



**Town of Lake Park, Florida**  
**Special Call Planning and Zoning Board Meeting**  
**Minutes**

Monday, September 11, 2023 at 6:30 PM

535 Park Avenue Lake Park, Florida

---

<b>Richard Ahrens</b>	—	<b>Chair</b>
<b>Jon Buechele</b>	—	<b>Vice-Chair</b>
<b>Evelyn Harris Clark</b>	—	<b>Regular Member</b>
<b>Patricia Leduc</b>	—	<b>Regular Member</b>
<b>Gustavo Rodriguez</b>	—	<b>Regular Member</b>

***PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Planning & Zoning Board, 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.***

---

**CALL TO ORDER**

6:30 P.M.

**PLEDGE OF ALLEGIANCE**

A moment of silence was observed before the pledge

**ROLL CALL**

**PRESENT**

Richard Ahrens  
Jon Buechele  
Evelyn Harris Clark  
Patricia Leduc  
Gustavo Rodriguez

**APPROVAL OF AGENDA:**

Motion made to approve the agenda by Vice-Chair Buechele, Seconded by Board Member Rodriguez.

Voting Yea: Chair Ahrens, Board Member Harris Clark, Board Member Leduc.

## **APPROVAL OF MINUTES:**

Motion made to approve the minutes of June 5, 2023 by Vice-Chair Buechele, Seconded by Board Member Rodriguez.

Voting Yea: Chair Ahrens, Board Member Harris Clark, Board Member Leduc

1. Planning & Zoning Board Meeting Minutes; June 5, 2023.

## **PUBLIC COMMENTS ON AGENDA ITEMS:**

*Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located on either side of the Commission Chambers, and provide it to the Recording Secretary. Cards must be submitted before the agenda item is discussed.*

None

## **ORDER OF BUSINESS:**

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

- Staff Presentation
- Applicant Presentation (when applicable)
- Board Member questions of Staff and Applicant
- Public Comments -3 minute limit per speaker
- Rebuttal or closing arguments for quasi-judicial items
- Motion on the floor
- Vote of Board

## **NEW BUSINESS:**

2. PZ-23-05 - A Presentation by the Town of Lake Park Public Works Department for a Pocket Park to be Located at 610 7th Street.

Public Works Director Roberto Travieso and Project Manager John Wille presented to the Board (see Exhibit "A). Board Member Harris Clark commented on the project and asked if the park was open for people to play music or have a family reunion. Project Manager Wille explained that the project was open to the public, but if someone wanted to conduct an event they would need to contact the Town. The pocket park was not included as part of the Town's rental facility. Board Member Harris Clark asked who would maintain the property. Public Works Director Travieso stated that Public Works and Town hired contractors would maintain the property.

3. PZ-23-06 - Site Plan Approval for a One-Story 2,112 SF Office/Warehouse Building Located South of Watertower Road Along 13th Street. Applicant: James Leserra, Empire Landscaping. Town Planner Anders Viane presented to the Board (see Exhibit "B"). Mr. Dustin LeSerra representing Empire Landscaping presented to the Board. Board Member Harris Clark asked if equipment would be stored on site. Mr. LeSerra stated that they have a warehouse area for equipment storage.

Chair Ahrens asked clarifying questions regarding the site plan. He asked what the 12-inch panel in the drawings was. Mr. LeSerra did not have the information to respond to the question. Town Planner Viane and Community Development Director Nadia DiTommaso explained the internal processes that would need to meet Town Code before the project moves forward. Chair Ahrens expressed concern that the Planning & Zoning Board would not be able to approve a project because there was a lack of information. Community Development Director DiTommaso further explained that the site plan before the Board this evening was not the final plan that would move forward to the building permit phase. The building permit plans would include much more detail in line with the Florida Building Code requirements.

Chair Ahrens asked about the east elevation which indicates a masonry wall. He asked if that was a pop-up wall. Mr. LeSerra was unable to respond to the question. Town Planner Viane explained that it was a continuation of the masonry wall, which would require additional information before it goes to the permitting stage. Chair Ahrens asked what a stucco simulated panel was. Town Planner Viane explained that the Town's architectural Code was applied. However, the applicants architect was not in attendance to answer the specific question. He reassured the Board that the plans would not move to the building permitting phase until all the required information was provided.

Chair Ahrens asked questions regarding the lighting plan as it relates to the landscaping and trees in the area. Town Planner Viane stated that he would address the issue with the landscape architect. Chair Ahrens addressed concerns regarding vehicle stacking and the employee handicap gate. He stated that if the gate was not open a person with a handicap would have no access. Community Development Director DiTommaso clarified the question for the applicant. The applicant was reminded that they would need responses to these concerns as they approach the permitting phase.

Board Member Harris Clark asked why they requested a setback waiver when all the properties around this one were the same. Town Planner Viane explained that the standard setback was 25-feet. He explained that the wavier was to reduce their front setback. He explained that they are

not concerned with the building being a few feet closer to the sidewalk. Board Member Harris Clark asked if the Chair's concerns would be addressed before moving forward. Chair Ahrens stated that a motion would state that the approval was contingent on the concerns being addressed.

**Motion made to approve PZ-23-06 site plan for a one-story 2,112 SF Office/Warehouse building contingent the concerns are addressed prior to moving forward by Board Member Rodriguez, Seconded by Board Member Leduc. Voting Yea: Chair Ahrens, Board Member Harris Clark; Vice-Chair Buechele did not vote.**

4. PZ-23-07 A Ordinance of the Town Commission of the Town of Lake Park, Florida, Amending Section 78-83 of Chapter 78, Amending the Landscaping and Publicly Accessible Greenway Tree Planting Requirements.

Town Planner Viane explained the item (see Exhibit "C"). Board Member Rodriguez asked if the language change would make an impact to the sidewalks because the root system would have more room to grow. Town Planner Viane explained that the Florida Department of Transportation's (FDOT) concern was that the 15-foot clear height, from root to tip, was too big. Staff believes this language would meet the intent of FDOT and future applicants. Community Development Director DiTommaso informed the Board that staff has been working with FDOT and has informed them of all the development plans that are either underway or proposed for US1.

