



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, February 5, 2014, 6:30 p.m.
Lake Park Town Hall
535 Park Avenue

James DuBois	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
Michael O'Rourke	—	Commissioner
Kathleen Rapoza	—	Commissioner
<hr style="border-top: 1px dashed black;"/>		
Dale S. Sugerman, Ph.D.	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, CMC	—	Town Clerk

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

A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS/REPORTS

1. Presentation to the Town of Lake Park of the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association

Tab 1

D. PUBLIC COMMENT:

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

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

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.

2. Resolution No. 02-02-14 Establishing the General Mayoral Election

Tab 2

3. Resolution No. 03-02-14 Assigning Poll Workers for the General Mayoral Election Tab 3

F. PUBLIC HEARINGS - ORDINANCE ON FIRST READING:

4. Ordinance No. 02-2014 Amending Ordinance 05-2012 Duties of the Town Manager Tab 4

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE, ENTITLED "OFFICERS AND EMPLOYEES"; PROVIDING FOR THE AMENDMENT OF SECTION 2-82 ENTITLED "POWERS AND DUTIES OF TOWN MANAGER"; PROVIDING FOR THE AMENDMENT OF SECTION 2-87 ENTITLED "POWERS AND DUTIES OF TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

G. PUBLIC HEARINGS – ORDINANCE ON SECOND READING:

5. Ordinance No. 01-2014 An Ordinance Proposing Modifications to Section 78-251 (C)(2) and 78-251 (E) of the Town Code Providing for an Administrative Approval Process for Nonconforming Parcels Proposing Site Modifications that Do Not Meet the Definition of a Substantial Modification.

Tab 5

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE VIII, SECTION 78-251 OF THE TOWN'S CODE OF ORDINANCES TO MODIFY LANDSCAPING STANDARDS PERTAINING TO NONCONFORMING PARCELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

H. NEW BUSINESS:

None

I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

J. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, February 19, 2014

**SPECIAL
PRESENTATION/
REPORT**

TAB 1



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 5, 2014

Agenda Item No.

Agenda Title: Presentation to the Town of Lake Park of the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association

- | | |
|--|---|
| <input type="checkbox"/> CONSENT AGENDA | <input type="checkbox"/> DISCUSSION/POSSIBLE ACTION |
| <input checked="" type="checkbox"/> PRESENTATION/PROCLAMATION | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE ON ____ READING |
| <input type="checkbox"/> BID/RFP AWARD | <input type="checkbox"/> OTHER: |

Approved by Town Manager DSS **Date:** 2/17/14

Dale S. Sugerman, Ph.D./ Town Manager
Name/Title

Originating Department: Town Manager	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: + Certificate of Achievement. + Award of Financial Reporting Achievement
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>DSS</u> Please initial one.

Summary Explanation/Background:

The Certificate of Achievement for Excellence in Financial Reporting has been awarded to the Town of Lake Park by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR) for the year ended September 30, 2012. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Certificate of Achievement and the Award of Financial Reporting Achievement will be presented to Blake Rane, Finance Director during the Commission Meeting.



**The Government Finance Officers Association
of the United States and Canada**

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

Finance Department
Town of Lake Park, Florida



The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

Executive Director

Date November 8, 2013



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**Town of Lake Park
Florida**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

September 30, 2012

Executive Director/CEO

Consent Agenda

TAB 2



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 5, 2014

Agenda Item No.

Agenda Title: Resolution Establishing the General Mayoral Election on March 11, 2014

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

Approved by Town Manager *DSS* **Date:** 1/21/14

Vivian Mendez - Town Clerk
 Name/Title

Originating Department: Town Clerk	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Resolution
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>VM</i> Please initial one.

Summary Explanation/Background: The Town of Lake Park will conduct an election on March 11, 2014 for the Mayor's seat. The attached Resolution establishes the election and expresses the Town's desire to have the Supervisor of Elections (SOE) office conduct the election. The Town Clerk or designee and the SOE will act as the Town's Canvassing Board.

Recommended Motion: I move to adopt Resolution No. 02-02-14 Establishing the General Mayoral Election for March 11, 2014.

