

PBSO:

The Crime Prevention through Environmental Design (CPTED) review was performed by the Palm Beach Sheriff’s Office (PBSO) and the applicant has addressed their comments.

PART I: APPLICATION FOR A SITE PLAN

PART II: WAIVER REQUEST ANALYSIS

Waiver Request #	Waiver Description	Code Section	Requirement	Proposed	Staff Recommendation
1	Min. shade tree spacing in parking lots	78-253(c)	“The minimum shade tree spacing for interior parking areas shall be such that no parking space is more than 40’ from the center of a shade tree”	Palm tree substitutions planted at 20’ on center instead of the 40’ required spacing for a shade tree.	Staff recommends approval of this waiver request because it appears to meet the intent of Code Section 78-253(c) and the Town’s consulting Landscape Architect supports the proposal. Under the Town Code, the proposed scenario would normally require 4 shade trees for this interior parking area that measures a distance of 150’. Instead, the applicant is proposing two groups of Montgomery Palms (3 per group) for a total of 6 palm trees. The two groups of palms are spaced 30’ apart at the center of the two groups and within each group the individual palms are spaced approximately 10’ apart. Per Town’s consulting Landscape Architect this may be considered a “liner clustering” of palm trees since each tree has an individual distance of around 10’ from one another (a typical clustering distance is 12-15 feet per palm tree). The Landscape Architects opinion is that this alternative meets the intent of the code and the waiver request is justified.
2	Palm tree substitution for a shade tree in parking lots	78-253(c)	“A single shade tree may be substituted by a minimum of 3 clustered palms to create shade as long as the affected parking bays are more than 50 feet from a public street”	Substitute the required shade trees for Montgomery Palm trees.	REFERENCE: SHEET LP-1

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PART II: WAIVER REQUEST ANALYSIS

Summary: Waiver’s #3 and #4 are regarding an accessory structure that is proposed to serve as a pedestrian feature. Staff is in support of this as an accessory structure; however, staff only recommends approval of the accessory structure so long as the applicant agrees to a condition of approval that prohibits any signage on the structure. Granting approval of signage on the accessory structure will confer upon the applicant a special privilege that is not afforded to others in the PUD (or town wide). Finally, under the PUD criteria for waivers signage is not an eligible category for consideration by the Commission.

Waiver Request #	Waiver Description	Code Section	Requirement	Proposed	Staff Recommendation
3	Accessory structure in front yard setback	78-72(6)(a)	Front yard of not less than 25 feet measured from the street or highway or highway right-of-way line to the front wall of the Building or structure.	An accessory structure (“pedestrian tower”) with a 0’ setback in the front yard.	Staff recommends approval of the waiver to allow an accessory structure with a zero front yard setback which is open-air and allows for a pedestrian amenity, with the following condition: <ul style="list-style-type: none"> At no time shall the accessory structure (aka “Pedestrian Tower”) be used to attach or display signage of any kind.

Waiver # 4 – see next page.

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PART II: WAIVER REQUEST ANALYSIS

Waiver Request #	Waiver Description	Code Section	Requirement	Proposed	Staff Recommendation
4	Signage on accessory structure	70-103(5) – Commercial/ non-residential signage	Wall signage is only permitted on the primary structure.	Four wall signs that are each 8' x 4' in size. One wall sign is proposed per elevation.	<p>Staff recommends denial of this waiver for the following reasons:</p> <ol style="list-style-type: none"> 1. Justification Statement: In response to the applicants justification statement that is found on page 4, paragraph 2, which states: <i>“To address the comment made by staff which states that the signage for the proposed tower structure is not permitted by the Town code or PUD regulations, the applicant would like to emphasize that based on the wording of Section 70-103(5)(a)(1) of the Town of Lake Park zoning code, which states the name, logo, and address of the business to which the sign is accessory and other business related information can be allowed.”</i> <p>Staff Response: It is Section 78-103(5)(a)(1) that regulates the content of commercial wall mounted signage and describes that information that is accessory or secondary to the business name and logo may be allowed on the sign face of a wall mounted sign. This section of the code speaks to the content of a wall sign only and not to the location of a wall sign as the applicant has indicated in their justification for this item.</p> <p>Reference: 78-103(5)(a)(1) <i>“Content: The name, logo and address of the business to which the sign is accessory and other business related information.”</i></p> 2. Marketing: <ul style="list-style-type: none"> • If signage is permitted on the accessory structure then its main purpose would be for marketing instead of serving as a true pedestrian facility as the applicant states. Instead, staff is in favor of the accessory structure being used solely for pedestrian amenities like the bench that is proposed. 3. Freestanding Signage: <ol style="list-style-type: none"> 1. If approved, this waiver will permit a non-conforming freestanding sign that exceeds the maximum sign height and area of sign face. 2. If approved, this waiver will allow two freestanding signs on the site, since the applicant is also proposing one compliant freestanding sign. <ul style="list-style-type: none"> ○ Their proposed freestanding sign will achieve the same level of advertising that is enjoyed by others in the C-2 District. Granting this waiver will confer a special privilege that is not allowed to anyone else Town wide (e.g. a 15+ foot tall freestanding sign on a 29'4" structure with four 8' x 4' walls signs - one per each elevation). 4. PUD Waiver Criteria As a PUD, flexibility in specific land development regulations is possible; however, <u>signage is not an eligible category for a waiver under the PUD waiver criteria Section 78-77(i)(1).</u>

REFERENCE: SHEET SP-1, A-13

PART III: STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the Site Plan for the 4,638 square foot restaurant, **subject to the following conditions:**

1. The Applicant shall develop the Site consistent with the following Plans:
 - a. Site Plan, Architectural Plan, Landscape Plan, Irrigation Plans, Civil Plans and Photometric Plan referenced as Sheets SP1, LP-1, LP-2, DP-1, GP-1, GP-2, TM-1, IR-1, IR-2, IR-3, IR-4, A-2, A-3, A-3A, A-4, A-13, C1, C2, C3, C4, C5, C6, C7, C8, C9, C10 PH1 received and dated by the Department of Community Development on 8/8/17 and signed and sealed on 7/27/17 and 8/8/17.
 - b. Survey prepared by Lidberg Land Surveying, Inc. that is signed and sealed dated 10/24/16 and received by the Department of Community Development on 8/08/17.

2. The Site Plan includes the following waivers pursuant to Town Code Section 78-77(i):

Waiver Request #	Waiver Description	Code Section	Requirement	Proposed
1	Min. shade tree spacing in parking lots	78-253(c)	“The minimum shade tree spacing for interior parking areas shall be such that no parking space is more than 40’ from the center of a shade tree”	Plant the palm tree substitutions at 20’ on center instead of the 40’ required for a shade tree.
2	Palm tree substitution for a shade tree in parking lots	78-253(c)	“A single shade tree may be substituted by a minimum of 3 clustered palms to create shade as long as the affected parking bays are more than 50 feet from a public street”	Substitute the required shade trees for Montgomery Palm trees.
3	Accessory structure in front yard setback	78-72(6)(a)	Front yard of not less than 25 feet measured from the street or highway or highway right-of-way line to the front wall of the Building or structure.	An accessory structure (“pedestrian tower”) with a 0’ setback in the front yard.

3. The Owner, the Applicant and their successors and assigns shall be subject to the Development Order and all conditions.

4. Construction on the Site is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless otherwise approved in writing by the Community Development Director. Any proposed disruption to the normal flow of traffic within the right of way of North Congress Avenue, Park Avenue West, Watertower Road or surrounding street and parking areas as part of the construction of the Site, shall also be subject to the review and approval of the Community Development Director and Public Works Director.

PART I: APPLICATION FOR A SITE PLAN

5. All landscaping shown on the Site Plan and the Landscaping Plan shall be continuously maintained from the date of the issuance of the Certificate of Occupancy by the Town. The Owner shall replace any and all dead or dying landscape material so as to maintain the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
6. The hedge material proposed for the perimeter of the Site which serves to align the parking areas, shall be maintained at a height consistent with the entire PUD.
7. The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the Site.
8. The dumpster shall be screened as noted on the Site Plan and kept closed at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park.
9. Prior to issuance of the Certificate of Occupancy, the Owner or Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Site are in accordance with the approved Site and Landscaping Plans.
10. Prior to the issuance of any building permits, the Owner or Applicant shall submit copies of any other permits required by other agencies, including but not limited to the Palm Beach County Health Department, the Palm Beach County Land Development Division, the South Florida Water Management Division and the State of Florida Department of Environmental Protection.
11. Any revisions to the approved Site Plan, Landscape Plan, architectural elevations, signs, Statement of Use, photometric plan, or other details submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Community Development Department and shall be subject to its review as well as any applicable approval by the Town Commission pursuant to the Town Code.
12. The Owner or Applicant shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this Development Order. Once initiated, the development of the Site shall be completed within 18 months. Failure to do so shall render the Development Order void.
13. Cost Recovery. All professional consulting fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. The failure of the Applicant to reimburse the Town within the 10 days from the town's mailing of its invoice shall result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order. A certificate of occupancy will not be issued if invoices are outstanding.
14. Color Palette. The Applicant shall provide staff a revised color palette and color architectural renderings for their review and approval that identifies a lessened "blue" color that covers no more than 10% of the façade areas to remain consistent with Town Code accent/trim requirements and PUD limitation for limited use of "accent" colors.

RESOLUTION NO. 87-10-17

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR A 4,638 SQUARE FOOT FAST FOOD RESTAURANT (CULVERS) TO BE DEVELOPED WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SITE PLAN AND USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on behalf of Custard Queens LLC (the Owner), Gentile Glas Holloway O'Mahoney & Associates, Inc., (the Applicant) has submitted an application to develop a 4,638 square foot "Culvers" restaurant on Tract A2A of the Congress Business Park Planned Unit Development; and

WHEREAS, the property proposed for development (the Site) has a future land use designation of "Commercial/Light Industrial"; and

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

WHEREAS, the zoning of the Site is PUD with its underlying zoning designation being Commercial-2 Business District (C-2);

WHEREAS, the uses permitted in the PUD include those uses permitted in the C-2 Zoning District and additional uses by special exception if approved by the Commission; and

WHEREAS, the Community Development Department has determined that the use of a "Restaurant" is a permitted use in the C-2 Zoning District; and

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

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

WHEREAS, at these hearings, the Town Commission considered the evidence presented by the Town Staff, the Applicant, and other interested parties and members of the public, regarding the Application.

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

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

Section 2. The Town Commission hereby approves a Site Plan for the use of a "Restaurant" subject to the following conditions:

- (1) The Applicant shall develop the Site consistent with the following Plans:
 - a. Site Plan, Architectural Plan, Landscape Plan, Irrigation Plans, Civil Plans and Photometric Plan referenced as Sheets SP1, LP-1, LP-2, DP-1, GP-1, GP-2, TM-1, IR-1, IR-2, IR-3, IR-4, A-2, A-3, A-3A, A-4, A-13, C1, C2, C3, C4, C5, C6, C7, C8, C9, C10 PH1 received and dated by the Department of Community Development on 8/8/17 and signed and sealed on 7/27/17 and 8/8/17.
 - b. Survey prepared by Lidberg Land Surveying, Inc. that is signed and sealed dated 10/24/16 and received by the Department of Community Development on 8/08/17.

(2) The Site Plan includes the following waivers pursuant to Town Code Section 78-77(i):

Waiver Request #	Waiver Description	Code Section	Requirement	Proposed
1	Min. shade tree spacing in parking lots	78-253(c)	“The minimum shade tree spacing for interior parking areas shall be such that no parking space is more than 40’ from the center of a shade tree”	Plant the palm tree substitutions at 20’ on center instead of the 40’ required for a shade tree.
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3	Accessory structure in front yard setback	78-72(6)(a)	Front yard of not less than 25 feet measured from the street or highway or highway right-of-way line to the front wall of the Building or structure.	An accessory structure (“pedestrian tower”) with a 0’ setback in the front yard.

- (3) The Owner, the Applicant and their successors and assigns shall be subject to the Development Order and all conditions.
- (4) Construction on the Site is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless otherwise approved in writing by the Community Development Director. Any proposed disruption to the normal flow of traffic within the right of way of North Congress Avenue, Park Avenue West, Watertower Road or surrounding street and parking areas as part of the construction of the Site, shall also be subject to the review and approval of the Community Development Director and Public Works Director.
- (5) All landscaping shown on the Site Plan and the Landscaping Plan shall be continuously maintained from the date of the issuance of the Certificate of Occupancy by the Town. The Owner shall replace any and all dead or dying landscape material so as to maintain the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
- (6) The hedge material proposed for the perimeter of the Site which serves to align the parking areas, shall be maintained at a height consistent with the entire PUD.

- (7) The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the Site.
- (8) The dumpster shall be screened as noted on the Site Plan and kept closed at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park.
- (9) Prior to issuance of the Certificate of Occupancy, the Owner or Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Site are in accordance with the approved Site and Landscaping Plans.
- (10) Prior to the issuance of any building permits, the Owner or Applicant shall submit copies of any other permits required by other agencies, including but not limited to the Palm Beach County Health Department, the Palm Beach County Land Development Division, the South Florida Water Management Division and the State of Florida Department of Environmental Protection.
- (11) Any revisions to the approved Site Plan, Landscape Plan, architectural elevations, signs, Statement of Use, photometric plan, or other details submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Community Development Department and shall be subject to its review as well as any applicable approval by the Town Commission pursuant to the Town Code.
- (12) The Owner or Applicant shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this Development Order. Once initiated, the development of the Site shall be completed within 18 months. Failure to do so shall render the Development Order void.
- (13) Cost Recovery. All professional consulting fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. The failure of the Applicant to reimburse the Town within the 10 days from the town's mailing of its invoice shall result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order. A certificate of occupancy will not be issued if invoices are outstanding.
- (14) Color Palette. The Applicant shall provide staff a revised color palette and color architectural renderings for their review and approval that identifies a lessened "blue" color that covers no more than 10% of the façade areas to remain consistent with Town Code accent/trim requirements and PUD limitation for limited use of "accent" colors.

Section 3: The Owner, Applicant and their successors and assigns shall be subject to the conditions of approval.

Section 4. This Resolution shall become effective upon execution.



TOWN OF LAKE PARK
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION FOR SITE PLAN REVIEW OR AMENDMENT

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

Project Name: Culver's
Project Address: TBD - Tract A2 of the Congress Business Park, a PUD
Property Owner: Congress Avenue Properties LTD

APPLICANT INFORMATION:

Applicant Name: Custard Queens LIC.
Applicant Address: P.O. Box 1478, Marion, Indiana 46952
Phone: (765) 664-1478 Fax: _____ E-Mail: jim.swan@sss2020.com

SITE INFORMATION:

General Location: located on the east side of Congress Avenue south of Watertower Road
Address: Vacant Site - TBD
Zoning District: C-2 Future Land Use: Comm_Lt_Industrial Acreage: 1.329
Property Control Number (PCN): 36-43-42-19-26-001-0020

ADJACENT PROPERTY:

DIRECTION	ZONING	BUSINESS NAME	USE
North	C-2	Vacant	N/A
East	C-2	Vacant	N/A
South	C-2	Aldi's	Grocery Store
West			

JUSTIFICATION:

Information concerning all requests (attach additional sheets if needed)

1. Please explain the nature of the request:

Site Plan within a PUD for a Culver's Restaurant.

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

Subject site is part of an overall PUD with no impact to the surrounding area.

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

Please see Justification Statement.

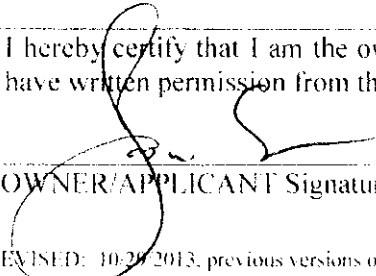
LEGAL DESCRIPTION:

The subject property is located approximately 840 feet mile(s) from the intersection of N. Congress Ave. & Park Ave. W. , on the north, X east, south, west side of the N. Congress Ave. (street/road).

Legal Description:

North half of Tract A2. See attached for full legal description of Tract A2.

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


OWNER/APPLICANT Signature

11/17/2016
Date

CONSENT FORM

FROM PROPERTY OWNER AND DESIGNATION OF AUTHORIZED AGENT:

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

1. That he/she is the fee simple title owner of the property described in the attached Legal Description;
2. That he/she is requesting Site Plan within a PUD in the Town of Lake Park, Florida;
3. That he/she is appointed Dodi Buckmaster Glas / 2GHO to act as authorized on his/her behalf to accomplish the above Project.

Contract Purchaser Name: Custard Queens LIC.

[Signature]
 Contract Purchaser Signature
P.O. Box 1478
 Street Address

James Swan
 By: Name/Title
Marion, Indiana 46952
 City, State, Zip Code

(765) 664-1478
 Telephone Number

 Fax Number

jim.swan@sss2020.com
 E-Mail Address

Sworn and Subscribed before me on this 17 day of November, 2016.

Deborah L. Bosworth
 NOTARY PUBLIC
 MY COMMISSION EXPIRES:
My Commission Expires
March 20, 2024



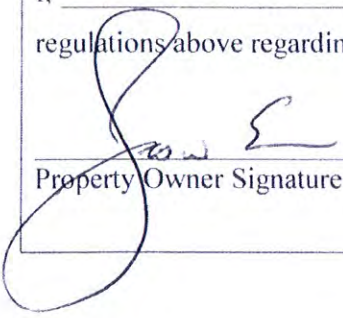
PLEASE DO NOT DETACH FROM APPLICATION.

SIGNATURE REQUIRED BELOW.

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

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

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

I, James Swan , have read and understand the regulations above regarding cost recovery.	
 Property Owner Signature	<u>11/17/2016</u> Date

CONSENT FORM

FROM PROPERTY OWNER AND DESIGNATION OF AUTHORIZED AGENT:

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

1. That he/she is the fee simple title owner of the property described in the attached Legal Description; Site Plan within a PUD
2. That he/she is requesting Site Plan within a PUD in the Town of Lake Park, Florida;
3. That he/she is appointed Dodi Buckmaster Glas / 2GHO to act as authorized on his/her behalf to accomplish the above Project.

Property Owner Name: Congress Avenue Properties LTD

[Signature]
Property Owner Signature

Phillip Brandt, Authorized Representative
By: Name/Title

4500 PGA Blvd., Suite 207

Palm Beach Gardens, FL 33418

Street Address

City, State, Zip Code

561-691-9050

561-622-1851

Telephone Number


Fax Number

philbrandt@divostainvestments.com

E-Mail Address

Sworn and Subscribed before me on this 17th day of November, 20 14,

Mary T. Lord
 NOTARY PUBLIC Mary T. Lord
 MY COMMISSION EXPIRES: 4-24-2020





Culver's at Lake Park **Project Narrative** **September 5, 2017**

REQUEST/LOCATION:

Gentile Glas Holloway O'Mahoney & Associates, Inc. as agent for the applicant is submitting a Site Plan Application for review and approval for the north 1/2 of Tract A-2 for a 4,638 s.f. restaurant building for a new Culver's Restaurant located within the Congress Business Park PUD. The subject site is located on the east side of Congress Avenue, north of Park Avenue in the Town of Lake Park, Florida. Consistent with the overall PUD, the subject site has a land use designation of Commercial/Light Industrial with a PUD and underlying C-2 Zoning District.

INFORMATION ABOUT CULVER'S RESTAURANTS:

Culver's Restaurant chain was founded in July 1984 in Sauk City, Wisconsin. It was largely concentrated in the northern Midwest, but has now grown to over 500 restaurants in 22 states. It comprises approximately 25,000 team members that all aspire to uphold the company's mission. "Every Guest Who Chooses Culver's Leaves Happy." It is recognized in the Midwest as a chain that has a great speed of service, as well as team member/guest interaction. The guest who chooses to dine in, will be given a number after ordering, and have his/her food delivered to them at a table. Team members quickly engage the guests as they enter the restaurant with a smile, and friendly small talk. All food is made to order, and the beef is never frozen. The drive-thru customers have a similar experience. Another Culver's signature is the flavor of the day which posts daily to the delight of their "regulars".

The company promotes a strong emphasis on quality food, guest service, hospitality, and community involvement. Culver's likes to partner with community schools and facilitate community fund raising through hosting events. As part of the community involvement that Culver's likes to promote, a parking space for a bus has been added to the plan.

PROJECT HISTORY:

As stated above, the subject site is part of an overall Planned Unit Development. The overall site had multiple approvals since its annexation into the Town of Lake Park. The following is a list of the latest approvals:

- On June 8, 2014 – Resolution No. 16-16-14 – approved a PUD master plan for the vacant 28.66 acre site. Along with the master PUD Development Plan, the Master PUD Landscape Plan, PUD Landscape Plan, Landscape Specifications and engineers plans were approved including 11 conditions of approval;
- On October 1, 2014 – Resolution 33-10-14 approved the Aldi Food Market Site Plan on Tract F of the Congress Business Park PUD;

- On March 4, 2015 – Resolution 07-0301 approved the RaceTrac Gasoline Station with a convenience store site plan and Special Exception Use on Tract B of Congress Business Park PUD;
- On August 22, 2016 – Resolution approved a 201,600 square feet of self-storage within Tract G1 of Congress Business Park PUD.

Please note that this site is being designed in coordination with the south parcel. Access and parking are interconnected.

JUSTIFICATION:

1. Please explain the nature of the request: The Applicant is requesting approval of a site plan within the Congress Business Park PUD for a 4,638 square foot restaurant with a drive through lane.
2. What will be the impact of the proposed change to surrounding area? The site is surrounded by a mix of non-residential uses, and one residential apartment community west of Congress Avenue. To the north of the subject site is a vacant lot that is part of the Congress Business Park PUD, however further north of Water Tower Road is the existing Kohl's Department Store and PetSmart. Kohl's and PetSmart have a Future Land Use Designation of Commercial/Light Industrial and a C-2 zoning district designation. East of the subject site is an approved self-service storage facility for Spacebox that was recently approved; to the south of the property is the remaining south ½ of Tract A-2 which is vacant however a proposed AutoZone is potentially being submitted; and the existing Aldi Food Market. The property is Zoned C-2 with a Future Land Use Designation of Commercial/Light Industrial. West of the site is the San Marco Villas, which has a Commercial/Residential Land Use Designation and is Zoned TND. Further north of San Marco Villas, is the Lowe's property with has a Commercial/Light Industrial Future Land Use Designation and is Zoned C-2 Commercial. The subject site contains a Future Land Use Designation of Commercial/Light Industrial and is Zoned C-2. The Commercial/Light Industrial District is compatible with the C-2 Zoning District, which permits a variety of non-residential uses.

SURROUNDING ZONING AND LAND USE DESIGNATIONS

	EXISTING ZONING	EXISTING FLU
SUBJECT PROPERTY (Proposed)	PUD/C-2	Commercial/Light Industrial
NORTH	C-2	Commercial/Light Industrial
EAST	C-2	Commercial/Light Industrial
SOUTH	C-2	Commercial/Light Industrial
WEST	TND	Residential/ Commercial

3. How does the proposed Project comply with the Town of Lake Park's zoning requirements? The subject site is the north ½ of Tract A-2 of the Congress Business Park PUD, which received Master

Site Plan approval by the Town Commission (Resolution No. 16-06-14) on June 8, 2014; the PUD has an underlying C-2 Zoning District. On subject site a proposed 4,638 square foot restaurants which is an allowed use with the C-2 Zoning District; the proposed site plan meets or exceeds the zoning district requirements along with other requirements of the Town of Lake Park Codes as follows:

	Zoning District	Min. Property Development Requirements				Max. FAR	Max. Building Height
		Front	Corner/Access Roads	Side	Rear		
Required	C-2/PUD	25'	15'	15'	15'	2.0	*50'
Proposed	C-2/PUD	66.76'	62.19'/146.57'	70.33'	N/A	.08	29'-4"

* Height approved by Master PUD Plan Reso No 16-06-14.

Proposed Waiver Requests:

WAIVER TABLE			
	CODE SECTION	CODE REQUIREMENT	PROPOSED
1. Landscape requirements for off-street parking areas	78-253(c)(1)	Minimum shade tree spacing for interior parking areas shall be such that no parking space is more than 40 feet from the center of the shade tree.	One (1) landscape diamonds a minimum of 20' for a total of six (6) landscape diamonds. Terminal islands exceed the requirement – enlarged to 8' vs code required 5'
2. Landscape requirements for off-street parking areas	78-253(c)(1)	A shade tree may be replaced by a minimum of three (3) palms clustered.	Proposed is one (1) Montgomery Palm within the proposed landscape diamonds – 3 additional palms provided
3. Setback for pedestrian amenity (Tower)	78-72 6.a.	Front Setback – 25'	Proposed – Pedestrian amenity to be located on the west property line and within the 15' landscape buffer to maintain streetscape relationship of architecture
4. Signage on pedestrian amenity (Tower)	70-103(5)	N/A	Signature location for creation of a sense of place and arrival
5. Digital Sign --	Chapter 70	Not addressed	To use current digital changeable/static text

Parking island alternative design:

Waivers 1 and 2. Section 78-253 (c) (1) - Minimum shade tree spacing for interior parking areas shall be such that no parking space is more than 40 feet from the center of the shade tree. A shade

tree may be replaced by a minimum of three (3) palms clustered. The terminal islands become 3 feet larger and more trees are added just in a different configuration. This improves the physical operation and the aesthetics of the site which is an added public benefit.