Chair Ahrens suggested that the Code identify the tree species allowable, with a maximum height of 10-feet for the area. He expressed concerns with the language pertaining to drinking fountains. Town Planner Viane explained that the drinking fountain language was existing in the Town Code and not new language.

Motion made to approve PZ-23-07 contingent of the height of trees being no taller than 10-feet and the drinking fountain language be removed by Vice-Chair Buechele, Seconded by Board Member Leduc.

Voting Yea: Chair Ahrens, Board Member Harris Clark, Board Member Rodriguez

#### **PLANNING & ZONING BOARD MEMBER COMMENTS:**

Vice-Chair Buechele asked that the architects be invited to attend Planning & Zoning Board meetings in the future as to avoid what took place this evening. Town Planner Viane agreed. Chair Ahrens agreed with Vice-Chair Buechele and expressed concerns with the lack of information provided to the Board. He

acknowledged understanding of why Vice-Chair Buechele chose to abstained from voting because he wanted better answers to the questions addressed to the applicant. He admitted the he was going to vote against the project, but he didn't want to put the applicant through the entire process again. He addressed Community Development Director DiTommaso and stated that the Board was relying on her to ensure that all the question posed to the applicant would be addressed. He asked that the details be included in the future.

Board Member Leduc had no comments.

Board Member Harris Clark had no comments.

Board Member Rodriguez had no comments.

Chair Ahrens had no comments.

#### **COMMUNITY DEVELOPMENT DIRECTOR COMMENTS AND PROJECT UPDATES:**

Community Development Director DiTommaso explained that the majority of the industrial projects are either completed or close to completion. There was one project that was still under construction. She stated that the Nautilus 220 project was ahead of schedule with a proposed completion timeframe of end of 2024. She stated that there were several site plan applications that were still in progress. She stated that the comments from today's meeting have been noted. She explained that staff and the applicant went through several rounds of reviews. Staff would certainly make sure that the comments be acknowledged and placed on the plans as they come forward.

Chair Ahrens asked for an update on the Oceana project. Community Development Director DiTommaso explained that they would receive their master permit to begin construction later this week and crews are expected to mobilize next week.

Vice-Chair Buechele asked for an update on the Texas Steak House project. Community Redevelopment Director DiTommaso explained that they received Town Commission approval and are in the permitting phase. They hope to begin construction before the end of this year.

#### **ADJOURNMENT:**

8:05 P.M.

Motion made to adjourn by Board Member Harris Clark, Seconded by Board Member Leduc.

Voting Yea: Chair Ahrens, Vice-Chair Buechele, Board Member Rodriguez

**FUTURE MEETING DATE:** Planning & Zoning Board Meeting – October 2, 2023 at 6:30 PM

  
\_\_\_\_\_  
Jon Buckele, Vice-Chair  
Town of Lake Park Planning & Zoning Board

  
\_\_\_\_\_  
Town Clerk, Vivian Mendez, MMC

TOWN OF LAKE PARK  
Town Seal  
SEAL

Approved on this 2 of October, 2023

FLORIDA

## Exhibit A

# Lake Park Planning & Zoning (P&Z) Board: Presentation on 7<sup>th</sup> Street Pocket Park Project

**Roberto Travieso**  
*Public Works Director*

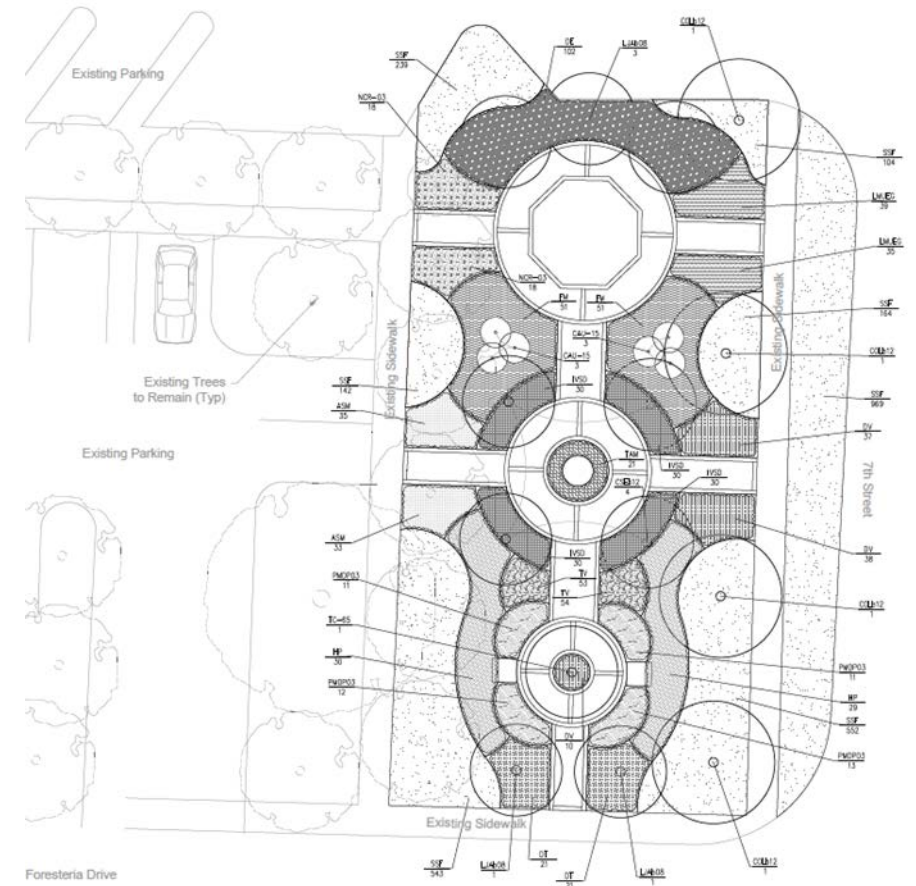
**John Wille**  
*Manager, Capital Projects*



