

# The City of **Boynton Beach**



## City Commission Agenda Thursday, September 7, 2017, 6:30 PM

Commission Chambers  
100 E. Boynton Beach Blvd., Boynton Beach, FL 33435  
Regular City Commission Meeting

### **Boynton Beach City Commission**

Mayor Steven B. Grant (At Large)  
Vice Mayor Justin Katz (District I)  
Commissioner Mack McCray (District II)  
Commissioner Christina L. Romelus (District III)  
Commissioner Joe Casello (District IV)

Lori LaVerriere, City Manager  
James Cherof, City Attorney  
Judith A. Pyle, City Clerk

#### **\*MISSION\***

**To create a sustainable community by providing exceptional  
municipal services, in a financially responsible manner.**

*America's Gateway to the Gulfstream*



[www.boynton-beach.org](http://www.boynton-beach.org)

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**WELCOME**  
**Thank you for attending the City Commission Meeting**

**GENERAL RULES AND PROCEDURES FOR PUBLIC PARTICIPATION AT  
CITY OF BOYNTON BEACH COMMISSION MEETINGS**

**THE AGENDA:**

There is an official agenda for every meeting of the City Commissioners, which determines the order of business conducted at the meeting. The City Commission will not take action upon any matter, proposal, or item of business, which is not listed upon the official agenda, unless a majority of the Commission has first consented to the presentation for consideration and action.

- **Consent Agenda Items:** These are items which the Commission does not need to discuss individually and which are voted on as a group.
- **Regular Agenda Items:** These are items which the Commission will discuss individually in the order listed on the agenda.
- **Voice Vote:** A voice vote by the Commission indicates approval of the agenda item. This can be by either a regular voice vote with "Ayes and Nays" or by a roll call vote.

**SPEAKING AT COMMISSION MEETINGS:**

The public is encouraged to offer comment to the Commission at their meetings during Public Hearings, Public Audience, and on any regular agenda item, as hereinafter described.

City Commission meetings are business meetings and, as such, the Commission retains the right to impose time limits on the discussion on an issue.

- **Public Hearings:** Any citizen may speak on an official agenda item under the section entitled "Public Hearings."
- **Public Audience:** Any citizen may be heard concerning any matter within the scope of the jurisdiction of the Commission - Time Limit - Three (3) Minutes
- **Regular Agenda Items:** Any citizen may speak on any official agenda item(s) listed on the agenda after a motion has been made and properly seconded, with the exception of Consent Agenda Items that have not been pulled for separate vote, reports, presentations and first reading of Ordinances - Time Limit - Three (3) minutes

**ADDRESSING THE COMMISSION:**

When addressing the Commission, please step up to either podium and state, for the record, your name and address.

**DECORUM:**

Any person who disputes the meeting while addressing the Commission may be ordered by the presiding officer to cease further comments and/or to step down from the podium. Failure to discontinue comments or step down when so ordered shall be treated as a continuing disruption of the public meeting. An order by the presiding officer issued to control the decorum of the meeting is binding, unless over-ruled by the majority vote of the Commission members present.

Please turn off all pagers and cellular phones in the City Commission Chambers while the City Commission Meeting is in session.

City Commission meetings are held in the Boynton Beach City Commission Chambers, 100 East Boynton Beach Boulevard, Boynton Beach. All regular meetings are held typically on the first and third Tuesdays of every month, starting at 6:30 p.m. (Please check the Agenda Schedule - some meetings have been moved due to Holidays/Election Day).



## 1. OPENINGS

- A. Call to Order - Mayor Steven B. Grant

Invocation

Pledge of Allegiance to the Flag led by Mayor Steven B. Grant.

Roll Call

Agenda Approval:

- 1. Additions, Deletions, Corrections
- 2. Adoption

## 2. OTHER

- A. **PROPOSED RESOLUTION NO. R17-079** - Conduct a Public Hearing to adopt the Final Assessment Resolution for the FY 2017-2018 Fire Assessment.
- B. Conduct First Public Budget Hearing for FY 2017/2018 Proposed Millage and Annual Operating Budget.

**PROPOSED RESOLUTION NO. R17-080** - Adopt the proposed millage rate for the General Fund for Fiscal Year 2017-2018.

**PROPOSED RESOLUTION NO. R17-081** - Adopt the Tentative Budget for the General Fund and all other funds for Fiscal Year 2017-2018.

- C. Informational items by Members of the City Commission

## 3. ANNOUNCEMENTS, COMMUNITY AND SPECIAL EVENTS AND PRESENTATIONS

## 4. PUBLIC AUDIENCE

**INDIVIDUAL SPEAKERS WILL BE LIMITED TO 3 MINUTE PRESENTATIONS (at the discretion of the Chair, this 3 minute allowance may need to be adjusted depending on the level of business coming before the City Commission)**

## 5. ADMINISTRATIVE

- A. Authorize City Commissioners to travel to Tallahassee, FL to attend Palm Beach County Days 2018, January 9-10, 2018.
- B. Appoint eligible members of the community to serve in vacant positions on City advisory boards. The following Regular (Reg) and Alternate (Alt) Student (Stu) and Nonvoting Stu (N/V Stu) openings exist:

Arts Commission: 2 Alts

Building Board of Adjustments & Appeals: 3 Regs and 2 Alts

Employee Pension Board: 1 Reg

Library Bd: 1 Alt

## 6. **CONSENT AGENDA**

**Matters in this section of the Agenda are proposed and recommended by the City Manager for "Consent Agenda" approval of the action indicated in each item, with all of the accompanying material to become a part of the Public Record and subject to staff comments**

- A. **PROPOSED RESOLUTION NO. R17-082** - Assess the cost of nuisance abatement on properties within the City of Boynton Beach.
- B. **PROPOSED RESOLUTION NO. 17-083** - Authorize the Mayor to sign an easement agreement between the City of Boynton Beach and Florida Power & Light Company for a perpetual easement to facilitate the undergrounding of electrical utility facilities along NE 6th Court and Boynton Beach Boulevard as a part of the Ocean One project.
- C. **PROPOSED RESOLUTION NO. 17-084** - Ratify the actions of the South Central Regional Wastewater Treatment and Disposal Board at their August 3, 2017 meeting and give authorization to do the following:
  - 1. Establish wastewater user rate at 1.07/1,000 Gal (O&M rate of \$1.02/1,000 Gal and R&R Reserves Rate of \$0.05/1,000 Gal) to Delray Beach and Boynton Beach for Fiscal Year 2017/2018;
  - 2. Establish reclaim user rate at \$0.17/1,000 Gal to consumers Delray Beach, Boynton Beach and South Central Regional for Fiscal year 2017/2018;
  - 3. Maintain the reclaim user rate for Hunters Run, County Club of Florida, Quail Ridge, Delray Dunes and Pine Tree for Fiscal year 2017/2018 at \$0.2000/1,000 Gallons;
  - 4. Authorize the Fiscal year Capital Improvement Plan and Associated Funding Plan for Fiscal Year 2017/2018;
  - 5. Accept the 2017/2018 Wastewater and Reclaim O&M Budgets.
- D. **PROPOSED RESOLUTION NO. 17-085** - Approve and authorize the City Manager to sign the agreement with JJ Kane for disposal of Vehicles / Equipment submitted by Public Works / Fleet Maintenance Department.
- E. Approve increase of Purchase Order 170573 issued to Hyvac Mechanical Services in the amount of \$12,840.00 for ac preventive maintenance services for EWTP, WWTP, & ADMIN BLDG. This contract expires on October 08, 2017.
- F. Approve the purchase of two (2) used 2012 Toro GR3300 tri-flex greens mowers at \$15,000 per mower from WW Sod & Equipment Company of Okeechobee, FL. based on three written quotes.
- G. Authorize the City Manager to approve change orders 1 and 2 from Con Tech Building Corporation of Delray Beach, FL, in the amount of \$15,220 and an additional contingency of \$1,522 for unforeseen conditions discovered while the contractor was implementing bridge repairs. This increases the total estimated costs from \$51,256 to \$67,998.
- H. Approve award of the bid for "Newspaper Microfilming and Digitization Services", Bid No. 059-2610-17/IT to Northern Micrographics of La Crosse, WI to conduct microfilming and digitization with OCR (Optical Character Recognition) indexing of the Lake Worth Herald newspaper from 1912 to 1970 in the amount of \$36,794.70 plus a contingency of \$3,679.47 for additional expenses if staff determines they are needed for a total of \$40,474.17.
- I. Accept the Fiscal Year 2016-2017 Budget Status Report of the General Fund and the Utilities Fund for the ten (10) month period ended July 31, 2017.
- J. Approve the minutes from the City Commission held on

## 7. **BIDS AND PURCHASES OVER \$100,000**

- A. Approve the purchase of Water Meters and Equipment with Sensus Metering Systems as a Sole

Source vendor for the maintenance and replacement of water equipment for the City's Utility Metering System. The City is currently using Sensus's Flex Net System. Items will be ordered on an "as needed" basis for the estimated annual expenditure of \$175,000.

**8. COMMUNITY STANDARDS and LEGAL SETTLEMENTS - None**

**9. PUBLIC HEARING**

**7 P.M. OR AS SOON THEREAFTER AS THE AGENDA PERMITS**

**The City Commission will conduct these public hearings in its dual capacity as Local Planning Agency and City Commission.**

- A. **PROPOSED ORDINANCE NO. 17-022 - FIRST READING** - Approve Flood Prevention Requirements (CDRV 17-005) - Amending the LAND DEVELOPMENT REGULATIONS, Chapter 1, Article II, Definitions and Article VIII, Section 1.D, Appeals, Chapter 2, Article IV, Sections 2 and 4, and Chapter 4, Article X, to update definitions, Building Division Processes, Standards, and adopt Flood Insurance Rate Maps and Flood Insurance Study in accordance with the NFIP requirements. City initiated.
- B. **PROPOSED ORDINANCE NO. 17-023 - FIRST READING** - Approve LDR Amendments Group 3/CRA Plan Implementation (CDRV 17-007) – Amending the LAND DEVELOPMENT REGULATIONS, Chapters 1, 3, and 4 to continue implementing Community Redevelopment Plan recommendations with changes in the future land use classification scheme, and establishment of the new R-4, Multi-family Residential Zoning District including amendments and additions to definitions, and use and lot standards. City initiated.
- C. (1) **PROPOSED ORDINANCE NO. 17-024 - FIRST READING** - Approve The Villages at East Ocean Avenue - North Future Land Use Map Amendment (LUAR 17-002) from Local Retail Commercial (LRC) to Mixed Use High (MXH). Applicant: Arthur B. D'Almeida  
  
(2) **PROPOSED ORDINANCE NO. 17-025 - FIRST READING** - Approve The Villages at East Ocean Avenue - North Rezoning (LUAR 17-002) from C-2 Neighborhood Commercial and C-3 Community Commercial to MU-C, Mixed Use Core District with a proposed site plan for 336 multi-family units and 12,257 square feet of commercial space. Applicant: Arthur B. D'Almeida
- D. **PROPOSED ORDINANCE NO. 17-026 - FIRST READING** - Approve request for abandonment of a portion of rights-of-way (ABAN 17-002 through ABAN 17-006) consisting mostly of unimproved streets and alleys between NE/SE 3rd Street and the FEC Railroad, from Boynton Beach Boulevard south to SE 1st Avenue, in conjunction with request for major site plan modification approval of the Villages at East Ocean mixed use project. Applicant: Arthur B. D'Almeida.
- E. Approve The Villages at East Ocean Avenue - North Major Site Plan Modification (MSPM 17-003) request for a mixed-use development consisting of an eight (8)-story building with 336 dwelling units, commercial space, and associated recreational amenities and parking on a 3.379 acre site. Applicant: Arthur D'Almeida. **(Should be tabled to September 19, 2017 to correspond with 2nd reading of the Land Use Amendment application.)**
- F. (1) **PROPOSED ORDINANCE NO: 17-027 - FIRST READING** - Approve The Villages at East Ocean - South Future Land Use Map Amendment (LUAR 17-003) from Local Retail Commercial (LRC) to Mixed Use Medium (MXM). Applicant: Arthur B. D'Almeida  
  
(2) **PROPOSED ORDINANCE NO: 17-028 - FIRST READING** - Approve The Villages at East Ocean - South Rezoning (LUAR 17-003) from C-2 Neighborhood Commercial to MU-2, Mixed Use 2 District with a proposed site plan for 35 multi-family units and 3,500 square feet of commercial space. Applicant: Arthur B. D'Almeida
- G. Approve The Village at East Ocean Avenue - South Major Site Plan Modification (MSPM 17-004) for a mixed-use development consisting of 35 dwelling units, commercial space, and associated

recreational amenities and parking on a 1.764 acre site. Applicant: Arthur D'Almeida (**Should be tabled to September 19, 2017 to correspond with 2nd reading of the Land Use Amendment application.**)

**10. CITY MANAGER'S REPORT - None**

**11. UNFINISHED BUSINESS - None**

**12. NEW BUSINESS - None**

**13. LEGAL - None**

**14. FUTURE AGENDA ITEMS**

- A. City Commission's ratification of the Boynton Beach Community Redevelopment Agency (CRA) annual budget for fiscal year 2017-2018. - September 19, 2017
- B. Conduct Second Public Budget Hearing for FY 2017/2018 Final Millage and Annual Operating Budget - September 19, 2017
- C. Discussion relating to the future of the Building Board of Adjustment and Appeals - October 3, 2017
- D. Discussion of number of boards people are allowed to serve on at one time, attendance policies, eligibility rules and qualification of members for all boards- October 3, 2017
- E. Staff to review and report concerning Florida Textile Recycling, LLC. FTR, LLC which provides automated clothing recycling as a non-profit corporation and provides funding to agencies for other non-profit uses - TBD
- F. Staff to research possibility of allowing dogs at the beach during certain hours and bring back to Commission - TBD
- G. The Mayor has requested to discuss the possibility of a resolution by the City in support of development of a boat lift at the C51 canal. - October 3, 2017
- H. **PROPOSED ORDINANCE NO. 17-020 - SECOND READING - AMEND THE LAND DEVELOPMENT REGULATIONS, Chapter 1, Article II. Definitions and Article V, Section 2, Workforce Housing Program, to convert the mandatory inclusionary zoning program to an incentivized program emphasizing project density and building height. (*Second Reading advertised for September 19, 2017*)**
- I. **PROPOSED ORDINANCE NO. 17-021 - SECOND READING - Approve Town Square Future Land Use Map Amendment from Public and Private Governmental/Institutional (PPGI) and High Density Residential (HDR) to Mixed Use Medium (MXM) and rezone from PU Public Usage, REC Recreation and R-3 Multifamily to MU-3 Mixed Use 3 zoning district. City-initiated. (*First Reading approved 8/15, Second Reading Pending Fl. Dept. of Economic Opportunity approval, which takes approximately 2 to 4 months.*)**

**PROPOSED ORDINANCE NO. 17-022 - SECOND READING - Amending Ordinance 02-013 to Rezone a Parcel of Land Described Herein and Commonly Referred to as Town Square From Public Usage (Pu); Recreation (Rec) And Multifamily (R-3) to Mixed Use 3 (Mu-3).**

**15. ADJOURNMENT**

NOTICE

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE

THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (F.S. 286.0105)

THE CITY SHALL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD AN INDIVIDUAL WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN AND ENJOY THE BENEFITS OF A SERVICE, PROGRAM, OR ACTIVITY CONDUCTED BY THE CITY. PLEASE CONTACT THE CITY CLERK'S OFFICE, (561) 742-6060 OR (TTY) 1-800-955-8771, AT LEAST 48 HOURS PRIOR TO THE PROGRAM OR ACTIVITY IN ORDER FOR THE CITY TO REASONABLY ACCOMMODATE YOUR REQUEST.