Tower Amenity:

Waiver 3 and 4 – Section 78-72.6.a and Section 70-103(5) – Required Front Setback – Minimum front setback for a structure is 25' – the waiver request is to allow the proposed pedestrian amenity to be located on the property line. The applicant is proposing a pedestrian amenity/tower with benches and sidewalk that connects to the existing sidewalk along Congress Avenue. The existing landscaping will need be adjusted to accompany the pedestrian tower amenity but will meet/match the PUD Requirements and character of the corridor.

As noted, this is a pedestrian amenity and signage will identify the location of this site as being a destination in the Town of Lake Park; this pedestrian amenity and signage will provide a sense of place and arrival to the subject site. The applicant is requesting a wall mounted sign on the pedestrian amenity tower proposed for the site. To address the comment made by staff which states that the signage for the proposed tower structure is not permitted by the Town code or PUD regulations, the applicant would like to emphasize that based on the wording of Section 70-103(5)(a)(1) of the Town of Lake Park zoning code, which states the name, logo, and address of the business to which the sign is accessory and other business related information can be allowed. It is the applicant's opinion that the proposed pedestrian tower signage is considered accessory to the other proposed wall signage for the building and consistent with the intent to identify this location within the Town of Lake Park.

Note, the proposed pedestrian amenity will not only aid in creating a sense of arrival to the site, it will provide a relationship of the building to the street; it invites pedestrian activity, provides shade and seating.

Waiver 5 – Chapter 70 – The Applicant is proposing a monument sign that meets the PUD Design Guidelines for size and sign face. However, as part of the request a digital monument sign is proposed for the project identification. The digital sign will be a changeable but can be static sign similar to the LED sign for RaceTrac. The sign represents a more modern approach to changeable/static text signage.

Pursuant to Section 78-77.1.(i)(3) – Planned Unit Development (PUD) – the standards for a waiver review shall be, where appropriate, the same as those for a special exception as detailed in Section 78-184 - *Criteria for the evaluation of special exception uses*. A special exception use shall not be approved unless an applicant establishes that all of the following criteria are met:

1. The proposed waiver use is consistent with the goals, objectives, and policies of the town's comprehensive plan. *Objective 1, Policy 1.5. ... encourages development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources. ... adopted Levels of Service Standards and Objective 5...shall promote redevelopment and infill development...The proposed use of a restaurant is consistent*

with the goals, objectives, and policies of the town's comprehensive plan. The proposed waivers will allow for better circulation throughout the site.

The proposed waiver requests will allow for the development of the restaurant to meet the PUD Design Guidelines set forth when the PUD was approved and meets the above Town Comprehensive Objectives by increasing tax base and developing infill properties along Congress Avenue. The Design Guideline state "to create interest and encourage economic stability and innovative design, these guidelines encourage flexibility and a variety of architectural styles and uses." "GENERAL STANDARDS – within the PUD, all buildings, signage and landscaping are to be designed to provide a sense of arrival, and place along with common architectural character while permitting a variety of uses and individual architecture."

By eliminating the interior landscape island and replacing them with landscape diamonds, this will provide for increased terminal islands that will offer better radii for site circulation. It is also aesthetically pleasing. Section 78-253(c)(1) requires a minimum tree spacing of 40 feet for shade trees, the Applicant is providing a minimum of 20 feet between the landscape diamonds except where a diamond is proposed for the light pole. The interior island will be replaced with six (6) landscape diamonds to meet the tree planting requirements and also visually will break-up the fifteen (15) parking spaces in a row. Please note the terminal islands in this area are enlarged. An additional waiver for the required minimum of three (3) palms clustered in lieu of a shade tree is being proposed. The Applicant is proposing a Montgomery Palm within the landscape diamonds. The public benefits by the waiver request allows for additional landscaping throughout the parking area to maintain a higher visual appeal

The proposed waivers requested for setback and signage for the pedestrian amenity meets the Town's policies and the PUD standards by providing a sense of arrival to the site and is complimentary to the site and area along Congress Avenue. The pedestrian amenity allows for pedestrian to enter the site safely at the crosswalk to Culvers and provides for shelter from the elements.

The digital sign will allow for changeable but static letters that will change for flavor of the day. This sign will also allow for community events to be advertised. These features offer mitigation to the proposed waivers. The intent is for Culvers to be a part of the community character not just another business operating in the Town of Lake Park.

2. *The proposed waivers are consistent with the land development and zoning regulations and all other portions of this Code. The waiver will allow for deviation of the requirement in the Land Development code to allow for better design of the site and meeting of the PUD Design Guidelines as well.*
3. *The proposed waivers are compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed waivers and the surrounding property. The Congress Avenue corridor has developed with a variety of intensive commercial uses including gas stations, department*

stores, retail, fast food restaurants and financial institutions. The scale and intensity of the proposed restaurant is compatible with the character of the surrounding properties and the PUD Design Guidelines that were approved for Congress Business Park. The waivers will allow the enhancement of the site by providing for more landscaped areas within the parking lot; pedestrian amenities and sense of arrival with the tower and offering shelter for customers, contributing to the public welfare.

4. The establishment of the proposed waiver use in the identified location does not create a concentration or proliferation of the same or similar type of waiver use, which may be deemed detrimental to the development or redevelopment of the area in which the waiver use is proposed to be developed. *The proposed waiver is not detrimental to the development of the PUD.*
5. The proposed waivers do not have a detrimental impact on surrounding properties based on. *The proposed waivers do not have a detrimental impact on the surrounding properties. With the PUD Design Guidelines that were approved, the PUD has uses that are compatible and offer a convenient opportunity for customers to the PUD with a grocery store, gas and convenience store and with the proposed AutoZone in a central location.*
6. That the proposed waivers:
 - a. Do not significantly reduce light and air to adjacent properties.
 - b. Do not adversely affect property values in adjacent areas.
 - c. Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.
 - d. Do not negatively impact adjacent natural systems or public facilities, including parks and open spaces.
 - e. Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

The proposed waivers do not affect any of the above stated items.

Public Benefit:

The proposed waivers will allow for better circulation throughout the site in a shared parking area. By eliminating the interior landscape island and replacing them with landscape diamonds, this will provide for increased terminal islands that will offer better radii for site circulation. The interior island will be replaced with six (6) landscape diamonds to meet the tree planting requirements and also visually will break-up the fifteen (15) parking spaces in a row.

The pedestrian amenity tower and signage improves the overall pedestrian experience with a sense of arrival and place. There will be seating and shelter from the elements closer to Congress Avenue to encourage walkability but also to provide a richer character to the corridor. The site also provides for an area of outdoor seating on the south side of the restaurant which further adds to the pedestrian activity.

The requested waivers provide for an improved design and operation of the site. It also affords the business a way to physically address the community in which they will operate and hope to become a part of the community fabric itself.

Site Access:

Culver's is proposed within an existing PUD with an overall master plan and cross access throughout the PUD. The proposed Culver's Restaurant will have direct access points along the north and east property lines into the parcel as well as a continued cross access through the south ½ of Tract A-2 and through to the existing Aldi Food Market. These multiple access points will provide for maximum circulation for fire, police and waste management needs as well as to service customers.

Landscape and Screening:

The landscape theme of the project provides for 75% native vegetation with Sabal Palms, Oaks and Holly. The subject site will have an 8 foot landscape buffers along the north and east property lines and a 15 foot PUD landscape buffer along Congress Avenue (west property line). Pedestrian connectivity is proposed to the west sidewalk along Congress Avenue. The applicant is proposing a pedestrian amenity/tower with a bench and sidewalk that connects to the existing sidewalk. The existing landscaping will need be adjusted to accompany the pedestrian tower amenity but will meet/match the PUD Requirements.

All landscape islands within the vehicular use area generally comply with the minimum width and length requirements within Section 78-253 with the exception of the shared parking are on the south where landscape diamonds provide for an alternative design. A waiver is being requested for this alternative design. The use of native plants and water conservation techniques will be integrated into the design.

Environmental:

The environmental aspects of the site were address with the PUD approval. The subject site is vacant and has been cleared of all vegetation with the exception of the landscaping which has been installed including a 15 foot landscape buffer along Congress Avenue.

Parking and Loading:

The subject site is designed to meet the requirement of off-street parking spaces and loading required for this site plan. Shared access and parking area encourage interactivity on the site consistent with the PUD intent.

Delivery Times:

The company policy for Culver's identifies blackout times where deliveries are not allowed. These times are between 11:00a-2:00p and between 5:00p-8:00p.

Signage:

The applicant is including a signage package for the proposed wall, directional and monument signs proposed for the site. The signage meets the requirements of the PUD and Town's sign code. However, as discussed with staff we are requesting a digital sign (not currently addressed in the code) to accommodate the messaging of the flavor of the day and community events. The sign is otherwise designed to meet code.

Culver's Signage Table				
Building Wall Signs				
Wall	Location	Code Requirement	Max. Signage Area	Proposed Signage Area
West	Front	1.5 s.f. / 1.0 ft. of bldg. frontage	64.5 s.f.	29.12 s.f.
South	Side	50% of front wall max. calc.	32.25 s.f.	29.12 s.f.
East	Rear	50% of front wall max. calc.	32.25 s.f.	29.12 s.f.
North	Side	50% of front wall max. calc.	32.25 s.f.	29.12 s.f.
Freestanding Signs				
Frontage/Location	Congress Avenue	East Access Road	North Access Road	
Sign Type	<i>Monument</i>	<i>Monument</i>	<i>Monument</i>	<i>Monument</i>
Max. No. of Signs	1	N/A	N/A	N/A
Max. Sign Area 1.0 s.f. / 1.5 s.f. of frontage (1.0 x 168' = 112 s.f.)	112 s.f.			
Max. height	10'			
Max. width	8'			
Proposed Sign Area	38.46 s.f. Height – 10' Width – 6'3"			
Sign Type	<i>Directional Signs</i>	<i>Directional Signs</i>	<i>Directional Signs</i>	<i>Directional Signs</i>
Max. No. of Signs	1 per entry			
Max. Sign Area Height and width	18 s.f. Height – 3' Width – 2'			
Proposed Sign Area	Height – 3' Width – 28"			

Note: the directional sign is slightly larger at 28" vs. 24". The directional sign will be adjusted.

Architecture:

The architectural style of the building is Mediterranean. It follows the classical rules of architecture found in historic Mediterranean architectural style using massing that is symmetrical. The front facade facing west on Congress Avenue offers asymmetrical configuration defined by change in height and the use of special material on the facade emulating a pedestal. This strong architectural facade is unmistakably Mediterranean in style. The center parapet lines are capped with cast stone looking detailing and flanked symmetrically by pitched roofs. This architectural style is further

enhanced by the use of symmetrically placed window configurations, window grilles, earth tone stucco walls and stone column accents.

The overall symmetry of the building is found on the front street side (west) and the building entry side (south). On the south side the architectural element is a tower feature approximately centered on the building. This is defined by a change in height and the use of special material on the tower establishing a pedestal. The clearstory windows and bracket ornamentation accentuate this central tower. The detailing on the east and north sides match the detailing of the overall architecture.

All design details are complimentary of Mediterranean design, with decorative cast stone inlays, cast stone trim occurring at the window sills and a water table base. Overall the required design guidelines have been complied with due to the implementation of this style of architecture and the detailing that accompanies it.

Though this site is within a vested PUD that already established “architecture guidelines”, the applicant has reviewed Section 78-333 (1) (a through e) which encourages multiple building features and ornamentation. Based on the uniqueness of the building, the applicant has met the majority of the items listed.

Amenities:

The applicant is proposing an outdoor seating area at the southwest corner near the main entrance of the building this area will offer a space for outdoor seating once you receive your order. Also proposed is a pedestrian area with a bench at the amenity near the street.

Lighting:

The lighting is designed to address the public use area and scaled for the pedestrian areas.

NOTICE OF QUASI-JUDICIAL
PUBLIC HEARINGS
Town of Lake Park

Please take notice and be advised that the Planning & Zoning Board will hold a quasi-judicial special call public hearing on Monday, September 18, 2017, at 6:30 p.m., or as soon thereafter as can be heard, to hear the following applications that will also tentatively be heard by the Town Commission of the Town of Lake Park on Wednesday, October 4, 2017 at 6:30 p.m., or as soon thereafter as can be heard and on Wednesday, October 18, 2017 at 6:30 p.m., or as soon thereafter as can be heard in the Lake Park Town Commission Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida. Records related to these items may be inspected at the Community Development Department located at Town Hall.

1. A Site Plan Amendment Application for the Walmart Supercenter located at 101 North Congress Avenue on behalf of PB2 Architecture and Engineering to request an amendment to the approved color palette of the Walmart building. The PCN# is 36-43-42-19-21-000-0011. This item will be heard by the Town Commission on 10/18/17.
2. A Site Plan Review Application on behalf of H and L Planning and Development for the development of a 6,316 square foot office warehouse, Coston Marine Services, with accessory outdoor storage that is proposed to be located along the south side of Watertower Road between 14th and 15th Street on a vacant site that is 1.265 acres. The PCN#'s are 36-43-42-20-22-000-0250, 36-43-42-20-22-000-0260, 36-43-42-20-22-000-0380, & 36-43-42-20-22-000-0370. This item will be heard by the Town Commission on 10/18/17.
3. A Site Plan Review Application on behalf of Gentile Glas Holloway O'Mahoney and Associates for the development of a 4,638 square foot restaurant, Cuivers, that is proposed to be located on the east side of North Congress Avenue between Park Avenue West and Watertower Road on a vacant site that is 1.33 acres. The PCN# is 36-43-42-19-26-001-0020. This item will be heard by the Town Commission on 10/4/17.

If a person decides to appeal any decision made by the Planning and Zoning Board or the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Town Clerk: Vivian Mendez
PUB: The Palm Beach Post
9-18-2017

0000213924 01



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 18, 2017

Agenda Item No. *Tab 9*

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV, PROVIDING FOR AN AMENDMENT TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- ORDINANCE ON 1st READING**
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by ^{ACTING} Town Manager *Ronald McMiller, Sr.* Date: *10/11/2017*

Nadia Di Tommaso / Community Development Director
Name/Title

Originating Department: Community Development	Costs: \$ 0 Funding Source: Acct: # <input type="checkbox"/> Finance _____	Attachments: → Ordinance <u><i>16</i></u> -2017
Advertised: Date: <i>N/A on 1st reading</i> Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone OR Not applicable in this case <u><i>ND</i></u> Please initial one.

Summary Explanation/Background:

Over the past 12-18 months, the (former) Town Planner has worked with hundreds of property owners to bring their non-conforming signs into compliance, pursuant to the previous July 5, 2016 compliance date. While this was an extremely lengthy and time-consuming process and Staff is still working with some owners who are in various stages of the Town's enforcement process, one property owner in particular has expressed concerns to our former Town Planner as it relates to their sign's historical and nostalgic significance. This property is the Dunkin Donuts on Federal Highway. While the Town has not yet received a formal application from the Property Owner evidencing the

sign's historical or nostalgic significance, in an effort to allow for a process that would allow for such review, staff is proposing modification to Town Code Section 70-101(14) so as to be able to initiate a Special Certificate of Appropriateness process with the property owner. This process would allow for the historical or nostalgic review of the sign for which the process and criteria is already codified in Chapter 66 (Historic Preservation) of the Town Code. The burden of proof for this process would be on the Property Owner and the final decision will be made by the Historic Preservation Board based on the evidence presented. Currently however, the sign is simply in non-compliance and this review process is not enabled by the Town Code. Staff recommends the following modifications to Town Code Section 70-101(14) so as to allow for the Special Certificate of Appropriateness review process to apply to signs of historic or nostalgic significance:

(14) Historical signs and markers designating places of historical significance, or nostalgic signs. The Community Development Department may approve certain signs with historic or nostalgic significance provided a Special Certificate of Appropriateness is processed and approved. The owner of a property with a historic or nostalgic sign may apply for a Special Certificate of Appropriateness. A Special Certificate of Appropriateness may be issued for a nostalgic sign provided it is determined that the sign has value as a part of the heritage of the Town based upon documentation which demonstrates the nostalgic value of the sign.

Recommended Motion: I MOVE TO APPROVE ORDINANCE NO. 16-2017
on first reading.

ORDINANCE NO. 16-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV, PROVIDING FOR AN AMENDMENT TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has a comprehensive sign Code which has been codified in Chapter 70, Articles I through IV, and Sections 70-1 through 70-108 of the Town's Code of Ordinances; and

WHEREAS, the Community Development staff has recommended that the Town Commission amend Town Code, Chapter 70, Article IV, Section 70-101(14), to allow for an exemption for certain signs considered to be of nostalgic significance in the Town, and permitting same by the issuance of a Special Certificate of Appropriateness process for these signs.

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

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

Section 2. Chapter 70, Article IV, Section 70-101(14) of the Town Code is hereby amended to add a new exemption to subsection (14), to read as follows:

(14) Historical signs and markers designating places of historical significance, or nostalgic signs. The Community Development Department may approve certain signs with historic or nostalgic significance provided a Special Certificate of Appropriateness is processed and approved. The owner of a property with a historic or nostalgic sign may apply for a Special Certificate of Appropriateness. A Special Certificate of Appropriateness may be issued for a nostalgic sign provided it is determined that the sign has value as a part of the heritage of the Town based upon documentation which demonstrates the nostalgic value of the sign.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Repeal of Laws in Conflict.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Town Commission.



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 18, 2017

Agenda Item No. *Tab 10*

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-253(d) OF CHAPTER 78, ARTICLE VIII, TO AMEND THE LANDSCAPING REQUIREMENTS FOR GROUND SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- ORDINANCE ON 1st READING**
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by ^{*ACTING*} Town Manager *Paul McElhanna Turner* Date: *10/11/2017*

Nadia Di Tommaso / Community Development Director
Name/Title

<p>Originating Department: Community Development</p>	<p>Costs: \$ 0 Funding Source: Acct: # <input type="checkbox"/> Finance _____</p>	<p>Attachments: → Ordinance <u>17</u>-2017 → "Before and After" Powerpoint slides of Signs – <i>in various stages of compliance</i></p>
<p>Advertised: Date: <i>N/A on 1st reading</i> Paper: <input type="checkbox"/> Not Required</p>	<p>All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.</p>	<p>Yes I have notified everyone or Not applicable in this case <u>ND</u> Please initial one.</p>

Summary Explanation/Background:

Over the past 12-18 months, the (former) Town Planner has worked with hundreds of property owners to bring their non-conforming signs into compliance, pursuant to the previous July 5, 2016 compliance date. While this was an extremely lengthy and time-consuming process and Staff is still working with some owners who are in various stages of the Town's enforcement process, this is a **housekeeping item** that is long overdue. Since many of the Town's properties were developed years, if not decades ago, there are several non-conforming elements on existing parcels

throughout the Town. This includes those areas on the various non-conforming parcels that have historically been used for freestanding signs.

Over the last few years, the Town Commission has entertained several Code amendments that aim to introduce business friendly initiatives, particularly modifications to Town Code Section 78-251 related to non-conforming landscaping parcels allowing for flexibility pursuant to site constraints. Additionally, flexible development regulations have also been established in Chapter 78 of the Town Code to facilitate development and redevelopment on smaller parcels under 1 acre in size.

While it is clear that the Town Code, in its various sections, places emphasis on site constraints as it relates to non-conforming parcels so to protect adequate site circulation and parking areas, Town Code Section 78-253(d) requires some clean-up in order to make this intent clear in the section which pertains specifically to the landscaping around the base of ground signs. Staff proposes the following in an effort to provide better clarity in the Code:

(d) *Ground signs.* A ground sign shall be erected in a landscaped area. The landscaping shall consist of shrubbery of at least 30 inches in height, the intent being to create a hedge or a collection of individual shrubs of the same or varying species. The hedges shall be spaced not more than 18 inches apart at their base. Provided however, nonconforming parcels shall incorporate only those landscaping requirements that are feasible based on existing site conditions. Financial hardship shall not be considered to be a site condition which would alleviate the property owner from compliance with landscaping requirements. The community development department is authorized to approve administrative waivers of the landscaping requirements of this section. For all new developments and substantial renovations the landscaped area shall be equal to no less than the height of the sign in all directions from the sign face and front end and a minimum of three feet from the rear of the sign. The area shall be planted with appropriate vegetation and automatic irrigation by the property owner and shall comply with this section.

Recommended Motion: I MOVE TO APPROVE ORDINANCE NO. 17 -2017 on first reading.

ORDINANCE NO. 17-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-253(d) OF CHAPTER 78, ARTICLE VIII, TO AMEND THE LANDSCAPING REQUIREMENTS FOR GROUND SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has developed landscaping regulations which have been codified in Chapter 78, Articles VIII, and Sections 78-251 through 78-254 of the Town's Code of Ordinances; and

WHEREAS, the Community Development staff has recommended that the Town Commission amend Town Code, Chapter 78, Article VIII, Section 78-253(d), pertaining to the landscaping required around the base of ground signs.

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

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

Section 2. Chapter 78, Article VIII, Section 78-253(d) of the Town Code is hereby amended to read as follows:

(d) *Ground signs.* A ground sign shall be erected in a landscaped area. The landscaping shall consist of shrubbery of at least 30 inches in height, the intent being to create a hedge or a collection of individual shrubs of the same or varying species. The hedges shall be spaced not more than 18 inches apart at their base. Provided however, nonconforming parcels shall incorporate only those landscaping requirements that are feasible based on existing site conditions. Financial hardship shall not be considered to be a site condition which would alleviate the property owner from compliance with landscaping requirements. The community development department is authorized to approve administrative waivers of the landscaping requirements of this section. For all new developments and substantial renovations ~~in~~ the landscaped area

shall be equal to no less than the height of the sign in all directions from the sign face and front end and a minimum of three feet from the rear of the sign. The area shall be planted with appropriate vegetation and automatic irrigation by the property owner and shall comply with this section.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Repeal of Laws in Conflict.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Town Commission.