# Presentation Agenda



1. Project Background
2. Design Plan Review
3. Next Steps
4. Q&A







# Project Background

ROBERTO TRAVIESO, PUBLIC WORKS DIRECTOR

# 7<sup>th</sup> Street Pocket Park – Background

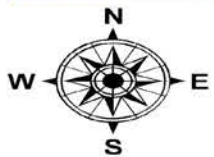
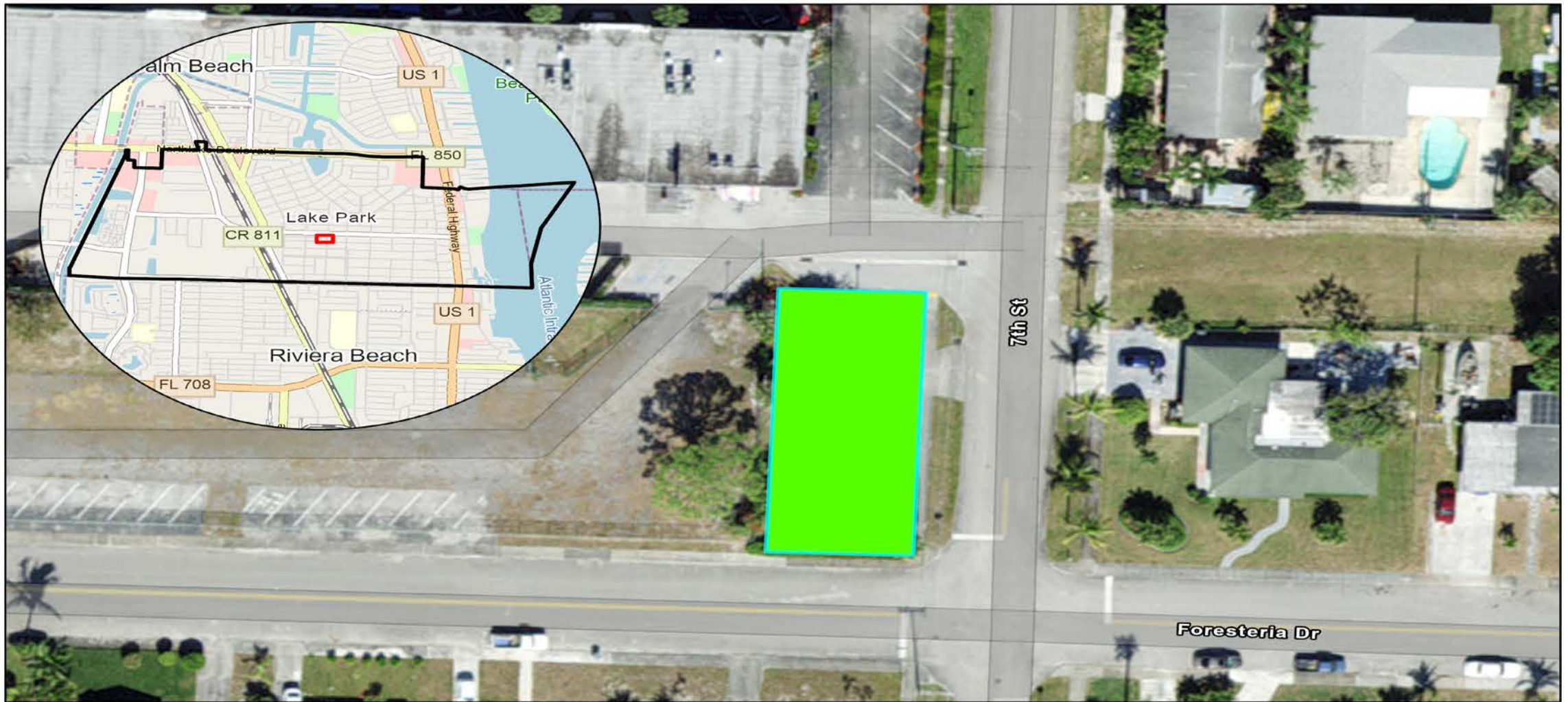


- **Location:** NW corner of 7<sup>th</sup> Street and Foresteria intersection
- **Address:** 610 7<sup>th</sup> Street
- **Lot Size:** 0.1150 Acres (5,009 Sq Ft)
- **Owner:** Lake Park Community Redevelopment Agency (CRA)