ADDITIONAL AGENDA ITEMS MAY BE ADDED SUBSEQUENT TO THE PUBLICATION OF THE AGENDA ON THE CITY'S WEB SITE. INFORMATION REGARDING ITEMS ADDED TO THE AGENDA AFTER IT IS PUBLISHED ON THE CITY'S WEB SITE CAN BE OBTAINED FROM THE OFFICE OF THE CITY CLERK.



## **CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM**

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

Call to Order - Mayor Steven B. Grant

Invocation

Pledge of Allegiance to the Flag led by Mayor Steven B. Grant.

Roll Call

Agenda Approval:

1. Additions, Deletions, Corrections
2. Adoption

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**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:** Non-budgeted

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** PROPOSED RESOLUTION NO. R17-079 - Conduct a Public Hearing to adopt the Final Assessment Resolution for the FY 2017-2018 Fire Assessment.

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### EXPLANATION OF REQUEST:

On July 18, 2017, the City Commission adopted Resolution No. R17-065 to continue the Fire Assessment Program for FY 2017-2018.

On August 18, 2017, the City published a "Notice of Hearing to Impose and Provide for Collection of Fire Rescue Special Assessments" in the Palm Beach Post. In addition, the City had a statutorily required Notice to Property Owner mailed to affected property owners by first class mail. In addition, the Palm Beach County Property Appraiser's Office mailed TRIM notices informing all property owners of the assessment via their proposed property tax bill. All notices provided the time, date and place of this Hearing that the Commission would consider the adoption of the Final Assessment Resolution.

The proposed Assessment for residential property owners is \$120.00 annually per dwelling unit. This is an increase from the previous year of \$100.00 annually per dwelling unit.

The City Commission recognizes that the Assessment may create a hardship on certain residential property owners in the City. Therefore, the Final Rate Resolution provides a means whereby property owners may request H.E.L.P. (Hardship Extension Loan Program) for a total or partial waiver through an application review process. A copy of the application and criteria is attached. Notice of the Hardship Extension Loan Program (H.E.L.P.) was also uploaded to the City's website.

In addition, the Resolution provides for a Mobile Home Park Vacancy Adjustment whereby vacancies result in the absence of structures on unoccupied spaces as compared to other residential properties and lack demand for Fire Rescue services for unoccupied spaces which lack structures.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** The Fire Assessment provides only partial funding to the total Fire Department in order to maintain its excellent response time. It does not provide funding for EMS services. Only Fire Rescue services are allowed under Florida Statutes.

### **FISCAL IMPACT:** Budgeted

For Fiscal Year 2016-17, the estimated gross Fire Rescue Assessed cost is \$8,205,584 reduced to a net realized assessment of \$6,974,944 after excluding tax exempt properties.

The net realized Fire Assessment of \$6,974,944 would equal an increase to the ad valorem property tax rate of 1.6232 to raise the same amount of revenue to the City.

The Fire Rescue Assessments to be assessed and apportioned among benefitted property parcels follow.

Proposed FY 17/18:

Property Use Category	Rate Per Dwelling Unit
Residential	\$120.00
Non-Residential Property Use Categories	Rate Per Square Foot (*)
Commercial	\$0.27
Industrial/Warehouse	\$0.06
Institutional	\$0.30
Nursing Home	\$0.30

(\*)There is a maximum of 77,001 square foot cap on non-residential buildings.

Current FY 16/17:

Property Use Category	Rate Per Dwelling Unit
Residential	\$100.00
Non-Residential Property Use Categories	Rate Per Square Foot (*)
Commercial	\$0.23
Industrial/Warehouse	\$0.05
Institutional	\$0.25
Nursing Home	\$0.25

(\*)There is a maximum of 77,001 square foot cap on non-residential buildings.

The above rates for FY 17/18 only assess approximately 59% of the eligible Fire Rescue costs after excluding EMS costs of the Fire Department. If they were assessed at 100% of the eligible costs, the rates would be \$202.00 per dwelling unit and approximately twice the square footage rates for commercial property.

**ALTERNATIVES:**

1. Approve the proposed assessment levels. (\$120.00 per dwelling unit, etc.)
2. Approve an alternate assessment level with proportional adjustments to the Fire Department non-EMS budget.
3. Not approve the Fire Assessment with proportional consequences to above

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant? No**

**Grant Amount:**

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**ATTACHMENTS:**

Type		Description
<input type="checkbox"/>	Resolution	Fire Assessment Reso
<input type="checkbox"/>	Attachment	Hardship Application
<input type="checkbox"/>	Attachment	Proof of Publication

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**CITY OF BOYNTON BEACH, FLORIDA**

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**ANNUAL ASSESSMENT RESOLUTION**

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**ADOPTED SEPTEMBER 7, 2017**

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22

**RESOLUTION NO. R17-**

23       **A RESOLUTION OF THE CITY OF BOYNTON BEACH, FLORIDA,**  
24       **RELATING TO THE PROVISION OF FIRE RESCUE SERVICES,**  
25       **FACILITIES, AND PROGRAMS IN THE CITY OF BOYNTON**  
26       **BEACH, FLORIDA; IMPOSING FIRE RESCUE ASSESSMENTS**  
27       **AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY**  
28       **FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017;**  
29       **APPROVING THE RATE OF ASSESSMENT; APPROVING THE**  
30       **ASSESSMENT ROLL; CONFIRMING AND CONTINUING A**  
31       **PROCEDURE FOR HARDSHIP WAIVERS OR DEFERRALS OF**  
32       **ALL OR PART OF THE CITY’S FIRE RESCUE SPECIAL**  
33       **ASSESSMENT INCLUDING APPLICATION AND REVIEW BY THE**  
34       **CITY’S FINANCE DIRECTOR OR DESIGNEE, AND ELIGIBILITY**  
35       **CRITERIA FOR SUCH WAIVERS; PROVIDING FOR CONFLICTS;**  
36       **PROVIDING FOR SEVERABILITY; AND PROVIDING AN**  
37       **EFFECTIVE DATE.**

38

39       **WHEREAS,** the City Commission of Boynton Beach, Florida (the “City  
40 Commission”), has enacted Ordinance No. 08-017 (the “Ordinance”), which authorizes the  
41 imposition of Fire Rescue Assessments each Fiscal Year for the fire rescue services,  
42 facilities, and programs against Assessed Property located within the City; and

43       **WHEREAS,** the imposition of a Fire Rescue Assessment for fire rescue services,  
44 facilities, and programs each fiscal year is an equitable and efficient method of allocating  
45 and apportioning the Fire Rescue Assessed Cost among parcels of Assessed Property; and

46       **WHEREAS,** the City Commission desires to continue a Fire Rescue Assessment  
47 program and impose a Fire Rescue Assessment in the City using the procedures provided by  
48 the Ordinance, including the tax bill collection method, for the Fiscal Year beginning on  
49 October 1, 2017; and

50       **WHEREAS,** the City Commission, on July 1, 2008, adopted Resolution  
51 No. R08-076 (the “Initial Assessment Resolution”); and

52           **WHEREAS**, the City Commission, on July 18, 2017, adopted Resolution No. R17-  
53   065 (the “Preliminary Assessment Resolution”), which set forth the preliminary assessment  
54   rates for Fiscal Year 2017-18, and which contains and references a brief and general  
55   description of the fire rescue services, facilities, and programs to be provided to Assessed  
56   Property; describes the method of apportioning the Fire Rescue Assessed Cost to compute  
57   the Fire Rescue Assessment for fire rescue services, facilities, and programs against  
58   Assessed Property; confirmed the rates of assessment; and directs the updating and  
59   preparation of the Assessment Roll and provision of the notice required by the Ordinance;  
60   and

61           **WHEREAS**, in order to impose Fire Rescue Assessments for the Fiscal Year  
62   beginning October 1, 2017, the Ordinance requires the City Commission to adopt an Annual  
63   Rate Assessment Resolution, which confirms and establishes the rates of assessment, and  
64   approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the  
65   City Commission deems appropriate, after hearing comments and objections of all  
66   interested parties; and

67           **WHEREAS**, the Assessment Roll has heretofore been made available for  
68   inspection by the public, as required by the Ordinance; and

69           **WHEREAS**, notice of a public hearing has been published and mailed, as required  
70   by the terms of the Ordinance. An Affidavit of Mailing is attached hereto as Appendix A  
71   and the Proof of Publication is attached hereto as Appendix B; and

72           **WHEREAS**, the City Commission recognizes that the special assessment may  
73   work a hardship on certain residential property owners in the City, and desires to continue

74 to provide a means whereby affected property owners may request a total or partial waiver  
75 of the special assessment for hardship; and

76 **WHEREAS**, a public hearing was held on September 7, 2017, and comments and  
77 objections of all interested persons have been heard and considered as required by the terms  
78 of the Ordinance.

79 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF**  
80 **THE CITY OF BOYNTON BEACH, FLORIDA THAT:**

81  
82 **SECTION 1. AUTHORITY.** This resolution is adopted pursuant to Ordinance  
83 No. 08-017; Resolution No. R08-076; Resolution No. R17-065; Article VIII, Section 2,  
84 Florida Constitution; Sections 166.021 and 166.041, Florida Statutes; and other applicable  
85 provisions of law.

86 **SECTION 2. DEFINITIONS AND INTERPRETATION.** This resolution  
87 constitutes the Annual Rate Resolution as defined in the Ordinance. All capitalized words  
88 and terms not otherwise defined herein shall have the meanings set forth in the Ordinance,  
89 the Initial Assessment Resolution and the Preliminary Assessment Resolution.

90 **SECTION 3. IMPOSITION OF FIRE RESCUE ASSESSMENTS.**

91 (A) The parcels of Assessed Property described in the Assessment Roll, which  
92 is hereby approved, are hereby found to be specially benefited by the provision of the fire  
93 rescue services, facilities, and programs described or referenced in the Preliminary  
94 Assessment Resolution, in the amount of the Fire Rescue Assessment set forth in the  
95 Assessment Roll, a copy of which was present or available for inspection at the above  
96 referenced public hearing and is incorporated herein by reference. It is hereby ascertained,  
97 determined, and declared that each parcel of Assessed Property within the City will be  
98 specially benefited by the City's provision of fire rescue services, facilities, and programs in

99 an amount not less than the Fire Rescue Assessment for such parcel, computed in the  
100 manner set forth in the Preliminary Assessment Resolution. Adoption of this Annual Rate  
101 Resolution constitutes a legislative determination that all parcels assessed derive a special  
102 benefit in a manner consistent with the legislative declarations, determinations and findings  
103 as set forth in the Ordinance, the Preliminary Assessment Resolution, and this Annual Rate  
104 Resolution from the fire rescue services, facilities, or programs to be provided and a  
105 legislative determination that the Fire Rescue Assessments are fairly and reasonably  
106 apportioned among the properties that receive the special benefit as set forth in the  
107 Preliminary Assessment Resolution.

108 (B) The method for computing Fire Rescue Assessments described and  
109 referenced in the Preliminary Assessment Resolution is hereby approved. The Parcel  
110 Apportionment methodology described in Appendix F of the Preliminary Assessment  
111 Resolution, and adopted in Section 7 of the Preliminary Assessment Resolution, is hereby  
112 approved.

113 (C) For the Fiscal Year beginning October 1, 2017, the estimated net Fire  
114 Rescue Assessed Cost to be assessed is \$8,205,584.00. The Fire Rescue Assessments to be  
115 assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and  
116 Parcel Apportionment to generate the estimated Fire Rescue Assessed Cost for the Fiscal  
117 Year commencing October 1, 2017, are hereby confirmed and established as follows:

<b>Property Use Category</b>	<b>Rate Per Dwelling Unit</b>
Residential	\$120.00
<b>Non-Residential Property Use Categories</b>	<b>Rate Per Square Foot</b>
Commercial	\$0.27
Industrial/Warehouse	\$0.06
Institutional	\$0.30
Nursing Home	\$0.30

118

119           (D)    The above rates of assessment are hereby approved. Fire Rescue  
120 Assessments for fire rescue services, facilities, and programs in the amounts set forth in the  
121 Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of  
122 Assessed Property described in such Assessment Roll for the Fiscal Year beginning  
123 October 1, 2017.

124           (E)    As authorized in Section 2.14 of the Ordinance, no Fire Rescue Assessment  
125 shall be imposed upon a parcel of Government Property, except as provided in the  
126 Preliminary Assessment Resolution, or upon Institutional Use buildings on a parcel of  
127 Institutional Property whose building use is wholly exempt from taxation under Florida law.

128           (F)    Any shortfall in the expected Fire Rescue Assessment proceeds due to any  
129 reduction or exemption from payment of the Fire Rescue Assessments required by law or  
130 authorized by the City Commission shall be supplemented by any legally available funds, or  
131 combination of such funds, and shall not be paid for by proceeds or funds derived from the  
132 Fire Rescue Assessments.

133           (G)    As authorized in Section 2.13 of the Ordinance, interim Fire Rescue  
134 Assessments are also levied and imposed against all property for which a Building Permit is  
135 issued after adoption of this Annual Rate Resolution based upon the rates of assessment  
136 approved herein.

137           (H)    Fire Rescue Assessments shall constitute a lien upon the Assessed Property  
138 so assessed equal in rank and dignity with the liens of all state, county, district, or municipal  
139 taxes and other non-ad valorem assessments. Except as otherwise provided by law, such  
140 lien shall be superior in dignity to all other liens, titles and claims, until paid.

141           (I)     The Assessment Roll, as herein approved, shall be delivered to the Tax  
142 Collector for collection using the tax bill collection method in the manner prescribed by the  
143 Ordinance. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied  
144 by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached  
145 hereto as Appendix C.

146           (J)     No Emergency Medical Services shall be funded from the Fire Rescue  
147 Assessment revenues.

148           **SECTION 4. CONFIRMATION OF PRELIMINARY ASSESSMENT**  
149 **RESOLUTION.** The Preliminary Assessment Resolution is hereby confirmed.

150           **SECTION 5. EFFECT OF ADOPTION OF RESOLUTION.** The adoption of  
151 this Annual Rate Resolution shall be the final adjudication of the issues presented  
152 (including, but not limited to, the determination of special benefit and fair apportionment to  
153 the Assessed Property, the method of apportionment and assessment, the rate of assessment,  
154 the Assessment Roll and the levy and lien of the Fire Rescue Assessments), unless proper  
155 steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days  
156 from the date of this Annual Rate Resolution.

157           **SECTION 6. HARDSHIP WAIVERS OR DEFERRALS.**

158           (A)     The City Commission of the City of Boynton Beach, Florida hereby  
159 continues its program for qualified individuals who need financial assistance to pay all or  
160 part of the Fire Rescue Assessment levied on their property or who seek deferral of payment  
161 of all or part of the Fire Rescue Assessment on their property.



162 (B) The City's program for financial assistance shall be commonly referred to  
163 as H.E.L.P., Hardship Extension Loan Program. The following types of financial assistance  
164 are available, based upon need:

- 165 1. Relief from all payments of an annual Fire Rescue Assessment.
- 166 2. Relief from a portion of payments of an annual Fire Rescue  
167 Assessment.
- 168 3. Deferral of payments of an annual Fire Rescue Assessment.
- 169 4. Deferral of a portion of payments of an annual Fire Rescue  
170 Assessment.
- 171
- 172

173 (C) The following individuals are eligible for financial assistance.