10TH STREET

BEFORE AND AFTER SAMPLES

1409 10th Street

BEFORE



AFTER



1401 10th Street

BEFORE



AFTER



1306 10th Street

BEFORE



AFTER



1301 10th Street

BEFORE



AFTER



recently changed further

1205 10th Street

BEFORE



AFTER



917 10TH Street

BEFORE



AFTER



796 10th Street

BEFORE



AFTER



NORTHLAKE BOULEVARD

BEFORE AND AFTER SAMPLES

1216 Northlake Blvd.

BEFORE



AFTER



980 Northlake Blvd.

BEFORE



AFTER



950 Northlake Blvd.

BEFORE



AFTER



920 NORTHLAKE BLVD.

BEFORE



AFTER

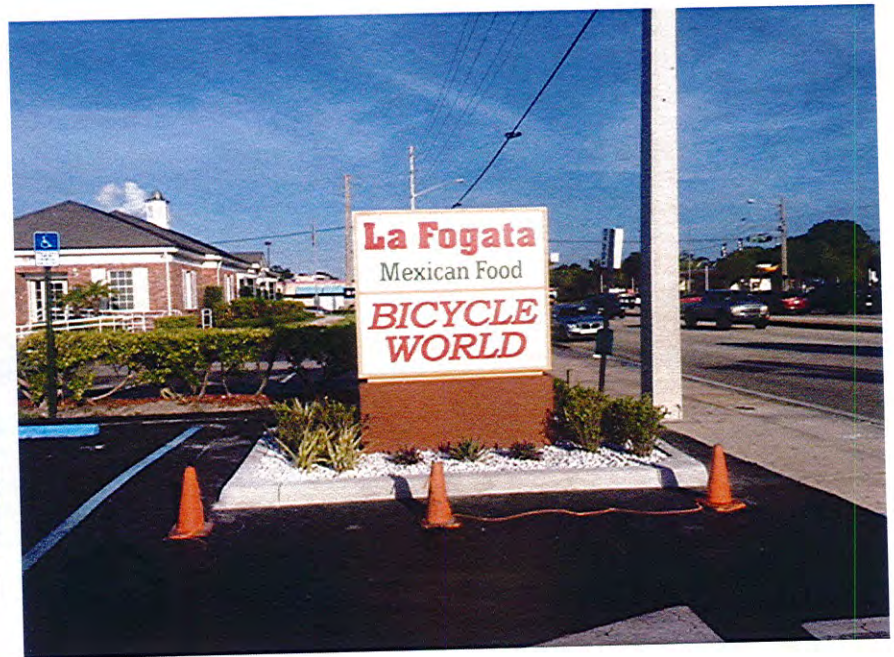


922 NORTHLAKE BLVD.

BEFORE



AFTER

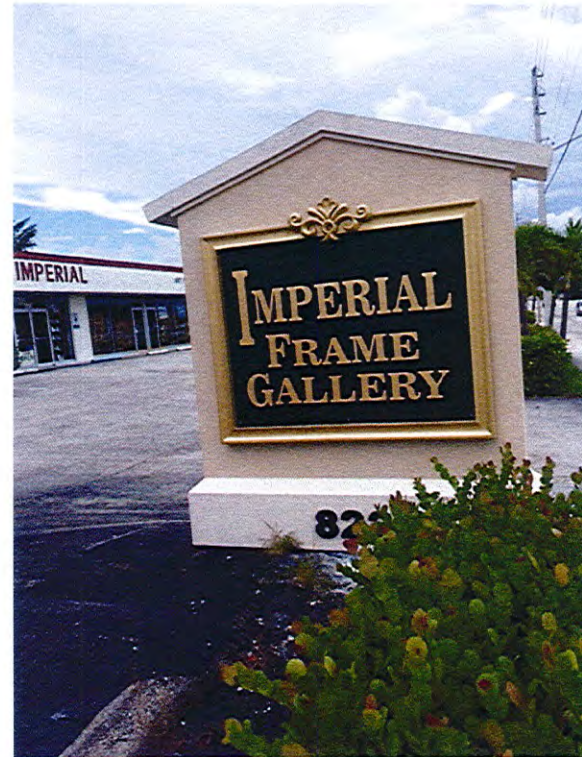


822 Northlake Blvd.

BEFORE



AFTER



814 Northlake Blvd.

BEFORE



AFTER



800 Northlake Blvd.

BEFORE



AFTER



774 Northlake Blvd.

BEFORE



AFTER



742 Northlake Blvd.

BEFORE



AFTER



600 Northlake Blvd.

BEFORE



AFTER



550 Northlake Blvd.

BEFORE



AFTER



524 Northlake Blvd.

BEFORE



AFTER



516 Northlake Blvd.

BEFORE



AFTER

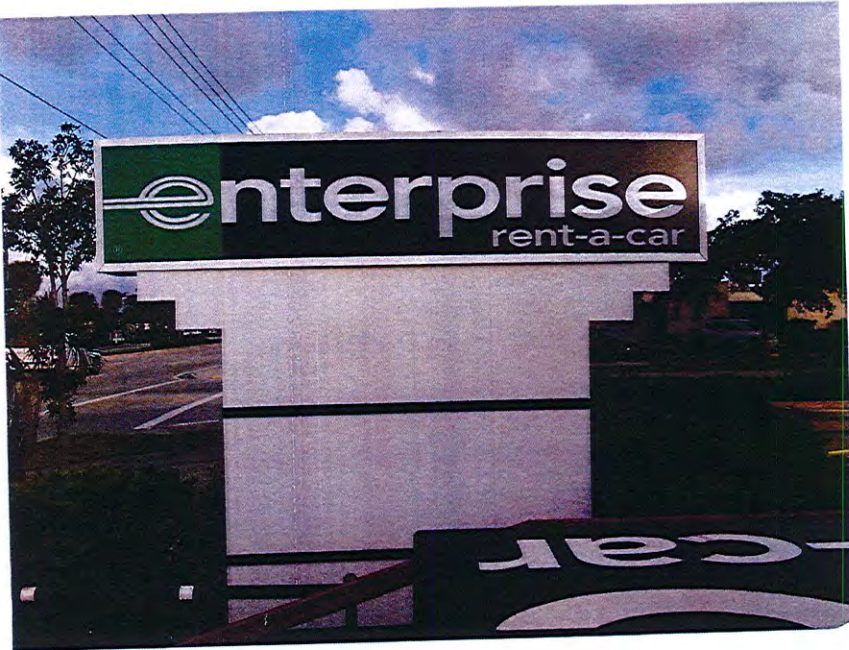


500 Northlake Blvd.

BEFORE



AFTER



450 Northlake Blvd.

BEFORE



AFTER



FEDERAL HIGHWAY

BEFORE AND AFTER SAMPLES

910 Federal Hwy.

BEFORE



AFTER



905 Federal Hwy.

BEFORE



AFTER



804 Federal Hwy.

BEFORE



AFTER



801 Federal Hwy.

BEFORE



AFTER



700 Federal Hwy.

BEFORE



AFTER



405 Federal Hwy.

BEFORE



AFTER



310 Federal Highway

BEFORE



AFTER



OLD DIXIE HIGHWAY

BEFORE AND AFTER SAMPLES

1173 Old Dixie Hwy.

BEFORE



AFTER



1340 Old Dixie Hwy.

BEFORE



AFTER



NORTH CONGRESS AVENUE

BEFORE AND AFTER SAMPLES

400 N. Congress Ave.

BEFORE



AFTER



401 N. Congress Ave.

BEFORE



AFTER



PROSPERITY FARMS ROAD

BEFORE AND AFTER SAMPLES

1525 Prosperity Farms Road

BEFORE



AFTER



1535 Prosperity Farms Road

BEFORE



AFTER



1541 Prosperity Farms Road

BEFORE



AFTER





Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 18, 2017

Agenda Item No. *Tab 14*

Agenda Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN OPTION RENEWING THE TOWN'S CONTRACT WITH HY-BYRD, INC. FOR BUILDING OFFICIAL SERVICES; AND PROVIDING AN EFFECTIVE DATE

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- ORDINANCE ON 1st READING
- NEW BUSINESS - RESOLUTION**
- OTHER: _____

- CONSENT AGENDA
- OLD BUSINESS

Approved by ^{*AST NIA*} Town Manager *Bonnie McAllen Surin* Date: *10/11/2017*

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

Originating Department: <p style="text-align: center;">Community Development</p>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: → Resolution <i>38</i> 10-17 with Exhibits A, B and C
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ <i>ND</i> _____ OR Not applicable in this case Please initial one.

Summary Explanation/Background:

The Town executed a Contract for Services for an on-site Building Official and Inspection Services with Hy-Byrd, Inc. on October 16, 2014 via Resolution 36-10-14 (enclosed as **Exhibit "A"** of the proposed Resolution). The Town later amended the Contract by entering into an Amendment No. 1 on September 7, 2016 via Resolution 31-09-16 (enclosed as **Exhibit "B"** of

the proposed Resolution). Article 2 of the Contract provides that the parties may renew the Contract for one additional three-year term by providing written notice to the Contractor at least 30 days prior to the expiration of the initial term providing that renewals shall be contingent upon satisfactory performance by the firm and subject to the availability of appropriate funds. A letter of intent to renew was issued to the Contractor by the Town on September 29, 2017 indicating that the Town was interested in renewing and negotiating the cost sharing percentages per the Contract (enclosed as **Exhibit "C"** of the proposed Resolution).

The Town is continuing to experience a significant increase in the number and valuation of applications for building permits since the Contract became effective and given the significant increase in the number and valuation of applications for building permits submitted to the Town (close to 1,000 permits on an annual basis), the Parties have agreed to Amend Article I of the Contract to revise the cost sharing percentages between the Town and Contractor. The modifications will result in the Town retaining more of the revenue from the building permit applications. The Town is confident that activity will continue to increase therefore, a minimum monthly payout to Hy-Byrd in the amount of \$7,200 has also been included in the modified language per the negotiations. Fiscal Year 2017 averaged a monthly payout of \$13,000 to Hy-Byrd therefore, Staff is comfortable with setting a minimum \$7,200 monthly payout since this equates to \$86,400 which would essentially be the salary of one full-time Building Official with benefits (not including any of the associated trade inspectors and plan reviewers) should the Building Official be on staff on a full-time basis. Additionally, since the Town is hopeful that a mixed-use development for the US-1 corridor is on the horizon, Staff has requested that these multi-million dollar valued projects are capped so that the Town retains the bulk of the revenue generated by this high-valued building permit. For example, a \$16 million dollar valuation using

the Town's current building permit scale, would result in a \$200,100 permit fee with the Building Official retaining \$100,050 (at 50% cost sharing). Staff proposes that all values over \$16 million dollars are capped so that the maximum payout does not exceed \$100,000 for Hy-Byrd as a result of our negotiations. Consequently, if the Town received a permit application valued at \$50 million dollars for those parcels adjacent to our Marina (for example), this would result in a \$625,100 permit fee whereby Hy-Byrd would be paid \$100,000 (per the cap) and the Town would retain \$525,100.

Article I of the Contract, entitled "SERVICES" is proposed to be amended as follows:

The CONTRACTOR shall furnish an on-site Building Official during regular business hours and provide necessary personnel to accommodate the TOWN's needs for Community Development Department Building Official, Inspections, and Related Services as described in the Scope of Work/Specification Section of the RFP and also listed below. These will be based on the following rates:

Town/Contractor cost sharing percentage as follows:

75% ~~70%~~ Contractor/25% ~~30%~~ Town for building permits valued at \$1 - \$249,999

60% ~~Contractor~~ /40% ~~Town~~ for building permits valued at \$250,000 – \$999,999

50% Contractor /50% Town for building permits valued at \$250,000 \$1,000,000 and over

The Contractor shall be compensated a minimum of \$7,200 per month. For permits valued at \$16,000,000 and over, Contractor payment shall not exceed \$100,000.

Recommended Motion: I move to APPROVE Resolution 88-10 -17.

and negotiating the cost sharing percentages per the Contract, a copy of which is attached hereto and incorporated herein as **Exhibit "C"** and

WHEREAS, the Town is continuing to experience a significant increase in the number and valuation of applications for building permits since the Contract became effective; and

WHEREAS, given the significant increase in the number and valuation of applications for building permits submitted to the Town, the Parties have agreed to Amend Article I of the Contract to revise the cost sharing percentages between the Town and Contractor.

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

Section 1. The whereas clauses are hereby incorporated herein as true and correct.

Section 2. The Contract shall be renewed for a three-year term.

Section 3. Article I of the Contract, entitled "SERVICES" is hereby amended as follows:

The CONTRACTOR shall furnish an on-site Building Official during regular business hours and provide necessary personnel to accommodate the TOWN's needs for Community Development Department Building Official, Inspections, and Related Services as described in the Scope of Work/Specification Section of the RFP and also listed below. These will be based on the following rates:

Town/Contractor cost sharing percentage as follows:

~~75% Contractor/25% Town~~ 70% Contractor/30% Town for building permits valued at \$1 - \$249,999

~~60% Contractor/40% Town~~ for building permits valued at ~~\$250,000 -- \$999,999~~

50% Contractor /50% Town for building permits valued at \$250,000 ~~\$1,000,000~~ and over

The Contractor shall be compensated a minimum of \$7,200 per month. For permits valued at \$16,000,000 and over, Contractor payment shall not exceed \$100,000.

Section 4: This Resolution shall take effect upon execution.

RESOLUTION NO. 36-10-14

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONTRACT WITH HYBYRD, INC. FOR BUILDING OFFICIAL SERVICES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 28, 2014, the Town of Lake Park (the Town) advertised a Request for Proposal seeking firms or individuals who could provide the professional services of a Building Official; and

WHEREAS, the Town received proposals from three firms which were opened on September 18, 2014; and

WHEREAS, the Town's Community Development Director, Finance Director, Planner, and the Administrative Assistant to the Community Development Director numerically scored and evaluated each firm's proposal; and

WHEREAS, HyByrd, Inc. scored the highest amongst the three firms who responded; and

WHEREAS, the town staff recommends that the Commission select HyByrd, Inc. to provide Building Official services to the Town.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Lake Park, Florida

Section 1: The whereas clauses are incorporated herein.

Section 2: The Mayor is hereby authorized and directed to execute a contract with HyByrd, Inc..

Section 3: This Resolution shall take effect upon its adoption.

The foregoing Resolution was offered by Commissioner O'Rourke who moved its adoption. The motion was seconded by Commissioner Flaherty and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	—
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	—
COMMISSIONER ERIN FLAHERTY	<u>✓</u>	—
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	—
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	—

The Town Commission thereupon declared the foregoing Resolution NO. 36-10-14 duly passed and adopted this 15 day of October, 2014.

TOWN OF LAKE PARK, FLORIDA

BY: James D. Dubois
JAMES DUBOIS
MAYOR

ATTEST:

Vivian Mendez

VIVIAN MENDEZ
TOWN CLERK
TOWN OF LAKE PARK
SEAL
(TOWN SEAL)
FLORIDA

Approved as to form and legal sufficiency:

BY: Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY

CONTRACT FOR SERVICES

This Contract is made as of the 16 day of October, 2014, by and between the Town of Lake Park, a Florida municipal corporation, hereinafter referred to as the TOWN, and Hy-Byrd, Inc. [] an individual, [] a partnership, [X] a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONTRACTOR, whose Federal I.D. or Social Security number is 65-0060624.

WHEREAS, the Town requires the services of a consultant with whom it can contract to provide services which are necessary to carry out the responsibilities and authority of a Building Official pursuant to the Florida Building Code, and the Town Code; and

WHEREAS, the TOWN solicited through a Request for Proposals the services of qualified firms to carry out the above referenced responsibilities, reviewed the responses, and selected a CONTRACTOR; and

NOW THEREFORE, in consideration of the mutual promises contained herein, the TOWN and the CONTRACTOR agree as follows:

ARTICLE 1. SERVICES

The CONTRACTOR shall furnish an on-site Building Official during regular business hours and provide necessary personnel to accommodate the TOWN's needs for Community Development Department Building Official, Inspections, and Related Services as described in the Scope of Work/Specifications Section of the RFP and also listed below. These will be based on the following rates:

25% Town/ 75% Contractor (Cost Sharing Percentage for Building Permits (Town penalties are excluded)/Re-inspections/Permit Revisions/Sub-Permits – see Exhibit "A") and additional hourly rates for non-permit related research and projects, as may be required, as follows:

<u>Building Official</u>	<u>\$60</u>	<u>Per hour</u>
<u>Plans Examiner</u>	<u>\$55</u>	<u>Per hour</u>
<u>Building Inspector</u>	<u>\$55</u>	<u>Per hour</u>
<u>Natural Disaster</u>	<u>\$75</u>	<u>Per hour</u>
<u>Code Enforcement</u>	<u>\$60</u>	<u>Per hour</u>
<u>Drainage Systems</u>	<u>\$60</u>	<u>Per hour</u>

SCOPE OF WORK/SPECIFICATIONS

Building Official

The CONTRACTOR shall be responsible for providing a qualified Building Official, with a minimum of 10 (ten) years experience in the construction industry, who is responsible for ensuring compliance with the Florida Building Code; federal, state and local ordinances; and

statutes regarding health, safety and welfare; and Federal Emergency Management Contractor requirements. The Building Official provides direct regulatory responsibilities for plan review, inspections and enforcement. Other specific duties include, but are not limited to:

- Responsible for assisting in the permitting process established by the Town with regulatory administration of plan review, enforcement, inspection of building construction, and alteration projects that require compliance with state and local codes;
- Coordinating inspections and serving as technical advisor for the Building Department, as well as generating building reports, issuing all types of construction permits as appropriate, preparing certified letters, documents, in-house memos and form updates associated with Building Department activities/actions.
- Serving as liaison to the construction industry, the State of Florida, contractors and the general public, and providing direct customer service in person or by telephone/e-mail;
- Providing administrative guidance to technical and clerical staff engaged in construction, permitting, inspection and recording of data;
- Reviewing state statutes affecting construction and determining the impact on the Town and the department; and
- Reviewing, researching, and making recommendations for approval of adoption of departmental policies regarding issuing of permits, licensing of contractors and inspection procedures and serving as an expert witness as the Town's Building Official, when needed by the Town.
- Assisting the Town in its participation in the National Flood Insurance Program's ("NFIP") Community Rating System ("CRS"), including, but not limited to, attending and participating in all NFIP meetings and audits alongside the Town's Floodplain Administrator.
- Maintaining all National Incident Management System (NIMS) certifications and providing all necessary property inspections following natural disasters using NIMS procedures.

Plans Examiner

The CONTRACTOR shall be responsible for providing a qualified plans examiner, with a minimum 5 (five) years experience in the construction industry, who will enforce the current Florida Building Code and Town of Lake Park Code of Ordinances, specifically including the Zoning Code regulations in working with Community Development staff. This position reviews all construction trade plans for new single and multiple-family dwellings, all new non-residential development and all residential and non-residential additions/re-models for compliance with codes. Other duties include determining building permit valuations for inspected construction projects, impact fee calculations (as applicable) and providing the Town with recommended code revisions that are either desirable or required.

Building Inspector

The CONTRACTOR shall be responsible for providing qualified inspector(s), with a minimum 5 (five) years experience in the construction industry, who shall have knowledge of, and comply with, the laws and regulations relating to the enforcement of the current Florida Building Code and the Ordinances of the Town. The proposer must provide both residential and commercial licensed inspector/s whose combined certifications include all trades (commercial building, electrical, plumbing, mechanical, and one, two and multi-family dwellings). Inspections shall include new building construction, repair, addition, remodeling, demolition or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or Town codes. Change of occupancy inspections for businesses shall also be included. Other duties include complaint investigations, hazardous building inspections and assistance with the prosecution of building code and hazardous building violations.

Additional Services

The CONTRACTOR shall be responsible for providing qualified individuals to perform the following additional services:

1. Natural disaster services, including inspections and post-disaster building/property damage assessments.
2. Code enforcement inspections, including testimony at Special Magistrate hearings (as necessary)
3. Inspection of stormwater drainage facilities (qualified individual shall be familiar with the requirements of the Palm Beach County Municipal Separate Stormwater System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit).

Personnel and Equipment:

Contract employees shall be neat and clean in appearance and shall display their identification to the public and keep such identification on their person at all times. All employees assigned to this contract shall be physically able to perform all job requirements and conduct themselves in a courteous, positive and professional manner. Professional and personal behavior of contract staff shall be in keeping with the Town's expected conduct guidelines and personnel policies. Any staff member that does not perform in accordance with the Town's standards may be removed at the request of the Town. The inspector(s) and plans examiner shall only perform building code inspections and plan reviews that are within the disciplines covered by such individual's license or certification pursuant to Florida Statute (Chapters 468, 471 or 481).

The CONTRACTOR shall provide its general employee background check policy, the background services company name, pre-employment testing procedures, current employee screening methods, and a list of any offenses that would exclude someone from employment with the proposer. All field personnel are required to pass a Level Two (2) background check as

per Chapter 435, Florida Statutes. Verification of background check and current list of employees that will be used on this contract shall be provided upon award. The employee list will need to be updated anytime there is a change in/addition to staff.

The Town shall provide a desk, phone and computer with internet access at Town Hall during on-site office hours.

Timeframes:

During the course of performing Building Division services, the following response times shall be adhered to:

1. Responses to public inquiries (within one business day or scheduled appointment during on-site office hours).
2. Plan review (within three calendar days, unless the nature of the permit requires more extensive review/research)
3. Inspections (all inspections to be scheduled on the next business day for requests made prior to 4:00 p.m. the prior day).

Performance Standards:

This subsection provides a summary of the minimum performance standards required .

1. Under normal circumstances, all inspections shall be conducted within the normal business hours of 8:30am to 5:00pm, Monday through Friday, and inspection results made available by 10:00am the following business day.
2. Proposer shall provide a Building Official and/or Building Inspector on-site at Town Hall for a minimum of one (1) hour, five (5) days each week and be available by telephone or on-call for emergency situations at all other times during regular business hours.
3. Inspector(s), the plans examiner and Building Official shall maintain appropriate licensure in accordance with Florida State Statutes.
4. Workloads for the inspector(s) and plans examiner will vary based on need; and it is expected that inspections performed will also take place during inclement weather, unless natural disaster or unsafe conditions require suspension of such activities by the Town.
5. Efficient and courteous customer service standards are an integral part of public interaction. Requests for information and service shall receive a timely reply. The following standards shall be adhered to or exceeded whenever possible. Responses to customer inquiries will be provided within one (1) business day of receipt. Customer appointments shall be promptly attended as per pre-scheduled times.
6. All personnel performing services shall be able to understand, converse and write the English language and must be legally able to work in the United States.
7. The contractor shall work with the Town to continuously upgrade a program of disseminating

information to keep contractors and members of the public aware of any and all code changes, and the logic underlying the changes.

8. Employees of the proposer shall maintain all necessary licensure and certifications required to perform under the contract. Proof of such licensure/certifications and subsequent renewals shall be submitted to the Town of Lake Park within 30 days of contract award and shall be kept up-to-date throughout the duration of the contract.
9. All sketches, tracings, drawing, computation details, designs, calculations, records from inspections, work papers and other documents and plans that result from the proposer providing services shall be the property of the Town.
10. The proposer shall coordinate activities with the Florida Building Commission as needed.
11. The proposer shall coordinate activities with the Palm Beach County Fire Department Staff as needed.
12. The Town prefers that the Firm review and maintain all records required by the Federal Emergency Management Agency (FEMA) in association with the processing of building permits in the format required by FEMA.
13. The Town prefers that the proposer maintain the necessary education/certification and data to ensure an acceptable ISO (Insurance Service Office) rating.

The TOWN'S individual who shall be responsible for the CONTRACTOR'S performance of this Contract shall be the Community Development Director.

ARTICLE 2. TERM/COMMENCEMENT DATE

This commencement date of the Contract shall be November 1, 2014. The Term of the Contract shall be three years, unless earlier terminated in accordance with Article 4, herein. The TOWN shall have the option to renew this Contract for one additional three year term upon the same terms and conditions contained herein by providing written notice to CONTRACTOR at least 30 days prior to the expiration of the initial term and providing that renewals shall be contingent upon satisfactory performance by the firm and subject to the availability of appropriate funds.

ARTICLE 3. COMPENSATION TO CONTRACTOR

- A. Generally - The TOWN agrees to compensate the CONTRACTOR in accordance with the Proposal submitted by the CONTRACTOR. CONTRACTOR'S Proposal is attached hereto and incorporated herein as Exhibit "B". The total and cumulative compensation for this contract shall not exceed the compensation terms outlined in Article 1, and will need to be budgeted annually by the TOWN.
- B. Payments - Invoices received from the CONTRACTOR pursuant to this Contract shall be reviewed and approved by the TOWN'S representative referenced in Article 1, above, indicating that services have been rendered in conformity with the Contract. Upon

approval, the invoice will be directed to the Finance Department for payment. CONTRACTOR shall invoice the TOWN in advance for each payment period. Invoices will normally be paid within 30 days following the TOWN representative's approval. Cost-Sharing payments will be done on a monthly basis and will be based on the previous month's revenue.

ARTICLE 4. TERMINATION

The Town may unilaterally cancel the Contract for the refusal by the CONTRACTOR to allow public access to all documents, papers, letters, or other material subject to the provisions of F.S. ch. 119 and made or received by the contractor in conjunction with the contract and pursuant to Article 22.

This Contract may be terminated by the CONTRACTOR upon 30 days' prior written notice to the TOWN'S representative in the event of a default by the TOWN. A default shall occur upon the TOWN'S failure to perform in accordance with the terms of this Contract. The TOWN may terminate the Contract upon default, or for convenience upon giving CONTRACTOR 30 days advance written notice. Unless the CONTRACTOR is in breach of this Contract, the CONTRACTOR shall be paid for services rendered to the TOWN'S satisfaction through the date of termination. After receipt of a Termination Notice and except as otherwise directed by the TOWN, the CONTRACTOR shall:

- A. Stop work on the date and to the extent specified.
- B. Terminate and settle all orders and subcontracts relating to the performance of the terminated work.
- C. Transfer all work in progress, completed work, and other materials related to the terminated work pursuant to the TOWN'S direction.
- D. Continue and complete all parts of the work that have not been terminated.

All provisions of the Contract shall be deemed material. In the event CONTRACTOR fails to comply with any of the provisions contained in this Contract or exhibits, amendments and addenda attached hereto, said failure shall be deemed a material breach of this Contract and TOWN may at its option and without notice terminate this Contract.

ARTICLE 5. PERSONNEL

- A. The CONTRACTOR represents that it has, or will secure at its own expense, all necessary personnel required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with the TOWN.
- B. All of the services required hereunder shall be performed by the CONTRACTOR or under its supervision, and all personnel engaged in performing the services shall be fully qualified and, if required, licensed, authorized or permitted under state and local law to perform such services.

- C. The CONTRACTOR warrants that all services shall be performed by skilled, licensed and competent personnel to the highest professional standards in the field.
- D. All of the CONTRACTOR'S personnel while on Town premises, shall comply with all Town requirements governing conduct, safety, and security.

ARTICLE 6. INSURANCE

- A. Prior to execution of this Contract by the TOWN the CONTRACTOR shall provide certificates evidencing insurance coverage as required hereunder. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida. The Certificates shall clearly indicate that the CONTRACTOR has obtained insurance of the type, amount, and classification as required for strict compliance with this Article and that no material change or cancellation of the insurance shall be effective without 30 days prior written notice to the TOWN'S representative. Compliance with the foregoing requirements shall not relieve the CONTRACTOR of its liability and obligations under this Contract.

The CONTRACTOR shall maintain during the life of this contract:

Workers' compensation insurance for all employees of the contractor for statutory limits in compliance with applicable State and federal laws. Notwithstanding the number of employees or any other statutory provisions to the contrary, coverage shall extend to all employees of the contractor and all subcontractors. Employers liability limits shall be not less than \$1,000,000.00 each accident; \$1,000,000.00 disease-policy limit; and \$1,000,000.00 disease-each employee.

Comprehensive general liability of \$1,000,000.00, per occurrence, premises and operations, independent contractors, products and completed operations, personal and advertising injury, XCU coverage, and a contractual liability endorsement \$2,000,000.00 aggregate.

Business auto liability of \$1,000,000.00 per occurrence or combined single limit for bodily injury and property damage liability. This insurance shall be an "any-auto" policy including hired and non-owned auto liability coverage.