# TOWN OF LAKE PARK COMMUNITY REDEVELOPMENT AGENCY

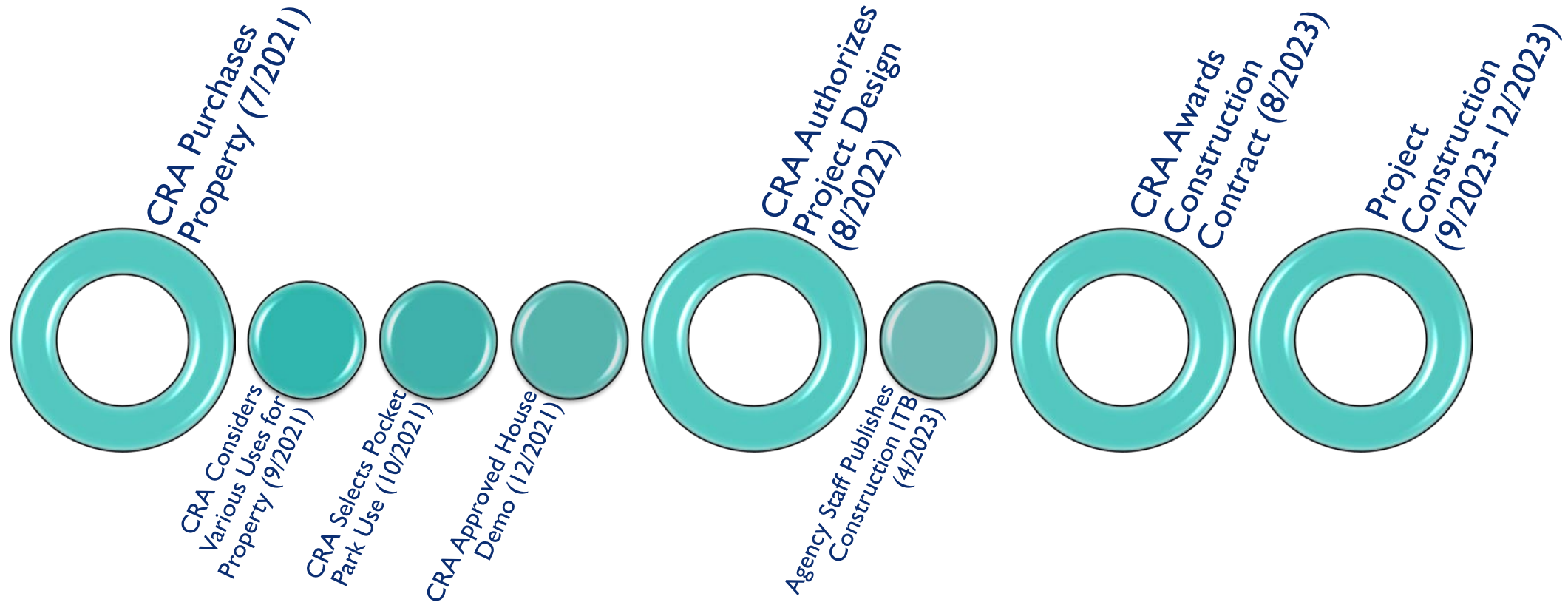
## 7th Street Pocket Back



GRAPHIC SCALE IN FEET (1"=833 FT)



# 7<sup>th</sup> Street Pocket Park – Project Timeline



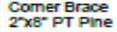


# **Project Plans Review**

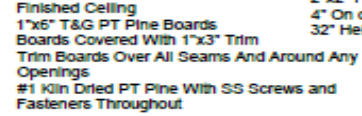
JOHN WILLE, MANAGER, CAPITAL PROJECT



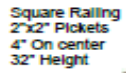
Top Railing  
Match Bottom Railing Style



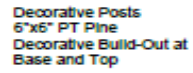
Corner Brace  
2"x8" PT Pine



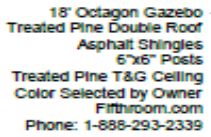
Finished Ceiling  
1"x6" T&G PT Pine Boards  
Boards Covered With 1"x3" Trim  
Trim Boards Over All Seams And Around Any  
Openings  
#1 Kiln Dried PT Pine With SS Screws and  
Fasteners Throughout



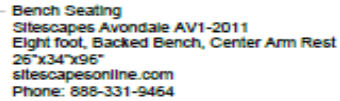
Square Railing  
2"x2" Pickets  
4" On center  
32" Height



Decorative Posts  
6"x6" PT Pine  
Decorative Build-Out at  
Base and Top



18' Octagon Gazebo  
Treated Pine Double Roof  
Asphalt Shingles  
6"x6" Posts  
Treated Pine T&G Ceiling  
Color Selected by Owner  
Fifthroom.com  
Phone: 1-888-293-2339



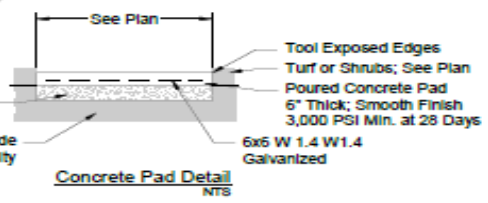
Bench Seating  
Sitelscapes Avondale AV1-2011  
Eight foot, Backed Bench, Center Arm Rest  
26"x34"x96"  
sitelscapesonline.com  
Phone: 888-331-9464



Pavers (Typ).  
Artistic Pavers Sherlock  
Field Paver: 12"x12"x1-5/8"  
Color: Ivory  
Band Paver: 8"x8"x1-5/8"  
Color: Silver Sam  
artisticpavers.com  
Phone: (305) 653-7283



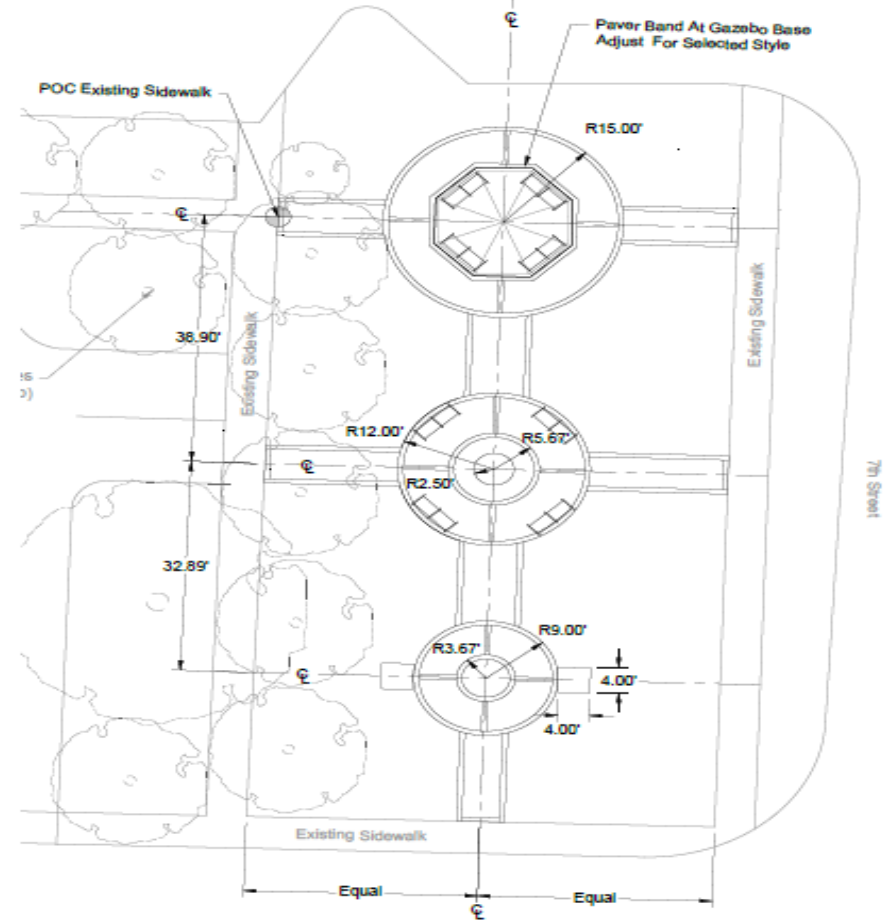
See Paver Details L1.3



See Plan

Tool Exposed Edges  
Turf or Shrubs; See Plan  
Poured Concrete Pad  
6" Thick; Smooth Finish  
3,000 PSI Min. at 28 Days  
6x6 W 1.4 W1.4  
Galvanized