- 174 1. Residential Property Owners who meet 2017 HHS Poverty  
175 Guidelines.
- 176
- 177 2. Residential property owners that are exempt from ad valorem  
178 taxation pursuant to the following Florida Statutes are eligible to  
179 apply for a Hardship Waiver or Deferral:  
180
  - 181 a. Section 196.081, Florida Statutes (totally disabled veterans  
182 and surviving spouses of veterans);
  - 183
  - 184 b. Section 196.081, Florida Statutes (surviving spouses of first  
185 responders who died in the line of duty);
  - 186 c. Section 196.091, Florida Statutes (disabled veterans confined  
187 to wheelchairs);
  - 188
  - 189 d. Section 196.101, Florida Statutes (totally and permanently  
190 disabled persons);
  - 191
  - 192 e. Section 196.102, Florida Statutes (totally and permanently  
193 disabled first responders).
  - 194
- 195 3. Residential Property Owners that qualify for the additional  
196 homestead exemption for persons 65 and over authorized pursuant  
197 to Section 196.075, Florida Statutes are also eligible to apply for the  
198 Hardship Waiver.
- 199

200                   4.       Residential Property Owners that are qualified under the Florida  
201                               Homestead Property Tax Deferral Act, Section 197.242, et al.,  
202                               Florida Statutes.

203  
204               (D)     Eligible Residential Property Owners may submit an application for a  
205     Hardship Waiver or Deferral, on a form prepared by the City, with the Finance Department.

206     The Application shall include the following:

- 207                   1.       Documentation demonstrating eligibility for the Hardship Waiver or  
208                               Deferral through one of the criteria from exemptions listed in  
209                               Section C above;  
210  
211                   2.       A copy of the Tax Bill for the subject property;  
212  
213                   3.       Description of the facts and circumstances of the hardship.

214               (E)     All Applications for the Hardship Waiver or Deferral must be received by  
215     the City's Finance Department on or before October 18, 2017.

216               (F)     Once received, all applications shall be reviewed by the City's Finance  
217     Director, or his or her designee ("Reviewing Official"). The Reviewing Official shall  
218     review the facts and circumstances to determine whether a hardship exists to warrant a  
219     partial or total waiver of the special assessment levied upon the applicant's real property or  
220     a deferral of payment of such. The decision of the Reviewing Official is final.

221               (G)     The Reviewing Official shall render a written decision and provide such to  
222     the applicant.

223               (H)     If a partial or total waiver or deferral is granted by the Reviewing Official,  
224     the Finance Director shall ensure appropriate documentation is provided to the Tax  
225     Collector as to the revised amount of the assessment as to the applicant.

226               (I)     An applicant may apply for a Hardship Waiver as to one property only.

227               (J)     An applicant must apply for the Hardship Waiver on an annual basis.

227           (K)    A deferral may be granted for no longer than the end of the then current  
228   fiscal year.

229           (L)    When financial assistance is granted pursuant to the H.E.L.P. program, any  
230   shortfall in the expected Fire Rescue Assessment proceeds due to any reduction or  
231   exemption from payment of the Fire Rescue Assessments authorized by this Section shall  
232   be supplemented by any legally available funds, or combination of such funds, and shall not  
233   be paid for by proceeds or funds derived from the Fire Rescue Assessments.

234           **SECTION 7. MOBILE HOME VACANCY ADJUSTMENT.** As authorized in  
235   Section 5(L) of the Preliminary Rate Resolution, there shall be a Mobile Home Vacancy  
236   Adjustment procedure for Mobile Home and Recreational Vehicle Park Property, using the  
237   procedures established in Resolution R11-089. Any shortfall in the expected Fire Rescue  
238   Assessment proceeds due to any adjustment for vacancy shall be supplemented by any  
239   legally available funds and shall not be paid for by proceeds or funds derived from Fire  
240   Rescue Assessments. Failure of the Owner to timely provide the information to the City  
241   will result in no Vacancy Adjustment for the special assessment.

242           **SECTION 8. CONFLICTS.** All resolutions or parts of resolutions in conflict  
243   herewith are hereby repealed to the extent of such conflict.

244           **SECTION 9. SEVERABILITY.** If any clause, section, other part or application  
245   of this resolution is held by any Court of competent jurisdiction to be unconstitutional or  
246   invalid, in part or application, it shall not affect the validity of the remaining portions or  
247   applications of this Resolution.

248           **SECTION 10. EFFECTIVE DATE.** This Resolution shall become effective  
249   immediately upon its passage and adoption.

250                   **PASSED AND ADOPTED** this \_\_\_\_ day of September, 2017.

251                   CITY OF BOYNTON BEACH, FLORIDA

	YES	NO
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264           ATTEST:

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268           \_\_\_\_\_  
269           Judith A. Pyle, CMC  
270           City Clerk

271  
272           (Corporate Seal)  
273  
274  
275  
276

**APPENDIX A**  
**AFFIDAVIT OF MAILING**

**APPENDIX B**  
**PROOF OF PUBLICATION**

**APPENDIX C**

**FORM OF CERTIFICATE  
TO  
NON-AD VALOREM ASSESSMENT ROLL  
CERTIFICATE  
TO  
NON-AD VALOREM ASSESSMENT ROLL**

**I HEREBY CERTIFY** that I am the Mayor of the City of Boynton Beach, or authorized agent of the City of Boynton Beach, Florida (the “City”); as such, I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire rescue services (the “Non-Ad Valorem Assessment Roll”) for the City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above-described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

**I FURTHER CERTIFY** that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Palm Beach County Tax Collector by September 15, 2017.

**IN WITNESS WHEREOF**, I have subscribed this certificate and directed the same to be delivered to the Palm Beach County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll, this \_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF BOYNTON BEACH, FLORIDA

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

**[To be delivered to Palm Beach County Tax Collector by September 15]**





## Fire Assessment Application for Determination of Eligibility for H.E.L.P.

### Page 2

Please explain the financial hardship that makes it difficult or impossible for you to pay this year's Fire Assessment Amount as levied on the attached Notice from Palm Beach County.

Under penalty of perjury, I hereby swear or affirm that the information I am submitting is true, complete and correct in order to determine my eligibility for H.E.L.P.

Applicant's signature

Date

### DETERMINING IF YOU MEET HHS POVERTY GUIDELINES

#### 2017 HHS Poverty Guidelines

Size of Family Unit	Poverty Guideline
1	\$ 12,060
2	\$ 16,240
3	\$ 20,420
4	\$ 24,600
5	\$ 28,780
6	\$ 32,960
7	\$ 37,140
8	\$ 41,320
For each additional person, add	\$ 4,180

Source: Federal Register, Vol. 82, No. 19, January 31, 2017, pp. 8831-8832

#### PLEASE NOTE WHAT INCOME TO INCLUDE

Income used to calculate if you meet poverty level status includes the following sources:

Wages, unemployment compensation, Social Security, Supplemental Social Security Income, public assistance, veterans' payments, survivor benefits, pension or retirement income, interest, dividends, rents, royalties, income from estates, trust, educational assistance, alimony, child support, assistance from outside the household, and other miscellaneous sources.

### CITY REVIEW PROCESS:

- Applicant submits application to City of Boynton Beach, Financial Services Department, P.O. Box 310, Boynton Beach FL 33425-0310 **delivered no later than October 18, 2017**
- The Hardship Waiver will be reviewed by the City's Finance Director or his or her designee (Reviewing Official).
- Once the Reviewing Official makes a determination, the applicant will be notified in writing of the Reviewing Official's decision. The decision of the Reviewing Official is final.

**PLEASE SIGN AND RETURN THIS COMPLETED APPLICATION, ALONG WITH YOUR 2017 TAX NOTICE FROM PALM BEACH COUNTY AND THE REQUIRED DOCUMENTATION FOR THE BOX CHECKED ON PAGE 1 OF THIS APPLICATION TO:**

City of Boynton Beach  
Financial Services Department  
P.O. Box 310 – 100 East Boynton Beach Blvd.  
Boynton Beach, FL 33425-0310  
(561) 742-6310

## PROOF OF PUBLICATION STATE OF FLORIDA

## PUBLIC NOTICE

Before the undersigned authority, personally appeared Tiffani Everett, who on oath, says that he/she is a Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published in West Palm Beach and distributed in Palm Beach County, Martin County, and St. Lucie County, Florida; that the attached copy of advertising for a P-Main Legal ROP was published in said newspaper on: first date of Publication 08/18/2017 and last date of Publication 08/18/2017. Affiant further says that the said The Palm Beach Post is a newspaper published in West Palm Beach, in said Palm Beach County, Florida and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

BOYNTON BEACH, CITY OF  
100 E BOYNTON BEACH BLVD  
BOYNTON BEACH, FL 33435-3838

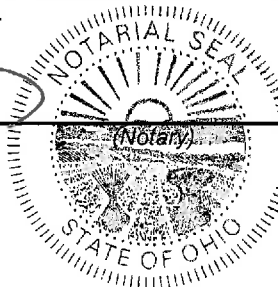
Invoice/Order Number:	0000197621
Ad Cost:	\$1,575.00
Paid:	\$0.00
Balance Due:	\$1,575.00

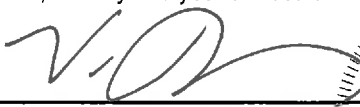
Signed

  
(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 21st day of August, 2017 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed



  
VICKY LEE FLANNERY  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
03-16-2022

Please see Ad on following page(s).

# NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE RESCUE SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of the City of Boynton Beach will conduct a public hearing to consider the imposition of annual fire rescue special assessments for the provision of fire rescue services within the municipal boundaries of the City of Boynton Beach.

The hearing will be held at 6:30 p.m., on September 7, 2017, in the Commission Chambers of City Hall, 100 East Boynton Beach Boulevard, Boynton Beach, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's Office at (561) 742-6060, at least three days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The proposed fire rescue assessment schedule for Fiscal Year 2017-2018 is as follows:

Property Use Category	Rate Per Dwelling Unit
Residential	\$120.00
Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.27
Industrial/Warehouse	\$0.06
Institutional	\$0.30
Nursing Home	\$0.30

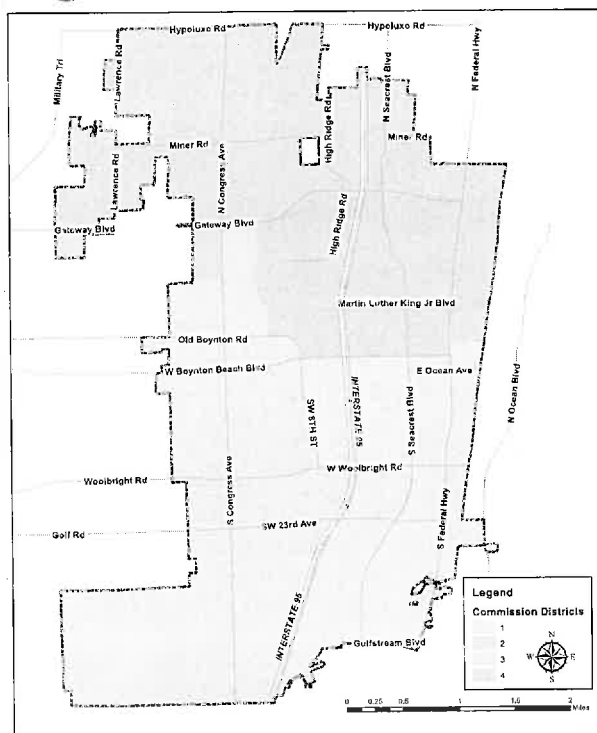
Copies of the Fire Rescue Assessment Ordinance, the Initial Assessment Resolution, the Preliminary Rate Resolution, and the Preliminary Assessment Roll are available for inspection at the City Clerk's Office in City Hall, located at 100 East Boynton Beach Boulevard, Boynton Beach, Florida.

The fire rescue non-ad valorem assessment will be collected on the ad valorem tax bill to be mailed in November 2017. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

If you have any questions, please contact the Finance Department at (561) 742-6310, Monday through Friday between 8:00 a.m. and 5:00 p.m.



## City of Boynton Beach





## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

Conduct First Public Budget Hearing for FY 2017/2018 Proposed Millage and Annual Operating Budget.

**PROPOSED RESOLUTION NO. R17-080** - Adopt the proposed millage rate for the General Fund for Fiscal Year 2017-2018.

**PROPOSED RESOLUTION NO. R17-081** - Adopt the Tentative Budget for the General Fund and all other funds for Fiscal Year 2017-2018.

---

**EXPLANATION OF REQUEST:**

Staff will provide a budget overview (power point). As a result of the Budget Workshops that were held on July 17th and 18th, 2017 the City Commission approved a proposed millage rate of 7.9000 mills. Also the following changes have been incorporated into the proposed budget of \$83,347,977 to a tentative budget of \$82,241,077 after the Budget Workshops.

1) Adjustments to Various General Fund Revenue:

- |  |             |
|--|-------------|
| • Decrease transfer from Sanitation      | (\$400,000) |
| • Transfer from Traffic Safety Fund      | \$100,000   |
| • Increase ILA-CRA Neighborhood Policing | \$ 75,000   |

2) Adjustment to Fund Balance Appropriation for General Fund:

- Increase \$118,100 from City Mgr proposed amount of \$0 to a needed fund balance appropriation of \$118,100.

3) Adjust following departments:

- |  |             |
|--|-------------|
| • Police (Div 2110)-TFR staff to Traffic Fund          | (\$181,900) |
| • Police (Div 2110)-Add'l person-neighborhood policing | \$ 75,000   |

The proposed FY 17/18 General Fund Budget is \$83,241,077 compared to the adopted FY 16/17 General Fund Budget of \$79,401,314, an increase of \$3,839,763 or 4.8%.

Based on commission decisions since the July budget workshops, the following changes have been incorporated into the proposed tentative budget.

1) Budgeted the Traffic Safety Special Revenue Fund in the amount of \$1,067,500;

Revenue-Fines	\$1,040,000
Revenue-Admin Fees	\$ 27,500

Expenses:

Personnel	\$ 181,900
Legal	\$ 10,000
Equipment lease	\$ 765,000
Operating costs	\$ 10,600

Transfer to General Fund       \$   100,000

- 2) Reduced the Solid Waste Enterprise Fund from \$11,034,288 to \$10,574,288.
- 3) Increased General Government Capital Improvement Funds from \$5,827,164 to \$5,999,512.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** The annual budget provides appropriations to provide City services.

**FISCAL IMPACT:** Budgeted Adoption of the millage rate and budget allows for appropriations to provide City services.

**ALTERNATIVES:** N/A

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

---

**Is this a grant?** No

**Grant Amount:**

---

**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Resolution	Reso Proposed Millage 17/18
<input type="checkbox"/> Resolution	Reso - Tentative Budget 17/18

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33 newspaper published in Palm Beach County, Florida, and at the same time the public will be  
34 notified of a public hearing to be held on the 19th day of September, 2017, at 6:30 P.M. for  
35 the purpose of hearing suggestions, agreements, objections or criticisms of the tentative  
36 budget and millage. This meeting is for the purpose of setting a final tax levy and final  
37 budget.

38           Section 4.     The proposed millage rate is 6.43% above the computed rolled  
39 back rate of 7.4224.

40           Section 5.     If any clause, section, or other part of this Resolution shall be held by  
41 any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or  
42 invalid part shall be considered as eliminated and shall in no way affect the validity of the  
43 other provisions of this Resolution.