The TOWN OF LAKE PARK shall be included as an additional named insured under the general liability and automobile liability policies and a waiver of subrogation against the TOWN shall be included in all workers' compensation policies. Current valid insurance policies meeting the requirements herein identified shall be maintained during the term of the contract, and any extensions thereof. It shall be the responsibility of the CONTRACTOR to ensure that all subcontractors are adequately insured or covered under their policies. A complete certified copy of the insurance policy(ies) is required. The required insurance coverages shall be issued by an insurance company duly authorized and licensed to do business in the State of Florida with minimum qualifications in accordance with the latest edition of A.M. Best's Insurance Guide: Financial Stability: B+ to A+, of which evidence shall be provided to the TOWN's representative. All required insurance shall preclude any underwriter's rights of recovery or subrogation against the TOWN with the express intention of the parties being that the

required coverages protect both parties as the primary insurance for any and all losses covered by the above described insurance. Violation of the terms of such insurance requirements shall constitute a material breach of the contract by the CONTRACTOR and the town, at its sole discretion, may cancel the contract and all rights, title and interest of the contractor shall thereupon cease and terminate.

ARTICLE 7. INDEMNIFICATION

- A. To the fullest extent permitted by applicable laws and regulations, the CONTRACTOR shall indemnify and save harmless and defend the TOWN, its elected and appointed officials, agents, servants, and employees from and against any and all claims, liability, losses, and/or causes of action arising out of or in any way related to the services furnished by the CONTRACTOR pursuant to this Contract, including, but not limited to, those caused by or arising out of any act, omission, negligence or default of the CONTRACTOR and/or its subcontractors, agents, servants or employees.
- B. The CONTRACTOR shall not be required to indemnify the TOWN, its elected and appointed officials, agents, servants and employees when the occurrence results solely from the wrongful acts or omissions of the TOWN, or its elected or appointed officials, agents, servants and employees. The terms of this Section shall survive completion of all services, obligations and duties provided for in this Contract as well as the termination of this Agreement for any reason.
- C. Nothing contained in this Contract shall create a contractual relationship with or a cause of action in favor of a third party against either the TOWN or the CONTRACTOR.
- D. Nothing in this Contract shall be construed a waiver of sovereign immunity beyond the waiver provided in § 768.28, Florida Statutes.

ARTICLE 8. SUCCESSORS AND ASSIGNS

The TOWN and the CONTRACTOR each binds itself and its partners, successors, executors, administrators, and assigns to the other party of this Contract and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Contract. Except as above, neither the TOWN nor the CONTRACTOR shall assign, sublet, convey or transfer its interest in this Contract without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of the TOWN which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than the TOWN and the CONTRACTOR.

ARTICLE 9. INDEPENDENT CONTRACTOR RELATIONSHIP

- A. The CONTRACTOR is, and shall be, in the performance of all work, services and/or activities under this Contract, an Independent Contractor, and not an employee, agent, or servant of the TOWN. All persons engaged in any of the work, services and/or activities performed pursuant to this Contract shall at all times, and in all places, be subject to the CONTRACTOR'S sole direction, supervision, and control. The CONTRACTOR shall exercise control over the means and manner in which it and its employees perform the work, and in all respects the CONTRACTOR'S relationship and the relationship of its employees, agents, or servants to the TOWN shall be that of an Independent Contractor and not as employees or agents of the TOWN.
- B. The CONTRACTOR does not have the power or authority to bind the TOWN in any promise, agreement or representation other than as specifically provided for in this agreement.

ARTICLE 10. NONDISCRIMINATION

The CONTRACTOR warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, or sexual orientation.

ARTICLE 11. ATTORNEY FEES/ COSTS

If any legal action or other proceeding is brought for the enforcement of this Contract, or because of an alleged dispute, breach, default or misrepresentation in connection with any provisions of this Contract, the successful or prevailing party shall be entitled to recover its reasonable attorney's fees, and all expenses even if not taxable as court awarded costs (including, without limitation, all such fees, costs and expenses incident to appeals), incurred in that action or proceeding, in addition to any other relief to which such party or parties may be entitled.

ARTICLE 12. AUTHORITY TO CONDUCT BUSINESS

The CONTRACTOR hereby represents and warrants that it has and will continue to maintain all licenses and approvals required to conduct its business, and that it will at all times conduct its business activities in a reputable manner. Proof of such licenses and approvals shall be submitted to the TOWN'S representative upon request.

ARTICLE 13. SEVERABILITY

If any term or provision of this Contract, or the application thereof to any person or circumstances shall, to any extent, shall be held invalid or unenforceable, to remainder of this Contract, or the application of such terms or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Contract shall be deemed valid and enforceable to the extent permitted by law.

ARTICLE 14. PUBLIC ENTITY CRIMES

As provided in F.S. 287.132-133 by entering into this Contract or performing any work in furtherance hereof, CONTRACTOR certifies that it, its employees, affiliates, suppliers, subcontractors and any other contractors who will perform hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within the thirty-six (36) months immediately preceding the date hereof. This notice is required by Section 287.133(3)(a), Florida Statutes.

ARTICLE 15. AMENDMENTS TO THE CONTRACT

The provisions, terms and conditions set forth herein shall only be modified upon the execution of a written amendment to the Contract. TOWN reserves the right to make changes in Scope of Work, including alterations, reductions therein or additions thereto.

ARTICLE 16. NOTICE

All notices required in this Contract shall be sent by certified mail, return receipt requested, and if sent to the TOWN shall be mailed to:

Town of Lake Park
535 Park Avenue
Lake Park, Florida 33410
Attention: Vivian Mendez, Town Clerk

and if sent to the CONTRACTOR shall be mailed to:

ARTICLE 17. ENTIRETY OF CONTRACTUAL AGREEMENT

The TOWN and the CONTRACTOR agree that this Contract sets forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein.

ARTICLE 18. WAIVER

Failure of the TOWN to enforce or exercise any right(s) under this Contract shall not be deemed a waiver of TOWN'S right to enforce or exercise said right(s) at any time thereafter.

ARTICLE 19. PREPARATION

This Contract shall not be construed more strongly against either party regardless of who was more responsible for its preparation.

ARTICLE 20. CONTRACT DOCUMENTS AND CONTROLLING PROVISIONS

This Contract incorporates the terms of the Request for Proposals issued by the TOWN and the Proposal Response submitted by CONTRACTOR, and CONTRACTOR agrees to be bound by all the terms and conditions set forth in the aforementioned documents. To the extent that a conflict exists between this Contract and the Request for Proposals and CONTRACTOR'S response thereto documents, the terms, conditions, covenants, and/or provisions of this Contract shall prevail. Wherever possible, the provisions of such documents shall be construed in such a manner as to avoid conflicts between provisions of the various documents.

ARTICLE 21. INSPECTOR GENERAL

CONTRACTOR is aware that the Inspector General of Palm Beach County has the authority to investigate and audit matters relating to the negotiation and performance of this contract and in furtherance thereof, may demand and obtain records and testimony from the CONTRACTOR and its subcontractors. CONTRACTOR understands and agrees that in addition to all other remedies and consequences provided by law, the failure of contractor or its subcontractors to fully cooperate with the Inspector General when requested may be deemed by the TOWN to be a material breach of the Contract Documents justifying termination.

ARTICLE 22. PUBLIC RECORDS

In performing services pursuant to this Contract, CONTRACTOR shall comply with all relevant provisions of Chapter 119, Florida Statutes including, but not limited to:

- A. Keep and maintain public records that ordinarily and necessarily would be required by the TOWN in order to perform the service in paper and/or electronic formats.
- B. Provide the public with access to public records on the same terms and conditions that the TOWN would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
- C. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- D. Meet all requirements for retaining public records and transfer, at no cost, to the TOWN all public records in possession of CONTRACTOR upon termination of the Contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically shall, upon request be provided to the TOWN in a format that is compatible with the information technology systems of the TOWN.

IN WITNESS WHEREOF, the TOWN and CONTRACTOR hereto have made and executed this Contract as of the day and year first above written.

TOWN OF LAKE PARK

BY: *Sam Baird*
MAYOR



ATTEST:

BY: *Kim M. [Signature]*
TOWN CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

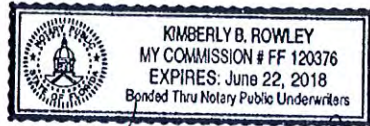
BY: _____
Thomas J. Baird TOWN ATTORNEY

PROPOSER (CONTRACTOR):

BY: *[Signature]*
Name of Authorized Representative: *Michael Conshill*
Title: *V.P.*

WITNESSED BY:

Kimberly B. Rowley
Print Name:



Kimberly B. Rowley 10/16/14
(personally known)



- = Cost-Sharing per Contract
- = Compensated 100% pursuant to contracted hourly rates
- (no shading) = Solely Town of Lake Park fees (0% compensation)

APPROVED BY RESOLUTION 30-09-14 on 09-17-2014

BUILDING PERMIT FEES:

The Permit Fee Schedule shall be based on total valuation as follows:

Minimum Permit Fee up to \$ 2,499.00 in value	\$100.00
\$ 2,500.00 - \$ 999,999.00	\$100.00 PLUS - 2.0 %
\$ 1,000,000 and up.....	\$100.00 PLUS - 1.25 %

(Note: If a building permit requires Engineering review, this will be assessed at an additional fee per the Town's Engineering contract, with a minimum one(1)-hour charge)

Inspection Fee.....\$40.00
 (All permit applications will include required inspections in the permit fee. If additional non-permit related inspections; zoning certificate inspections; structural code compliance inspections; fire damage inspections; courtesy inspections; and all other inspections not otherwise listed are required, a \$40 inspection fee PER inspection will be assessed)

Re-inspection Fee.....\$75.00

Low-Voltage alarm system permit for one and two-family homes.....\$55.00

ADDITIONAL PERMIT-RELATED FEES

Permit Revision Administrative Fee utilizing the same Permit Number.....\$50.00

Sub-Permit Administrative Fee.....\$50.00

Administrative Fee for Permit
 Renewal/Reissuance.....\$60.00

ADDITIONAL PLAN REVIEW & RELATED SERVICES FEE for non-permit related Building Official, Plans Examiner, Building Inspector, and Related Services.....Per hour fee based on Town Contract, minimum half hour charge

Holiday/Weekend Inspections (minimum three(3)-hour charge).....Per hour fee based on Town Contract

PENALTIES

Any person who commences any work on a building or structure where a building or sign permit is required, who has not obtained the prior written approval from the Town's Building Official, or has not obtained the required building or sign permit shall be subject to the assessment of a penalty of two times (2Xs) the required permit fees listed herein, in addition to the regular permit fees.

- = Cost-Sharing per Contract
- = Compensated 100% pursuant to contracted hourly rates
- _____ (no shading) = Solely Town of Lake Park fees (0% compensation)

MOVING PERMIT FEES:

For the moving of any building or structure exceeding 500 Sq Ft
 the Permit Fee shall be:\$500.00

DEMOLITION PERMIT FEES:

For the demolition of any building or structure exceeding 500 sq ft the Permit Fee
 shall be:\$200.00 for the first 500 sq feet with the remainder @ \$1.00 / 500 sq ft

CONTRACTOR REGISTRATION FEES:

With Palm Beach County registration with a "W" designation.....\$2.00
 All Other Contractors\$10.00

SIGN PERMIT FEES:

Minimum Permit Fee up to \$ 3,000.00 in value\$100.00
 \$ 3,000.00 and up in value\$200.00
 Window Signage (per store window frontage).....\$50.00

Exhibit "B" (from Hy-Byrd's proposal)

STATE PRICE IN WORDS AND FIGURES:

Price proposal shall be all inclusive to include costs for all functions and duties generally assigned to the contracted employees listed in the RFP, any and all benefits, taxes and insurance, and any and all equipment necessary to perform the work (not provided by the Town). The all inclusive contract cost must be based on the following:

TOTAL PROPOSAL: TO PROVIDE COMMUNITY DEVELOPMENT BUILDING OFFICIAL, INSPECTIONS AND RELATED SERVICES FOR THE TOWN OF LAKE PARK

Building Official, Inspections and Related Services (Each proposal must contain a revenue share percentage for permit applications, inspections and revisions/sub-permits; and hourly rates for additional services. Contract compensation will be based on cost-sharing and additional service fees)

A. Revenue Sharing Percentage of Permit Fees, Inspection Fees and Revision/Sub-Permit Fees (Primary source of compensation – refer to Exhibit "A" for existing schedule of fees and Exhibit "B" for proposed schedule of fees):

75 percent

B. Additional Hourly Loaded Billing Rates for non-permit related research and projects (as may be required):

Building Official:

\$60.00 per hour

Plans Examiner:

\$55.00 per hour

Building Inspector:

\$55.00 per hour

Related Services (as may be required)

Natural disaster services, including post-disaster building/property damage assessments:

\$75.00 per hour

Code Enforcement testimony at Special Magistrate hearing:

\$60.00 per hour

Drainage Systems enforcement of all MS4 NPDES requirements (qualified individual shall be familiar with the requirements of the Palm Beach County Municipal Separate Stormwater System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit): \$60.00 per hour



CERTIFICATE OF LIABILITY INSURANCE

HYBYR-1 OP ID: LO

DATE (MM/DD/YYYY)
10/10/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Plastridge Agency-PBGO 10337 N Military Trail Palm Beach Gardens, FL 33410 Ray Allen	CONTACT NAME: Ray Allen	
	PHONE (A/C No. Ext.): 561-630-4955	FAX (A/C No.): 561-630-4966
E-MAIL ADDRESS:		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: Ohio Security Insurance Co.		24082
INSURER B: Associated Industries Ins. Co.		
INSURER C: Houston Casualty Company		
INSURER D:		
INSURER E:		
INSURER F:		

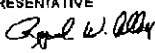
INSURED Hy Byrd, Inc.
511 S. East Coast Street
Lake Worth, FL 33460-4428

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		BLS1554516246	08/29/2014	08/29/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	GENL AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (PER ACCIDENT) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE					EACH OCCURRENCE \$ AGGREGATE \$
	<input type="checkbox"/> DEC <input type="checkbox"/> RETENTION \$					
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	AWC1027950	12/10/2013	12/10/2014	WC STATL TOBY LIMITS <input type="checkbox"/> OTH ER <input type="checkbox"/> E1 EACH ACCIDENT \$ 1,000,000 E1 DISEASE - EA EMPLOYEE \$ 1,000,000 E1 DISEASE - POLICY LIMIT \$ 1,000,000
C	Professional Liab		HCC1421168	08/29/2014	08/29/2015	limit per 1,000,000 aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Certificate holder included as additional insured with respects to General Liability

CERTIFICATE HOLDER Town of Lake Park 535 Park Avenue Lake Park, FL 33403	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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CERTIFICATE OF INSURANCE

SUCH INSURANCE AS RESPECTS THE INTEREST OF THE CERTIFICATE HOLDER WILL NOT BE CANCELED OR OTHERWISE TERMINATED WITHOUT GIVING 10 DAYS PRIOR WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED BELOW, BUT IN NO EVENT SHALL THIS CERTIFICATE BE VALID MORE THAN 30 DAYS FROM THE DATE WRITTEN. THIS CERTIFICATE OF INSURANCE DOES NOT CHANGE THE COVERAGE PROVIDED BY ANY POLICY DESCRIBED BELOW.

This certifies that: STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY of Bloomington, Illinois, or
 STATE FARM FIRE AND CASUALTY COMPANY of Bloomington, Illinois
has coverage in force for the following Named Insured as shown below:

Named Insured HY-BYRD INC.
Address of Named Insured 511 S EAST COAST ST.
LAKE WORTH, FL 33460

POLICY NUMBER	276 #498-C01-58D	C81 5738-D08-59	625 2104-D03-99B	024 3589-F21-99G
EFFECTIVE DATE OF POLICY	09/01/2014-03/01/2015	04/08/2014-10/08/2014 10/08/2014-04/08/2015	04/08/2014-10/08/2014 10/08/2014-04/08/2015	06/21/2014-12/21/2014
DESCRIPTION OF VEHICLE	2005 DODGE RAM 1500 VIN:1D7HA16K9S1528271	2014 JEEP PATRIOT SPORT VIN:1C4NJPBASE694539	2007 CHEVROLET TRAILBLAZE VIN:1GNDS13887227408	2011 HONDA FIT VIN:HM8E8H38BC007340
LIABILITY COVERAGE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
LIMITS OF LIABILITY				
a. Bodily Injury Each Person	\$1,000,000.00	\$1,000,000.00	\$500,000.00	\$500,000.00
a. Bodily Injury Each Accident	\$1,000,000.00	\$1,000,000.00	\$500,000.00	\$500,000.00
b. Property Damage	\$1,000,000.00	\$1,000,000.00	\$500,000.00	\$500,000.00
c. Bodily Injury & Property Damage Single Limit Each Accident				
PHYSICAL DAMAGE COVERAGES	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$500.00 Deductible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$500.00 Deductible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$500.00 Deductible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$250.00 Deductible
a. Comprehensive				
b. Collision	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$500.00 Deductible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$500.00 Deductible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$500.00 Deductible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$250.00 Deductible
EMPLOYER'S NON-OWNERSHIP COVERAGE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
HIRED CAR COVERAGE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Paul Roca
Signature of Authorized Representative

AGENT 2690 09/06/2014
Title Agent's Code Number Date

Name and Address of Certificate Holder
TOWN OF LAKE PARK
535 PARK AVENUE
LAKE PARK, FL 33403

Name and Address of Agent
PAUL ROCA STATE FARM
4183 SOUTH CONGRESS AVE
LAKE WORTH, FL 33461

CERTIFICATE HOLDER COPY

Check if a permanent Certificate of Insurance for liability coverage is needed:
Check if the Certificate Holder should be added as an Additional Insured:

Remarks: "As provided for in Section 320.02(5)(e), Florida Statutes, the listed insurance policy(s) or surety bond(s) may not be canceled on less than 30 days written notice by the insurer to the Department of Highway Safety and Motor Vehicles, such 30 days notice to commence from the date notice is received by the Department"

RESOLUTION NO. 31-09-2016

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH HY-BYRD, INC. FOR BUILDING OFFICIAL SERVICES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town is empowered to enter into contractual arrangements with public agencies, private corporations or other persons, pursuant to Florida Statutes; and

WHEREAS, the Town executed a Contract for Services (the Contract) for an on-site Building Official and Inspection Services with Hy-Byrd, Inc. ("Hy-Byrd") on October 16, 2014, approved by Resolution 36-10-14, a copy of which is attached hereto and incorporated herein as **Exhibit "A"**; and

WHEREAS, Article 15 of the Contract provides that the parties may amend the Contract; and

WHEREAS, Article I of the Contract provides for a Cost Sharing Percentage for Building Permits and related services between the Town and Hy-Byrd; and

WHEREAS, the Town has experienced a significant increase in the number and valuation of applications for building permits since the Contract became effective; and

WHEREAS, given the significant increase in the number and valuation of applications for building permits submitted to the Town, the Parties have agreed to Amend Article I of the Contract to revise the cost sharing percentages between the Town and Hy-Byrd.

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

Section 1. The whereas clauses are hereby incorporated herein as true and correct.

Section 2. Article I of the Contract, entitled "SERVICES" is hereby amended as follows:

The CONTRACTOR shall furnish an on-site Building Official during regular business hours and provide necessary personnel to accommodate the TOWN's needs for Community Development Department Building Official, Inspections, and Related Services as described in the Scope of Work/Specification Section of the RFP and also listed below. These will be based on the following rates:

~~25% Town / 75% Contractor~~ Town/Contractor cost sharing percentage as follows:

75% Contractor/25% Town for building permits valued at \$1 - \$249,999

60% Contractor /40% Town for building permits valued at \$250,000 - \$999,999

50% Contractor /50% Town for building permits valued at \$1,000,000 and over

Section 3: This Resolution shall take effect upon execution.

The foregoing Resolution was offered by Commissioner O'Rourke who moved its adoption. The motion was seconded by Commissioner Lynch and upon being put to a roll call vote, the vote was as follows:

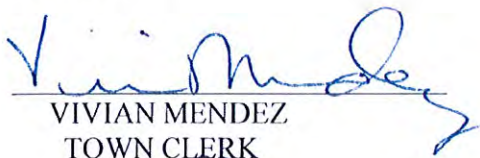
	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	<u>—</u>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>Absent</u>	<u>—</u>
COMMISSIONER ERIN FLAHERTY	<u>/</u>	<u>—</u>
COMMISSIONER ANNE LYNCH	<u>/</u>	<u>—</u>
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	<u>—</u>

The Town Commission thereupon declared the foregoing Resolution NO. 31-09-16 duly passed and adopted this 7 day of September, 2016.

TOWN OF LAKE PARK, FLORIDA

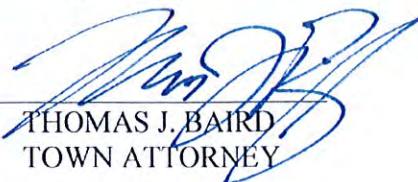
BY: 
JAMES DUBOIS
MAYOR

ATTEST:


VIVIAN MENDEZ
TOWN CLERK



Approved as to form and legal sufficiency:

BY: 
THOMAS J. BAIRD
TOWN ATTORNEY

CONTRACT ADDENDUM NO. 1

THIS CONTRACT ADDENDUM NO. 1, made and entered into this 7 day of September, 2016 by and between TOWN OF LAKE PARK, 535 Park Avenue, Lake Park, Florida 33403 (hereinafter referred to as "TOWN") and Hy-Byrd Inc., a Florida corporation located at 511 South East Coast Street, Lake Worth, Florida 33460, and licensed and authorized to do business in the State of Florida hereinafter referred to as "CONTRACTOR").

WHEREAS, the Town is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town is empowered to enter into contractual arrangements with public agencies, private corporations or other persons, pursuant to Florida Statutes; and

WHEREAS, this Contract Addendum No. 1 provides a written amendment pursuant to Article 15 of the executed Contract for Services (the "Contract") approved by Resolution 36-10-14 between the Town and the Contractor; and

WHEREAS, this Contract Addendum No. 1 amends the Cost Sharing Percentage for Building Permits and related services between the Town and the Contractor; and

WHEREAS, this Contract Addendum No. 1 was approved by the Town Commission by Resolution 31-09-16.

NOW THEREFORE, in consideration of the above and the mutual covenants contained herein, the parties agree to amend Article I of the Contract as follows:

The CONTRACTOR shall furnish an on-site Building Official during regular business hours and provide necessary personnel to accommodate the TOWN's needs for Community Development Department Building Official, Inspections, and Related Services as described in the Scope of Work/Specification Section of the RFP and also listed below. These will be based on the following rates:

~~25% Town / 75% Contractor~~ Town/Contractor cost sharing percentage as follows:
75% Contractor/25% Town for building permits valued at \$1 - \$249,999
60% Contractor /40% Town for building permits valued at \$250,000 - \$999,999
50% Contractor /50% Town for building permits valued at \$1,000,000 and over.

TOWN OF LAKE PARK

BY: [Signature]

MAYOR

CONTRACTOR:

BY: Michael S. Crisafulli (Print Name)

HY-BYRD, Inc.

[Signature] (Sign)

V.P. (Title)

BY: [Signature]
TOWN CLERK
SEAL

FLORIDA

WITNESSED BY:

_____ (Print Name)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: [Signature]
Thomas J. Baird, TOWN ATTORNEY

RESOLUTION NO. 36-10-14

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONTRACT WITH HYBYRD, INC. FOR BUILDING OFFICIAL SERVICES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 28, 2014, the Town of Lake Park (the Town) advertised a Request for Proposal seeking firms or individuals who could provide the professional services of a Building Official; and

WHEREAS, the Town received proposals from three firms which were opened on September 18, 2014; and

WHEREAS, the Town's Community Development Director, Finance Director, Planner, and the Administrative Assistant to the Community Development Director numerically scored and evaluated each firm's proposal; and

WHEREAS, HyByrd, Inc. scored the highest amongst the three firms who responded; and

WHEREAS, the town staff recommends that the Commission select HyByrd, Inc. to provide Building Official services to the Town.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Lake Park, Florida

Section 1: The whereas clauses are incorporated herein.

Section 2: The Mayor is hereby authorized and directed to execute a contract with HyByrd, Inc..

Section 3: This Resolution shall take effect upon its adoption.

The foregoing Resolution was offered by Commissioner O'Rourke who moved its adoption. The motion was seconded by Commissioner Flaherty and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	/	—
VICE-MAYOR KIMBERLY GLAS-CASTRO	/	—
COMMISSIONER ERIN FLAHERTY	✓	—
COMMISSIONER MICHAEL O'ROURKE	/	—
COMMISSIONER KATHLEEN RAPOZA	/	—

The Town Commission thereupon declared the foregoing Resolution NO. 36-10-14 duly passed and adopted this 15 day of October, 2014.