Concrete Pad Detail  
NTS



**DIMENSION PLAN**  
SCALE: AS SHOWN

## PLANT LIST

### Trees

Symbol	Qty	CommonName	LatinName	Size	Additional Spec	Native	Dro. Tol. (LMH)	Space
COLb12	4	Satinleaf	Chrysophyllum oliviforme	B&B; 12'x4'; 2 1/2" Cal.; 5' C.S.T.		N	H	A.S.
CSEb12	4	Orange Geiger Tree	Cordia sebestena	B&B; 12'x5'; 2 1/2" Cal.; 4' C.T.		N	H	A.S.
LJAb08	5	Japanese Privet	Ligustrum japonicum	B&B; 8'x6'; 1 1/4" Cal.; 3' C.M.T.;	3-4 Major Trunks; Matched		H	A.S.
TC-65	1	Silver Trumpet/Yellow Flower	Tabebuia caraiba	65-Gal.; 14'x7'; 3" Cal.; 6' C.T.			M	A.S.

### Shrubs

Symbol	Qty	CommonName	LatinName	Size	Additional Spec	Native	Dro. Tol. (LMH)	Space
ASM	66	Meyers Foxtail Fern	Asparagus densiflorus 'Meyers'	3-Gal.; 18"x18"; Full			H	18" O.C.
CAU-15	6	Queen Emma Crinum Lily	Crinum augustum 'Queen Emma'	15-Gal.; 36" O.A.; Full			L	A.S.
DE	102	Autumn Fern	Dryopteris erythrosora	3-Gal.; 18"x18"; Full			H	24" O.C.
DT	42	Striped Flax Lily	Dianella tasmanica 'Variegata'	3-Gal.; 18"x18"; Full			H	24" O.C.
DV	85	White African Iris	Diets vegetata	1-Gal.; 14" O.A.; 3 P.P.P.; Full			M	18" O.C.
FM	102	Green Island Ficus	Ficus microcarpa 'Green Island'	3-Gal.; 12"x12"; 7 PPP; Full			H	24" O.C.
HP	59	Firebush	Hamelia patens	3-Gal.; 24"x18"		N	H	24" O.C.
IVSD	120	Stokes Dwarf Y'upon Holly	Ilex vomitoria 'Stokes Dwarf'	3-Gal.; 14"x14"; Full		N	H	18" O.C.
LMUEG	74	Emerald Goddess Border Grass	Liriope muscari 'Emerald Goddess'	1-Gal.; 9 P.P.P.; Full			H	18" O.C.
NCR-03	36	Giant Apostle Iris	Neomarica caerulea 'Regina'	3-Gal.; 4 P.P.P.; 24" O.A.; Full	Blue Flwr.		M	24" O.C.
PMDP03	47	Pringles Yew Podocarpus	Podocarpus macrophyllus 'Dwarf Pringles'	3-Gal.; 18"x18"			H	24" O.C.
TAM	21	Dwarf Minima Jasmine	Trachelospermum asiaticum 'Minima'	1-Gal.; 18" Spread; Full			M	12" O.C.
TV	107	Society Garlic	Tulbaghia violacea	1 Gal.; Full		N	H	12" O.C.

### Turf and Mulch

SSF	2713	Florata St. Augustine Sod	Stenotaphrum secundatum 'Florata'	Solid Sod				S.F.
-----	------	---------------------------	-----------------------------------	-----------	--	--	--	------

### Plant List Notes

Container sizes, if shown above, are presented as a suggestion only and shall not be relied upon for the purposes of estimating, bidding or purchasing of labor and/or materials. The plant height, spread and caliper are the controlling specifications.

Quantities (Qty), if shown above, are presented as a courtesy and shall not be relied upon for the purposes of estimating, bidding or purchasing of labor and/or materials. Sod & Mulch quantities represent square feet.

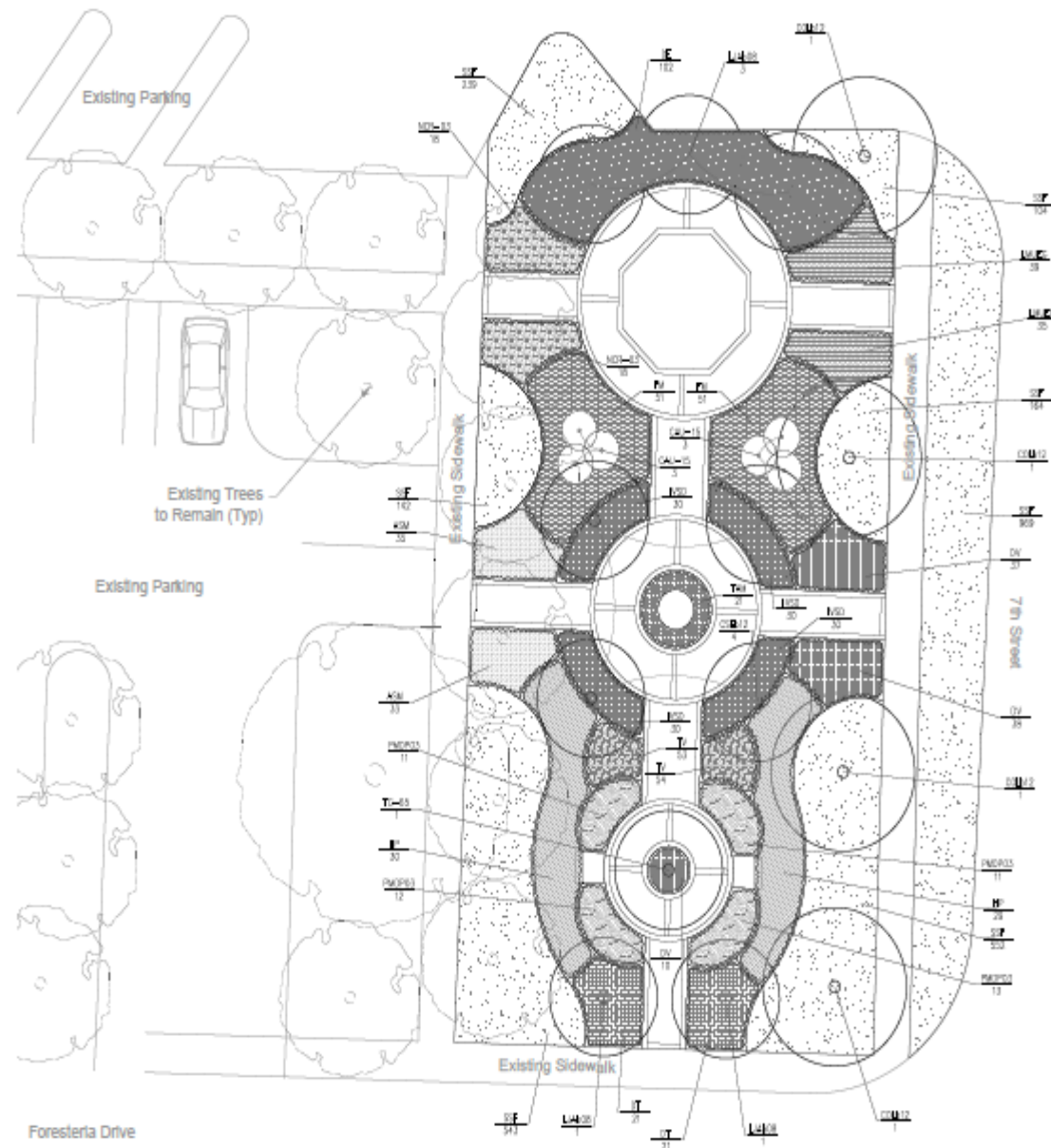
Any interested party shall derive actual quantities by performing a thorough and complete review of the Landscape Plan(s) with adequate consideration given to all information in the Plant List above excluding quantities.