44           Section 6.     This Resolution shall become effective immediately upon passage.

45           **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

46	CITY OF BOYNTON BEACH, FLORIDA		
47		YES	NO
48			
49	Mayor – Steven B. Grant	_____	_____
50			
51	Vice Mayor – Justin Katz	_____	_____
52			
53	Commissioner – Mack McCray	_____	_____
54			
55	Commissioner – Christina L. Romelus	_____	_____
56			
57	Commissioner – Joe Casello	_____	_____
58			
59		VOTE	_____

60 ATTEST:

61 \_\_\_\_\_  
62  
63 Judith A. Pyle, CMC  
64 City Clerk  
65

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67 (Corporate Seal)

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**RESOLUTION R17-**

**A RESOLUTION OF THE CITY OF BOYNTON BEACH,  
FLORIDA, ADOPTING A TENTATIVE BUDGET FOR THE  
FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND  
ENDING SEPTEMBER 30, 2018; PROVIDING FOR  
SEVERABILITY, CONFLICTS, AND AN EFFECTIVE  
DATE.**

**WHEREAS**, a tentative budget has been prepared by the City Manager estimating expenditures, transfers, and revenues of the City of Boynton Beach for the ensuing year, with detailed information, including revenues to be derived from sources other than the ad valorem tax levy, and she has made recommendations as to the amount necessary to be appropriated for the ensuing year; and

**WHEREAS**, the City Commission of the City of Boynton Beach has conducted a public hearing in accordance with s. 200.065 Florida Statutes on the City's tentative budget and the proposed millage rate.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF  
THE CITY OF BOYNTON BEACH, FLORIDA:**

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. That the tentative budget of the City of Boynton Beach, Florida, for the fiscal year beginning October 1, 2017 and ending September 30, 2018, a copy of which is attached hereto, is hereby adopted and the appropriations set out therein are hereby made to maintain and carry on the government of the City of Boynton Beach, Florida.

Section 3. There is hereby appropriated the sum of \$ 83,241,077 to the **General Fund** for the payment of operating expenditures, transfers to other funds, and necessary capital outlays for the City Government pursuant to the terms of the above budget.

Section 4. That there is hereby appropriated the sum of \$ 1,067,500 to the **Traffic Safety Special Revenue Fund** for the payment of operating expenditures, transfers to other funds, and necessary capital outlays.



34        Section 5.        That there is hereby appropriated the sum of \$ 1,300,000 to the  
35        **Local Option Gas Tax Special Revenue Fund** for the payment of operating expenditures,  
36        transfers to other funds, and necessary capital outlays.

37        Section 6.        That there is hereby appropriated the sum of \$ 238,756 to the  
38        **Community Improvements Special Revenue Fund** for the payment of operating  
39        expenditures, transfers to other funds, and necessary capital outlays.

40        Section 7.        That there is hereby appropriated the sum of \$ 237,397 to the  
41        **Public Arts Special Revenue Fund** for the payment of operating expenditures, transfers to  
42        other funds, and necessary capital outlays.

43        Section 8.        That there is hereby appropriated the sum of \$ 768,399 to the  
44        **Recreation Program Special Revenue Fund** for the payment of operating expenditures,  
45        transfers to other funds, and necessary capital outlays.

46        Section 9.        That there is hereby appropriated the sum of \$ 9,500,000 to the  
47        **Public Service Tax Debt Service Fund** for the purpose of payment operating expenditures,  
48        transfers to other funds, and the principal and interest due on the public service tax bonds of  
49        the City not subject to statutory exemptions and for redeeming such bonds as they mature.

50        Section 10.       That there is hereby appropriated the sum of \$ 1,384,890 to the  
51        **General Capital Improvement Capital Projects Fund** for the payment of transfers to  
52        other funds and capital outlays pursuant to the terms of the above budget.

53        Section 11.       That there is hereby appropriated the sum of \$ 4,614,622 to the  
54        **Local Government Surtax Capital Projects Fund** for the payment of transfers to other  
55        funds and capital outlays pursuant to the terms of the above budget.

56        Section 12.       That there is hereby appropriated the sum of \$ 66,183 to the  
57        **Parks & Recreation Facilities Trust Fund** for the payment of transfers to other funds and  
58        capital outlays pursuant to the terms of the above budget.

59        Section 13.       That there is hereby appropriated the sum of \$ 46,543,793 to the  
60        **Water and Sewer Utility Enterprise Fund** for operating expenditures, debt service,  
61        transfers to other funds, and necessary capital outlay.

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64        Section 14.        That there is hereby appropriated the sum of \$ 27,527,200 to  
65 the **Water and Sewer Utility Capital Improvement Enterprise Fund** for the payment of  
66 capital outlays pursuant to the terms of the above budget.

67        Section 15.        That there is hereby appropriated the sum of \$ 1,818,573 to the  
68 **Golf Course Enterprise Fund** for operating expenditures, transfer to other funds, and  
69 necessary capital outlays.

70        Section 16.        That there is hereby appropriated the sum of \$ 10,574,288 to the  
71 **Solid Waste Enterprise Fund** for the payment of operating expenditures, transfers to other  
72 funds and necessary capital outlays.

73        Section 17.        That there is hereby appropriated the sum of \$ 8,201,907 to the  
74 **Fleet Maintenance Internal Service Fund** for the payment of operating expenditures,  
75 transfers to other funds, and necessary capital outlays.

76        Section 18.        That there is hereby appropriated the sum of \$ 365,743 to the  
77 **Warehouse Internal Service Fund** for the payment of operating expenditures, transfers to  
78 other funds, and necessary capital outlays.

79        Section 19.        That there is hereby appropriated the sum of \$ 5,287,783 to the  
80 **Self-Insurance Internal Service Fund** for the payment of operating expenditures, transfers  
81 to other funds, and necessary capital outlays.

82        Section 20.        That there is hereby appropriated the sum of \$ 338,505 the  
83 **Cemetery Special Revenue Fund** for the payment of operating expenditures, transfers to  
84 other funds, and necessary capital outlays.

85        Section 21.        A copy of the tentative budget summary shall be published in one  
86 issue of a newspaper published in Palm Beach County and at the same time the public will  
87 be notified of a public hearing to be held on the 19th day of September, 2017, at 6:30 P.M.  
88 for the purpose of hearing suggestions, agreements, objections or criticisms of the final  
89 budget and millage. This meeting is for the purpose of setting a final ad valorem tax levy  
90 and final budget.

91        Section 22.        All delinquent taxes collected during the ensuing fiscal year as  
92 proceeds from levies of operation millages of prior years are hereby specifically  
93 appropriated for the use of the General Fund.

94           Section 23.     If any clause, section or other part of this Resolution shall be held by  
95     any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional  
96     or invalid part shall be considered as eliminated and shall in no way affect the validity of the  
97     remaining portions of this Resolution.

98           Section 24.     All Resolutions or parts of Resolutions in conflict herewith are hereby  
99     repealed to the extent of such conflict.

100          Section 25.     This Resolution shall become effective immediately upon passage.

101  
102           **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

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105                                   CITY OF BOYNTON BEACH, FLORIDA

	YES	NO
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ATTEST:

\_\_\_\_\_  
Judith A. Pyle, CMC  
City Clerk

(Corporate Seal)



## **CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM**

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** Informational items by Members of the City Commission

---

**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?**

**Grant Amount:**

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## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** Authorize City Commissioners to travel to Tallahassee, FL to attend Palm Beach County Days 2018, January 9-10, 2018.

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**EXPLANATION OF REQUEST:**

The annual Palm Beach County Days will be held in Tallahassee, FL, January 9 & 10, 2018. The County has posted a "Save the Date" notice on the County website.

We would anticipate that Commission members would travel on Monday, January 8th and return on Thursday, January 11th.

Registration is est. at \$150 per person, the hotel is est. at about \$220 per night, airfare would probably be around \$500, and additional expenses of about \$140 for a total of approximately \$1,450 per Commissioner.

Staff will coordinate and secure travel arrangements for the Commissioners that are approved to attend.

In accordance with Resolution R07-150, establishing the travel policy for the City Commission, the City Commission by a majority of its members shall approve travel for each member of the City Commission (Resolution attached).

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

There is a CRA Board Meeting on Tuesday, January 9, 2018. It may need to be moved.

**FISCAL IMPACT:** Budgeted

At an estimated cost of \$1,450 per attendee the costs would be:

- 1 attendee - \$1,450
- 2 attendees - \$2,900
- 3 attendees - \$4,350
- 4 attendees - \$5,800
- 5 attendees - \$7,250

Costs would be paid from line item 001-1110-511-40-12.

**ALTERNATIVES:** Do not authorize any Commissioners to travel to PBC Days.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

---

**Is this a grant?** No

**Grant Amount:**

---

**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Attachment	PBC Days Save the Date
<input type="checkbox"/> Attachment	City Commission Travel Policy

# PBC DAY

January 9-10, 2018

**Eventbrite**

Register here, soon!

K R P H

J D O O H U \

Q H Z V O H W W H U ;

## Save the Date!

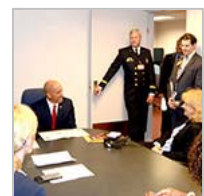
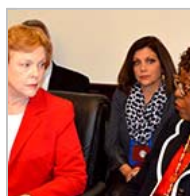
January 9-10, 2018

Palm Beach County 2018

**Register Here!**



534: \$krwrv



RESOLUTION NO. R 07 - 150

A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF BOYNTON BEACH, FLORIDA,  
ESTABLISHING A TRAVEL POLICY; RESCINDING  
ALL PREVIOUS RESOLUTIONS AND POLICIES  
GOVERNING TRAVEL BY THE CITY COMMISSION;  
AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of Boynton Beach desires to establish  
a travel policy to provide for an administrative process by which each member of the  
Commission would obtain concurrence of a majority of the members of the City Commission  
for approval of travel expenditures; and

**WHEREAS**, passage of this Resolution will rescind all previous Resolutions and  
policies governing travel by the City Commission;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF  
THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

Section 1. The foregoing "WHEREAS" clauses are true and correct and  
hereby ratified and confirmed by the City Commission

Section 2. That the City Commission of the City of Boynton Beach does hereby  
establish a Travel Policy, a copy of which is attached hereto as Exhibit "A".

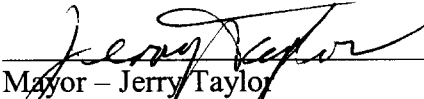
Section 3. That any and all previous Resolutions and/or Policies governing travel  
are rescinded.

Section 4. That this Resolution will become effective immediately upon passage.

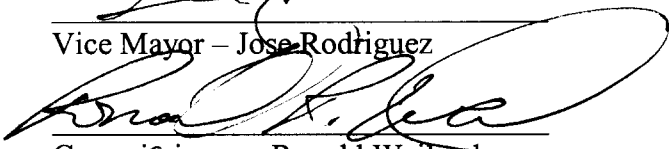


1 PASSED AND ADOPTED this 18 day of December, 2007.

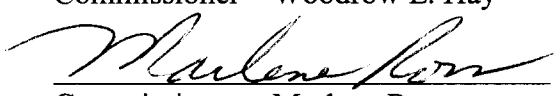
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3 CITY OF BOYNTON BEACH, FLORIDA

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6 Mayor – Jerry Taylor

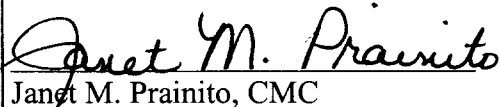
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9 Vice Mayor – Jose Rodriguez

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12 Commissioner – Ronald Weiland

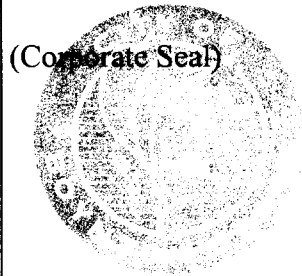
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15 Commissioner – Woodrow L. Hay

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18 Commissioner – Marlene Ross

19 ATTEST:

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22 Janet M. Prainito, CMC  
23 City Clerk  
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28 (Corporate Seal)  
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**City of Boynton Beach  
City Commission  
TRAVEL POLICY**

Approved travel must adhere to the following guidelines in order to be paid by the City of Boynton Beach:

**A. Prior to Travel:**

1. Complete Conference & Travel Request form and submit for approval.
2. All travel by City Commission Members must be approved in advance by the City Commission.

**B. Registration:**

1. Complete conference registration forms.
2. Submit conference form for payment in advance if necessary.
3. Attach a copy of the registration form with the request for payment to Finance department.
4. Request per diem fee in advance (**subtract all conference meals covered by registration fee**).

**C. Upon completion of Travel:**

1. Complete the Travel Expense Report for out-of-pocket expenses.
2. Attach all credit card receipts and other receipts to the expense report for payment or reimbursement.
3. Failure to include credit card receipts will be charged to the member personally.

**D. Travel Approvals:**

- City Commission Members travel shall be approved in advance by the City Commission at a regularly scheduled meeting.
- The City Finance Director must sign off on travel form to confirm funds availability in the budget.
- The City Manager must sign off prior to City Commission Agenda submittal.
- Travel expenses are only reimbursable with receipts and are not automatic.
- No PERSONAL items may be charged to the Agency.

**E. Travel Restrictions:**

- Per Diem payments shall be paid **ONLY** for class "A" travel, or travel outside the local area. Local area is defined as 50 miles or more from the Boynton Beach City Hall.
- Mileage reimbursement rate is \$.485 per mile per IRS and City.
- If a spouse is to attend all related expenses shall be paid by the employee, and all receipts **MUST** be separate. The City **WILL NOT** pay for any spouse or child costs associated with any conference. All such costs will be paid by the member separately.
- Any expenses incurred over the maximum amount approved for breakfast, lunch or dinner will be considered cost of the Commission Member and not the City. Meal rates are \$12.00 breakfast, \$15.00 lunch and \$30.00 dinner.

City of Boynton Beach  
City Commission  
**CONFERENCE & TRAVEL REQUEST**

Date of Request: \_\_\_\_\_ 2008

City Commission Member Attending: \_\_\_\_\_

Conference Name: \_\_\_\_\_

Conference Location: \_\_\_\_\_

Conference Purpose: \_\_\_\_\_

Account to Charge: \_\_\_\_\_

Dates of Travel & Attendance: \_\_\_\_\_ to \_\_\_\_\_ 2008

Cost of Conference: \$ \_\_\_\_\_

Cost of Travel: \$ \_\_\_\_\_

Cost of Lodging: \$ \_\_\_\_\_

Cost of Car Rental: \$ \_\_\_\_\_

Cost of Per Diem: \$ \_\_\_\_\_

=====

TOTAL

Approved by Finance Director: \_\_\_\_\_

\_\_\_\_\_

Date

Approved by City Manager: \_\_\_\_\_

\_\_\_\_\_

Date

**NOTE:** City Commission travel requests must be approved in advance at a regularly scheduled meeting of the City Commission.

Any expenses incurred over the maximum amount approved for breakfast, lunch or dinner will be considered cost of the Commission Member and not the City. Meal rates are \$12.00 breakfast, \$15.00 lunch and \$30.00 dinner. **Please submit a conference agenda with this request. Please subtract all meals provided for by conference attendance fee.**



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

Appoint eligible members of the community to serve in vacant positions on City advisory boards. The following Regular (Reg) and Alternate (Alt) Student (Stu) and Nonvoting Stu (N/V Stu) openings exist:

Arts Commission: 2 Alts  
Building Board of Adjustments & Appeals: 3 Regs and 2 Alts  
Employee Pension Board: 1 Reg  
Library Bd: 1 Alt  
Senior Advisory Bd: 1 Alt

---

**EXPLANATION OF REQUEST:** The attached list contains the names of those who have applied for vacancies on the various Advisory Boards. A list of vacancies is provided with the designated Commission members having responsibility for the appointment to fill each vacancy.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** Appointments are necessary to keep our Advisory Board full and operating as effectively as possible.