RESOLUTION NO. 02-02-14

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ESTABLISHING THE TIME AND PLACE OF A GENERAL ELECTION WHICH SHALL BE HELD ON TUESDAY, MARCH 11, 2014 FOR THE PURPOSE OF ELECTING A MAYOR TO THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; ESTABLISHING THE QUALIFYING/FILING PERIOD FOR SUCH GENERAL ELECTION AS BEGINNING AT 12 NOON ON TUESDAY JANUARY 28, 2014 AND CONTINUING DURING THE TOWN'S BUSINESS HOURS THROUGH TUESDAY FEBRUARY 11, 2014 AND ENDING AT 12 NOON; REQUESTING THE SUPERVISOR OF ELECTIONS TO CONDUCT THE TOWN'S MARCH 11, 2014 ELECTION AND IF NECESSARY THE MARCH 25, 2014 RUN-OFF ELECTION; PROVIDING FOR THE PROCESSING OF ABSENTEE BALLOTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2009, the Palm Beach County League of Cities, Inc. ("League") formed an Ad Hoc Committee on Municipal Elections to work with the Palm Beach County Supervisor of Elections (SOE) establishing uniform terms and conditions under which services will be provided by the SOE to the municipalities for municipal elections and the respective responsibilities of the SOE and the municipalities; and

WHEREAS, the Agreement for Vote Processing Equipment Use and Election Services (the "Agreement") negotiated between the SOE and the League was presented and approved by the Town of Lake Park Commission at its Regular Commission Meeting of December 4, 2013; and

WHEREAS, the Town of Lake Park ("Town") desires the SOE to conduct the Town's election scheduled for March 11, 2014 and if necessary the March 25, 2014 run-off election consistent with the terms of the Agreement; and

WHEREAS, the Agreement requires the Town to name the individuals who will serve as members of the Town's Canvassing Board for said election(s).

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

Section 1. A General Election shall be held in the Town of Lake Park, Palm Beach County, Florida, ("Town") between the hours of 7:00 a.m. and 7:00 p.m. on Tuesday, the 11th day of March, 2014, and if necessary a run-off election would be held on Tuesday, the 25th day of March, 2014, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of electing a Mayor to the Commission of the Town.

Section 2. Tuesday, January 28, 2014 at 12:00 noon, is hereby designated as the opening date for those persons interested in qualifying for the office of Mayor, for the General Election to be held on Tuesday, March 11, 2014; and establishing Tuesday, February 11, 2014 at 12:00 noon as the closing date for candidates for the office of Mayor to file with the Town Clerk for the March 11, 2014 General Election.

Section 3. At least 30 days before Tuesday, February 11, 2014, but not more than 45 days before Tuesday, March 11, 2014, the Town Clerk of the Town shall post in three conspicuous places in the Town, one of which shall be at the front door of Town Hall, 535 Park Avenue, the Notice of the General Election, and the offices on the Town Commission to be filled in the election.

Section 4. The SOE or her designee and the Town Clerk or her designee are hereby designated as members of the Town's Canvassing Board, enabling the designee to represent the Town at the Logic and Accuracy ("L&A") testing of the voting equipment prior to the General Election. The SOE is also hereby requested to prepare absentee ballots for the Town, to be distributed to those electors who are unable to vote on the day of the General Election. The SOE is hereby requested to count the absentee ballots and include the Town in the canvassing advertisement.

Section 5. This Resolution shall take effect immediately upon adoption.

TAB 3



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 5, 2014

Agenda Item No.

Agenda Title: Resolution Appointing the Poll Workers for the General Mayoral Election to be Conducted on March 11, 2014

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

Approved by Town Manager  Date: 1/21/14

Vivian Mendez - Town Clerk
Name/Title

Originating Department: <p style="text-align: center;">Town Clerk</p>	Costs: \$ 3,570.00 Funding Source: Elections Acct. # 106-33000 <input checked="" type="checkbox"/> Finance <u>BKR</u>	Attachments: <p style="text-align: center;">Resolution</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 <u>VM</u> Please initial one.

Summary Explanation/Background:

Recommended Motion: I move to adopt Resolution 03-02-14 Appointing the Poll Workers for the General Mayoral Election to be held on March 11, 2014.

RESOLUTION NO. 03-02-14

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPOINTING INDIVIDUALS TO SERVE AS ELECTION POLL WORKERS; AS CLERKS, AND INSPECTORS FOR THE GENERAL MAYORAL ELECTION ON TUESDAY MARCH 11, 2014 FOR THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, PALM BEACH COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park will conduct a General Mayoral Election on Tuesday, March 11, 2014 to elect a Mayor for the Town Commission of the Town of Lake Park, Florida; and

WHEREAS, in order to promptly conduct this election, it is necessary to appoint individuals to serve as clerks, and inspectors.