In the event of a discrepancy between the plant list and plan count, the plans shall control.

Turf quantity is approximate. Turf required is to be based on field conditions at time of installation.

Native = (N); designation from the SFWMD Waterwise Guide, South Florida Edition, and UF Hort. Data Base

Drought tolerance (Dro. Tol.): L= Low, M = Moderate, H = High. Designation from the SFWMD Waterwise Guide, South Florida Edition, and UF Hort. Data Base





EXISTING  
PARKING AND  
LANDSCAPE

Foresteria Dr

Foresteria Dr

7TH ST.









## **Discussion/Questions**



## Exhibit B

**TOWN LAKE OF PARK  
PLANNING & ZONING BOARD  
STAFF REPORT**

**MEETING DATE: September 11, 2023  
PZ-23-06**

**APPLICATION:** Empire Landscaping

---

**SUMMARY OF APPLICANT’S REQUEST:** Empire Landscaping (“Property Owner” and “Applicant”) is requesting site plan approval for a one-story, 2,112 SF office/warehouse building. The proposed development is consistent with the Town of Lake Park’s adopted regulations for the CLIC-1 District.

The Subject Property is located south of Watertower Road along 13th Street in the Town of Lake Park as denoted in the location map. It is comprised of the following parcel, which totals 0.33 acres:

- Parcel 1 – PCN: 36434220000007400

**BACKGROUND:**

Owner & Applicant(s):	Empire Landscape
Agent and Consultant:	James Leserra, Empire Landscaping
Location:	36434220000007400 (No Address)
Net Acreage (total):	0.333 acres
Legal Description:	See survey enclosed in packet.
Existing Zoning:	CLIC-1
Future Land Use:	Light Industrial and Commercial

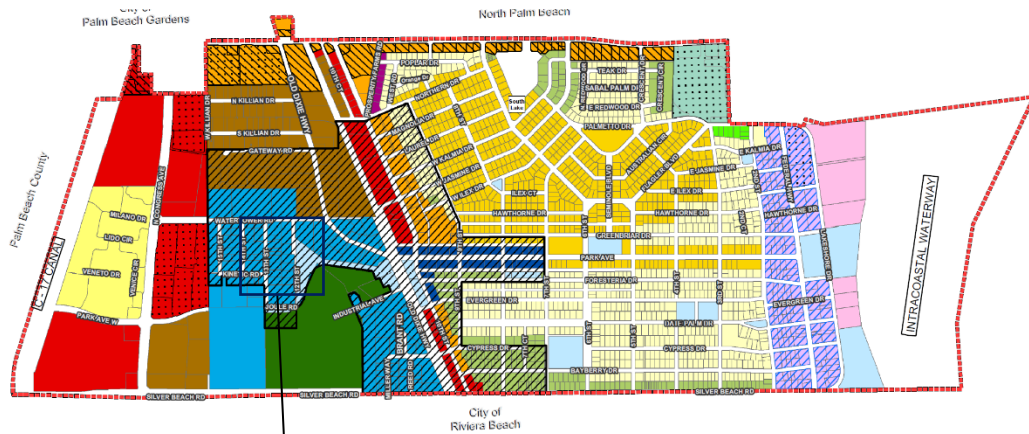
**Figure 1:** Aerial View of Site (image not to scale; for visual purposes only)