**FISCAL IMPACT:** Non-budgeted None

**ALTERNATIVES:** Allow vacancies to remain unfilled.

**STRATEGIC PLAN:** High Performing City Organization

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

---

**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

Type	Description
Amendment	Appointments

## APPOINTMENTS AND APPLICANTS FOR SEPTEMBER 7, 2017

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### Arts Commission

Mayor	Grant	Alt	1 yr term to 12/17 Tabled (3)
I	Katz	Alt	1 yr term to 12/17 Tabled (3)

### Applicants

None

---

### Building Board of Adjustments and Appeals

Mayor	Grant	Reg	3 yr term to 12/17 Tabled (3)
I	Katz	Alt	1 yr term to 12/17 Tabled (3)
II	McCray	Alt	1 yr term to 12/17 Tabled (3)
III	Romelus	Reg	3 yr term to 12/17 Tabled (3)
IV	Casello	Reg	3 yr term to 12/18 Tabled (3)

### Applicants

None

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### Employee Pension Board

Mayor	Grant	Reg	3 yr term to 12/17
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### Applicants

None

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### Library Board

I	Katz	Alt	1 yr term to 12/17
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### Applicants

None

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### Senior Advisory Board

Mayor	Grant	Alt	1 yr term to 12/17 Tabled (2)
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### Applicants

None

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## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** PROPOSED RESOLUTION NO. R17-082 - Assess the cost of nuisance abatement on properties within the City of Boynton Beach.

---

**EXPLANATION OF REQUEST:**

In accordance with the Municipal Lien Procedure on file in the City of Boynton Beach, the attached list contains the addresses of properties cited by Community Standards for nuisances abated by a City-contracted vendor. Finance sent an invoice to each property owner. There was no response within the required 30-day period. Copies of the invoices were then forwarded to the City Clerk's Office for continuation of the procedure. The property owners were again issued a copy of the invoice and a letter which offered an opportunity to pay the invoice within an additional 30-day period. The attached list contains the names of the property owners who have still not responded to our correspondence.

At this point in the procedure, authorization is requested to record liens against these properties in the public records of Palm Beach County within 30 days of adoption of the Resolution. Prior to sending the Resolution to the County for recording, the City Clerk will send another letter to each property owner notifying them they have another 30 days to pay the invoice before the Resolution is sent for recording. An additional administrative fee of \$30 will be added to the assessment when the Resolution is sent to the County for recording.

Thirty days after the Resolution is recorded, the property owners will receive, by certified mail, a copy of the Resolution and another letter stating the unpaid balance will accrue interest at a rate of 8% per annum.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:**

This process allows us to place liens on the properties in order to reimburse the City for the services that were provided when the nuisances were abated.

**ALTERNATIVES:**

The alternative would be to not place liens on the properties and not collect for the service provided.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Resolution	Resolution approving Nuisance Abatement
<input type="checkbox"/> Exhibit	Exhibit A

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Stanzione, Tammy	Approved	8/29/2017 - 10:33 AM
Finance	Howard, Tim	Approved	8/29/2017 - 10:37 AM
Legal	Swanson, Lynn	Approved	8/29/2017 - 3:17 PM
City Manager	LaVerriere, Lori	Approved	8/30/2017 - 4:39 PM



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**RESOLUTION NO. R17-**

**A RESOLUTION OF THE CITY OF BOYNTON  
BEACH, FLORIDA ASSESSING THE COSTS OF  
ABATEMENT OF CERTAIN NUISANCES  
AGAINST THE OWNERS OF THE PROPERTIES  
INVOLVED; AND PROVIDING AN EFFECTIVE  
DATE.**

**WHEREAS**, a contract vendor was requested by Code Compliance to mow the lots, remove vegetation and board up structures on the properties, described in Exhibit "A"; and

**WHEREAS**, the owners of the parcel(s) of property hereinafter described were invoiced by the Finance Department in an effort to recoup these costs with no response; and

**WHEREAS**, said nuisance was not abated as required; and,

**WHEREAS**, all of the property owners listed in the attached Exhibit "A" were sent letters offering them an opportunity to remit within 30 days in order to avoid incurring a lien on their property; and

**WHEREAS**, the City Manager or her authorized representative has made a report of costs actually incurred by the City and abatement of said nuisance as to the property(s) involved, which is described in Exhibit "A" attached to this Resolution; and

**WHEREAS**, upon passage of this Resolution, the property owners will be furnished with a copy of this Resolution, and given one more opportunity to remit all costs associated with the abatement in full within 30 days of the passage of the Resolution, before transmittal to the County for recordation of Liens; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF  
THE CITY OF BOYNTON BEACH, FLORIDA AS FOLLOWS:**

Section 1: Each Whereas clause set forth above is true and correct and incorporated herein by this reference.

Section 2: The amount of costs incurred by the City and the abatement of the above-described nuisance as to the parcels of land, owned and indicated to wit:

SEE ATTACHED EXHIBIT "A"

47 Subject amount is hereby assessed as liens against said parcels of land as  
48 indicated, plus an additional administrative charge of \$30.00 for each Lien.  
49 Liens shall be of equal dignity with the taxes there from for the year 2017, and  
50 shall be enforced and collected in like manner pursuant to applicable  
51 provisions of law. In the event collection proceedings are necessary, the  
52 property owner shall pay all costs of the proceedings, including reasonable  
53 attorneys fees.  
54

55 Section 3. This Resolution shall become effective immediately upon passage.  
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57  
58 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

59 CITY OF BOYNTON BEACH, FLORIDA

60		YES	NO
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63	Mayor – Steven B. Grant	_____	_____
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65	Vice Mayor – Justin Katz	_____	_____
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67	Commissioner – Mack McCray	_____	_____
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69	Commissioner – Christina L. Romelus	_____	_____
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71	Commissioner – Joe Casello	_____	_____
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74 VOTE \_\_\_\_\_

75 ATTEST:

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77 \_\_\_\_\_  
78 Judith A. Pyle, CMC  
79 City Clerk  
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81  
82 (Corporate Seal)  
83

First Name	Last Name	Company Name	Address Line 1	Address Line 2	Case
Abraham	Cowrie		3150 Orange Street	Boynton Beach, FL 33435	16-1655
Abraham	Cowrie		3150 Orange Street	Boynton Beach, FL 33435	
Benjamin L.	Ho		4272 Deste Ct Apt. 302	Lake Worth, FL 33467	16-1531
John	Mirucki		4572 Holly Lake Drive	Lake Worth, FL 33463	16-1802
		Zevel LLC	4828 Loop Central Drive	Houston, TX 77081-2212	17-124
Jeanne & Hock Ka D	Go		801 NE 76th ST	Boca Raton, FL 33487	17-149

PCN	Invoice	Original Invoice	Amount Owed
08-43-45-09-13-008-0221	40423	\$288.09	\$ 318.09
08-43-45-09-13-008-0221	40422	\$350.00	\$ 380.00
08-43-45-21-32-008-0010	40607	\$888.09	\$ 918.09
08-43-45-21-18-000-0360	41187	\$1,088.09	\$ 1,118.09
08-43-45-21-14-000-2921	41188	\$538.09	\$ 568.09
08-43-45-21-07-001-1790	41047	\$363.09	\$ 393.09
		<b>Total</b>	<b>\$ 3,695.45</b>



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** **PROPOSED RESOLUTION NO. 17-083** - Authorize the Mayor to sign an easement agreement between the City of Boynton Beach and Florida Power & Light Company for a perpetual easement to facilitate the undergrounding of electrical utility facilities along NE 6th Court and Boynton Beach Boulevard as a part of the Ocean One project.

---

**EXPLANATION OF REQUEST:**

On April 4, 2017 the City Commission approved the site plan (NWSP 16-002) for the Ocean One project. The developer, as a condition of the approval, has agreed to replace existing street lighting adjacent to site's frontage with underground decorative street lighting along NE 6th Court and Boynton Beach Boulevard.

To facilitate this, FPL has required a perpetual easement for the installation, construction, operation and maintenance of underground electrical utility facilities, including wires, poles, guys, cables, conduits, and appurtenant equipment upon, on, over, across, and under the portion of the NE 6th Court and Boynton Beach Boulevard right of way as depicted in Exhibit "A" of the easement agreement.

Staff has reviewed the easement language and believes the easement agreement is in the best interest of the City. Staff recommends approval of the easement agreement.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** The undergrounding of existing electrical utilities lines along NE 6th Court and Boynton Beach Boulevard will enhance the Ocean One project and surrounding neighborhood by removing unsightly overhead lines as well as improve protection of electrical facilities in the event of a wind storm event.

**FISCAL IMPACT:** Budgeted

There is no fiscal impact to the City as all costs will be borne by developer.

**ALTERNATIVES:** N/A

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** N/A

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:** N/A

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Resolution	Resolution approving Easement Agreement with FPL
<input type="checkbox"/> Agreement	Ocean One Easement Agreement

**REVIEWERS:**

Department	Reviewer	Action	Date
Public Works-Engineering	Livergood, Jeffrey	Approved	8/15/2017 - 9:08 AM
Legal	Swanson, Lynn	Approved	8/30/2017 - 10:38 AM
Finance	Howard, Tim	Approved	8/30/2017 - 1:00 PM
City Manager	LaVerriere, Lori	Approved	8/30/2017 - 4:40 PM

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30 6<sup>th</sup> Court and Boynton Beach Boulevard as part of the Ocean One project; and authorizes the  
31 Mayor to sign the Utility Easement Agreement, a copy of which is attached hereto as Exhibit  
32 “A”.

33 Section 3. This Resolution will become effective immediately upon passage.

34 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

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36

CITY OF BOYNTON BEACH, FLORIDA

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YES NO

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Mayor – Steven B. Grant

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Vice Mayor – Justin Katz

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Commissioner – Mack McCray

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Commissioner – Christina L. Romelus

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Commissioner – Joe Casello

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VOTE

\_\_\_\_\_

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53 ATTEST:

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\_\_\_\_\_  
Judith A. Pyle, CMC

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City Clerk

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(Corporate Seal)



This instrument prepared by:  
David N. Tolces, Esquire  
Goren, Cherof, Doody & Ezrol, P.A.  
3099 E. Commercial Boulevard, Suite 200  
Fort Lauderdale, FL 33308

### **EASEMENT AGREEMENT**

**THIS EASEMENT AGREEMENT ("Agreement")** made this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between Florida Power & Light Company, a Florida corporation, its affiliates, licensees, agents, successors, and assigns ("**FPL**") whose address is P.O. Box 14000 Attn: CRE/JB, Juno Beach, Florida 33408-0420, and the City of Boynton Beach, a Florida municipal corporation, ("**CITY**") whose address is 100 East Boynton Beach Boulevard, Boynton Beach, Florida 33435-7934;

#### **RECITALS:**

**WHEREAS**, the CITY is the owner of that certain real property located in Boynton Beach, Florida, more particularly described on attached Exhibit A ("**Property**");

**WHEREAS**, the CITY desires to grant a perpetual easement to FPL for the installation, construction, operation, and maintenance of overhead and underground electrical utility facilities, including wires, poles, guys, cables, conduits, and appurtenant equipment (collectively "**Facilities**") upon, on, over, across, and under the portion of the Property depicted on attached Exhibit "A" ("**Easement Area**") to provide electricity to properties located within the CITY;

**WHEREAS**, once installed, the Facilities will be maintained by FPL, and, if necessary, further replaced by FPL; and

**WHEREAS**, the parties hereto have concluded that the most efficient manner in which to achieve the purposes and goals set forth above would be through the entering into this Agreement, together with granting FPL a right of entry on to the Property for the installation, construction, operation, and maintenance of the Facilities, in accordance with the terms of this Agreement;

**NOW, THEREFORE**, in consideration of the mutual promises contained herein and Ten and No/100 (\$10.00) Dollars and other good and valuable consideration, the receipt, sufficiency, and adequacy of which is hereby acknowledged, the parties hereto agree as follows:

1. The aforesaid recitals are true and correct and are incorporated herein by this reference.

2. The CITY hereby grants and conveys to FPL a permanent perpetual easement for the installation, construction, operation, and maintenance of the Facilities to be installed from

time to time, with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of and remove such Facilities or any of them within the Easement Area, together with the right to permit FPL to attach or place wires to or within any facilities hereunder and lay cable and conduit within the Easement Area, and to operate the same for FPL's communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; the right to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution.

3. This Agreement is a permanent perpetual easement and shall not be changed, altered or amended except by an instrument in writing executed by FPL and the CITY or their respective successors and assigns.

4. The CITY further agrees to sign any applications and documents for any permits which FPL may be required to submit to any local, state, or federal agency in association with the installation and maintenance of the Facilities. FPL agrees to pay any and all fees associated with obtaining any permits from any local, state, or federal agency for the installation of the Facilities.

5. In association with the CITY's grant and conveyance of this Agreement, the CITY shall use its best good faith efforts to obtain a consent and subordination agreement from any person or corporation that holds a mortgage or other property interest in the Property.

6. FPL shall ensure that any portion of the Property damaged by FPL pursuant to this Agreement is returned to as near as its original condition as practical by FPL as of the date FPL commenced such use, at the FPL's own cost, provided such damage is not caused by the City's negligence. This includes any pavement improvements and related roadway improvements removed as part of FPL's installation of the Facilities.

7. The perpetual easements and all conditions and covenants set forth herein are intended to be and shall be construed as covenants running with the land, binding upon and inuring to the benefit of FPL and the CITY, as the case may be, and their respective heirs, successors and assigns, including, without limitation, all subsequent owners and/or tenants of the Easement Area, the Property, and all persons claiming by, through and under them.

8. In the event of any litigation in connection with this Agreement, the prevailing party shall be entitled to recover court costs and reasonable attorney's fees.

9. If any provision in this Agreement shall be determined to be invalid by a court of competent jurisdiction, then such provision or determination shall not affect any other provisions of this Agreement, all of which other provisions shall remain in full force and effect.

10. The CITY represents and warrants that it is lawfully seized and possessed of the Easement Area and Property, that it has a good and lawful right to convey the easements set forth in this Agreement, and that the Property and Easement Area is free from all encumbrances.

Signed and Sealed the day and year first above written.

ATTEST:

CITY OF BOYNTON BEACH, a municipal  
corporation of the State of Florida

\_\_\_\_\_  
Judith A. Pyle, City Clerk

By: \_\_\_\_\_  
Steven B. Grant, Mayor

Approved as to Form:

(SEAL)

\_\_\_\_\_  
Office of the City Attorney

STATE OF FLORIDA                    )  
  )ss:  
COUNTY OF PALM BEACH         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by Steven B. Grant, as Mayor of the City of Boynton Beach who is personally known to  
me or has produced \_\_\_\_\_ as identification.

My Commission expires:

\_\_\_\_\_  
Notary Public, State of Florida

\_\_\_\_\_  
Printed Name of Notary Public

Signed, sealed and delivered in  
the presence of:

Michelle M. Kahmann

Sign Name

**Michelle M. Kahmann**

Print Name

Marta Hull

Sign Name

**Marta Hull**

Print Name

FLORIDA POWER & LIGHT COMPANY,  
a Florida Corporation

**Area Real Estate Manager**

BY:

Samantha J. Saucier

Member

Samantha J. Saucier

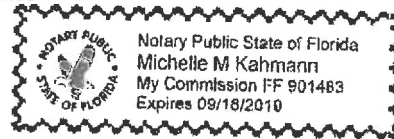
Signature

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 3rd day of Aug., 2017 by  
Samantha J. Saucier, as Area Real Estate Manager of Florida Power & Light Company, a Florida  
corporation who is personally known to me or has produced a Florida Driver's License as identification.