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

SECTION 1. The Town Commission hereby appoints the following persons to serve as clerks, and inspectors for the March 11, 2014 General Mayoral Election:

Precinct 1378—Community United Church of Christ

Clerk: Kerisha Ellis
Inspectors: Mary Miller
Ronnie Lee Cohen
Bettye Hodges
Guilmerne Bonheur
Charlene Ulmer
Alfred Francois

Precinct 7010, 7012-St. John Lutheran Church

Clerk: Freddie Calloway
Inspectors: Gerald Kielty
Mair Buddug
Monica Richardson
Marie Jean-Pierre
Walter Herbart

Precinct 1376, 1382—Lake Park Town Hall

Clerk: Marion Harrison
Inspector: Marie Carroll
Tambia McIntosh
Betty Bennett
Donald Six

Section 2. The poll workers are hereby directed to conduct the General Mayoral Election in accordance with Florida law, and in such a manner to prevent fraud, deceit, and abuse; and to make the returns of the election public in the manner prescribed by law.

Section 3. This Resolution shall take effect immediately upon adoption.

**Ordinance
on
First
Reading**

TAB 4



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 5, 2014

Agenda Item No.

Agenda Title: Amending Ordinance No. 05-2012 Duties of the Town Manager.

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

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *DSS* **Date:** 1/16/14

Dale S. Sugerman, Ph.D./Town Manager
Name/Title

Originating Department: <p style="text-align: center;">Town Manager</p>	Costs: None Funding Source: Acct. N/A <input type="checkbox"/> Finance _____	Attachments: Draft amendment to Ordinance No. 05-2012
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: <p style="text-align: center;"><u>DSS</u></p> or Not applicable in this case _____ Please initial one.

Summary Explanation/Background:

Recently, there has been discussion about adjusting the spending authority of the town manager such that it will only be necessary for the town manager to seek Town Commission approval for expenditures that exceed \$10,000.00. The current spending authority was originally established by Ordinance No. 05-2012.

While looking at Ordinance No. 05-2012, besides the spending authority issue, there were also a few grammatical errors found which are now being proposed to be corrected, as well as some recommended modifications to the existing language of the ordinance. The proposed modifications deal with the filing of monthly reports, actively seeking grants, and being responsible for ensuring enforcement of the Town's laws and ordinances. All of the proposed modified language can be found in blue-lined legislative format attached hereto.

Recommended Motion: I move to approve Ordinance No. 02-2014.

ORDINANCE NO. ~~05-2012~~ -2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE, ENTITLED "OFFICERS AND EMPLOYEES"; PROVIDING FOR THE AMENDMENT OF SECTION 2-82 ENTITLED "~~TO~~ POWERS AND DUTIES OF TOWN MANAGER"; PROVIDING FOR THE AMENDMENT OF SECTION 2-87 ENTITLED "POWERS AND DUTIES OF TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Chapter 2, Article III, of the Town Code establishes certain powers and duties of the Town Manager and Town Attorney; and

WHEREAS, Section 2-82 of the Code of Ordinances of the Town of Lake Park sets forth the specific powers and duties of the Town Manager; and

WHEREAS, the Town Commission has determined that it is necessary and advisable to amend Section 2-82 of the Code of Ordinances of the Town of Lake Park with respect to the powers and duties of the Town Manager; and

WHEREAS, Section 2-87 of the Code of Ordinances of the Town of Lake Park sets forth the powers and duties of the Town Attorney; and

WHEREAS, the Town Commission has determined that it is necessary and advisable to amend Section 2-87 of the Code of Ordinances of the Town of Lake Park with respect to the powers and duties of the Town Attorney.

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.

Section 2. Section 2-82 of the Code of Ordinances of the Town of Lake Park is hereby amended to read as follows:

The town manager shall be the chief administrative officer of the municipal government under the general supervision of the town commission. The town manager shall abide by the policies established by the town commission through ordinances, resolutions, and specific motions. The town manager shall:

(1) Appoint, hire, discipline, and remove all employees and department heads of the town, in accordance with the town's established employee policies and procedures.

(2) Direct and supervise the administration of all departments, and provide staffing for the appointed boards, committees, and agencies of the town, as necessary or directed by the Commission. ~~The Town Manager shall direct all department heads to file monthly reports with the office of town manager. The town manager's office shall collect and forward these reports to the Town Commission without correction of modification. The town manager may issue comments regarding any of these reports.~~

(3) Prepare, with the assistance of the finance director an annual budget, and present same to the town commission with a message describing the important features, and be responsible for its administration after adoption.