## LAKE PARK ZONING MAP



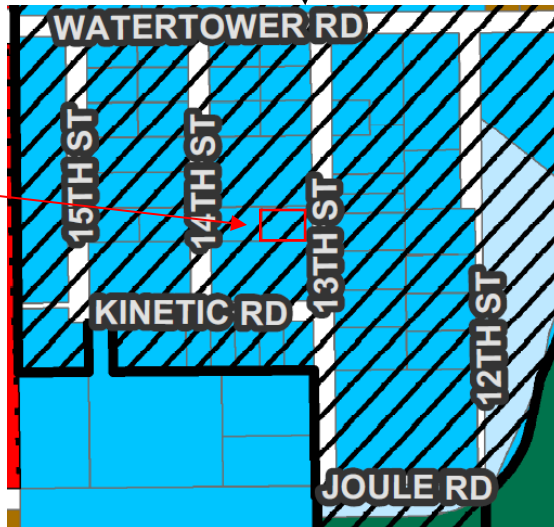
# Lake Park Zoning Map



### Legend

TOWN BOUNDARY	<b>Zoning</b>	C4 BUSINESS DISTRICT	PADD PARK AVENUE DOWNTOWN DISTRICT	R2 MULTIPLE FAMILY RESIDENCE DISTRICT
Planned Unit Development Overlay	C1 BUSINESS DISTRICT	CLIC CAMPUS LIGHT INDUSTRIAL & COMMERCIAL	R1 SINGLE FAMILY RESIDENCE DISTRICT	R2A MULTIPLE FAMILY RESIDENCE DISTRICT
NBOZ Overlay	C1B NEIGHBORHOOD COMMERCIAL DISTRICT	CONSERVATION	R1A SINGLE FAMILY RESIDENCE DISTRICT	TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT
CRA Overlay	C2 BUSINESS DISTRICT	MU MIXED USE	R1AA RESIDENCE DISTRICT	
FHMUDO Federal Highway Mixed Use District Overlay	C3 BUSINESS DISTRICT	P PUBLIC DISTRICT	R1B TWO FAMILY RESIDENCE DISTRICT	

Subject  
Site



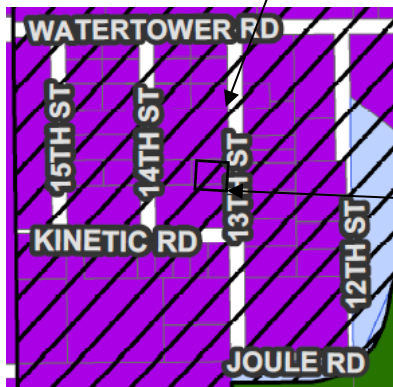
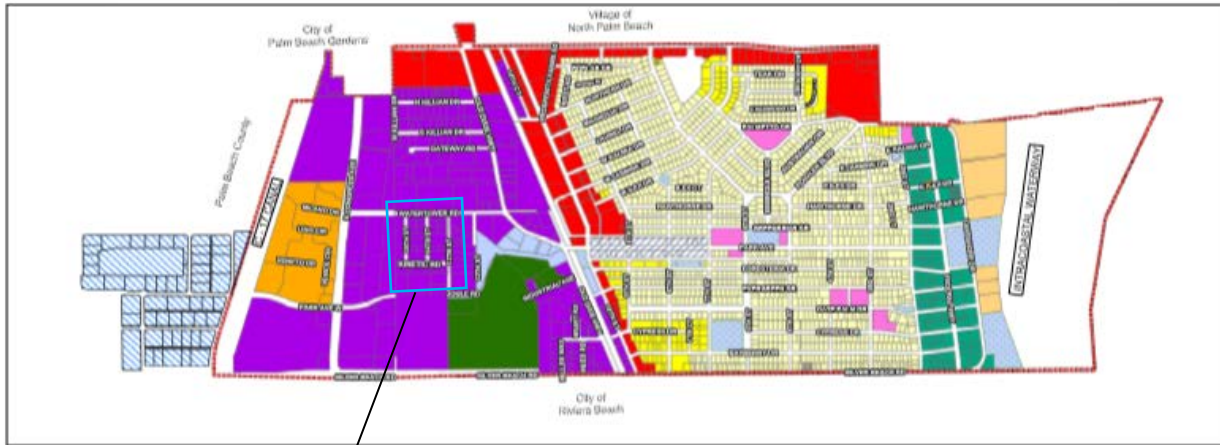
### Adjacent Zoning:

North: CLIC-1  
 South: CLIC-1  
 East: CLIC-1  
 West: CLIC-1

## LAKE PARK FUTURE LAND USE MAP



# Lake Park Future Land Use Map



Subject Site

### Adjacent Existing Land Use

North: Commercial and Light Industrial  
 South: Commercial and Light Industrial  
 East: Commercial and Light Industrial  
 West: Commercial and Light Industrial



## **PART I: SITE PLAN APPLICATION**

The site plan application for Empire Landscape has been reviewed by the Town's consulting Engineers, Landscape Architect, Palm Beach County Fire Rescue, Seacoast Utility Authority, Palm Beach County Sheriff's Office (PBSO) for Crime Prevention Through Environmental Design (CPTED), Lake Park Public Works Staff, and Lake Park Community Development Department Staff. Based on these reviews, the project substantially complies with our Land Development Regulations and Comprehensive Plan.

**\*\*This project has been noticed by certified mail to property owners within 300 feet on 8/30/23 and advertised in the Palm Beach Post on Friday 9/1/23 \*\***

### **SITE PLAN PROJECT DETAILS**

**Comprehensive Plan:** The proposal is consistent with the goals, objectives and policies of the Town's Comprehensive Plan, including:

- ➔ **3.4.2 Objectives and Policies, Policy 1.5:** *The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development and adopted Levels of Service (LOS) standards.*

This development project activates a vacant parcel along 13<sup>th</sup> Street, bringing in a new business while not producing any harmful impacts to neighboring districts and adopted Levels of Service.

- ➔ **Future Land Use (FLU) Classification System 3.4.3:** *Lands and structures devoted to light industrial uses with pollutants controlled on site, warehouses, commercial, wholesale establishments, and limited small scale commercial uses that are supportive of workers in the area such as convenience stores and restaurants and that can be carried on unobtrusively, with a maximum F.A.R. of 2.0.*

The current proposal is consistent with the definitional requirement for lands in the Commercial and Light Industrial FLU designation and consistent with the required Floor Area Ratio (FAR) by providing an FAR of 0.14.

- ➔ **Future Land Use Element, Policy 5.2:** *The Town shall foster the redevelopment of declining neighborhoods, underutilized parcels, and areas that demonstrate substandard and/or slum and blight conditions.*

The proposed development will redevelop a currently underutilized (vacant) parcel per the requirements of the Comprehensive Plan.

**Zoning:** The proposed project is consistent with the requirements of the CLIC-1 Business District, including use, parking, building height, and building site area. The project also complies with the supplemental regulations of the general code, which will be further discussed as applicable in the sections below.

Of note, this project is applying for two administrative waivers specific to sites under one acre. The first waiver is for the building setback to reduce the front yard setback from 25' to 20'. This is allowable with the 20% reduction to setbacks that can be applied.