Michelle M. Kahmann

NOTARY PUBLIC



**Exhibit A**  
**Property, Easement Area**



947 Clint Moore Road  
Boca Raton, Florida 33487

SURVEYING & MAPPING  
Certificate of Authorization No. LB7264

Tel: (561) 241-9988  
Fax: (561) 241-5182

## SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

### OCEAN ONE - TEN FOOT WIDE F.P.L. EASEMENT

#### LEGAL DESCRIPTION

A 10.00 FOOT WIDE STRIP OF LAND BEING A PORTION OF BOYNTON BEACH BOULEVARD AND N.E. 6TH COURT IN THE NORTHWEST ONE-QUARTER OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, INCLUDING PORTIONS OF LOTS 1 THROUGH 6, "FUNK BROS. ADDITION TO THE TOWN OF BOYNTON", AS RECORDED IN PLAT BOOK 2 AT PAGE 13 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF LOTS 39, 41 AND 42 "DEWEY'S SUBDIVISION", AS RECORDED IN PLAT BOOK 1 AT PAGE 37 OF SAID PUBLIC RECORDS, ALL IN ACCORDANCE WITH THE "AGREEMENT PLAT", AS RECORDED IN PLAT BOOK 10 AT PAGE 2 OF SAID PUBLIC RECORDS, THE CENTERLINE OF SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27; THENCE NORTH  $89^{\circ}55'38''$  EAST, ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 60.70 FEET; THENCE SOUTH  $00^{\circ}04'22''$  EAST, A DISTANCE OF 30.02 FEET TO THE POINT OF BEGINNING 1 OF SAID STRIP OF LAND (SAID POINT LYING ON A LINE 60.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 27; THENCE NORTH  $88^{\circ}37'00''$  EAST, A DISTANCE OF 0.68 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS SOUTH  $55^{\circ}32'51''$  EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF  $55^{\circ}28'29''$ , A DISTANCE OF 29.05 FEET TO THE POINT OF TANGENCY; THENCE NORTH  $89^{\circ}55'38''$  EAST, ALONG A LINE 17.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 221.56 FEET; THENCE SOUTH  $80^{\circ}36'22''$  EAST, A DISTANCE OF 30.40 FEET; THENCE SOUTH  $12^{\circ}29'07''$  EAST, A DISTANCE OF 33.79 FEET; THENCE SOUTH  $01^{\circ}43'30''$  EAST, ALONG A LINE 2.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOTS 39 AND 42, A DISTANCE OF 170.76 FEET; THENCE SOUTH  $00^{\circ}05'18''$  EAST, A DISTANCE OF 70.03 FEET TO A POINT TO BE KNOWN AS REFERENCE POINT A; THENCE SOUTH  $01^{\circ}43'30''$  EAST, ALONG SAID WEST LINE OF LOTS 39 AND 42, A DISTANCE OF 95.00 FEET TO THE POINT OF TERMINATION.

TOGETHER WITH:

#### CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

  
JEFF S. HODAPP  
SURVEYOR AND MAPPER  
FLORIDA LICENSE NO. LS5111

Project Name:	OCEAN ONE	DATE:	05/17/2017
JOB NO.	04175	DWG BY:	JSH
		CHK'D BY:	JEK
			SHEET 1 OF 3

## SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

BEGINNING (2) AT THE AFOREMENTIONED REFERENCE POINT A; THENCE SOUTH 88° 16' 30" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF TERMINATION.

SAID LANDS SITUATE IN THE CITY OF BOYNTON BEACH, PALM BEACH COUNTY, FLORIDA.

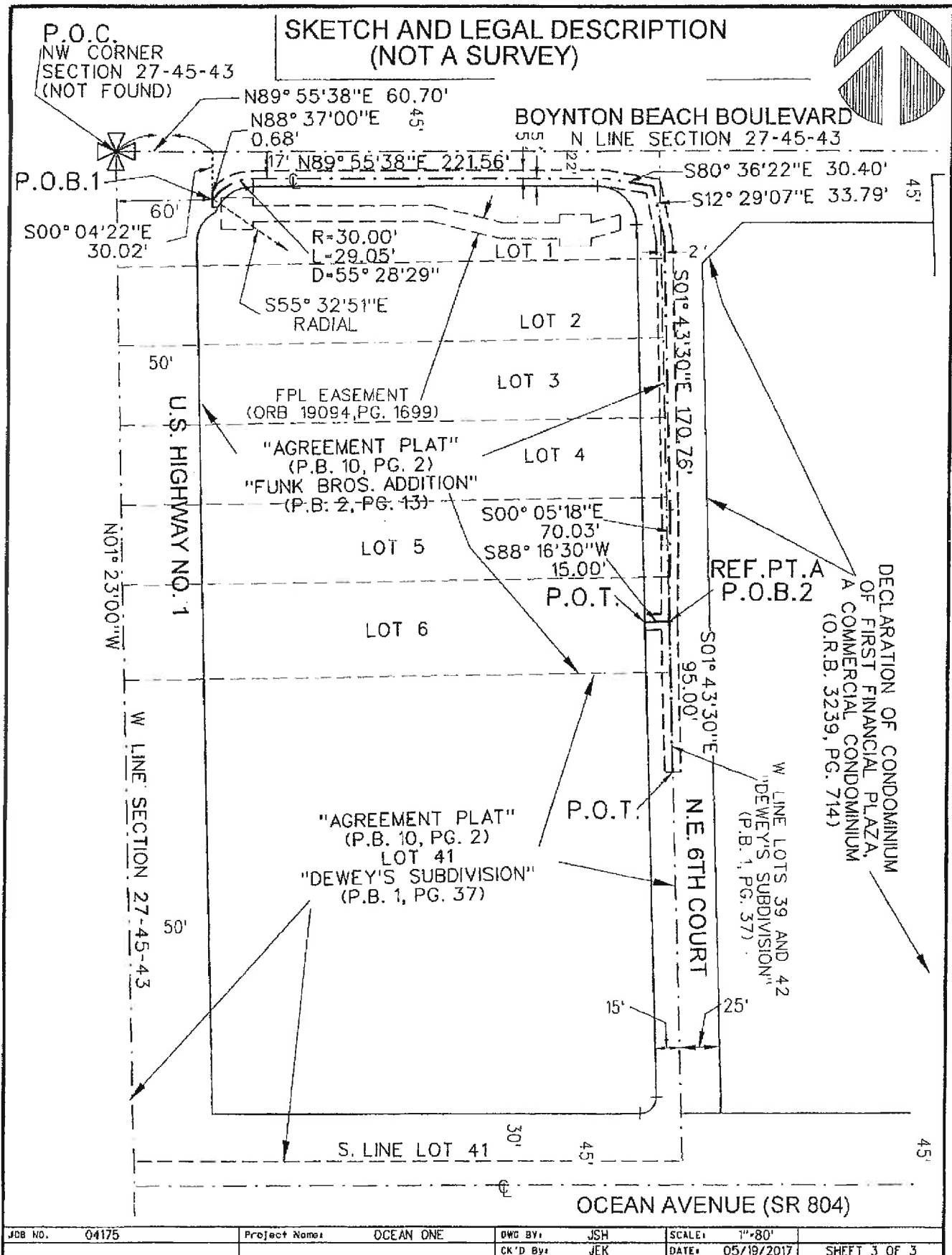
### NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS MADE IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
3. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 27, HAVING A BEARING OF NORTH 01° 23' 00" WEST, ACCORDING TO THE STATE PLANE COORDINATE SYSTEM, STATE OF FLORIDA, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT.

### ABBREVIATIONS

L	•	ARCLength
CONC.	•	CONCRETE
COR.	•	CORNER
D	•	DELTA (CENTRAL ANGLE)
L.B.	•	LICENSED BUSINESS
L.S.	•	LICENSED SURVEYOR
O.R.B.	•	OFFICIAL RECORDS BOOK
P.O.B.	•	POINT OF BEGINNING
P.O.C.	•	POINT OF COMMENCEMENT
P.B.	•	PLAT BOOK
P.B.C.R.	•	PALM BEACH COUNTY RECORDS
PG.	•	PAGE
P.S.M.	•	PROFESSIONAL SURVEYOR 8 MAPPER
R/W	•	RIGHT-OF-WAY

JOB NO.	04175	Project Name:	OCEAN ONE	DWG BY:	JSH	SCALE:	N/A
		CK'D By:	JEK	DATE:	05/19/2017		SHEET 2 OF 3







## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

**PROPOSED RESOLUTION NO. 17-084** - Ratify the actions of the South Central Regional Wastewater Treatment and Disposal Board at their August 3, 2017 meeting and give authorization to do the following:

1. Establish wastewater user rate at 1.07/1,000 Gal (O&M rate of \$1.02/1,000 Gal and R&R Reserves Rate of \$0.05/1,000 Gal) to Delray Beach and Boynton Beach for Fiscal Year 2017/2018;
2. Establish reclaim user rate at \$0.17/1,000 Gal to consumers Delray Beach, Boynton Beach and South Central Regional for Fiscal year 2017/2018;
3. Maintain the reclaim user rate for Hunters Run, County Club of Florida, Quail Ridge, Delray Dunes and Pine Tree for Fiscal year 2017/2018 at \$0.2000/1,000 Gallons;
4. Authorize the Fiscal year Capital Improvement Plan and Associated Funding Plan for Fiscal Year 2017/2018;
5. Accept the 2017/2018 Wastewater and Reclaim O&M Budgets.

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**EXPLANATION OF REQUEST:**

On August 3, 2017, the South Central Regional Wastewater Treatment & Disposal Board held its Regular Quarterly meeting. At that time, the Board took action on the items that are now before the City Commission for ratification. The City Commission ratification is the confirmation process for the action take by the S.C.R.W.T.D. Board.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:** Budgeted

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

---

**ATTACHMENTS:**

Type	Description
▣ Resolution	Resolution approving the ratification of the SCRWTD Meeting of August 3 2017
▣ Letter	Cover Letter
▣ Ratification	Ratification Of August 3, 2017

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**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF BOYNTON BEACH, FLORIDA

YES	NO
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Mayor – Steven B. Grant

Vice Mayor – Justin Katz

Commissioner – Mack McCray

Commissioner – Christina L. Romelus

Commissioner – Joe Casello

VOTE

ATTEST:

\_\_\_\_\_  
Judith A. Pyle, CMC  
City Clerk

(Corporate Seal)

**SOUTH CENTRAL REGIONAL WASTEWATER  
TREATMENT AND DISPOSAL BOARD**

1801 North Congress Avenue • Delray Beach, Florida 33445



Telephone  
(561) 272-7061 (561) 734-2577  
Fax: (561) 265-2357  
[www.scrwwtp.org](http://www.scrwwtp.org)

August 11, 2017

- Hand Delivered -

Judith Pyle, CMC  
City Clerk  
**CITY OF BOYNTON BEACH**  
100 East Boynton Beach Boulevard  
Boynton Beach, Florida 33425

South Central Regional Wastewater  
Treatment and Disposal Board  
**Ratifications for Signature**

Dear Ms. Pyle:

Enclosed are two sets of the ratification from South Central Regional's August 3, 2017 Board Meeting as well as the backup information for each item. These items were authorized at the August 3, 2017 Re-Scheduled Quarterly Annual Board meeting. Once these have been approved and signed, please return one set back to our office.

If you have any questions, please do not hesitate to contact me.

Thank you.

Sincerely,

Lori A. Osborn, CAP/OM  
Executive Assistant

*Enclosures*

17 AUG 11 PM 3:13  
CITY OF BOYNTON BEACH  
CITY CLERK'S OFFICE



**RATIFICATION OF SOUTH CENTRAL REGIONAL  
WASTEWATER TREATMENT AND DISPOSAL BOARD  
ACTION OF AUGUST 3, 2017**

WHEREAS, the South Central Regional Wastewater Treatment and Disposal Board did on August 3, 2017, by a vote of 5-0, give ***AUTHORIZATION TO ESTABLISH WASTEWATER USER RATE AT 1.07/1,000 GAL (O&M RATE OF \$1.02/1,000 GAL AND R&R RESERVES RATE OF \$0.05/1,000 GAL) TO DELRAY BEACH AND BOYNTON BEACH FOR FISCAL YEAR 2017/2018.***

WHEREAS, the South Central Regional Wastewater Treatment and Disposal Board did on August 3, 2017, by a vote of 5-0, give ***AUTHORIZATION TO ESTABLISH RECLAIM USER RATE AT \$0.17/1,000 GAL TO CONSUMERS DELRAY BEACH, BOYNTON BEACH AND SOUTH CENTRAL REGIONAL FOR FISCAL YEAR 2017/2018.***

WHEREAS, the South Central Regional Wastewater Treatment and Disposal Board did on August 3, 2017, by a vote of 5-0, give ***AUTHORIZATION TO MAINTAIN THE RECLAIM USER RATE FOR HUNTERS RUN, COUNTRY CLUB OF FLORIDA, QUAIL RIDGE, DELRAY DUNES AND PINE TREE FOR FISCAL YEAR 2017/2018 AT \$0.2000/1,000 GALLONS.***

WHEREAS, the South Central Regional Wastewater Treatment and Disposal Board did on August 3, 2017, by a vote of 5-0, give ***AUTHORIZATION FOR THE FISCAL YEAR CAPITAL IMPROVEMENT PLAN AND ASSOCIATED FUNDING PLAN FOR FISCAL YEAR 2017/2018.***

WHEREAS, the South Central Regional Wastewater Treatment and Disposal Board did on August 3, 2017, by a vote of 5-0, gave ***ACCEPTED THE 2017/2018 WASTEWATER AND RECLAIM O&M BUDGETS***

WHEREAS, said Board action requires ratification by the City of Boynton Beach and the City of Delray Beach.

NOW, THEREFORE, the **City of Boynton Beach** hereby ratifies said Board action independently.

The above action is hereby ratified in open session by the **City of Boynton Beach** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by a \_\_\_\_\_ vote.

**CITY OF BOYNTON BEACH**

**By:** \_\_\_\_\_  
Mayor/City Manager

**Attest:** \_\_\_\_\_  
City Clerk

**Approved as to form:**  
\_\_\_\_\_  
City Attorney

# **PROPOSED BUDGET DOCUMENT**

## **FY 2017/2018**



**PREPARED BY SCRWWTP STAFF**

**AUGUST 2017**



# SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD

1801 North Congress Avenue • Delray Beach, Florida 33445

BOARD  
City Commissioners of  
Boynton Beach & Delray Beach



Telephone  
(561) 272-7061 (561) 734-2577  
Fax: (561) 265-2357  
[www.scrwwtp.org](http://www.scrwwtp.org)

## MEMORANDUM

**TO:** South Central Regional Wastewater Treatment and Disposal Board  
Board Members

**FROM:** Doug Levine

**DATE:** August 1, 2017

**SUBJECT:** 2017/2018 Proposed Budget

---

The Operating Committee for South Central Regional Wastewater Treatment and Disposal Board is pleased to present the 2017/2018 Fiscal Year Budget. Staff is looking forward to the new fiscal year with projects that will result in more efficient and effective operations by reducing energy usage, increasing reliability of treatment processes and establishing a cost-effective blueprint for future increased flows. The budget, as presented, increases expenditures 5.1% over last year due to increased personnel services, costs and chemicals. This increase follows two years of decreases as the Board restructured the operations and staff to better serve the public.