(4) Prepare and submit to the town commission at the end of each fiscal year a complete report on the preceding year's finances and administrative activities, which report shall include an annual audit for the preceding fiscal year prepared by an independent auditor retained by the town commission.

(5) Keep the town commission advised of the financial condition and future needs of the town, and make such recommendations as may be desirable on a timely basis. The town manager ~~is encouraged to~~ shall actively seek out potential grant monies that may be available to support town projects.

(6) Recommend to the town commission a standard schedule of pay for all town positions, including minimum and maximum rates of pay. Recommend in consultation with the town attorney appropriate action with respect to negotiation, approval, and/or rejection of labor agreements with public employee organizations acting on policy directives provided by the commission in proper sessions.

(7) Recommend to the town commission, from time to time, the adoption of such ordinances and policies as may be necessary or expedient for the health, safety or welfare of the community, or for the improvement of administrative services.

(8) Organize, reorganize, consolidate, combine or abolish positions, offices, department divisions or departments of the town with the approval of the town commission.

(9) Attend meetings of the town commission, town committees and boards, and other town meetings, as the town manager deems necessary, or as directed by the town commission. At such meetings, the town manager shall have the right to take part in the discussion, but without having a vote.

(10) Serve as purchasing agent for the town, responsible for overseeing the purchase of equipment and supplies; with the exception of attorneys, recommend to the commission the retention of such engineering, consulting and other professionals to provide contractual services for the town; and the disposal of surplus personal property. ~~Contracts~~

The purchase of any for goods and or services exceeding \$ 510,000.00 requires approval of the town commission.

(11) Provide staff support services for the mayor and commission members. These services are limited to those necessary in support of town activities.

(12) In consultation with the Town Attorney, be responsible for ensuring enforcement of the Town's laws and ordinances.

(13) Investigate the affairs of the town, or complaints regarding any department or division; investigate all complaints in relation to matters concerning administration; investigate complaints regarding service maintained by public utilities, and see that all terms and conditions imposed in favor of the town in any franchise, contract or agreement are faithfully observed.

(14) Devote all working time to the discharge of official duties.

(15) Perform such other duties as may be required by the commission not inconsistent with the town Charter, state law or applicable ordinances.

Section 3. Section 2-87 of the Town Code is hereby amended as follows:

Section 2-87. Powers and Duties of the Town Attorney

The Town Attorney shall be appointed and removed at the sole discretion of the town commission by a four – fifths majority vote. The terms of the Town Attorney's employment shall be established by a contract. The town attorney shall act as the legal advisor of the Commission and shall be responsible for all of the town's legal affairs, including, its appointed boards or committees and officers and employees concerning their official duties. The Town Attorney shall be responsible to the Commission for recommending the retention of any Special Counsel he determines to be necessary and in the best interests of the town, or in the event of a conflict. The Town Attorney shall review the form of all contracts, resolutions, and ordinances for legal sufficiency and approve of same before the document is acted upon by the Commission.

Section 4. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be renumbered or relettered to accomplish codification, and the words "ordinance," "section," "article," or "paragraph" may be changed to provide for continuity.

Section 6. 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 deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Effective Date. This ordinance shall take effect immediately upon adoption.

Ordinance
on
Second
Reading

TAB 5



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 5, 2014

Agenda Item No.

Agenda Title: AN ORDINANCE PROPOSING MODIFICATIONS TO SECTIONS 78-251 (C)(2) AND 78-251 (E) OF THE TOWN CODE OF ORDINANCES PROVIDING FOR AN ADMINISTRATIVE APPROVAL PROCESS FOR NONCONFORMING PARCELS PROPOSING SITE MODIFICATIONS THAT DO NOT MEET THE DEFINITION OF A SUBSTANTIAL MODIFICATION.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON 2nd READING
- NEW BUSINESS
- OTHER: _____

Approved by Town Manager  Date: 1/21/14

Nadia Di Tommaso / Community Development Director 
Name/Title

Originating Department: Community Development	Costs: \$175.44 Funding Source: Town Clerk Acct. #106-48100 <input type="checkbox"/> Finance _____	Attachments: →ORDINANCE 01-2014 →Legal Ad
Advertised: Date: 01-19-2014 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> or Not applicable in this case ____ Please initial one.