The second requested waiver is for landscape buffer widths; instead of the standard 8' landscape buffers, the applicant is proposing to utilize the 20% reduction allowance to provide 6'4" buffers instead.

Both alternative proposals fall within the allowances of the administrative waivers for sites under one acre and staff supports their application to this project given the site's inherent constraints.

**Architecture:** The project is generally compliant with the Town's standards for nonresidential architectural design detailed under Chapter 78, Article XII. The proposal meets the standards set forth for building articulation, material variation, and decorative features.

Two outstanding elements pertaining to architecture that were not addressed during site plan review are ensuring secondary color percentages are no greater than 25% per wall and ensuring features of interest account for 60% of the front and side facades. These outstanding items are anticipated to be remedied prior to Town Commission scheduling, otherwise they will be conditioned on the approving Resolution.

**Building Site:** The total impervious area for the project is 9,398 SF and the pervious area is 2,990 SF. The development proposal consists of a one story 2,112 SF office warehouse building. This structure will serve as storage and the main offices for the Empire Landscaping company.

**Traffic Concurrency:** O'Rourke Engineering has reviewed the proposed traffic generated for this project as well as internal circulation within the site and recommended approval 8/28/23. Palm Beach County TPS approval for this project was issued on 7/5/23.

**Landscaping:** The proposed landscaping plans have been deemed code compliant by the Town's consulting Landscape Architect (JMorton) as of 8/28/23.

**Paving, Grading and Drainage:** The Town's consulting Engineers reviewed and approved the civil plans for this proposal on 8/24/23. Likewise the Town Stormwater Division approved the project on 8/29/23.

**Signage:** Signage will be subject to permit review and approval pursuant to the sign code when permits are applied for.



**Water/Sewer:** Seacoast Utility Authority reviewed these plans for compliance with their best practices and provided final approval on 8/24/23.

**Fire:** PBC Fire Rescue reviewed the site plan and found it to be in compliance with PBC Fire Rescue best practices on 8/28/23. An additional round of fire review will be conducted during the building permit phase, which is standard procedure.

**PBSO:** The Crime Prevention Through Environmental Design (CPTED) review was performed by D/S Adam Pozsonyi at the Palm Beach County Sheriff's Office and the proposal was found to be compliant with best-practice principles for CPTED on 8/25/23.

## **PART II: STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the Site Plan for Empire Landscaping.



Town of Lake Park  
Planning & Zoning Board Meeting  
Meeting Date: SEPTEMBER 11, 2023  
PZ ITEM 23-07 – MIXED USE CODE TEXT AMENDMENT

Exhibit C

STAFF MEMO & PROPOSED ORDINANCE

PROPOSAL

Staff has received feedback from both development partners and our consultant landscape architects that for our Mixed Use District Section 78-83, our street tree planting standards are difficult to adhere to for cost, availability, and long-term maintenance reasons. Specifically, the N220 project has experienced conflicts where the currently proposed landscaping specs for street tree plantings were too intense; the specimen trees required proved difficult to obtain at the required heights and furthermore created maintenance issues for both the property owner and FDOT, as these large mature canopy trees create complications for both sidewalk and utility infrastructure upkeep. In order to address these issues and facilitate development along the US-1 corridor, staff has worked to create new regulations that allow for greater flexibility in street tree planting along the street while still retaining the intent of the street tree planting code by providing high quality shaded greenways throughout the Federal Highway Mixed Use Overlay District.

The substance of the code changes is detailed below:

- a. Providing a tree species that provides substantial shade along the street. Palm trees may compose no more than 25 percent of ~~shall not count toward~~ the required number of street trees.
  - i. A minimum of 75~~50~~ percent of the required street trees shall be shade trees, and the remaining street trees may be provided as medium or large flowering trees. Palm trees may be used over and above the minimum number of required street trees. Street trees shall be provided at a ratio of one street tree per 205 feet of street frontage, or a greater ratio thereof, not subtracting ingress and egress dimensions. Where overhead utilities exist, required street trees may be small trees provided at a ratio of one street tree per 205 feet of street frontage.
- b. Providing adequate street furnishings such as benches, bus shelters, drinking water fountains etc.
- c. Providing a landscape plan illustrating a significant tree species along the greenway that is distinguishably different from the other streets in terms of color, type and shape.
- d. At the time of planting, the trunk of ~~shade~~the trees shall be a minimum of 715 feet clear height to the bottom of the canopy, flowering trees shall be a minimum of 6 feet clear height to bottom of the canopy, and palm trees shall have a minimum of 12 feet of clear trunk.

**Staff Recommendation: Approval**

**ORDINANCE NO. \_\_-2023**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-83 OF CHAPTER 78, AMENDING THE LANDSCAPING AND PUBLICLY ACCESSIBLE GREENWAY TREE PLANTING REQUIREMENTS; 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 a mixed use zoning code, which has been codified in Chapter 78, Article III, Section 78-83 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 III, Section 78-83, to allow for flexibility in the landscaping requirements for street tree planting.

**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 III, Section 78-83 of the Town Code is hereby amended to read as follows:

- a. Providing a tree species that provides substantial shade along the street. Palm trees may compose no more than 25 percent of ~~shall not count toward~~ the required number of street trees.
  - i. A minimum of 75~~50~~ percent of the required street trees shall be shade trees, and the remaining street trees may be provided as medium or large flowering trees. Palm trees may be used over and above the minimum number of required street trees. Street trees shall be provided at a ratio of one street tree per 205 feet of street frontage, or a greater ratio thereof, not subtracting ingress and egress dimensions. Where overhead utilities exist, required street trees may be small trees provided at a ratio of one street tree per 205 feet of street frontage.
- b. Providing adequate street furnishings such as benches, bus shelters, drinking water fountains etc.
- c. Providing a landscape plan illustrating a significant tree species along the greenway that is distinguishably different from the other streets in terms of color, type and shape.
- d. At the time of planting, the trunk of ~~shade~~the trees shall be a minimum of 7~~15~~ feet clear height to the bottom of the canopy, flowering trees shall be a minimum of 6 feet clear height to bottom of the canopy, and palm trees shall have a minimum of 12 feet of clear trunk.

### **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.