Included in the Capital Improvement Plan is the Process Air Improvement Upgrade project. The existing equipment and blowers have reached the end of their expected life cycle and are required to be replaced. The new project includes replacing all of this equipment with new technology that will provide staff the ability to operate the plant more efficiently, lower electricity demand and provide higher quality treatment. There is an expected energy savings of at least 25% which will save the Board approximately \$250,000 per year in electric costs creating a project that will pay for itself over time. Other capital projects include the upgrade of the disinfection system to bulk hypochlorite. This new system will significantly reduce the usage of our On-Site Generators (OSG) which has a high electrical use. With salt prices steadily increasing over the last two years, staff determined that it would be more efficient to purchase hypochlorite instead of generating it on-site. The current equipment will be kept as a backup system. This fiscal year has provided staff with great insight for the next fiscal year and beyond by the implementation of an asset management system, Water/Wastewater Asset Management (WAM), which allows staff to track the condition of equipment and schedule replacements prior to failure. It moves capital equipment replacement costs from reactive to proactive which reduces costs.

Over the past two years, the management staff has been hiring employees that are self-motivated and strive to better themselves. Management recruits new employees that are ambitious with great personalities who are not afraid to get their hands dirty. Management is seeking individuals that are not just looking for a job, but are looking for a lifetime career. Staff is consistently encouraged to learn more about the plant and its processes by cross-training. All departments work as a team and help one another out without having to ask. Each individual employee possesses their own skill set in which we challenge in order to help continue their development. One of the great things about the Board employees is their willingness to teach their skills to other employees giving our staff a broader range of skills which allows more in-house work which also reduces costs. A few examples of these are VFD upgrades, transformer replacements, PLC development and programming, and repair and replacement of a variety of equipment throughout the plant.

Staff appreciates the Board's support in creating a great working environment where each employee can take personal ownership of their part of the plant. This teamwork is critical to ensuring that the operations of South Central Regional WWTP remain transparent, efficient and effective so customers are provided outstanding service.

**South Central Regional Wastewater Treatment and Disposal Board**

**WASTEWATER OPERATIONS  
REPAIR & REPLACEMENT RESERVES FUND  
USER RATE & PROJECTED COST TO CITY OF BOYNTON BEACH & CITY OF DELRAY BEACH  
F/Y 2017-2018**

<b>REVENUE ANALYSES</b>				
Rate Description	Unit	FY 2016-2017	Projected FY 2017-2018	% Difference
O&M Budget Revenue	per 1,000 gal	\$1.00	\$1.02	2.4%
Reclaim Water Retail Rev	per 1,000 gal	\$0.28	\$0.28	0.0%
Reclaim Water Retail Rev	per 1,000 gal	\$0.20	\$0.20	0.0%
Reclaim Water Wholesale Re	per 1,000 gal	\$0.17	\$0.17	0.9%
R&R Reserves	per 1,000 gal	\$0.03	\$0.05	32.6%
CIP Funding	50/50 Ownership Funding	1,000,000.00	1,100,000.00	
<b>Total Revenue</b>		<b>\$8,013,516.03</b>	<b>\$8,445,360.00</b>	<b>5.1%</b>

<b>2017-2018 OPERATIONS &amp; MAINTENANCE BUDGET AND RATE CALCULATION</b>				
<b>O&amp;M Budget including deep injection well pass through costs</b>				<b>\$6,543,382</b>
<b>PROJECTED FLOW</b>	<b>Billion Gal</b>	<b>Rate</b>	<b>Unit</b>	<b>REVENUE</b>
MINIMUM 17.3 mgd	6.315	\$1.04	/ 1,000 gal	\$6,543,382
<b>AVERAGE 17.5 mgd</b>	<b>6.388</b>	<b>\$1.02</b>	<b>/ 1,000 gal</b>	<b>\$6,543,382</b>
MAXIMUM 17.7 mgd	6.461	\$1.01	/ 1,000 gal	\$6,543,382

<b>RECLAIM OPERATIONS BUDGET AND RATE CALCULATION</b>				
<b>Reclaim Water O&amp;M Budget including deep well Expenses</b>				<b>\$1,193,500</b>
<b>PROJ. RETAIL FLOW</b>	<b>Gal</b>	<b>RATE</b>	<b>Unit</b>	<b>Retail Rev</b>
Retail Customer / No Reserv	0.260	\$0.20	/ 1,000 gal	\$52,000.00
Retail Customer / Storage	1.040	\$0.28	/ 1,000 gal	\$291,200.00
<b>Total</b>	<b>1.300</b>			<b>\$343,200.00</b>

PROJ. WHOLESALE FLOW		Gal	RATE		Wholesale Rev
MINIMUM	17.3 mgd	5.015	\$0.17	/1,000 gallons	\$850,300
AVERAGE	17.5 mgd	5.088	\$0.17	/1,000 gallons	\$850,300
MAXIMUM	17.7 mgd	5.161	\$0.16	/1,000 gallons	\$850,300

<b>F/Y 2017-2018</b>					
User	Flows	Unit	RATE / 1,000 gal	Comments	Revenue
Original Retail Customers	1.300	billion gal/year	\$0.20		\$ 260,000
80% of use storage tank at SCR	1.040	billion gal/year	\$0.08	(surcharge-4 courses)	\$ 83,200
City of Boynton Beach	0.200	billion gal/year	\$0.17		\$ 33,427
City of Delray Beach:	0.750	billion gal/year	\$0.17		\$ 125,351
SCR Deep Well	3.992	billion gal/year	\$0.17	Pass through	\$ 667,120
SCR Process @ .4 mgd	0.146	billion gal/year	\$0.17	Pass through	\$ 24,402
<b>Total Flow / Revenue</b>	<b>6.388</b>	<b>billion gal/year</b>			<b>\$ 1,193,500</b>

<b>Expenditure / Revenue Check</b>	
<b>Combined GF &amp; Reclaim Budget =</b>	<b>\$7,736,882</b>
<b>Combined GF &amp; Reclaim Revenue =</b>	<b>\$7,736,882</b>

<b>REPAIRS &amp; REPLACEMENT RESERVES / CIP FUNDING</b>					
<b>PROJECTED FLOW</b>	<b>Flows</b>	<b>Unit</b>	<b>RATE / 1,000 gal</b>	<b>Comments</b>	<b>Revenue</b>
MINIMUM 17.3 mgd	6.2050	billion gal/year	\$0.05		\$300,000
<b>AVERAGE 17.5 mgd</b>	<b>6.3145</b>	<b>billion gal/year</b>	<b>\$0.05</b>		<b>\$300,000</b>
MAXIMUM 17.7 mgd	6.3875	Billion gal/year	\$0.05		\$300,000
	<b>Yearly</b>	<b>Monthly</b>	<b>Monthly</b>		
<b>Annual CIP Transfer *</b>	<b>\$550,000</b>	<b>\$45,833.33</b>	<b>\$3,819.44</b>		<b>\$1,100,000</b>

**Annual Capital Reserves Revenue \$1,400,000**

**Total Funding for SCRWWTDB \$9,136,882**

<b>Funding Source Estimates</b>	
City of Boynton Beach =	\$ 4,002,588
City of Boynton Beach =	\$ 550,000
City of Delray Beach =	\$ 2,999,572
City of Delray Beach =	\$ 550,000
Golf Course Retail Contracts =	\$ 343,200
Sub-total	\$ 8,445,360
Deep Well Pass Through	\$ 691,522
<b>Total</b>	<b>\$ 9,136,882</b>

\* Annual CIP Transfer is based on CIP Five Year Budget

# South Central Regional Wastewater Treatment and Disposal Board

## Budget Summary

### FY 2017-2018 Operating Budget

Combined Summary					
	2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
DESCRIPTION	ACTUAL	ACTUAL	BUDGET	YTD (3/31/2017)	BUDGET
PERSONNEL SERVICES	1,914,587	1,633,064	1,855,376	853,562	1,982,275
OPERATING EXPENSES:					
SERVICES(Legal,hauling,contracts)	1,858,351	1,741,882	1,992,179	610,078	1,959,500
OPERATIONS/MAINTENANCE	2,160,917	2,180,845	2,435,065	1,189,405	2,506,307
CHEMICALS/SUPPLIES	882,176	929,772	1,017,300	437,872	1,099,800
TOTAL OPERATING EXPENSES	4,901,444	4,852,499	5,444,544	2,237,355	5,565,607
TOTAL PERSONNEL AND					
OPERATING EXPENSES	6,816,031	6,485,563	7,299,920	3,090,917	7,547,882
OPERATING CONTINGENCY	10,886	4,030	600,000	501,314	100,000
OPERATING ASSETS	32,548	27,256	15,000	(107)	15,000
ENGINEERING	43,148	33,507	72,000	31,394	74,000
TOTAL BUDGET	6,902,613	6,550,356	7,986,920	3,623,518	7,736,882

FY 2016/17 includes budget amendment for O&M to fund R&R \$500,000 for bar screens

General Fund Summary		2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
DESCRIPTION		ACTUAL	ACTUAL	BUDGET	YTD (3/31/2017)	BUDGET
PERSONNEL SERVICES		1,679,358	1,425,945	1,559,376	724,118	1,669,775
OPERATING EXPENSES:						
SERVICES(Legal,hauling,contracts)						
OPERATIONS/MAINTENANCE		1,832,783	1,714,415	1,972,179	597,178	1,936,500
CHEMICALS/SUPPLIES		1,719,164	1,734,940	1,949,065	960,720	2,030,307
TOTAL OPERATING EXPENSES		631,785	698,751	655,300	300,727	727,800
		4,183,732	4,148,106	4,576,544	1,858,625	4,694,607
TOTAL PERSONNEL AND OPERATING EXPENSES		5,863,090	5,574,051	6,135,920	2,582,743	6,364,382
OPERATING CONTINGENCY						
OPERATING ASSETS		10,886	4,030	600,000	501,314	100,000
ENGINEERING		32,548	27,256	15,000	(107)	15,000
		36,123	13,507	62,000	18,854	64,000
TOTAL GF BUDGET		5,942,647	5,618,844	6,812,920	3,102,804	6,543,382

Reclaim Summary		2014-2015 ACTUAL	2015-2016 ACTUAL	2016-2017 BUDGET	2016-2017 YTD	2017-2018 BUDGET
PERSONNEL SERVICES		235,229	207,119	296,000	129,444	312,500
OPERATING EXPENSES:						
SERVICES(Legal,hauling,contracts)		25,568	27,467	20,000	12,900	23,000
OPERATIONS/MAINTENANCE		441,753	445,905	486,000	228,685	476,000
CHEMICALS/SUPPLIES		250,391	231,021	362,000	137,145	372,000
TOTAL OPERATING EXPENSES		717,712	704,393	868,000	378,730	871,000
TOTAL PERSONNEL AND OPERATING EXPENSES		952,941	911,512	1,164,000	508,174	1,183,500
OPERATING CONTINGENCY						
OPERATING ASSETS ENGINEERING		7,025	20,000	10,000	12,540	10,000
TOTAL REUSE BUDGET		959,966	931,512	1,174,000	520,714	1,193,500
TOTAL BUDGET		6,902,613	6,550,356	7,986,920	3,623,518	7,736,882

**South Central Regional Wastewater Treatment and Disposal Board**

**WASTEWATER OPERATIONS & MAINTENANCE BUDGETS**

**FY 2017-2018 General Fund Budget**

	2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
DESCRIPTION	ACTUAL	ACTUAL	BUDGET	YTD (3/31/2017)	PROPOSED BUDGET
PERSONNEL SERVICES	\$1,679,358	\$1,425,945	\$1,559,376	\$724,118	\$1,669,775
OPERATING EXPENSES:	4,183,732	4,148,106	4,576,544	1,858,625	4,694,607
SERVICES(Legal,hauling,contracts)	1,832,783	1,714,415	1,972,179	597,178	1,936,500
OPERATIONS/MAINTENANCE	1,719,164	1,734,940	1,949,065	960,720	2,030,307
CHEMICALS/SUPPLIES	631,785	698,751	655,300	300,727	727,800
TOTAL PERSONNEL AND OPERATING EXPENSES	5,863,090	5,574,051	6,135,920	2,582,743	6,364,382
OPERATING CONTINGENCY	10,886	4,030	600,000	501,314	100,000
OPERATING ASSETS	32,548	27,256	15,000	(107)	15,000
ENGINEERING	36,123	13,507	62,000	18,854	64,000
TOTAL BUDGET	<b>\$5,942,647</b>	<b>\$5,618,844</b>	<b>\$6,812,920</b>	<b>\$3,102,804</b>	<b>\$6,543,382</b>

F/Y 16-17 rate =

\$ 1.01

\$ 1.00

\$ 1.02

Min flow mgd =

17.0

17.3

17.5

avg flow mgd =

17.3

17.5

**PERSONNEL**

ACCOUNT		2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
NO.	DESCRIPTION	ACTUAL	ACTUAL	BUDGET	YTD	PROPOSED BUDGET
1212	REGULAR WAGES	\$1,003,581	\$839,485	\$888,000	\$403,951	\$937,500
12121	SICK/VACATION REDUCTIONS	69,308	39,670	40,000	8,718	50,000
1214	OVERTIME	114,278	118,003	100,000	84,487	130,000
12151	EMPLOYEE ASSIST. PROG.	693	660	700	291	750
1221	SOCIAL SECURITY	102,132	91,452	100,576	46,487	105,625
1223	HEALTH INSURANCE	195,318	157,691	201,600	90,447	201,600
12231	DENTAL INSURANCE	5,367	4,677	6,300	3,594	6,300
12232	DISABILITY INSURANCE	3,785	2,184	6,000	1,795	6,000
12233	LIFE INSURANCE	411	1,815	1,200	211	2,000
12234	VISION CARE	902	1,140	0	710	0
1224	WORKERS' COMPENSATION	42,596	32,757	32,000	18,516	32,000
1225	UNEMPLOYMENT	0	5,480	2,000	4,558	2,000
1236	PENSION	117,595	98,182	160,000	58,040	175,000
1237	DEF COMP SUP	23,219	19,715	20,000	0	20,000
1238	H.S.A. CONTRIBUTION	0	12,498	0	2,163	0
1240	PAYROLL CONTINGENCY	173	536	1,000	150	1,000
	TOTAL PERSONNEL SERVICES	<b>\$1,679,358</b>	<b>\$1,425,945</b>	<b>\$1,559,376</b>	<b>\$724,118</b>	<b>\$1,669,775</b>

**South Central Regional Wastewater Treatment and Disposal Board**

**WASTEWATER OPERATIONS & MAINTENANCE BUDGETS**

**FY 2017-2018 General Fund Budget**

**SERVICES**

ACCOUNT		2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
NO.	DESCRIPTION	ACTUAL	ACTUAL	BUDGET	YTD	PROPOSED BUDGET
3100	MEDICAL SERVICES	\$1,325	\$2,242	\$3,000	\$1,263	\$3,000
3110	LEGAL (GENERAL & ADMIN)	48,487	21,368	38,000	5,188	31,000
3120	SERVICES (G & A)	54,482	60,423	54,000	31,944	54,000
3200	AUDITING	34,800	31,000	30,000	13,000	30,000
3300	LAB PERMIT TESTING	15,578	3,455	10,679	673	15,000
3406	METER CALIBRATION	7,308	4,680	5,000	5,721	10,000
3409	PELLETIZATION FEES - SWA	1,257,392	1,117,378	1,344,000	353,835	1,248,000
3410	SLUDGE HAULING	248,862	293,030	300,000	121,269	315,000
3411	GRIT HAULING	126,387	116,138	100,000	44,597	120,000
3412	TRASH HAULING	2,402	1,012	3,000	605	3,000
3500	SERVICES (Ops & Maint )	35,760	63,689	84,500	19,083	107,500
<b>TOTAL SERVICES</b>		<b><u>\$1,832,783</u></b>	<b><u>\$1,714,415</u></b>	<b><u>\$1,972,179</u></b>	<b><u>\$597,178</u></b>	<b><u>\$1,936,500</u></b>