Summary Explanation/Background:

As the economy has begun to pick up, the Community Development Department has seen an increase in residential and commercial property owners desiring to improve their properties. Currently, any single-family, two-family, or three-family owner of a structure seeking to improve their property (whereby the value of the improvement is greater than \$5,000), is subject to all of the provisions of the entire landscaping code. Similarly, all commercial properties seeking to do something as simple as repaving their parking lots, regardless of the value of the paving, are subject to the provisions of the entire landscaping code. Most existing properties in Town were not originally built with all of the extensive landscaping provisions required in the Code as it is written today.

The Code, as it is currently written, actually serves as a hindrance for property owners who want to make relatively simple improvements to their property. Requiring these properties to meet all of the landscaping conditions in the Code, and if they cannot meet them, forcing the property owner to apply for variances from the Code provisions, seems unreasonable as this would require a public hearing process with significant application fees and a minimum 2-month approval process.

It is not unreasonable to assume that if a property owner chooses to renovate, modify, or if it suffers damage to the extent that the proposed improvements are in excess of fifty (50) percent of the property's assessed value, that the full landscaping Code must be complied with and if not, a variance request must be sought. However, if a property owner is simply looking to beautify their site through a minor improvement, staff is proposing the following modification to the Code, which would still require compliance with as much of the landscape code as is possible, but through an administrative approval process, rather than a legislative approval process. The proposed changes to the Code would give the Community Development Director (or designee) administrative authority to approve landscaping plans for minor improvements to property within the Community, but only to the extent that those minor improvements are physically feasible:

Section 78-251. Landscaping generally

(c) *Applicability.*

(1) The standards contained in this section shall apply to all property within the town.

(2) Nonconforming parcels.

a. Any parcel of land, with the exception of nonconforming parcels on which single-family, two-family or three-family dwellings exist, must conform with the requirements and regulations of this article and chapter, regardless of the date of the erection of the structure.

b. Nonconforming parcels of real property on which single-family, two-family or three-family dwellings exist must comply with the landscape requirements of this article whenever a building permit is issued by the town for construction work on the property, where the estimated total value of the construction work and/or other improvements is \$5,000.00 or more. Provided however that, nonconforming parcels shall incorporate only those landscaping requirements determined by the Director of Community Development to be feasible based on existing site conditions. Financial hardships shall not be considered to be a site condition which would alleviate a property owner's compliance with landscaping requirements. The Community Development Department is authorized to approve waivers of the landscaping requirements of this section upon the review and approval of an application for same. The application shall include a landscape plan signed and sealed by a Florida registered landscape architect.

c. Nonconforming parcels of real property shall be subject to the landscape requirements of this article, should they seek any expansion, ~~or should they suffer damage in excess of 50 percent of their appraised value~~ modification, or where the property has been damaged based on the following criteria:

This Section provides an exception for single-family, two-family and three-family dwellings that are simply looking to improve their parcels, but do not classify as a substantial renovation.

(1) Repair, rehabilitation, restoration, reconstruction, alteration, expansion, or similar improvement, in a calendar year, in excess of 50 percent of the value of the improvements of the property, as determined by the most recent certified tax roll prepared by the county tax collector; or

(2) Repair, rehabilitation, restoration, reconstruction, alteration, expansion, or similar improvement, over three calendar years, in excess of 50 percent of the value of the improvements of the property, as determined by the most recent certified tax roll prepared by the county tax collector.

d. If it is impossible to satisfy the landscape requirements of a nonconforming parcel, the town *may* designate the town manager or his/her designee to mitigate the nonconformity by donation to the town of cash equal to the costs of the required improvements, or by the owners contribution of a like amount (or combination thereof) of trees, shrubs, and groundcovers for the improvement of the town's public parks, ball fields or other parcels that might be designated to satisfy the extent of the nonconformity.

(...)

(e) *Application and permit required.*

(...)

(4) Except for single-family, ~~and~~ two-family ~~and three-family~~ dwellings, prior to the issuance of any permit for paving, a development landscape permit application shall be submitted to the community development department. The landscape application shall be subject to the Community Development Department's review and approval. 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 waivers of the landscaping requirements of this section upon the review and approval of an application for same. The application shall include a landscape plan signed and sealed by a Florida registered landscape architect. No permit shall be issued for paving unless the application complies with the provisions hereof, and no final certificate of occupancy or completion shall be issued until the landscaping is complete and passes a final inspection by the town. ~~It shall be unlawful to occupy the premises unless the landscaping is installed in accordance with the approved plans and the requirements hereof.~~

This Section provides an exception for commercial properties that are simply looking to improve their parcels, but do not classify as a substantial renovation.