TOWN OF LAKE PARK, FLORIDA

BY: James D. Dubois
JAMES DUBOIS
MAYOR

ATTEST:

Vivian Mendez

VIVIAN MENDEZ
TOWN CLERK

TOWN OF LAKE PARK
SEAL
(TOWN SEAL)
FLORIDA

Approved as to form and legal sufficiency:

BY: Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY

CONTRACT FOR SERVICES

This Contract is made as of the 16 day of October, 2014, by and between the Town of Lake Park, a Florida municipal corporation, hereinafter referred to as the TOWN, and Hy-Byrd, Inc. [] an individual, [] a partnership, [X] a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONTRACTOR, whose Federal I.D. or Social Security number is 65-0060624.

WHEREAS, the Town requires the services of a consultant with whom it can contract to provide services which are necessary to carry out the responsibilities and authority of a Building Official pursuant to the Florida Building Code, and the Town Code; and

WHEREAS, the TOWN solicited through a Request for Proposals the services of qualified firms to carry out the above referenced responsibilities, reviewed the responses, and selected a CONTRACTOR; and

NOW THEREFORE, in consideration of the mutual promises contained herein, the TOWN and the CONTRACTOR agree as follows:

ARTICLE 1. SERVICES

The CONTRACTOR shall furnish an on-site Building Official during regular business hours and provide necessary personnel to accommodate the TOWN's needs for Community Development Department Building Official, Inspections, and Related Services as described in the Scope of Work/Specifications Section of the RFP and also listed below. These will be based on the following rates:

25% Town/ 75% Contractor (Cost Sharing Percentage for Building Permits (Town penalties are excluded)/Re-inspections/Permit Revisions/Sub-Permits – see Exhibit "A") and additional hourly rates for non-permit related research and projects, as may be required, as follows:

<u>Building Official</u>	<u>\$60</u>	<u>Per hour</u>
<u>Plans Examiner</u>	<u>\$55</u>	<u>Per hour</u>
<u>Building Inspector</u>	<u>\$55</u>	<u>Per hour</u>
<u>Natural Disaster</u>	<u>\$75</u>	<u>Per hour</u>
<u>Code Enforcement</u>	<u>\$60</u>	<u>Per hour</u>
<u>Drainage Systems</u>	<u>\$60</u>	<u>Per hour</u>

SCOPE OF WORK/SPECIFICATIONS

Building Official

The CONTRACTOR shall be responsible for providing a qualified Building Official, with a minimum of 10 (ten) years experience in the construction industry, who is responsible for ensuring compliance with the Florida Building Code; federal, state and local ordinances; and

statutes regarding health, safety and welfare; and Federal Emergency Management Contractor requirements. The Building Official provides direct regulatory responsibilities for plan review, inspections and enforcement. Other specific duties include, but are not limited to:

- Responsible for assisting in the permitting process established by the Town with regulatory administration of plan review, enforcement, inspection of building construction, and alteration projects that require compliance with state and local codes;
- Coordinating inspections and serving as technical advisor for the Building Department, as well as generating building reports, issuing all types of construction permits as appropriate, preparing certified letters, documents, in-house memos and form updates associated with Building Department activities/actions.
- Serving as liaison to the construction industry, the State of Florida, contractors and the general public, and providing direct customer service in person or by telephone/e-mail;
- Providing administrative guidance to technical and clerical staff engaged in construction, permitting, inspection and recording of data;
- Reviewing state statutes affecting construction and determining the impact on the Town and the department; and
- Reviewing, researching, and making recommendations for approval of adoption of departmental policies regarding issuing of permits, licensing of contractors and inspection procedures and serving as an expert witness as the Town's Building Official, when needed by the Town.
- Assisting the Town in its participation in the National Flood Insurance Program's ("NFIP") Community Rating System ("CRS"), including, but not limited to, attending and participating in all NFIP meetings and audits alongside the Town's Floodplain Administrator.
- Maintaining all National Incident Management System (NIMS) certifications and providing all necessary property inspections following natural disasters using NIMS procedures.

Plans Examiner

The CONTRACTOR shall be responsible for providing a qualified plans examiner, with a minimum 5 (five) years experience in the construction industry, who will enforce the current Florida Building Code and Town of Lake Park Code of Ordinances, specifically including the Zoning Code regulations in working with Community Development staff. This position reviews all construction trade plans for new single and multiple-family dwellings, all new non-residential development and all residential and non-residential additions/re-models for compliance with codes. Other duties include determining building permit valuations for inspected construction projects, impact fee calculations (as applicable) and providing the Town with recommended code revisions that are either desirable or required.

Building Inspector

The CONTRACTOR shall be responsible for providing qualified inspector(s), with a minimum 5 (five) years experience in the construction industry, who shall have knowledge of, and comply with, the laws and regulations relating to the enforcement of the current Florida Building Code and the Ordinances of the Town. The proposer must provide both residential and commercial licensed inspector/s whose combined certifications include all trades (commercial building, electrical, plumbing, mechanical, and one, two and multi-family dwellings). Inspections shall include new building construction, repair, addition, remodeling, demolition or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or Town codes. Change of occupancy inspections for businesses shall also be included. Other duties include complaint investigations, hazardous building inspections and assistance with the prosecution of building code and hazardous building violations.

Additional Services

The CONTRACTOR shall be responsible for providing qualified individuals to perform the following additional services:

1. Natural disaster services, including inspections and post-disaster building/property damage assessments.
2. Code enforcement inspections, including testimony at Special Magistrate hearings (as necessary)
3. Inspection of stormwater drainage facilities (qualified individual shall be familiar with the requirements of the Palm Beach County Municipal Separate Stormwater System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit).

Personnel and Equipment:

Contract employees shall be neat and clean in appearance and shall display their identification to the public and keep such identification on their person at all times. All employees assigned to this contract shall be physically able to perform all job requirements and conduct themselves in a courteous, positive and professional manner. Professional and personal behavior of contract staff shall be in keeping with the Town's expected conduct guidelines and personnel policies. Any staff member that does not perform in accordance with the Town's standards may be removed at the request of the Town. The inspector(s) and plans examiner shall only perform building code inspections and plan reviews that are within the disciplines covered by such individual's license or certification pursuant to Florida Statute (Chapters 468, 471 or 481).

The CONTRACTOR shall provide its general employee background check policy, the background services company name, pre-employment testing procedures, current employee screening methods, and a list of any offenses that would exclude someone from employment with the proposer. All field personnel are required to pass a Level Two (2) background check as

per Chapter 435, Florida Statutes. Verification of background check and current list of employees that will be used on this contract shall be provided upon award. The employee list will need to be updated anytime there is a change in/addition to staff.

The Town shall provide a desk, phone and computer with internet access at Town Hall during on-site office hours.

Timeframes:

During the course of performing Building Division services, the following response times shall be adhered to:

1. Responses to public inquiries (within one business day or scheduled appointment during on-site office hours).
2. Plan review (within three calendar days, unless the nature of the permit requires more extensive review/research)
3. Inspections (all inspections to be scheduled on the next business day for requests made prior to 4:00 p.m. the prior day).

Performance Standards:

This subsection provides a summary of the minimum performance standards required .

1. Under normal circumstances, all inspections shall be conducted within the normal business hours of 8:30am to 5:00pm, Monday through Friday, and inspection results made available by 10:00am the following business day.
2. Proposer shall provide a Building Official and/or Building Inspector on-site at Town Hall for a minimum of one (1) hour, five (5) days each week and be available by telephone or on-call for emergency situations at all other times during regular business hours.
3. Inspector(s), the plans examiner and Building Official shall maintain appropriate licensure in accordance with Florida State Statutes.
4. Workloads for the inspector(s) and plans examiner will vary based on need; and it is expected that inspections performed will also take place during inclement weather, unless natural disaster or unsafe conditions require suspension of such activities by the Town.
5. Efficient and courteous customer service standards are an integral part of public interaction. Requests for information and service shall receive a timely reply. The following standards shall be adhered to or exceeded whenever possible. Responses to customer inquiries will be provided within one (1) business day of receipt. Customer appointments shall be promptly attended as per pre-scheduled times.
6. All personnel performing services shall be able to understand, converse and write the English language and must be legally able to work in the United States.
7. The contractor shall work with the Town to continuously upgrade a program of disseminating

information to keep contractors and members of the public aware of any and all code changes, and the logic underlying the changes.

8. Employees of the proposer shall maintain all necessary licensure and certifications required to perform under the contract. Proof of such licensure/certifications and subsequent renewals shall be submitted to the Town of Lake Park within 30 days of contract award and shall be kept up-to-date throughout the duration of the contract.
9. All sketches, tracings, drawing, computation details, designs, calculations, records from inspections, work papers and other documents and plans that result from the proposer providing services shall be the property of the Town.
10. The proposer shall coordinate activities with the Florida Building Commission as needed.
11. The proposer shall coordinate activities with the Palm Beach County Fire Department Staff as needed.
12. The Town prefers that the Firm review and maintain all records required by the Federal Emergency Management Agency (FEMA) in association with the processing of building permits in the format required by FEMA.
13. The Town prefers that the proposer maintain the necessary education/certification and data to ensure an acceptable ISO (Insurance Service Office) rating.

The TOWN'S individual who shall be responsible for the CONTRACTOR'S performance of this Contract shall be the Community Development Director.

ARTICLE 2. TERM/COMMENCEMENT DATE

This commencement date of the Contract shall be November 1, 2014. The Term of the Contract shall be three years, unless earlier terminated in accordance with Article 4, herein. The TOWN shall have the option to renew this Contract for one additional three year term upon the same terms and conditions contained herein by providing written notice to CONTRACTOR at least 30 days prior to the expiration of the initial term and providing that renewals shall be contingent upon satisfactory performance by the firm and subject to the availability of appropriate funds.

ARTICLE 3. COMPENSATION TO CONTRACTOR

- A. **Generally** - The TOWN agrees to compensate the CONTRACTOR in accordance with the Proposal submitted by the CONTRACTOR. CONTRACTOR'S Proposal is attached hereto and incorporated herein as Exhibit "B". The total and cumulative compensation for this contract shall not exceed the compensation terms outlined in Article 1, and will need to be budgeted annually by the TOWN.
- B. **Payments** - Invoices received from the CONTRACTOR pursuant to this Contract shall be reviewed and approved by the TOWN'S representative referenced in Article 1, above, indicating that services have been rendered in conformity with the Contract. Upon

approval, the invoice will be directed to the Finance Department for payment. CONTRACTOR shall invoice the TOWN in advance for each payment period. Invoices will normally be paid within 30 days following the TOWN representative's approval. Cost-Sharing payments will be done on a monthly basis and will be based on the previous month's revenue.

ARTICLE 4. TERMINATION

The Town may unilaterally cancel the Contract for the refusal by the CONTRACTOR to allow public access to all documents, papers, letters, or other material subject to the provisions of F.S. ch. 119 and made or received by the contractor in conjunction with the contract and pursuant to Article 22.

This Contract may be terminated by the CONTRACTOR upon 30 days' prior written notice to the TOWN'S representative in the event of a default by the TOWN. A default shall occur upon the TOWN'S failure to perform in accordance with the terms of this Contract. The TOWN may terminate the Contract upon default, or for convenience upon giving CONTRACTOR 30 days advance written notice. Unless the CONTRACTOR is in breach of this Contract, the CONTRACTOR shall be paid for services rendered to the TOWN'S satisfaction through the date of termination. After receipt of a Termination Notice and except as otherwise directed by the TOWN, the CONTRACTOR shall:

- A. Stop work on the date and to the extent specified.
- B. Terminate and settle all orders and subcontracts relating to the performance of the terminated work.
- C. Transfer all work in progress, completed work, and other materials related to the terminated work pursuant to the TOWN'S direction.
- D. Continue and complete all parts of the work that have not been terminated.

All provisions of the Contract shall be deemed material. In the event CONTRACTOR fails to comply with any of the provisions contained in this Contract or exhibits, amendments and addenda attached hereto, said failure shall be deemed a material breach of this Contract and TOWN may at its option and without notice terminate this Contract.

ARTICLE 5. PERSONNEL

- A. The CONTRACTOR represents that it has, or will secure at its own expense, all necessary personnel required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with the TOWN.
- B. All of the services required hereunder shall be performed by the CONTRACTOR or under its supervision, and all personnel engaged in performing the services shall be fully qualified and, if required, licensed, authorized or permitted under state and local law to perform such services.

- C. The CONTRACTOR warrants that all services shall be performed by skilled, licensed and competent personnel to the highest professional standards in the field.
- D. All of the CONTRACTOR'S personnel while on Town premises, shall comply with all Town requirements governing conduct, safety, and security.

ARTICLE 6. INSURANCE

- A. Prior to execution of this Contract by the TOWN the CONTRACTOR shall provide certificates evidencing insurance coverage as required hereunder. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida. The Certificates shall clearly indicate that the CONTRACTOR has obtained insurance of the type, amount, and classification as required for strict compliance with this Article and that no material change or cancellation of the insurance shall be effective without 30 days prior written notice to the TOWN'S representative. Compliance with the foregoing requirements shall not relieve the CONTRACTOR of its liability and obligations under this Contract.

The CONTRACTOR shall maintain during the life of this contract:

Workers' compensation insurance for all employees of the contractor for statutory limits in compliance with applicable State and federal laws. Notwithstanding the number of employees or any other statutory provisions to the contrary, coverage shall extend to all employees of the contractor and all subcontractors. Employers liability limits shall be not less than \$1,000,000.00 each accident; \$1,000,000.00 disease-policy limit; and \$1,000,000.00 disease-each employee.

Comprehensive general liability of \$1,000,000.00, per occurrence, premises and operations, independent contractors, products and completed operations, personal and advertising injury, XCU coverage, and a contractual liability endorsement \$2,000,000.00 aggregate.

Business auto liability of \$1,000,000.00 per occurrence or combined single limit for bodily injury and property damage liability. This insurance shall be an "any-auto" policy including hired and non-owned auto liability coverage.

The TOWN OF LAKE PARK shall be included as an additional named insured under the general liability and automobile liability policies and a waiver of subrogation against the TOWN shall be included in all workers' compensation policies. Current valid insurance policies meeting the requirements herein identified shall be maintained during the term of the contract, and any extensions thereof. It shall be the responsibility of the CONTRACTOR to ensure that all subcontractors are adequately insured or covered under their policies. A complete certified copy of the insurance policy(ies) is required. The required insurance coverages shall be issued by an insurance company duly authorized and licensed to do business in the State of Florida with minimum qualifications in accordance with the latest edition of A.M. Best's Insurance Guide: Financial Stability: B+ to A+, of which evidence shall be provided to the TOWN's representative. All required insurance shall preclude any underwriter's rights of recovery or subrogation against the TOWN with the express intention of the parties being that the

required coverages protect both parties as the primary insurance for any and all losses covered by the above described insurance. Violation of the terms of such insurance requirements shall constitute a material breach of the contract by the CONTRACTOR and the town, at its sole discretion, may cancel the contract and all rights, title and interest of the contractor shall thereupon cease and terminate.

ARTICLE 7. INDEMNIFICATION

- A. To the fullest extent permitted by applicable laws and regulations, the CONTRACTOR shall indemnify and save harmless and defend the TOWN, its elected and appointed officials, agents, servants, and employees from and against any and all claims, liability, losses, and/or causes of action arising out of or in any way related to the services furnished by the CONTRACTOR pursuant to this Contract, including, but not limited to, those caused by or arising out of any act, omission, negligence or default of the CONTRACTOR and/or its subcontractors, agents, servants or employees.
- B. The CONTRACTOR shall not be required to indemnify the TOWN, its elected and appointed officials, agents, servants and employees when the occurrence results solely from the wrongful acts or omissions of the TOWN, or its elected or appointed officials, agents, servants and employees. The terms of this Section shall survive completion of all services, obligations and duties provided for in this Contract as well as the termination of this Agreement for any reason.
- C. Nothing contained in this Contract shall create a contractual relationship with or a cause of action in favor of a third party against either the TOWN or the CONTRACTOR.
- D. Nothing in this Contract shall be construed a waiver of sovereign immunity beyond the waiver provided in § 768.28, Florida Statutes.

ARTICLE 8. SUCCESSORS AND ASSIGNS

The TOWN and the CONTRACTOR each binds itself and its partners, successors, executors, administrators, and assigns to the other party of this Contract and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Contract. Except as above, neither the TOWN nor the CONTRACTOR shall assign, sublet, convey or transfer its interest in this Contract without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of the TOWN which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than the TOWN and the CONTRACTOR.

ARTICLE 9. INDEPENDENT CONTRACTOR RELATIONSHIP

- A. The CONTRACTOR is, and shall be, in the performance of all work, services and/or activities under this Contract, an Independent Contractor, and not an employee, agent, or servant of the TOWN. All persons engaged in any of the work, services and/or activities performed pursuant to this Contract shall at all times, and in all places, be subject to the CONTRACTOR'S sole direction, supervision, and control. The CONTRACTOR shall exercise control over the means and manner in which it and its employees perform the work, and in all respects the CONTRACTOR'S relationship and the relationship of its employees, agents, or servants to the TOWN shall be that of an Independent Contractor and not as employees or agents of the TOWN.
- B. The CONTRACTOR does not have the power or authority to bind the TOWN in any promise, agreement or representation other than as specifically provided for in this agreement.

ARTICLE 10. NONDISCRIMINATION

The CONTRACTOR warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, or sexual orientation.

ARTICLE 11. ATTORNEY FEES/ COSTS

If any legal action or other proceeding is brought for the enforcement of this Contract, or because of an alleged dispute, breach, default or misrepresentation in connection with any provisions of this Contract, the successful or prevailing party shall be entitled to recover its reasonable attorney's fees, and all expenses even if not taxable as court awarded costs (including, without limitation, all such fees, costs and expenses incident to appeals), incurred in that action or proceeding, in addition to any other relief to which such party or parties may be entitled.

ARTICLE 12. AUTHORITY TO CONDUCT BUSINESS

The CONTRACTOR hereby represents and warrants that it has and will continue to maintain all licenses and approvals required to conduct its business, and that it will at all times conduct its business activities in a reputable manner. Proof of such licenses and approvals shall be submitted to the TOWN'S representative upon request.

ARTICLE 13. SEVERABILITY

If any term or provision of this Contract, or the application thereof to any person or circumstances shall, to any extent, shall be held invalid or unenforceable, the remainder of this Contract, or the application of such terms or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Contract shall be deemed valid and enforceable to the extent permitted by law.

ARTICLE 14. PUBLIC ENTITY CRIMES

As provided in F.S. 287.132-133 by entering into this Contract or performing any work in furtherance hereof, CONTRACTOR certifies that it, its employees, affiliates, suppliers, subcontractors and any other contractors who will perform hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within the thirty-six (36) months immediately preceding the date hereof. This notice is required by Section 287.133(3)(a), Florida Statutes.

ARTICLE 15. AMENDMENTS TO THE CONTRACT

The provisions, terms and conditions set forth herein shall only be modified upon the execution of a written amendment to the Contract. TOWN reserves the right to make changes in Scope of Work, including alterations, reductions therein or additions thereto.

ARTICLE 16. NOTICE

All notices required in this Contract shall be sent by certified mail, return receipt requested, and if sent to the TOWN shall be mailed to:

Town of Lake Park
535 Park Avenue
Lake Park, Florida 33410
Attention: Vivian Mendez, Town Clerk

and if sent to the CONTRACTOR shall be mailed to:

ARTICLE 17. ENTIRETY OF CONTRACTUAL AGREEMENT

The TOWN and the CONTRACTOR agree that this Contract sets forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein.

ARTICLE 18. WAIVER

Failure of the TOWN to enforce or exercise any right(s) under this Contract shall not be deemed a waiver of TOWN'S right to enforce or exercise said right(s) at any time thereafter.

ARTICLE 19. PREPARATION

This Contract shall not be construed more strongly against either party regardless of who was more responsible for its preparation.

ARTICLE 20. CONTRACT DOCUMENTS AND CONTROLLING PROVISIONS

This Contract incorporates the terms of the Request for Proposals issued by the TOWN and the Proposal Response submitted by CONTRACTOR, and CONTRACTOR agrees to be bound by all the terms and conditions set forth in the aforementioned documents. To the extent that a conflict exists between this Contract and the Request for Proposals and CONTRACTOR'S response thereto documents, the terms, conditions, covenants, and/or provisions of this Contract shall prevail. Wherever possible, the provisions of such documents shall be construed in such a manner as to avoid conflicts between provisions of the various documents.

ARTICLE 21. INSPECTOR GENERAL

CONTRACTOR is aware that the Inspector General of Palm Beach County has the authority to investigate and audit matters relating to the negotiation and performance of this contract and in furtherance thereof, may demand and obtain records and testimony from the CONTRACTOR and its subcontractors. CONTRACTOR understands and agrees that in addition to all other remedies and consequences provided by law, the failure of contractor or its subcontractors to fully cooperate with the Inspector General when requested may be deemed by the TOWN to be a material breach of the Contract Documents justifying termination.

ARTICLE 22. PUBLIC RECORDS

In performing services pursuant to this Contract, CONTRACTOR shall comply with all relevant provisions of Chapter 119, Florida Statutes including, but not limited to:

- A. Keep and maintain public records that ordinarily and necessarily would be required by the TOWN in order to perform the service in paper and/or electronic formats.
- B. Provide the public with access to public records on the same terms and conditions that the TOWN would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
- C. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- D. Meet all requirements for retaining public records and transfer, at no cost, to the TOWN all public records in possession of CONTRACTOR upon termination of the Contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically shall, upon request be provided to the TOWN in a format that is compatible with the information technology systems of the TOWN.

IN WITNESS WHEREOF, the TOWN and CONTRACTOR hereto have made and executed this Contract as of the day and year first above written.

TOWN OF LAKE PARK

BY: *Sam D. Baird*
MAYOR

TOWN OF LAKE PARK
SEAL

ATTEST:

FLORIDA
BY: *Kim [Signature]*
TOWN CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

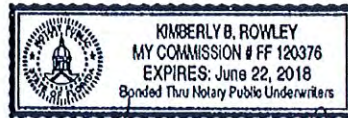
BY: _____
Thomas J. Baird TOWN ATTORNEY

PROPOSER (CONTRACTOR):

BY: *[Signature]*
Name of Authorized Representative:
Michael Conshill
Title: *V.P.*

WITNESSED BY:

Kimberly B. Rowley
Print Name:



Kimberly B. Rowley 10/16/14
(personally known)

Exhibit "A"



- = Cost-Sharing per Contract
- = Compensated 100% pursuant to contracted hourly rates
- (no shading) = Solely Town of Lake Park fees (0% compensation)

APPROVED BY RESOLUTION 30-09-14 on 09-17-2014

BUILDING PERMIT FEES:

The Permit Fee Schedule shall be based on total valuation as follows:

Minimum Permit Fee up to \$ 2,499.00 in value	\$100.00
\$ 2,500.00 - \$ 999,999.00	\$100.00 PLUS - 2.0 %
\$ 1,000,000 and up.....	\$100.00 PLUS - 1.25 %

(Note: If a building permit requires Engineering review, this will be assessed at an additional fee per the Town's Engineering contract, with a minimum one(1)-hour charge)

Inspection Fee.....\$40.00
 (All permit applications will include required inspections in the permit fee. If additional non-permit related inspections; zoning certificate inspections; structural code compliance inspections; fire damage inspections; courtesy inspections; and all other inspections not otherwise listed are required, a \$40 inspection fee PER inspection will be assessed)

Re-inspection Fee.....\$75.00

Low-Voltage alarm system permit for one and two-family homes.....\$55.00

ADDITIONAL PERMIT-RELATED FEES

Permit Revision Administrative Fee utilizing the same Permit Number.....\$50.00

Sub-Permit Administrative Fee.....\$50.00

Administrative Fee for Permit
Renewal/Reissuance.....\$60.00

ADDITIONAL PLAN REVIEW & RELATED SERVICES FEE for non-permit related Building Official, Plans Examiner, Building Inspector, and Related Services Per hour fee based on Town Contract, minimum half hour charge

Holiday/Weekend Inspections (minimum three(3)-hour charge) Per hour fee based on Town Contract

PENALTIES

Any person who commences any work on a building or structure where a building or sign permit is required, who has not obtained the prior written approval from the Town's Building Official, or has not obtained the required building or sign permit shall be subject to the assessment of a penalty of two times (2Xs) the required permit fees listed herein, in addition to the regular permit fees.

- = Cost-Sharing per Contract
- = Compensated 100% pursuant to contracted hourly rates
- _____ (no shading) = Solely Town of Lake Park fees (0% compensation)

MOVING PERMIT FEES:

For the moving of any building or structure exceeding 500 Sq Ft
 the Permit Fee shall be:\$500.00

DEMOLITION PERMIT FEES:

For the demolition of any building or structure exceeding 500 sq ft the Permit Fee
 shall be: \$200.00 for the first 500 sq feet with the remainder @ \$1.00 / 500 sq ft

CONTRACTOR REGISTRATION FEES:

With Palm Beach County registration with a "W" designation.....\$2.00
 All Other Contractors\$10.00

SIGN PERMIT FEES:

Minimum Permit Fee up to \$ 3,000.00 in value\$100.00
 \$ 3,000.00 and up in value\$200.00
 Window Signage (per store window frontage).....\$50.00

Exhibit "B" (from Hy-Byrd's proposal)

STATE PRICE IN WORDS AND FIGURES:

Price proposal shall be all inclusive to include costs for all functions and duties generally assigned to the contracted employees listed in the RFP, any and all benefits, taxes and insurance, and any and all equipment necessary to perform the work (not provided by the Town). The all inclusive contract cost must be based on the following:

TOTAL PROPOSAL: TO PROVIDE COMMUNITY DEVELOPMENT BUILDING OFFICIAL, INSPECTIONS AND RELATED SERVICES FOR THE TOWN OF LAKE PARK

Building Official, Inspections and Related Services (Each proposal must contain a revenue share percentage for permit applications, inspections and revisions/sub-permits; and hourly rates for additional services. Contract compensation will be based on cost-sharing and additional service fees)

A. Revenue Sharing Percentage of Permit Fees, Inspection Fees and Revision/Sub-Permit Fees (Primary source of compensation – refer to Exhibit "A" for existing schedule of fees and Exhibit "B" for proposed schedule of fees):

75 percent

B. Additional Hourly Loaded Billing Rates for non-permit related research and projects (as may be required):

Building Official:

\$60.00 per hour

Plans Examiner:

\$55.00 per hour

Building Inspector:

\$55.00 per hour

Related Services (as may be required)

Natural disaster services, including post-disaster building/property damage assessments:

\$75.00 per hour

Code Enforcement testimony at Special Magistrate hearing:

\$60.00 per hour

Drainage Systems enforcement of all MS4 NPDES requirements (qualified individual shall be familiar with the requirements of the Palm Beach County Municipal Separate Stormwater System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit): \$60.00 per hour



HYBYR-1 OP ID: L0

CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YYYY)
10/10/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Plastridge Agency-PBGO 10337 N Military Trail Palm Beach Gardens, FL 33410 Ray Allen	CONTACT NAME: Ray Allen PHONE (A/C No. Ext.): 561-630-4955 FAX (A/C No.): 561-630-4966 EMAIL ADDRESS: ADDRESS:													
	<table border="1"> <tr> <th>INSURER(S) AFFORDING COVERAGE#</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A: Ohio Security Insurance Co.</td> <td>24082</td> </tr> <tr> <td>INSURER B: Associated Industries Ins. Co.</td> <td></td> </tr> <tr> <td>INSURER C: Houston Casualty Company</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE#	NAIC #	INSURER A: Ohio Security Insurance Co.	24082	INSURER B: Associated Industries Ins. Co.		INSURER C: Houston Casualty Company		INSURER D:		INSURER E:		INSURER F:
INSURER(S) AFFORDING COVERAGE#	NAIC #													
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INSURER C: Houston Casualty Company														
INSURER D:														
INSURER E:														
INSURER F:														
INSURED Hy Byrd, Inc. 511 S. East Coast Street Lake Worth, FL 33460-4428														

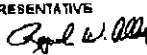
COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSUR LTR	TYPE OF INSURANCE	ADD'L SUBR (INSR) W/O	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJ <input type="checkbox"/> LOC		BL81554516246	08/29/2014	08/29/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	AWC1027950	12/10/2013	12/10/2014	WC STATUTORY LIMITS <input type="checkbox"/> OTH. <input type="checkbox"/> ER E.L. EACH ACCIDENT \$ 1,000,000 E. DISEASE - EA EMPLOYEE \$ 1,000,000 E. DISEASE - POLICY LIMIT \$ 1,000,000
C	Professional Liab		HCC1421168	08/29/2014	08/29/2015	limit per aggregate 1,000,000 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Certificate holder included as additional insured with respects to General Liability

CERTIFICATE HOLDER**CANCELLATION**

Town of Lake Park 535 Park Avenue Lake Park, FL 33403	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	---

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CERTIFICATE OF INSURANCE

SUCH INSURANCE AS RESPECTS THE INTEREST OF THE CERTIFICATE HOLDER WILL NOT BE CANCELED OR OTHERWISE TERMINATED WITHOUT GIVING 10 DAYS PRIOR WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED BELOW, BUT IN NO EVENT SHALL THIS CERTIFICATE BE VALID MORE THAN 30 DAYS FROM THE DATE WRITTEN. THIS CERTIFICATE OF INSURANCE DOES NOT CHANGE THE COVERAGE PROVIDED BY ANY POLICY DESCRIBED BELOW.

This certifies that: STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY of Bloomington, Illinois, or
 STATE FARM FIRE AND CASUALTY COMPANY of Bloomington, Illinois
 has coverage in force for the following Named Insured as shown below :

Named Insured HY-BYRD INC.
 Address of Named Insured 511 S EAST COAST ST.
LAKE WORTH, FL 33460

POLICY NUMBER	276 6488-C01-88D	C81 8738-008-59	625 2104-D03-88B	024 3588-F21-88G
EFFECTIVE DATE OF POLICY	08/01/2014-03/01/2015	04/08/2014-10/08/2014 10/08/2014-04/08/2015	04/08/2014-10/08/2014 10/08/2014-04/08/2015	08/21/2014-12/31/2014
DESCRIPTION OF VEHICLE	2008 DODGE RAM 1500 VIN:1D7HA16K06J628271	2014 JEEP PATRIOT SPORT VIN:1C4NLP8ASED094539	2007 CHEVROLET TRAILBLAZE VIN:1GND6138872227404	2011 HONDA FIT VIN:FM3GEH568C007340
LIABILITY COVERAGE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
LIMITS OF LIABILITY				
a. Bodily Injury Each Person	\$1,000,000.00	\$1,000,000.00	\$500,000.00	\$500,000.00
a. Bodily Injury Each Accident	\$1,000,000.00	\$1,000,000.00	\$500,000.00	\$500,000.00
b. Property Damage	\$1,000,000.00	\$1,000,000.00	\$500,000.00	\$500,000.00
c. Bodily Injury & Property Damage Single Limit Each Accident				
PHYSICAL DAMAGE COVERAGES	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$500.00 Deductible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$500.00 Deductible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$500.00 Deductible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$250.00 Deductible
a. Comprehensive				
b. Collision	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$500.00 Deductible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$500.00 Deductible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$500.00 Deductible	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO \$250.00 Deductible
EMPLOYER'S NON-OWNERSHIP COVERAGE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
HIRED CAR COVERAGE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Paul Roca
 Signature of Authorized Representative

AGENT 2690 Date 08/05/2014
 Title Agent's Code Number

Name and Address of Certificate Holder
 TOWN OF LAKE PARK
 535 PARK AVENUE
 LAKE PARK, FL 33403

Name and Address of Agent
 PAUL ROCA STATE FARM
 4183 SOUTH CONGRESS AVE
 LAKE WORTH, FL 33461

CERTIFICATE HOLDER COPY

Check if a permanent Certificate of Insurance for liability coverage is needed:
 Check if the Certificate Holder should be added as an Additional Insured:

Remarks: "As provided for in Section 320.02(6)(e), Florida Statutes, the listed insurance policy(s) or surety bond(s) may not be canceled on less than 30 days written notice by the insurer to the Department of Highway Safety and Motor Vehicles, such 30 days notice to commence from the date notice is received by the Department"

September 28, 2017

TO: Mike Crisafulle
Hy-Byrd, Inc.
511 SE Coast Street
Lake Worth, FL 33460

FROM: Nadia Di Tommaso
Community Development Director
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

SUBJECT: Article 2. TERM – One Additional three-year term extension

Mr. Crisafulle-

The existing Contract for Building Official and Inspections Services is enabled pursuant to Resolution 31-09-16 which approved an Amendment to the original Contract for Services approved by Resolution 36-10-14. The original term of the Contract covered a three-year time period from November 1, 2014 through October 31, 2017. Please let this serve as the 30-day advance written notice of intent of the Town's interest in exercising a one three-year option renewal pursuant to Article 2 of the Contract:

ARTICLE 2. TERM/COMMENCEMENT DATE

This commencement date of the Contract shall be November 1, 2014. The Term of the Contract shall be three years, unless earlier terminated in accordance with Article 4, herein. The TOWN shall have the option to renew this Contract for one additional three year term upon the same terms and conditions contained herein by providing written notice to CONTRACTOR at least 30 days prior to the expiration of the initial term and providing that renewals shall be contingent upon satisfactory performance by the firm and subject to the availability of appropriate funds.

A meeting has been scheduled for Friday, September 29, 2017 at 11:00am to present this written notice to you and discuss/negotiate the terms of the existing Contract. Final Town Commission approval will be required and this meeting has been scheduled for Wednesday, October 18, 2017 at 6:30pm, or as soon thereafter as can be heard and your attendance at this meeting is required.

Thank you,



Nadia Di Tommaso

Cc: John D'Agostino, *Town Manager* (via email)
Vivian Mendez, *Town Clerk* (via email)



Community
Development
Department

535 Park Avenue
Lake Park, FL 33403
Phone: (561) 881-3318
Fax: (561) 881-3323

www.lakeparkflorida.gov



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 18, 2017

Agenda Item No. Tab 13

Agenda Title: Resolution No. 89-10-17 Authorizing Professional Engineering Services to Perform Hydraulic Computations to Determine the Feasibility of a Single Storm Water Outfall/Pump Station for Lake Shore Drive Drainage

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING
- NEW BUSINESS**
- OTHER: _____
- CONSENT AGENDA
- OLD BUSINESS
- ORDINANCE ON FIRST READING

Approved by ^{ACTING} Town Manager Bonnie McElroy Date: 10/11/2017

Richard Pittman/ Project Manager Richard Pittman
Name/Title

Originating Department: Public Works	Costs: \$ 22,420.00 Funding Source: Improvements-Drainage Acct. # 402-53-538-402-63010 <input checked="" type="checkbox"/> Finance <u>Finance</u>	Attachments: Resolution No. <u>89-10-17</u> Exhibit "A" Additional Service Agreement
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>RP</u> Please initial one.

Summary Explanation/Background: The Town Commission is being asked to approve the execution of an agreement with Calvin, Giordano & Associates, Inc. to perform professional engineering services associated with Lake Shore Drive drainage.

In 2008/2009 Calvin, Giordano & Associates (CGA) was retained to design and prepare construction plans for Lake Shore Drive Drainage Improvements. The design and construction plans were



Exhibit H

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 18, 2017

Agenda Item No. Tab 13

Agenda Title: Resolution No. 89-10-17 Authorizing Professional Engineering Services to Perform Hydraulic Computations to Determine the Feasibility of a Single Storm Water Outfall/Pump Station for Lake Shore Drive Drainage

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING
- NEW BUSINESS**
- OTHER: _____
- CONSENT AGENDA
- OLD BUSINESS
- ORDINANCE ON FIRST READING

Approved by ^{ACTING} Town Manager Bonnie McElhara Date: 10/11/2017

Richard Pittman/ Project Manager Richard Pittman
Name/Title

Originating Department: Public Works	Costs: \$ 22,420.00 Funding Source: Improvements-Drainage Acct. # 402-53-538-402-63010 <input checked="" type="checkbox"/> Finance <u>Finance</u>	Attachments: Resolution No. <u>89-10-17</u> Exhibit "A" Additional Service Agreement
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>RP</u> Please initial one.

Summary Explanation/Background: The Town Commission is being asked to approve the execution of an agreement with Calvin, Giordano & Associates, Inc. to perform professional engineering services associated with Lake Shore Drive drainage.

In 2008/2009 Calvin, Giordano & Associates (CGA) was retained to design and prepare construction plans for Lake Shore Drive Drainage Improvements. The design and construction plans were

completed. The project has not been constructed due to lack of funds. The current design is dependent on gravity discharge of the storm water runoff via three outfall pipes to the Intracoastal Waterway. The Lake Shore Drive Drainage Improvement project, as currently designed, accommodates an improved level of service over current conditions.

The question has been asked if a pump station is feasible to incorporate into the drainage system to provide long term benefits as sea levels rise, king tides become more invading and rainfall events become more frequent and intense. CGA has proposed that a drainage study is required to determine the optimal pipe sizes to collect and direct storm water runoff to one location whereby a storm water pump station would most likely be feasible. CGA has proposed that the cost to perform hydraulic computations to determine the pipe sizes needed to collect and direct storm water runoff within the Lake Shore Drive drainage basin to one location is \$22,420.00.

This expenditure will be the first of several to be reimbursed from the General Appropriation / DEP Grant received from the State.

Recommended Motion: I move to approve Resolution No. 8A-10-17 authorizing the Mayor to execute an agreement between the Town and CGA for professional engineering services associated with Lake Shore Drive drainage.

RESOLUTION NO. 89-10-17

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH CALVIN, GIORDANO & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH REDESIGNING THE LAKE SHORE DRIVE DRAINAGE IMPROVEMENTS TO DETERMINE THE OPTIMAL PIPE SIZES TO COLLECT AND DIRECT STORM WATER RUNOFF TO ONE LOCATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (“Town”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town is empowered to enter into contractual arrangements with public agencies, private corporations or other persons, pursuant to Florida Statutes; and

WHEREAS, on October 07, 2015 the Town Commission authorized the Mayor to execute a Professional Services Agreement with Calvin, Giordano, & Associates, Inc. for Continuing Engineering Consultant Services; and

WHEREAS, in December 2008 and in October 2009, the Town Commission approved agreements with Calvin, Giordano & Associates, Inc. to design and prepare construction plans for Lake Shore Drive Drainage Improvements; and

WHEREAS, the construction plans have been completed and the project has not been constructed due to lack of funding; and

WHEREAS, the Town desires to investigate the feasibility of redesigning the Lake Shore Drive to include a pump station; and

WHEREAS, Calvin, Giordano & Associates, Inc. has proposed that a drainage study is required to determine the optimal pipe sizes to collect and direct storm water runoff to one location eliminating three existing storm water outfall pipes and constructing one new storm water outfall downstream of a pump station; and

WHEREAS, the cost of the Professional Engineering Services to perform such drainage study is \$22,420.00

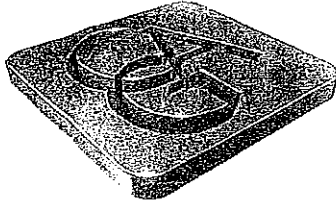
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AS FOLLOWS:

Section 1. The whereas clauses are true and correct and are incorporated herein.

Section 2. The Commission hereby authorizes an agreement with Calvin, Giordano & Associates, Inc. to provide Professional Engineering Services associated with the redesign of the Lake Shore Drive Drainage Single Storm Water Outfall/Pump Station. The Mayor is hereby authorized and directed to execute the agreement between the Town and CGA, which is attached hereto and incorporated herein as Exhibit “A”.

Section 3. This Resolution shall become effective immediately upon execution.

EXHIBIT "A"



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™

Additional Services Agreement

DATE: September 27, 2017
RE: Lake Park Lakeshore Drive Drainage Calculations
CLIENT: Town of Lake Park
535 Park Avenue
Lake Park, FL 33403
ATTENTION: Mr. Michael O'Rourke
CGA NO.: 15-2748.51

Due to the client's request for work outside the original scope of services, Calvin, Giordano & Associates, Inc. will provide the following additional services:

I. Professional Engineering Services

A. Civil Engineering

1. Revised Drainage Study

- CGA shall develop a drainage study based on removing (3) three existing outfall structures and utilize the construction of a single outfall connection. A computerized model of each sub-basin discharging into Lake Shore Drive Drainage Basin will be developed and analyzed for the optimal size outfall pipe to alleviate the existing flooding problem. The hydrologic computer program models theoretical rainfall events, as specified by SFWMD, will provide a calculated storm water runoff quantity from the study area. Pre and post stage conditions will be evaluated for hydraulic performance of the conveyance system to determine size of the new outfall system. The study will also determine the required performance of a stormwater pumping station to ensure the system will function in a high tail-water event such as rainfall during king tides. The following guideline items shall be utilized in the modelling process:

- Utilization of the program Cascade to develop a hydrologic model for a single outfall system.

Building Code Services
Coastal Engineering
Code Enforcement
Construction Engineering and Inspection
Construction Services
Contract Government
Data Technologies and Development
Emergency Management Services
Engineering
Environmental Services
Facilities Management
Indoor Air Quality
Landscape Architecture
Municipal Engineering
Planning
Public Administration
Redevelopment and Urban Design
Surveying and Mapping
Traffic Engineering
Transportation Planning

GSA Contract Holder

560 Village Boulevard
Suite 340
West Palm Beach, FL
33409
561.684.6161 phone
561.684.6360 fax

www.cgasolutions.com

- Simulations of different outfall pipe sizes for the SFWMD 3-year 1 day, 10-year 1 day, and 25-year 3 day storm events to determine the required pipe size and capacity of future stormwater pump station that will meet the SFWMD permitting requirements for a single outfall. Proposed hours are as follows: Jr. Engineer-10 hours @ \$100/hour , Project Engineer-50 hours @ \$125/hour, Project Manager IV- 30 hours @ \$145/hour, Director Engineering V- 3 hours @ \$165/hour = \$12,095.

- Proposed drainage system model review and calibration. Proposed hours are as follows: Jr. Engineer-10 hours @ \$100/hour , Project Engineer-20 hours @ \$125/hour, Eng. Sr CADD Tech Manager - 24 hours @ \$115/hour, Project Manager IV, - 10 hours @ \$145/hour, Director Engineering V- 3 hours @ \$165/hour = \$8,205.

- Determine the optimum pipe size of the single outfall system using iterative calculations. Proposed hours are as follows: Project Engineer-10 hours @ \$125/hour, Director Engineering V- 2 hours @ \$165/hour = \$1,580.

- CGA shall attend one (1) meeting with Client to discuss the results of the Drainage Study. Proposed hours are as follows: Project Engineer 2 hours @ \$125/hour, Project Manager IV- 2 hours @ \$145/hour = \$540.

- No engineering plan preparation or permitting are included in the proposal. Implementation of the recommended improvements will be under a separate proposal.

COST OF THESE SERVICES (Lump Sum)	
I	Professional Engineering Services
A	Professional Civil Engineering Services \$22,420.00
II	Meetings not included in I thru I Hourly
TOTAL (Plus Hourly Services) \$22,420.00	



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 18, 2017

Agenda Item No. *Table*

Agenda Title: Medical Marijuana/Cannabis Discussion Item.

- | | | | |
|-------------------------------------|---------------------------------------|--------------------------|----------------|
| <input type="checkbox"/> | SPECIAL PRESENTATION/REPORTS | <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | BOARD APPOINTMENT | <input type="checkbox"/> | OLD BUSINESS |
| <input type="checkbox"/> | ORDINANCE ON 1 st READING | | |
| <input checked="" type="checkbox"/> | NEW BUSINESS – DISCUSSION ITEM | | |
| <input type="checkbox"/> | OTHER: _____ | | |

Approved by ^{ACTING} Town Manager *Paul McKibbin Sr.* Date: *10/11/2017*

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

Originating Department: Community Development	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: → Zoning Map
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <i>ND</i> Please initial one.

Summary Explanation/Background:

At a previous Town Commission meeting, the Commission discussed medical marijuana dispensaries and their appropriateness in the Town. In order to further discuss this item, it was requested that Staff bring back the existing pharmacy locations in the Town and their respective classification, as well where the Town Code specifically speaks to "Pharmacy" as a permitted use.

The Town's existing pharmacy operations are located in the following areas:

Robalo Pharmacy – 200 Federal Highway – C1 Zoning District (originally approved as "retail" many years ago)

Walmart Pharmacy – 101 N. Congress Avenue – C2/PUD Zoning District (originally approved as "retail" over a decade ago)

Pharmacy inside Target – 500 N. Congress Avenue – C2/PUD Zoning District (originally approved as “retail” over a decade ago)

Publix Pharmacy – 374 Northlake Boulevard – C1/PUD Zoning District (originally approved as “retail” many years ago)

All commercial zoning districts in the Town currently allow “retail” uses.

Right now, the only zoning district that specifically references “Pharmacy” as a use is the Park Avenue Downtown District (PADD). The PADD permits Pharmacies less than 1,500 square feet in size by right; between 1,500 square feet and less than 2,500 square feet by administrative approval by the Town Manager; and greater than 2,500 square feet by conditional approval requiring Town Commission review. As an added note, the Campus Light Industrial and Commercial (CLIC) Zoning District (in our industrial area) references the manufacture, compounding, processing, packaging or treatment of (...) *drugs* (...) *pharmaceuticals* (...).

The Town Commission will need to decide whether to allow Medical Marijuana Dispensaries in the Town. These dispensaries would ultimately be linked to a “Pharmacy” use, therefore direction on whether the Town Code should be amended to include a “Pharmacy” use in only certain desired Zoning Districts (for example, only the C-1 and C-2 where Pharmacies currently exist) is also needed. If the Town Commission’s desire is to prohibit Medical Marijuana Dispensaries town-wide, a Town Code amendment to the pharmacy uses is also needed pursuant to this direction, if this is the desire of the Commission (understanding that this may result in certain existing uses becoming non-conforming).

Following tonight’s discussion, staff will work with the Town Attorney to prepare a proposed Ordinance per the Town Commission’s direction.

Recommended Motion: For discussion only - for Commission direction.

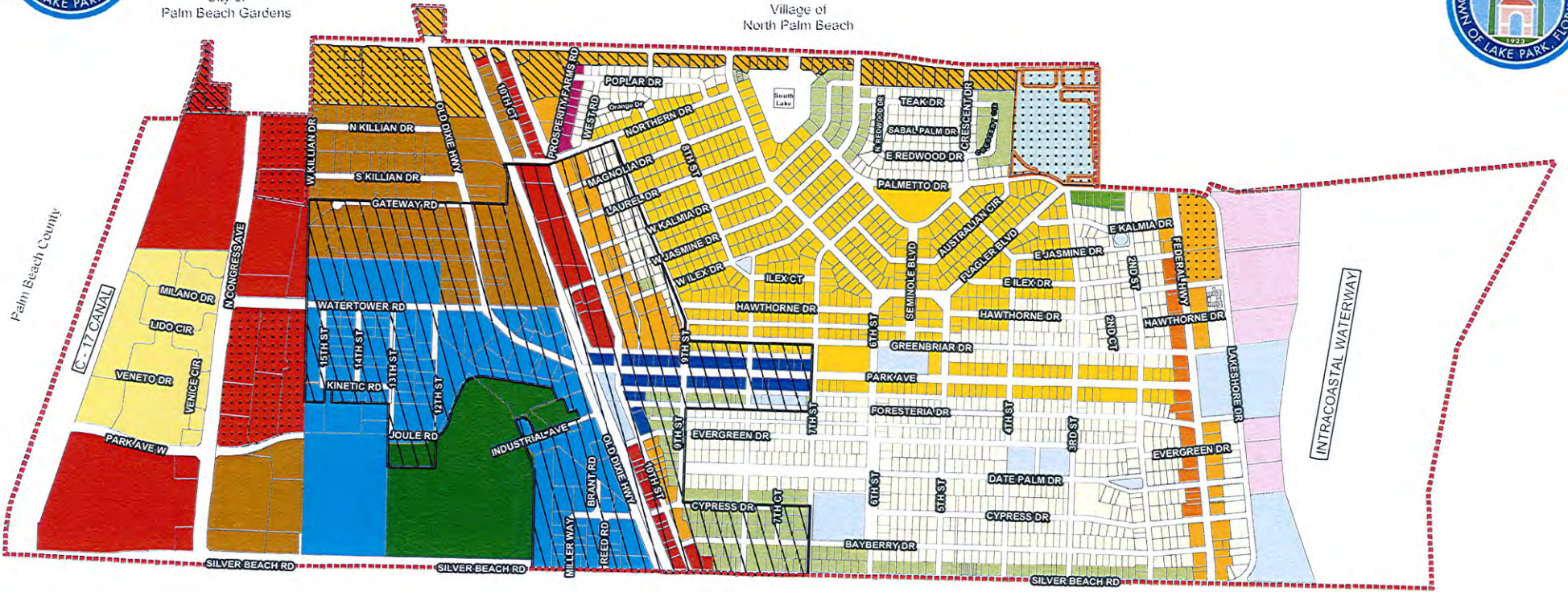


Lake Park Zoning Map



City of
Palm Beach Gardens

Village of
North Palm Beach



City of
Riviera Beach

Legend	
	TOWN BOUNDARY
	C3 BUSINESS DISTRICT
	C1 BUSINESS DISTRICT
	C1B BUSINESS DISTRICT
	C2 BUSINESS DISTRICT
	C4 BUSINESS DISTRICT
	CLIC CAMPUS LIGHT INDUSTRIAL & COMMERCIAL
	CONSERVATION
	CRA OVERLAY
	NBOZ OVERLAY
	P PUBLIC DISTRICT
	PADD PARK AVENUE DOWNTOWN DISTRICT
	PUD PLANNED UNIT DEVELOPMENT
	R1 SINGLE FAMILY RESIDENCE DISTRICT
	R1A SINGLE FAMILY RESIDENCE DISTRICT
	R1AA RESIDENCE DISTRICT
	R1B TWO FAMILY RESIDENCE DISTRICT
	R2 MULTIPLE FAMILY RESIDENCE DISTRICT
	R2A MULTIPLE FAMILY RESIDENCE DISTRICT
	R3 MULTIPLE FAMILY RESIDENCE DISTRICT
	TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

Produced and maintained by the CGA
Geographic Information Systems Services



Map Date 6-28-2016

Nadia Di Tommaso - Director
Community Development Department
Town of Lake Park
535 Park Ave., Lake Park, FL 33403
561-881-3319 561-881-3323 (fax)
ndtommaso@lakeparkflorida.gov

ISSUE AND REVISED DATE: 6/28/2016

Ordinance on Second Reading

TAB 2



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 1, 2017

Agenda Item No. Tab 2

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-2 OF CHAPTER 78, ARTICLE I, AMENDING THE DEFINITION OF THE TERM "SHED"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON 2nd READING
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]* Date: 10/24/17

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

Originating Department: Community Development	Costs: \$ 0 Funding Source: Acct: # <input type="checkbox"/> Finance _____	Attachments: → Ordinance <u>5</u> -2017 → Staff Report → Legal Ad
Advertised: Date: October 22, 2017 Paper: Palm Beach Post <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone OR Not applicable in this case <u>ND</u> Please initial one.