TOWN COMMISSION 1st Reading (January 15, 2014): Approval 5-0

Recommended Motion: I move to ADOPT Ordinance 01-2014 on second reading.

ORDINANCE NO. 01-2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE VIII, SECTION 78-251 OF THE TOWN'S CODE OF ORDINANCES TO MODIFY LANDSCAPING STANDARDS PERTAINING TO NONCONFORMING PARCELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; 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 adopted general provisions pertaining to land development, including landscaping, which have been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, the Town's Community Development Department has recommended amendments to Sections 78-251 of the Code of Ordinances pertaining to the landscaping requirements for nonconforming parcels; and

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

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

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

Section 2. Chapter 78, Article VIII, Sections 78-251(c) and (e) are hereby amended as follows:

Section 78-251. Landscaping generally

(c) *Applicability.*

(1) The standards contained in this section shall apply to all property within the town.

(2) Nonconforming parcels.

a. Any parcel of land, with the exception of nonconforming parcels on which single-family, two-family or three-family dwellings exist, must conform with the requirements and regulations of this article and chapter, regardless of the date of the erection of the structure.

b. Nonconforming parcels of real property on which single-family, two-family or three-family dwellings exist must comply with the landscape requirements of this article whenever a building permit is issued by the town for construction work on the property, where the estimated total value of the construction work and/or other improvements is \$5,000.00 or more. Provided however that, nonconforming parcels shall incorporate only those landscaping requirements determined by the Director of Community Development to be feasible based on existing site conditions. Financial hardships shall not be considered to be a site condition which would alleviate a property owner's compliance with landscaping requirements. The Community Development Department is authorized to approve waivers of the landscaping requirements of this section upon the review and approval of an application for same. The application shall include a landscape plan signed and sealed by a Florida registered landscape architect.

c. Nonconforming parcels of real property shall be subject to the landscape requirements of this article, should they seek any expansion, ~~or should they suffer damage in excess of 50 percent of their appraised value~~ modification, or where the property has been damaged based on the following criteria:

(1) Repair, rehabilitation, restoration, reconstruction, alteration, expansion, or similar improvement, in a calendar year, in excess of 50 percent of the value of the improvements of the property, as determined by the most recent certified tax roll prepared by the county tax collector; or

(2) Repair, rehabilitation, restoration, reconstruction, alteration, expansion, or similar improvement, over three calendar years, in excess of 50 percent of the value of the improvements of the property, as determined by the most recent certified tax roll prepared by the county tax collector.

d. If it is impossible to satisfy the landscape requirements of a nonconforming parcel, the town *may* designate the town manager or his/her designee to mitigate the nonconformity by donation to the town of cash equal to the costs of the required improvements, or by the owners contribution of a like amount (or combination thereof) of trees, shrubs, and groundcovers for the improvement of the town's public parks, ball fields or other parcels that might be designated to satisfy the extent of the nonconformity.

(...)

(e) *Application and permit required.*

(...)

(4) Except for single-family, ~~and~~ two-family ~~and three-family~~ dwellings, prior to the issuance of any permit for paving, a ~~development~~ landscape permit application shall be submitted to the community development department. The landscape application shall be subject to the Community Development Department's review and approval. 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 waivers of the landscaping requirements of this section upon the review and approval of an application for same. The application shall include a landscape plan signed and sealed by a Florida registered landscape architect. No permit shall be issued for paving unless the application complies with the provisions hereof, and no final certificate of occupancy or completion shall be issued until the landscaping is complete and passes a final inspection by the town. ~~It shall be unlawful to occupy the premises unless the landscaping is installed in accordance with the approved plans and the requirements hereof.~~

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

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

RECEIPT

Ad Name: 388305A Ad ID: 388305 Original Ad ID:

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

Please take notice that on Wednesday, February 5 2014 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 01-2014
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE VIII, SECTION 78-251 OF THE TOWN'S CODE OF ORDINANCES TO MODIFY LANDSCAPING STANDARDS PERTAINING TO NONCONFORMING PARCELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.
Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida
PUB: The Palm Beach Post
1-19/2014 #187280

Ad shown is not actual print size.