Summary Explanation/Background:

APPROVED ON 1st READING BY THE TOWN COMMISSION – October 18, 2017
 Please refer to the enclosed Staff Report.

Recommended Motion: I MOVE TO ADOPT ORDINANCE NO. 5-2017 on second reading.

ORDINANCE NO. 15-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-2 OF CHAPTER 78, ARTICLE I, AMENDING THE DEFINITION OF THE TERM "SHED"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has developed zoning definitions which have been codified in Chapter 78, Articles I, Section 78-2 of the Town's Code of Ordinances; and

WHEREAS, the Community Development staff has recommended that the Town Commission amend Town Code, Chapter 78, Article I, Section 78-2, to allow for flexibility in the definition of "shed" installed in residential areas.

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

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

Section 2. Chapter 78, Article I, Section 78-2 of the Town Code is hereby amended to read as follows:

Shed means an accessory structure intended to store lawn, garden, pool care equipment, or other similar items, of a height no greater than eight feet, with walls which do not exceed 8 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.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Repeal of Laws in Conflict.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Town Commission.



TOWN LAKE OF PARK TOWN COMMISSION

MEETING DATE:	October 18, 2017 and November 1, 2017
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STAFF REPORT

PROPOSAL:

A text amendment that will allow more flexibility to the Town's current code Section 78-2 – "Sheds", which provides a definition with standards for sheds throughout the Town's residential areas.

BACKGROUND:

Over the past several years staff has received consistent feedback from building permit applicants and from persons making general zoning inquiries to staff that the Town's Code of Ordinances regarding maximum shed height is inadequate. Specifically, that the current Code is not flexible enough to allow for a shed with varied roof styles (e.g. gable, hip, sloped, etc.). The current code limits the maximum height of a shed to 8', which is measured from finished grade to roof peak. Therefore, under the current code the only style shed available to residents would be an 8' tall shed with a flat roof or a shed that has shorter walls to accommodate a higher roof peak.

The Town's Code for sheds is as follows:

Sec. 78-2. – Definitions.

Shed means an accessory structure intended to store lawn, garden, pool care equipment, or other similar items, of a height no greater than eight feet, 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.

Staff researched the Ordinances of other jurisdictions located in Palm Beach County and found that of those municipalities who regulate sheds that the Town's Code's was the same or very similar in regard to shed height. However, the code of several municipalities provided some additional flexibility in regard to their allowable roof height for sheds. These regulations are specific to the height of a shed and the maximum square footage or size a shed may be. In the following table staff has summarized the shed regulations of other Palm Beach County Municipalities who do regulate sheds:

	MUNICIPALITY	MAXIMUM SQUARE FOOTAGE	MAXIMUM HEIGHT
1.	Boca	500 SF	15'
2.	Boynton Beach	100 SF	8' for a flat roof shed or 9' for a sloped roof shed.
3.	Delray	No limitation on size.	Not to exceed height of principle structure.
4.	Greenacres	200 SF	15'
5.	Haverhill	70-250 SF (based on lot size)	9'
6.	Hypoluxo	120 SF	8'
7.	Jupiter	144 SF	8'
8.	Lake Clarke shores	144 SF	9.5'
9.	Palm Springs	168 SF	Shed walls may not exceed 8' in height. The roof peak may not exceed 12' measured from grade.
10.	PBC	Not to exceed square footage of principle structure.	Not to exceed height of principle structure.
11.	Riviera	30% of rear yard	Not to exceed height of principle structure.
12.	Royal Palm	n/a	8' OR For every additional foot in height over 8' the rear and side yard setback shall increase by 1 foot.
13.	Wellington	120 SF	8.5'
14.	WPB	75 % of primary structure with a maximum floor area of 1,000 square feet.	25'
15.	Palm Beach Gardens	144 SF	Not to exceed height of principle structure

In addition to researching the regulations of Countywide jurisdictions, staff also consulted local companies who manufacture and sell sheds to learn if the Town's current shed Code is too restrictive. In those conversations staff found that the local companies can produce a shed that meets the Town's 8' maximum height. They explained it is possible by simply reducing the height of the shed wall so that the roof trusses do not exceed the maximum allowed height. However, they explained this is not always desirable to their customers due to factors that include a lessened storage capacity inside the shed due to having shorter walls, limited door availability due to the reduced height, and one company mentioned that the modifying the roof trusses are less preferable in terms of structural durability.

All of the research explained herein were considered in creating this report. While the Town's Code does not prevent a resident from acquiring a compliant shed that is available for purchase at a local company, the code may be modified to add additional flexibility to the roof height so that additional styles are available to residents. In the following section of this report staff presents several options for the Board's consideration.

Staff Recommendation

Amend Section 78-2 – “Sheds” of the Town Code as follows:

	Maximum Shed Height
Existing	<i>Shed</i> means an accessory structure intended to store lawn, garden, pool care equipment, or other similar items, of a height no greater than eight feet, 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.
Proposed	<i>Shed</i> means an accessory structure intended to store lawn, garden, pool care equipment, or other similar items, of a height no greater than eight feet, having a wall height not to exceed 8 feet in height and a roof peak that is no greater than 12 feet in height that is measured from 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.

**LEGAL NOTICE OF PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, November 1, 2017 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a special call session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

Ordinance 15-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-2 OF CHAPTER 78, ARTICLE I, AMENDING THE DEFINITION OF THE TERM "SHED"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance No. 16-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV, PROVIDING FOR AN AMENDMENT TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance No. 17-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-253(d) OF CHAPTER 78, ARTICLE VIII, TO AMEND THE LANDSCAPING REQUIREMENTS FOR GROUND SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida
PUB: The Palm Beach Post October 22, 2017.

TAB 3



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 1, 2017

Agenda Item No. Tab 3

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV, PROVIDING FOR AN AMENDMENT TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Approved by Town Manager [Signature] Date: 11/24/17
Nadia Di Tommaso / Community Development Director [Signature]
Name/Title

Table with 3 columns: Originating Department (Community Development), Costs (\$0), Attachments (Ordinance 16-2017, Legal Ad), Advertised (October 22, 2017), and notification details.

Summary Explanation/Background:

APPROVED BY THE TOWN COMMISSION ON 1st READING – October 18, 2017.

Over the past 12-18 months, the (former) Town Planner has worked with hundreds of property owners to bring their non-conforming signs into compliance, pursuant to the previous July 5, 2016 compliance date. While this was an extremely lengthy and time-consuming process and Staff is still working with some owners who are in various stages of the Town's enforcement process, one

property owner in particular has expressed concerns to our former Town Planner as it relates to their sign's historical and nostalgic significance. This property is the Dunkin Donuts on Federal Highway. While the Town has not yet received a formal application from the Property Owner evidencing the sign's historical or nostalgic significance, in an effort to allow for a process that would allow for such review, staff is proposing modification to Town Code Section 70-101(14) so as to be able to initiate a Special Certificate of Appropriateness process with the property owner. This process would allow for the historical or nostalgic review of the sign for which the process and criteria is already codified in Chapter 66 (Historic Preservation) of the Town Code. The burden of proof for this process would be on the Property Owner and the final decision will be made by the Historic Preservation Board based on the evidence presented. Currently however, the sign is simply in non-compliance and this review process is not enabled by the Town Code. Staff recommends the following modifications to Town Code Section 70-101(14) so as to allow for the Special Certificate of Appropriateness review process to apply to signs of historic or nostalgic significance:

(14) Historical signs and markers designating places of historical significance, or nostalgic signs. The Community Development Department may approve certain signs with historic or nostalgic significance provided a Special Certificate of Appropriateness is processed and approved. The owner of a property with a historic or nostalgic sign may apply for a Special Certificate of Appropriateness. A Special Certificate of Appropriateness may be issued for a nostalgic sign provided it is determined that the sign has value as a part of the heritage of the Town based upon documentation which demonstrates the nostalgic value of the sign.

Recommended Motion: I MOVE TO ADOPT ORDINANCE NO. 14-2017 on second reading.

Please include
the actual Special
Certificate of Appropriateness
so that the Commission knows
what is incorporated into the
Certificate

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

Chapter 66 - HISTORIC PRESERVATION¹¹

Footnotes:

--- (1) ---

Cross reference— Environment, ch. 10; utilities, ch. 32; buildings and building regulations, ch. 54; special historic buildings and districts, § 54-66; environmentally significant lands, ch. 58; land development code, ch. 67; zoning, ch. 78.

State Law reference— Historic preservation boards, F.S. ch. 266, historic resources, F.S. ch. 267.

Sec. 66-1. - Declaration of legislative intent.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archeological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the town. Therefore, this chapter is intended to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of buildings, structures, improvements, landscape features and archeological resources of sites and districts which represent distinctive elements of the town's cultural, social, economic, political, scientific, religious, prehistoric and architectural history;
- (2) Safeguard the town's historical, cultural, archeological and architectural heritage, as embodied and reflected in such individual sites, districts and archeological zones;
- (3) Foster civic pride in the accomplishments of the past and maintain examples of quality structures for the future;
- (4) Protect and enhance the town's attraction to visitors and the support and stimulus to the economy thereby provided; and
- (5) Promote the use of individual sites and districts for the education, pleasure and welfare of the people of the town.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-2)

Sec. 66-2. - Scope of regulations.

- (a) This chapter is intended to and shall govern and be applicable to all property located in the incorporated town limits. Nothing contained herein shall be deemed to supersede or conflict with applicable building and zoning codes. Provisions contained herein shall be cumulative and read in conjunction with other provisions of the town Code.
- (b) This chapter shall be filed, and it shall address the following sections: The establishment of an historic preservation board with powers and duties; the creation of a process to designate individual sites, districts and archeological zones; a process of review of certificates of appropriateness and certificates to dig; and an appeal process. The town shall also submit the proposed ordinance to the National Register of Historic Places for certification by the National Register to be eligible for the 1981 Economic Recovery Tax Act as amended.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-3)

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

Sec. 66-3. - 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:

Archeological zone means an area designated by this chapter which is likely to yield information on the history and prehistory of the town based on prehistoric settlement patterns in the town as determined by the results of the town historic survey. These zones will tend to conform to natural physiographic features which were the focal points for prehistoric and historic activities.

Certificate of appropriateness means a certificate issued by the historic preservation board permitting certain alterations or improvements to a designated individual site or property in a designated district.

(1) *Regular certificate of appropriateness.* A regular certificate of appropriateness shall be issued by the staff of the historic preservation board, based on the guidelines for preservation approved by the historic preservation board.

(2) *Special certificate of appropriateness.* For all applications for a special certificate of appropriateness involving the demolition, removal, reconstruction or new construction at an individual site or in a district, a special certificate of appropriateness is required that is issued directly by the historic preservation board.

Certificate of recognition means a certificate issued by the board recognizing properties designated pursuant to this chapter.

Certificate to dig means a certificate that gives the board's permission for certain digging projects that may involve the discovery of as yet unknown or known archeological sites in an archeological zone. This certificate is issued by staff of the board based on the guidelines for preservation approved by the board.

Certified local government means a government satisfying the requirements of the United States National Historic Preservation Act Amendments of 1980 (P.L. 96-515; 16 USC 470 et seq.) and the implementing of regulations of the U.S. Department of the Interior and the state. A government which is certified will review all nominations to the National Register of Historic Places within its jurisdiction prior to reviews at the state and federal levels.

Demolition means the complete constructive removal of a building on any site.

Districts means a collection of archeological sites, buildings, structures, landscape features or other improvements that are concentrated in the same area and have been designated as a district pursuant to this chapter.

Exterior means all outside surfaces of a building or structure.

Guidelines for preservation means criteria established by the preservation board to be used by staff in determining the validity of applications for a regular certificate of appropriateness and any certificate to dig and to establish a set of guidelines for the preservation of buildings in South Florida.

Historic preservation board means the town historic preservation board.

Historic survey means a comprehensive survey and listing of the cultural, architectural or archeological resources of the town prepared by a knowledgeable historic preservation authority, following standards set forth in federal, state and town regulations for evaluation of such resources and their importance to the town.

Individual site means an archeological site, building, structure, place or other improvement that has been designated as an individual site pursuant to this chapter including auxiliary buildings of an individual site. Auxiliary or appurtenance buildings is subordinate to or adjoins the principal use of the structure, e.g., fences, walls, steps, paving, sidewalks, signs, light fixtures, street furniture, parking areas, public art, fountains, etc. Under the provisions of this chapter, interior spaces may be regulated only where a building or structure is a designated individual site.

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

Landscape feature means any improvement or vegetation including, but not limited to outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture and exterior lighting.

Local register of historic places means the official list maintained by the town of buildings, structures, sites, districts and objects significant to town history, architecture, archeology, engineering and culture, which have been designated by the historic preservation board ("town register").

National Register of Historic Places means a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended, 16 USC 470 et seq. ("National Register").

Noncontributing resource means a resource or building that does not add to the cultural, historical, social, economic, political, aesthetic, architectural or archeological significance of a designated landmark or a designated historic district.

Ordinary repairs or maintenance means work done on any building, structure or site to real property for which a building permit is not required, the purpose and effect of which is to correct or prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

Owner of a designated property means as reflected on the current county tax rolls or current title holder.

Secretary of the Interior's Standards for Rehabilitation means a federal document currently set forth in 36 CFR 68 establishing standards and guidelines for the appropriate rehabilitation and preservation of historic resources, as it may be amended from time to time.

Site of exceptional importance means a site or structure that is of exceptional importance because it is: (i) one of a kind; (ii) directly related to a major theme in the town's or region's development; (iii) significant in multiple areas which can include history, architecture, landscape design, and archaeology.

Undue economic hardship means failure to issue a certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner's property without just compensation.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-4)

Cross reference— Definitions generally, § 1-2.

Sec. 66-4. - Historic preservation board—Created and established.

The planning and zoning board is designated as the historic preservation board. It is hereby established that the town planning and zoning board shall serve as the town historical preservation board as an agency of the town government in and for the town. The historic preservation board is hereby vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archeological and architectural resources in the town, as prescribed by this chapter under the direct jurisdiction and legislative control of the town commissioners. To meet the requirements of the certified local government program and to carry out its responsibilities under this chapter, the membership of the historic preservation board shall include, to the extent available, members from the disciplines of architecture, architectural history, law, investment banking, planning, engineering, archeology and related fields. The town commission shall decide whether or not the existing members of the planning and zoning board meet the requirements of the historic preservation board and other programs and may appoint up to two additional members to the historic preservation board if needed. Whenever a new member is appointed to the historic preservation board, the town commission shall consider the professional requirements of the new member to ensure that the requirements of the certified local government program are met. When a

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

vacancy occurs on the historic preservation board, it shall be filled within 60 days. When necessary, persons serving on the historic preservation board shall attend educational meetings to develop a special interest, expertise, experience or knowledge in history, architecture or related disciplines.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-5)

Cross reference— Boards and commissions, § 2-111 et seq.

State Law reference— Historic preservation boards, F.S. ch. 266.

Sec. 66-5. - Same—Members.

The historic preservation board shall consist of five or seven members appointed by the town commission. Each member of the historic preservation board shall be qualified pursuant to section 2-112. Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation. The term of office of membership shall follow the guidelines of the town planning and zoning board. Any vacancy occurring on the historic preservation board shall be filled by the town commission for the remainder of the unexpired term, at the earliest possible date. Members of the historic preservation board shall be eligible for reappointment, and shall hold office until their successors have been duly appointed and qualified. Members of the historic preservation board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the town commission. Before entering upon the duties of office, each member of the historic preservation board shall file written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the town clerk.

(Ord. No. 6-1998, § I, 7-1-1998; Ord. No. 13-2001, § 1, 10-3-2001; Ord. No. 1-2002, § 1, 1-16-2002; Code 1978, § 34-6)

Sec. 66-6. - Organization.

The chairperson of the planning and zoning board shall serve as chairperson of the historic preservation board. The town manager shall provide adequate personnel to provide technical expertise to and fulfill the administrative responsibilities of the board, including but not limited to representatives from the community development department, which shall be deemed the staff of the board. Minutes of each historic preservation board meeting shall be kept and prepared under the supervision and direction of the board, and copies of such minutes shall be filed with the town clerk.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-7)

Sec. 66-7. - Rules and regulations.

The historic preservation board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this chapter. Such rules and regulations shall conform to the provisions of this chapter and shall not conflict with the constitution and general laws of the state. The historic preservation board shall prescribe forms for use by applicants in compliance with the provisions of this chapter.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-8)

Sec. 66-8. - Powers and duties.

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

- (a) The historic preservation board shall have the following enumerated powers and duties:
- (1) Adopt or amend rules of procedure.
 - (2) Recommend designation of individual sites, districts and archeological zones.
 - (3) Issue or deny certificates of appropriateness or special appropriateness and certificates to dig.
 - (4) Recommend or approve historical markers and issue certificates of recognition for individual sites and designated properties in a district.
 - (5) Recommend zoning and building code amendments to the proper authorities.
 - (6) Establish guidelines for preservation and criteria for issuance by staff of regular certificates of appropriateness.
 - (7) Promote the awareness of historic preservation and its community benefits.
 - (8) Review and update the historic survey for its quality and professional merit, and validate the findings of the survey as bona fide and sincere which shall be compatible with the Florida Master Site File and planning for their conservation and preservation.
 - (9) Implement the authority of this chapter and fulfill the tasks set forth for the historic preservation board by the town commission in this chapter and other ordinances.
 - (10) Record and maintain records of the historic preservation board's actions and decisions.
 - (11) Follow and abide by the laws of the United States of America, the state, county and the town.
 - (12) Review and recommend sites and structures for nomination to the National Historic Register.
 - (13) Provide an annual report to the mayor and town commission.
- (b) No actions of the historic preservation board will supersede or be construed as superseding the authority of the town commission.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-9)

Sec. 66-9. - Designation process and procedure.

- (a) *Criteria.* Consistent with the criteria established by the National Register of Historic Places, the historic preservation board shall have the authority to designate areas, places, buildings, structures, landscape features, archeological sites and other improvements or physical features, as individual sites, districts or archeological zones that are significant in town's history, architecture, archeology or culture and possess an integrity of location, design, setting, materials, workmanship or association, or:
- (1) Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric and architectural history that have contributed to the pattern of history in the community, the county, South Florida, the state or the nation;
 - (2) Are associated with the lives of persons significant in our past;
 - (3) Embody the distinctive characteristics of a type, period, style or method of construction or work of a master, or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction;
 - (4) Have yielded, or are likely to yield information in history or prehistory; or
 - (5) Are listed in the National Register of Historic Places.
- (b) *Properties not generally considered; exceptions.* Certain properties, which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature and properties that have achieved significance within the last 50 years, will not normally be considered for

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

designation. However, such properties may qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

- (1) A religious property deriving primary significance from architectural or artistic distinction of historical importance.
 - (2) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with a historic event or person.
 - (3) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with such historic figure's productive life.
 - (4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
 - (5) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance.
 - (6) A property or district achieving significance within the past 50 years if it is of exceptional importance.
- (c) *Investigation and designation report.* Prior to the designation of an individual site, a district, or an archeological zone, an investigation and designation report must be filed with the historic preservation board. The format of these reports may vary according to the type of designation; however, all reports must address the following:
- (1) The historical, cultural, architectural or archeological significance of the property or properties being recommended for designation;
 - (2) A recommendation of boundaries for districts and archaeological zones and identification of boundaries of individual sites being designated;
 - (3) A recommendation of standards to be adopted by the board in carrying out its regulatory function under this chapter with respect to certificates of appropriateness and certificates to dig.

Where a report is filed recommending designation of a district, the report must identify those properties, if any, within the district which are not historically or architecturally compatible with structures in the district. The standards for regulating such nonconforming properties shall provide that a certificate of appropriateness may be required only for new construction on such properties. All reports shall take into consideration projected, proposed or existing public improvements and developmental or renewal plans.

(d) *Procedure.*

- (1) *Petition of the owner.* The owner of any property in incorporated Lake Park may petition this board for designation of the owner's property as an individual site, district or archeological zone provided that the owner appears before the historic preservation board with sufficient information to warrant the investigation of the property for future designation and the historic preservation board finds that the property may be worthy of designation. The historic preservation board shall, based on its findings, either direct the staff to begin the designation process or deny the petition. Nothing in this subsection shall be deemed to restrict the power of the historic preservation board to initiate the designation process pursuant to this section, however, written permission of the property owner shall be obtained prior to the submission of the application for designation, and such written permission shall be made a part of the application packet.
- (2) *Directive of the historic preservation board.* The historic preservation board shall, upon recommendations from staff or the acceptance of petitions pursuant to subsection (d)(1) of this section, direct staff to begin the designation process by preparing a designation report, pursuant to subsection (c) of this section and any other standards the board may deem necessary, and submitting this report according to the procedures described herein.
- (3) *Notification of owner.* For each proposed designation of an individual site, the historic preservation board shall obtain the permission of the property owner. For each proposed district or archeological zone, the historic preservation board is encouraged to obtain the permission of the

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

property owner within the designated area, and is responsible for mailing a copy of the designation report to the owner as notification of the intent of the historic preservation board to consider designation of the property at least 15 days prior to a public hearing held pursuant to this section.

- (4) *Notification of government agencies.* Upon filing of a designation report, the secretary of the historic preservation board shall immediately notify the community development department and any other county or municipal agency, including agencies with demolition powers, that may be affected by said filing.
- (5) *Notification of a public hearing.* For each individual site, district or archeological zone proposed for designation, a public hearing must be held no sooner than 15 days and within 60 days from the date a designation report has been filed with the historic preservation board. Owners of record or other parties having an interest in the proposed designated properties, if known, shall be notified of the public hearing by certified mail to the last known address of the party being served, according to the county property appraiser's records; however, failure to receive such notice shall not invalidate the same as such notice shall also be perfected by publishing a copy thereof in a newspaper of general circulation at least ten days prior to the hearing. Owners shall be given an opportunity at the public hearing to object to the proposed designation.
- (6) *Requirement of prompt decision and notification.* Within seven days of a public hearing on a proposed individual site, district or archeological zone, the board shall by written resolution state its decision to approve, deny or amend the proposed designation and shall direct the secretary of the historic preservation board to notify the following of its actions with a copy of the resolution:
 - a. The community development department;
 - b. The town clerk;
 - c. The appropriate county officials;
 - d. The owner of the affected property and other parties having an interest in the property, if known;
 - e. Any other county or municipal agency, including agencies with demolition powers, that may be affected by this action; and
 - f. The county property appraiser.
- (7) *Amendment or rescission.* The historic preservation board may amend or rescind any designation provided it complies with the same manners and procedures used in the original designation.
- (8) *Moratorium.* Upon the filing of a designation report by the staff, the owner of the real property which is the subject matter of the designation report or any individual or private or public entity shall not:
 - a. Erect any structure on the subject property.
 - b. Alter, restore, renovate, move or demolish any structure on the subject property until such time as final administrative action, as provided by this chapter, is completed.
- (9) *Recording of designation.* The historic preservation board shall provide the clerk of the circuit court with all designations for the purpose of recording such designation and the clerk of the circuit court shall thereupon record the designation according to law.

(Ord. No. 6-1998, § I, 7-1-1998; Ord. No. 13-2001, § 1, 10-3-2001; Code 1978, § 34-10)

Sec. 66-10. - Application for certificate of appropriateness.

- (a) *Certificate required as prerequisite to alteration, etc.* No building, structure, improvement, landscape feature or archeological site within the town which is designated pursuant to section 66-9 may be erected, altered, restored, renovated, excavated, moved or demolished until an application for a

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

certificate of appropriateness regarding any architectural features, landscape features or site improvements has been submitted to and approved pursuant to the procedures in this section. As a prerequisite to the alteration, etc., of a single-family home which has been identified as being 50 years or older in the Lake Park Historical Structure Survey, dated June 1998, the community development director shall notify the owner that the home is one of the sites identified in the Lake Park Historical Structure Survey, dated 1998, as being eligible for listing on the local historic register. The community development director shall notify the owner of their eligibility for designation, and seek designation with the owner's consent. All collateral materials, including incentive opportunities, shall be provided to the homeowner. Architectural features shall include, but not be limited to, the architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of facades, roofs, windows, doors and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to section 66-9. Landscape features and site improvements shall include, but are not limited to, site regrading, subsurface alterations, fill deposition, paving, landscaping, walls, fences, courtyards, signs and exterior lighting. No certificate of appropriateness shall be approved unless the architectural plans for said construction, alteration, excavation, restoration, renovation, relocation or demolition are approved by the historic preservation board.

- (b) *Board to develop procedures.* The historic preservation board shall set the fees needed and develop procedures for making application for both a regular and special certificate of appropriateness.
- (c) *Standards for issuance.* The town hereby adopts the Secretary of Interior's Standards of Rehabilitation. The historic preservation board shall also adopt supplemental guidelines which may be amended from time to time. These standards by which applications for any certificate of appropriateness are to be measured and evaluated. In adopting these guidelines, are intended by the historic preservation board to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites and streetscape. These guidelines shall also serve as criteria for staff to make decisions regarding applications for regular certificates of appropriateness.
- (d) *Regular certificates of appropriateness.*
 - (1) Based on the guidelines for preservation, the designation report, a complete application for a regular certificate of appropriateness, any additional plans, drawings or photographs to fully describe the proposed alteration and any other guidelines the board may deem necessary, the staff of the historic preservation board shall, within ten days from the date a complete application has been filed, approve or deny the application for a regular certificate of appropriateness by the owner of a designated individual site, or property within a designated district.
 - (2) Regular certificates of appropriateness may be issued by staff for ordinary repair and maintenance for which a building permit is not required, the purpose and effect of which is to correct or prevent any deterioration of, decay of or damage to the exterior of such building, structure or site or any part thereof, and to restore the same as nearly as may be practicable to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.
 - (3) The findings of the staff shall be mailed to the applicant within three days of staff decision accompanied by a statement in full regarding the staff's decision. The applicant shall have an opportunity to challenge the staff decision by applying for a special certificate of appropriateness within 30 days of the staff's findings.
- (e) *Special certificates of appropriateness.* Special certificates of appropriateness are required for any alteration to buildings or sites other than ordinary maintenance.
 - (1) An applicant for a special certificate of appropriateness shall submit his fees and application to the board pursuant to this section and accompany such application to the historic preservation board with full plans and specifications, site plan and samples of materials as deemed appropriate by the board to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any outbuilding, wall, courtyard, fence, landscape feature, paving, signage and exterior lighting. The applicant shall provide adequate information to enable

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

the historic preservation board to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscape. If such application involves a designated archeological site, the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archeological site.

- (2) The historic preservation board shall hold a public hearing upon an application for a special certificate of appropriateness affecting property under its control. In such instances, notice and procedure of the public hearing shall be given to the property owner by certified mail and to other interested parties by an advertisement in a newspaper of general circulation at least ten days prior to the hearing.
- (3) The historic preservation board shall act upon an application within 60 days of receipt of application materials adequately describing the proposed action. The historic preservation board shall approve, deny or approve in modified form an application, subject to the acceptance of the modification by the applicant, or suspend action on the application for a period not to exceed 30 days in order to seek technical advice from outside its members or to meet further with the applicant to revise or modify the application.
- (4) The decision of the historic preservation board shall be issued in writing. Evidence of approval of the application shall be by certificate of appropriateness issued by the historic preservation board or the board's designated staff representative to the applicant and, whatever its decision, notice in writing shall be given to the applicant and the community development department. When an application is denied, the historic preservation board's notice shall provide an adequate written explanation of its decision to disapprove the application. The historic preservation board shall keep a record of its actions under this chapter.

(f) *Demolition.*

- (1) Demolition of a designated building, structure, improvement or site may occur pursuant to an order of a government agency or a court of competent jurisdiction or pursuant to an approved application by the owner for a special certificate of appropriateness.
- (2) Government agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts or archeological zones pursuant to section 66-9(d)(6). The historic preservation board shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by said government agency regarding demolition of any designated property. The historic preservation board may make recommendations and suggestions to the government agency and the owner relative to the feasibility of and the public interest in preserving the designated property.
- (3) No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner thereof until an application for a special certificate of appropriateness has been submitted and approved pursuant to the procedures in this section. Refusal by the historic preservation board to grant a special certificate of appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved. The historic preservation board shall be guided by the criteria contained in subsection (f)(4) of this section. The historic preservation board may grant a special certificate of appropriateness which may provide for a delayed effective date of up to six months. The effective date shall be determined by the historic preservation board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition delay period, the historic preservation board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this chapter. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.
- (4) In addition to all other provisions of this chapter, the historic preservation board shall consider the following criteria in evaluating applications for a special certificate of appropriateness for demolition of designated properties:

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

- a. Is the structure of such interest or quality that it would reasonably meet national, state or local criteria for designation as an historic or architectural landmark?
- b. Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
- c. Is the structure one of the last remaining examples of its kind in the town, neighborhood, the county or the region?
- d. Does the structure contribute significantly to the historic character of a designated district?
- e. Would retention of the structure promote the general welfare of the town, county or region by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage?
- f. Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?
- g. Building permit not to issue without certificate. No building permit shall be issued by the community development director which affects any designated property in the town without a certificate of appropriateness.
- h. Compliance of work with certificate standards. All work performed pursuant to the issuance of any certificate of appropriateness shall conform to the requirements of the certificate. The town manager shall designate an appropriate official to assist the historic preservation board by making necessary inspections in connection with enforcement of this chapter and the manager or the community development director shall be empowered to issue a stop work order if performance is not in accordance with the issued certificate. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports shall be furnished to the historic preservation board and copies of any stop work orders both to the board and the applicant. The community development director and staff for the historic preservation board shall be responsible for ensuring that any work not in accordance with an issued certificate of appropriateness shall be corrected to comply with the certificate of appropriateness prior to withdrawing the stop work order.
- i. Emergency, temporary measures. For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction or other repairs to a building or site in the town, pursuant to an order of a government agency or a court of competent jurisdiction. The owner of a building damaged by fire or natural calamity shall be permitted to stabilize the building immediately without historic preservation board approval, and to rehabilitate it later under the normal review procedures to this chapter.
- j. No action to constitute approval. If no action upon an application is taken within 60 days from the date of application, such application shall be deemed to have been approved and no other evidence of approval shall be needed. This time limit may be waived by mutual written consent of the applicant and the historic preservation board.
- k. Power of review. The historic preservation board shall have the authority to review applications for certificates of appropriateness for all property in the town, however owned, by either private or public parties. The purposes of this chapter shall apply equally to plans, projects or work executed or assisted by any private party, governmental body or agency, department, authority or board of the town, county or state.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-11; Ord. No. 03-2007, § 2, 7-18-2007)

Sec. 66-11. - Variances.

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this chapter would result in serious undue economic hardship to the applicant, the historic preservation board shall have the power to vary or modify adherence to this chapter; provided always that its requirements ensure harmony with the general purposes hereof and will not adversely affect the town.

- (1) In any instance where there is a claim of undue economic hardship, the owner may submit, by affidavit, to the board at least 15 days prior to the public hearing, the following information:
 - a. For all property:
 1. The amount paid for the property, the date of purchase and the party from whom purchased;
 2. The assessed value of the land and improvements thereon according to the two most recent assessments;
 3. Real estate taxes for the previous two years;
 4. Annual debt service, if any, for the previous two years;
 5. All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing or ownership of the property;
 6. Any listing of the property for sale or rent, price asked and offers received, if any; and
 7. Any consideration by the owner as to profitable adaptive uses for the property; and
 - b. For income-producing property:
 1. Annual gross income from the property for the previous two years;
 2. Itemized operating and maintenance expenses for the previous two years; and
 3. Annual cash flow, if any, for the previous two years.
- (2) The board may require that an applicant furnish such additional information as the historic preservation board believes is relevant to its determination of undue economic hardship and may provide in appropriate instances that such additional information be furnished under seal. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with such applicant's affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-12)

Sec. 66-12. - Maintenance of designated properties.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-13)

Sec. 66-13. - Certificates to dig.

- (a) *When required; how granted.* Within an archeological zone, new construction, filling, digging, the removal of trees, or any other activity that may alter or reveal an interred archeological site shall be prohibited without a certificate to dig. All applications to the town involving new construction, large-scale digging, the removal of trees or any other activity that may reveal or disturb an interred archeological site, in an archeological zone shall require a certificate to dig before approval. Based on

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

the designation report for the archeological zone, a complete application for a certificate to dig and any additional guidelines the historic preservation board may deem necessary, the staff of the board shall, within ten days from the date the completed application has been filed, approve the application for a certificate to dig by the owners of a property in a designated archeological zone. The certificate to dig may be made subject to specified conditions, including but not limited to conditions regarding site excavation. In order to comply with the site excavation requirements of the certificate to dig, the applicant may agree to permit the town or its designee to conduct archeological excavation from the time of the approval of the certificate to dig until the effective date thereof. The findings of the staff shall be mailed to the applicant by registered mail promptly. The applicant shall have the opportunity to challenge the staff decision or any conditions attached to the certificate to dig by requesting a meeting of the historic preservation board. The historic preservation board shall convene within 35 days after such a request and shall make every effort to review and reconsider the original staff decision to arrive at an equitable decision. The decision of the historic preservation board shall be reduced to writing within seven days from the date of the meeting.

- (b) *Approved certificates to dig.* Approved certificates to dig shall contain an effective date not to exceed 60 days at which time the proposed activity may begin, unless the board decides to designate the site in question as an individual site or district pursuant to section 66-9 in which all the rules and regulations pertaining to the designation process shall apply from the date the designation report has been filed.
- (c) *Work to conform to certificate; stop work order.* All work performed pursuant to the issuance of a certificate to dig shall conform to the requirements of such certificate. It shall be the duty of the appropriate government agencies and the staff of the board to inspect from time to time any work pursuant to such certificate to ensure compliance. In the event work is performed not in accordance with such certificate, the official designated by the town manager pursuant to section 66-10(f)(4)h. shall be empowered to issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such projects as long as such stop work order shall continue in effect.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-14)

Sec. 66-14. - Appeals.

- (a) Within 20 days of the written decision of the historic preservation board, an aggrieved party may appeal the decision by filing a written notice of appeal with the town clerk. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within 60 days of the filing of the appeal or the first regular town commission meeting which is scheduled, whichever is later in time, the town commission shall conduct a public hearing at which time it may affirm, modify or reverse the decision of the board. Nothing contained herein shall preclude the town commission from seeking additional information prior to rendering a final decision. The decision of the town commission shall be in writing and a copy of the decision shall be forwarded to the board and the appealing party. Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a party aggrieved by a decision of the town commission may appeal an adverse decision to the circuit court in and for the county. The party taking the appeal shall be required to pay to the town clerk the sum of \$200.00 to defray the costs of preparing the record on appeal.
- (b) Certain properties in the town were given historic designation against the wishes of their owners. Because nonconsensual designation is hereby abolished in the ordinance from which this section derives, the town commission finds that it is appropriate to allow those property owners an opportunity to resume the control of their property. As such, during a period of time not more than 180 days from the effective date of this section, owners of those properties which were designated with out their permission or consent may apply directly to the town commission for a de-designation of those properties. The list of addresses which were so designated is available at town hall.
- (c) In the event of a plan to demolish any such properties which are de-designated in this time frame pursuant to subsection (b) of this section shall follow the following procedure: not less than 90 days prior to making an application for demolition, the owner shall notify the town commission in writing of the owner's intent to apply for a demolition permit. Such written notice shall be placed on the next

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

available agenda of the town commission, however, no action is required of the commission regarding such written notice.

(Ord. No. 6-1998, § I, 7-1-1998; Ord. No. 13-2001, § 1, 10-3-2001; Code 1978, § 34-15)

Sec. 66-15. - Penalties.

Failure by an owner of record or any individual or private or public entity to comply with any provisions of this chapter shall constitute a violation hereof and shall be punishable by civil or criminal penalties including a fine of not more than \$500.00 per day for each day the violation continues and including a requirement that any work performed contrary to this chapter must be removed and the property returned to its condition prior to commencement of said action. The code compliance board shall have jurisdiction to enforce the codes and ordinances of the town.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-16)

Sec. 66-16. - Incentives.

All properties designated as individual sites or as designated properties within a district shall be eligible, upon application by the owner, for any available financial assistance set aside for historic preservation by the town contingent on the availability of funds and the scope of the project as described in the application.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-17)

Sec. 66-17. - Tax exemptions for historic properties.

- (a) *Scope of tax exemptions.* A method is hereby created for the town commissioner, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to 100 percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this chapter. The exemption applies only to taxes levied by the town. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to section 9(b) or section 12, Article VII of the Florida Constitution (Fla. Const. art. VII, §§ 9(b), 12). The exemption does not apply to personal property. The exemption under this chapter does not apply to properties within a community redevelopment area previously or hereafter established pursuant to F.S. ch. 163, pt. III (F.S. §§ 163.330—163.463), by either the Board of County Commissioners of Palm Beach County or the town commission.
- (b) *Duration of tax exemptions.* Any exemption granted under this section to a particular property shall remain in effect for ten years. The town commission shall have the discretion to set a lesser term. The term of the exemption shall be specified in the resolution approving the exemption. The duration of the exemption as established in the resolution granting the exemption shall continue regardless of any change in the authority of the town to grant such exemptions or any change in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for an exemption, must be maintained in their historic state over the period for which the exemption was granted.
- (c) *Eligible properties and improvements.*
 - (1) Property is qualified for an exemption under this section if:
 - a. At the time the exemption is granted the property:
 1. Is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, 16 USC 470 et seq.;

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

2. Is a contributing property to a National Register-listed district; or
 3. Is designated as a historic property, or as a contributing property to a historic district, under the terms of a local preservation chapter; and
- b. The historic preservation board has certified to the town commission that the property for which an exemption is requested satisfies subsection (c)(1)a of this section.
- (2) In order for an improvement to a historic property to qualify the property for an exemption, the improvement must:
- a. Be consistent with the United States Secretary of Interior's Standards for Rehabilitation; and
 - b. Be determined by the historic preservation board to meet criteria established in rules adopted by the department of state.
- (d) *Applications.* Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, in the year the exemption is desired to take effect, file with the town commission a written application on a form prescribed by the department of state. The application must include the following information:
- (1) The name of the property owner and the location of the historic property;
 - (2) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;
 - (3) Proof, to the satisfaction of the historic preservation board, that the property to be rehabilitated or renovated is a historic property under this section;
 - (4) Proof, to the satisfaction of the historic preservation board, that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the department of state;
 - (5) Other information identified in appropriate department of state regulations, or requested by the historic preservation board; and
 - (6) The property within the jurisdiction of the historic preservation board has filed a completed application for a certificate of appropriateness for the qualifying restoration, renovation, or rehabilitation.
- (e) *Required covenant.* To qualify for an exemption, the property owner must enter into a covenant or agreement with the town commission for the term for which the exemption is granted. The form of the covenant or agreement must be established by the department of state and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3).
- (f) *Review by historic preservation board.* The historic preservation board, or its successor, is designated to review applications for exemptions. The historic preservation board must recommend that the town commission grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the department of state. The recommendation, and the reasons therefor, must be provided to the applicant and to the town commissioners before consideration of the application at an official meeting of the town commission.
- (g) *Approval by town commission.* A majority vote of the town commissioners shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The town commission shall include the following in the ordinance approving the written application for exemption:

SPECIAL CERTIFICATE OF APPROPRIATENESS TOWN CODE PROVISIONS HIGHLIGHTED HEREIN

- (1) The name of the owner and the address of the historic property for which the exemption is granted.
 - (2) The period of time for which the exemption will remain in effect and the expiration date of the exemption.
 - (3) A finding that the historic property meets the requirements of this section.
- (h) *Recording in public record.* The covenant evidencing the tax exemption shall be recorded by the town at the owner's expense in the public records of the county.

(Ord. No. 6-1998, § I, 7-1-1998; Code 1978, § 34-18)

ORDINANCE NO. ~~14~~-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV, PROVIDING FOR AN AMENDMENT TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has a comprehensive sign Code which has been codified in Chapter 70, Articles I through IV, and Sections 70-1 through 70-108 of the Town's Code of Ordinances; and

WHEREAS, the Community Development staff has recommended that the Town Commission amend Town Code, Chapter 70, Article IV, Section 70-101(14), to allow for an exemption for certain signs considered to be of nostalgic significance in the Town, and permitting same by the issuance of a Special Certificate of Appropriateness process for these signs.

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

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

Section 2. Chapter 70, Article IV, Section 70-101(14) of the Town Code is hereby amended to add a new exemption to subsection (14), to read as follows:

(14) Historical signs and markers designating places of historical significance, or nostalgic signs. The Community Development Department may approve certain signs with historic or nostalgic significance provided a Special Certificate of Appropriateness is processed and approved. The owner of a property with a historic or nostalgic sign may apply for a Special Certificate of Appropriateness. A Special Certificate of Appropriateness may be issued for a nostalgic sign provided it is determined that the sign has value as a part of the heritage of the Town based upon documentation which demonstrates the nostalgic value of the sign.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Repeal of Laws in Conflict.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Town Commission.

**LEGAL NOTICE OF PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, November 1, 2017 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a special call session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

Ordinance 15-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-2 OF CHAPTER 78, ARTICLE I, AMENDING THE DEFINITION OF THE TERM "SHED"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance No. 16-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV, PROVIDING FOR AN AMENDMENT TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance No. 17-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-253(d) OF CHAPTER 78, ARTICLE VIII, TO AMEND THE LANDSCAPING REQUIREMENTS FOR GROUND SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida
PUB: The Palm Beach Post October 22, 2017.

TAB 4



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 1, 2017

Agenda Item No. **Tab 4**

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-253(d) OF CHAPTER 78, ARTICLE VIII, TO AMEND THE LANDSCAPING REQUIREMENTS FOR GROUND SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON 2nd READING
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]* Date: 10/24/17

Nadia Di Tommaso / Community Development Director
Name/Title *[Signature]*

Originating Department: Community Development	Costs: \$ 0 Funding Source: Acct: # <input type="checkbox"/> Finance _____	Attachments: → Ordinance 17 -2017 → "Before and After" Powerpoint slides of Signs – <i>in various stages of compliance</i> → Legal Ad
Advertised: Date: October 22, 2017 Paper: Palm Beach Post <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone OR Not applicable in this case <u>ND</u> Please initial one.

Summary Explanation/Background:

APPROVED ON 1st READING BY THE TOWN COMMISSION – October 18, 2017 with a request to add specific reference to the maintenance of ground signs – included.

Over the past 12-18 months, the (former) Town Planner has worked with hundreds of property owners to bring their non-conforming signs into compliance, pursuant to the previous July 5, 2016 compliance date. While this was an extremely lengthy and time-consuming process and Staff is still

working with some owners who are in various stages of the Town's enforcement process, this is a **housekeeping item** that is long overdue. Since many of the Town's properties were developed years, if not decades ago, there are several non-conforming elements on existing parcels throughout the Town. This includes those areas on the various non-conforming parcels that have historically been used for freestanding signs.

Over the last few years, the Town Commission has entertained several Code amendments that aim to introduce business friendly initiatives, particularly modifications to Town Code Section 78-251 related to non-conforming landscaping parcels allowing for flexibility pursuant to site constraints. Additionally, flexible development regulations have also been established in Chapter 78 of the Town Code to facilitate development and redevelopment on smaller parcels under 1 acre in size.

While it is clear that the Town Code, in its various sections, places emphasis on site constraints as it relates to non-conforming parcels so to protect adequate site circulation and parking areas, Town Code Section 78-253(d) requires some clean-up in order to make this intent clear in the section which pertains specifically to the landscaping around the base of ground signs. Staff proposes the following in an effort to provide better clarity in the Code:

(d) *Ground signs.* A ground sign shall be erected in a landscaped area. **The landscaping shall consist of shrubbery of at least 30 inches in height, the intent being to create a hedge or a collection of individual shrubs of the same or varying species. The hedges shall be spaced not more than 18 inches apart at their base. Provided however, nonconforming parcels shall incorporate only those landscaping requirements that are feasible based on existing site conditions. Financial hardship shall not be considered to be a site condition which would alleviate the property owner from compliance with landscaping requirements. The community development department is authorized to approve administrative waivers of the landscaping requirements of this section. For all new developments and substantial renovations** the landscaped area shall be equal to no less than the height of the sign in all directions from the sign face and front end and a minimum of three feet from the rear of the sign. The area shall be planted with appropriate vegetation and automatic irrigation by the property owner and shall comply with this section. **All landscaping around ground signs shall be maintained so as to keep a clean and neat appearance and legible sign face at all times.**

Recommended Motion: I MOVE TO ADOPT ORDINANCE NO. 17-2017 on second reading.

ORDINANCE NO. 17-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-253(d) OF CHAPTER 78, ARTICLE VIII, TO AMEND THE LANDSCAPING REQUIREMENTS FOR GROUND SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has developed landscaping regulations which have been codified in Chapter 78, Articles VIII, and Sections 78-251 through 78-254 of the Town's Code of Ordinances; and

WHEREAS, the Community Development staff has recommended that the Town Commission amend Town Code, Chapter 78, Article VIII, Section 78-253(d), pertaining to the landscaping required around the base of ground signs.

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

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

Section 2. Chapter 78, Article VIII, Section 78-253(d) of the Town Code is hereby amended to read as follows:

(d) Ground signs. A ground sign shall be erected in a landscaped area. The landscaping shall consist of shrubbery of at least 30 inches in height, the intent being to create a hedge or a collection of individual shrubs of the same or varying species. The hedges shall be spaced not more than 18 inches apart at their base. Provided however, nonconforming parcels shall incorporate only those landscaping requirements that are feasible based on existing site conditions. Financial hardship shall not be considered to be a site condition which would alleviate the property owner from compliance with landscaping requirements. The community development department is authorized to approve administrative waivers of the landscaping requirements of this section. For all new developments and substantial renovations ~~the~~ landscaped area

shall be equal to no less than the height of the sign in all directions from the sign face and front end and a minimum of three feet from the rear of the sign. The area shall be planted with appropriate vegetation and automatic irrigation by the property owner and shall comply with this section. All landscaping around ground signs shall be maintained so as to keep a clean and neat appearance and legible sign face at all times.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Repeal of Laws in Conflict.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Town Commission.

10TH STREET

BEFORE AND AFTER SAMPLES

1409 10th Street

BEFORE



AFTER



1301 10th Street

BEFORE



AFTER



recently changed further

1205 10th Street

BEFORE



AFTER



NORTHLAKE BOULEVARD

BEFORE AND AFTER SAMPLES

1216 Northlake Blvd.

BEFORE



AFTER



920 NORTHLAKE BLVD.

BEFORE



AFTER



922 NORTHLAKE BLVD.

BEFORE



AFTER



800 Northlake Blvd.

BEFORE



AFTER



774 Northlake Blvd.

BEFORE



AFTER



550 Northlake Blvd.

BEFORE



AFTER



524 Northlake Blvd.

BEFORE



AFTER



450 Northlake Blvd.

BEFORE



AFTER



FEDERAL HIGHWAY

BEFORE AND AFTER SAMPLES

804 Federal Hwy.

BEFORE



AFTER



801 Federal Hwy.

BEFORE



AFTER



310 Federal Highway

BEFORE



AFTER



OLD DIXIE HIGHWAY

BEFORE AND AFTER SAMPLES

NORTH CONGRESS AVENUE

BEFORE AND AFTER SAMPLES

400 N. Congress Ave.

BEFORE



AFTER



1525 Prosperity Farms Road

BEFORE



AFTER



1535 Prosperity Farms Road

BEFORE



AFTER



**LEGAL NOTICE OF PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, November 1, 2017 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a special call session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

Ordinance 15-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-2 OF CHAPTER 78, ARTICLE I, AMENDING THE DEFINITION OF THE TERM "SHED"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance No. 16-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 70-101(14) OF CHAPTER 70, ARTICLE IV, PROVIDING FOR AN AMENDMENT TO RECOGNIZE AN EXEMPTION FOR CERTAIN HISTORICAL OR NOSTALGIC SIGNS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance No. 17-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-253(d) OF CHAPTER 78, ARTICLE VIII, TO AMEND THE LANDSCAPING REQUIREMENTS FOR GROUND SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida

PUB: The Palm Beach Post October 22, 2017.

TAB 5



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 1, 2017

Agenda Item No. *Tab 5*

Agenda Title: Setting a date for the Mixed-Use US-1 Corridor General Public Meeting in January 2018.

- SPECIAL PRESENTATION/REPORTS
 - BOARD APPOINTMENT
 - ORDINANCE ON 1st READING
 - NEW BUSINESS**
 - OTHER: _____
- CONSENT AGENDA
 - OLD BUSINESS

Approved by Town Manager

[Handwritten Signature]

Date: *10/25/17*

Nadia Di Tommaso / Community Development Director

Name/Title

Originating Department: <p style="text-align: center;">Community Development</p>	Costs: \$ -- Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: <p style="text-align: center;">None</p>
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <i>ND</i> Please initial one.

Summary Explanation/Background:

In order to remain on schedule with the US-1 Corridor Mixed-Use Initiative for which Redevelopment Management Associates (RMA) has been hired to assist the Town in completing, a General Public Meeting date is needed in January 2018. This public meeting will allow RMA to present the comprehensive plan amendments and land development regulations to the public prior to bringing them through the public hearing process which commences on January 22, 2017.

The following dates are available for the General Public meeting:

Tuesday, January 16, 2018 at 6:00pm

OR

Thursday, January 18, 2018 at 6:00pm

Recommended Motion: I move to set the General Public Meeting on (select date).