**OPERATIONS/MAINTENANCE**

ACCOUNT		2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
NO.	DESCRIPTION	ACTUAL	ACTUAL	BUDGET	YTD	PROPOSED BUDGET
4000	VEHICLE EXPENSE	\$9,952	\$6,667	\$10,000	\$3,134	\$10,000
4020	BOARD CONTINGENCY	1,810	681	400	0	400
4100	TELEPHONE	20,324	20,821	7,500	2,571	6,000
4102	POSTAGE	1,372	1,042	1,000	957	1,000
4300	ELECTRICITY	620,732	622,514	850,000	318,676	850,000
4302	WATER	20,623	13,511	16,000	6,258	16,000
4303	IRR/PROCESS RECLAIM WATER	22,225	8,941	26,280	2,644	24,402
4304	INJECTION WELL PROCESS	663,440	661,187	657,000	289,874	667,120
4400	EQUIPMENT RENTAL	4,438	6,263	2,000	7,029	10,000
4500	INSURANCE	217,926	217,383	240,660	196,542	240,660
4600	M & R EQUIPMENT	67,331	120,079	67,500	85,701	\$120,000
4620	M & R VEHICLES	14,658	5,819	9,000	1,890	9,000
4630	M & R GROUNDS	11,955	13,027	10,000	3,193	15,000



**South Central Regional Wastewater Treatment and Disposal Board**

**WASTEWATER OPERATIONS & MAINTENANCE BUDGETS**

**FY 2017-2018 General Fund Budget**

<b>ACCOUNT</b>		<b>2014-2015</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2016-2017</b>	<b>2017-2018</b>
<b>NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL</b>	<b>ACTUAL</b>	<b>BUDGET</b>	<b>YTD</b>	<b>PROPOSED BUDGET</b>
4640	M & R BUILDINGS	10,079	5,738	15,000	4,794	15,000
4650	M & R UNSPECIFIED	31	349	5,000	0	10,000
4900	ADVERTISING	3,624	5,277	5,000	2,356	5,000
4902	LICENSE & PERMITS	12,300	22,793	9,725	30,502	9,725
5400	MEMBERSHIP DUES & SUBSCRIPTION	8,483	443	4,000	719	4,000
5410	TECHNICAL TRAINING	7,105	2,405	12,000	3,062	12,000
6400	CAPITAL ASSETS	0	0	0	0	0
<b>TOTAL OPERATIONS/MAINT.</b>		<b><u>\$1,719,164</u></b>	<b><u>\$1,734,940</u></b>	<b><u>\$1,949,065</u></b>	<b><u>\$960,720</u></b>	<b><u>\$2,030,307</u></b>

**CHEMICALS/SUPPLIES**

<b>ACCOUNT</b>		<b>2014-2015</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2016-2017</b>	<b>2017-2018</b>
<b>NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL</b>	<b>ACTUAL</b>	<b>BUDGET</b>	<b>YTD</b>	<b>PROPOSED BUDGET</b>
5100	OFFICE SUPPLIES	\$6,326	\$7,550	\$7,500	\$3,233	7,500
5201	SAFETY SUPPLIES	8,362	4,474	7,500	11,038	15,000
5202	GENERAL OPERATING	10,631	8,114	10,000	4,563	10,000
5203	JANITORIAL SUPPLIES	1,193	938	2,000	974	2,000
5204	LABORATORY SUPPLIES	8,626	4,734	10,000	687	10,000
5210	CHEMICALS	547,665	660,070	583,800	255,100	643,800
5220	OIL, FUEL, LUBRICANTS	906	2,725	5,000	2,989	5,000
5225	DIESEL	33,988	0	15,000	12,839	15,000
5230	CONSTRUCTION MATERIALS	0	0	1,000	0	4,000
5240	UNIFORMS	8,914	6,535	8,000	4,215	8,000
5250	SMALL TOOLS < \$750	2,772	3,611	2,000	1,127	3,000
5251	OFFICE EQUIPMENT < \$750	873	0	1,500	3,861	1,500
5252	LAB EQUIPMENT < \$750	1,529	0	2,000	101	2,000
5255	PLANT EQUIPMENT	0	0	0		1,000
<b>TOTAL CHEMICALS/SUPPLIES</b>		<b><u>\$631,785</u></b>	<b><u>\$698,751</u></b>	<b><u>\$655,300</u></b>	<b><u>\$300,727</u></b>	<b><u>\$727,800</u></b>

**South Central Regional Wastewater Treatment and Disposal Board**

**WASTEWATER OPERATIONS & MAINTENANCE BUDGETS**

**FY 2017-2018 General Fund Budget**

**OPERATING EXPENSES (SUMMARY)**

ACCOUNT		2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
NO.	DESCRIPTION	ACTUAL	ACTUAL	BUDGET	YTD	PROPOSED BUDGET
	SERVICES	\$1,832,783	\$1,714,415	\$1,972,179	\$597,178	\$1,936,500
	OPERATIONS/MAINTENANCE	\$1,719,164	\$1,734,940	\$1,949,065	\$960,720	\$2,030,307
	CHEMICALS & SUPPLIES	\$ 631,785	\$ 698,751	\$ 655,300	\$ 300,727	\$ 727,800
	<b>TOTAL OPERATING EXPENSES</b>	<b>\$4,183,732</b>	<b>\$4,148,106</b>	<b>\$4,576,544</b>	<b>\$1,858,625</b>	<b>\$4,694,607</b>

**OPERATING CONTINGENCY**

ACCOUNT		2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
NO.	DESCRIPTION	ACTUAL	ACTUAL	BUDGET	YTD	PROPOSED BUDGET
4990	OPERATING CONTINGENCY	\$5,957	\$0	\$100,000	\$0	\$100,000
4992	INTEREST/FEES/PENALTIES	\$4,929	4,030	\$0	\$1,314	\$0
4995	TRANSFERS OUT	\$0	0	\$500,000	\$500,000	\$0
	<b>TOTAL OPERATING CONTINGENCY</b>	<b>\$10,886</b>	<b>\$4,030</b>	<b>\$600,000</b>	<b>\$501,314</b>	<b>\$100,000</b>

**OPERATING ASSETS**

ACCOUNT		2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
NO.	DESCRIPTION	ACTUAL	ACTUAL	BUDGET	YTD	PROPOSED BUDGET
6400	OPERATING ASSETS	\$32,548	27,256	\$15,000	(\$107)	\$15,000
	<b>TOTAL OPERATING CONTINGENCY</b>	<b>\$32,548</b>	<b>\$27,256</b>	<b>\$15,000</b>	<b>(\$107)</b>	<b>\$15,000</b>

**ENGINEERING**

ACCOUNT		2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
NO.	DESCRIPTION	ACTUAL	ACTUAL	BUDGET	YTD	PROPOSED BUDGET
3150	GENERAL	\$36,123	\$13,507	\$60,000	\$18,854	\$60,000
3160	BIOTOXICITY	\$0	\$0			
3162	PRETREATMENT	\$0	\$0			0
3163	THERMAL SCREENING	\$0	\$0	\$2,000	0	4,000
	<b>TOTAL ENGINEERING</b>	<b>\$36,123</b>	<b>\$13,507</b>	<b>\$62,000</b>	<b>\$18,854</b>	<b>\$64,000</b>
	<b>TOTAL GF BUDGET:</b>	<b>\$5,942,647</b>	<b>\$5,618,844</b>	<b>\$6,812,920</b>	<b>\$3,102,804</b>	<b>\$6,543,382</b>

**SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD**  
**F/Y 2017-2018 Budget Line Item Detail**

1212	REGULAR WAGES	Base wages - 21 Regular Employees; 1 part-time 3 Administrative 2 Lab 9 Operators(including Chief) + Holiday reg 7 Maintenance(including Chief) 1 Part-time Intern <i>(25% manhours for Reuse)</i>	Reclaim Wastewater	1,250,000 <u>312,500</u> 937,500	403,951
12121	SICK PAY REDUCTION	Employees 96 hours sick pay		30,000	435
12122	VACA PAY REDUCTION	Vacation up to 120 hours		20,000	8,283
1214	OVERTIME	Shift coverage as required for plant operations. Employees working over 40 hours per week (excluding sick hours) are paid at time and a half.			
		12141 Emergency Coverage	3,000		14,312
		12142 Maintenance	10,000		4,098
		12143 Shift 1&3 Coverage	40,000		22,630
		12144 Shift 2&4 Coverage	40,000		12,804
		12146 Training	3,000		872
		12148 Holiday Coverage	26,000		16,272
		12149 Lab/Pretreatment	6,000		13,498
		12150 Special Projects	2,000		0
			-----	130,000	84,486
12151	EMPLOYEE ASSISTANCE PROGRAM	Board cost: \$2.75 per employee per month. Provides family counseling and referral services to employees and their families. Legal and financial consulting.		750	292
1221	SOCIAL SECURITY/ MEDICARE	Employer's estimated cost: 7.65% Social Security - 6.2% Medicare - 1.45%.		105,625	46,487
1223	FLORIDA BLUE HEALTH INSURANCE	Board Allowance per employee [21] is estimated @ (21 * 800) * 12 mths City of Boynton Beach		201,600	92,610
12231	DENTAL INSURANCE	Board cost per employee [21] est @ \$25.00 monthly		6,300	3,594
12232	DISABILITY INSURANCE	Long-term disability insurance provided by the Board at approximately on 40 hour base pay per employee.		6,000	1,795
12233	LIFE INSURANCE	Board provides term life insurance.		2,000	211
12234	VISION CARE	Employee vision plan - Part of BO		0	710
1224	WORKERS' COMPENSATION	Cost per employee based on a 40 hour base pay and claims rating +/- annual audit		32,000	18,516
1225	UNEMPLOYMENT	Paid on a reimbursable basis according to claims received.		2,000	4,558
1236	PENSION	Defined Board contribution based on 40 hours base pay for participants plus administrative fees.		175,000	58,040
1237	DEF COMP SUPPLEMENT	Deferred comp		20,000	0
1240	PAYROLL CONTINGENCY			1,000	150

**SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD**  
**F/Y 2017-2018 Budget Line Item Detail**

**TOTAL PERSONNEL**

**1,669,775**

**724,118**

**SERVICES**

<u>ACCT. NO.</u>	<u>ACCOUNT TITLE</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	
3100	MEDICAL SERVICES	Employee physicals, drug screens & immunizations	\$3,000	1,263
3110	LEGAL SERVICES	Attorney fees:		
		31101 Admin - Biggs	\$26,000	5,188
		31103 Pension, Personnel	5,000	0
			-----	
			31,000	5,188
3120	SERVICES:	31201 Accounting & Bookkeeping	1,000	0
	General & Administrative	31202 Computer Consultant & S/W Lic renewals	25,000	27,783
		31203 Contract Employees	20,000	1,026
		31205 Insurance Review	2,000	1,050
		31206 Copier Maint. Contract	5,000	2,085
		31207 Appraisal Fee (done 2010)	0	0
		31208 Others	1,000	31,944
			-----	
			54,000	
3200	AUDIT FEES	32001 Annual Audit - GASB & Standards (total \$35,000 - Reclaim = \$5,000)	30,000	13,000
3300	LAB PERMIT TESTING	Outside Lab Testing Services	15,000	673
3406	METER CALIBRATION FLORIDA SERVICE	Calibration of transmitters, totalizers, recorders, and flowmeter pump as required.	10,000	5,721
3409	SLUDGE PELLETIZATION	24,000 Wet ton per year * est \$52.00 Any additional related costs	1,248,000	353,835
3410	SLUDGE HAULING	Haul to SWA Pelletization 24,000 tons * \$13.03 transportation re-route when required.	315,000	121,269
3411	GRIT HAULING	Grit and Debris Dumpsters - 2	120,000	44,597
3412	TRASH AND HAULING	Tipping fee for trash hauling. Regular trash container.	3,000	605
3500	SERVICES:			
	Operations, Maintenance & Professional	35001 Centrifuge	25,000	96
		35002 Air Scrubbers Balancing -vibration testing	2,000	
		35003 Generators [3 units]	10,000	1,845
		35004 Lawn Maintenance	24,000	10,000
		35005 Admin. Building Cleaning	6,000	0
		35006 Lab Equipment - Calibration	2,000	992
		35007 Sodium Generators	0	0
		35008 Other - SCADA, PLC	30,000	4,863
		35009 Water Softener	1,000	195
		35010 Contract - Operations Worker	0	0
		35011 Lab Compliance Consultant	7,500	1,092
		External Auditor for Lab \$2,500	-----	
			107,500	1,092
			-----	
			\$1,936,500	597,178
			=====	
	<b>TOTAL SERVICES</b>			

**SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD**  
**F/Y 2017-2018 Budget Line Item Detail**

**OPERATING EXPENSES: SERVICES; MAINTENANCE; CHEMICALS & SUPPLIES**

**OPERATIONS/MAINTENANCE**

<u>ACCT. NO.</u>	<u>ACCOUNT TITLE</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	
4000	VEHICLE EXPENSE	Mileage reimbursement @ \$0.56/mile (FED rate); Fuel for company vehicles golf carts, and gas powered equipment (Due to the fluctuating cost of fuel, we are estimating fuel)		
		40002 Mileage Reimbursement	0	
		40003 Fuel for Vehicles/Equip 4000 ga! \$2.50	10,000	3,134
4020	BOARD CONTINGENCY	Plant Tours, Public Meetings, Community Outreach		
		40201 Board Expense: Public Outreach	400	
		40202 Board Expense: Meals	0	
		40204 Board Expense: Travel, Lodging	0	0
4100	TELEPHONE EXPENSE	Monthly base fees and long-distance usage including Fax,cellular phones and E-mail/Internet/website	6,000	2,570
4102	POSTAGE	U.S. Mail - Rate \$.49 first class/Equipment lease	1,000	957
4300	ELECTRICITY	11,300,000 kw * .075/kw Plant avg 18.0 mgd	850,000	318,676
4302	WATER CONSUMPTION	Consumption of plant avg \$2,000 @ mth * 25%	16,000	6,258
4304	INJECTION WELL PROCESS	Estimated - Pass Through Anticipate 10 mg @ day @ \$.18/1000 = 3,139 mgy	667,120	289,874
4303	IRR/PROCESS REUSE WATER	Irrigation water cost .4 m gal/day @ \$.18/1000	24,402	2,644
4400	EQUIPMENT RENTAL	Cranes, various equipment, and instru- ments as required in maintenance and operations.	10,000	7,029
4500	INSURANCE EXPENSE	45001 General Professional Liability	54,000	32,957
		45003 Employment Practices	1,600	4,796
		45004 Fiduciary	2,000	1,861
		45006 Petroleum Storage Tank	2,100	0
		45007 Pollution Liability (3 yr policy 2012 - 2015)	12,660	8,332
		45008 Commercial Property	155,000	135,009
		45009 Boiler & Machinery	7,200	7,393
		45011 Employee Dishonesty	6,100	6,194
			240,660	

**SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD**  
**F/Y 2017-2018 Budget Line Item Detail**

**OPERATIONS/MAINTENANCE**

<u>ACCT. NO.</u>	<u>ACCOUNT TITLE</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	
4600	M & R EQUIPMENT	Annual repair items for pumps and plant equipment:		
		46001 Influent Building - Barscreens	20,000	12,584
		46002 Aerators	5,000	36
		46003 Blower Building	20,000	24
		46004 Scrubbers	6,000	5,613
		46005 Clarifier	10,000	2,530
		46006 Return Building	10,000	101
		46007 Solids Handling Building - Centrifuges	20,000	20,826
		46008 Hypochlorite	10,000	8,081
		46009 EQ Building	2,000	298
		46010 Effluent Building	2,000	0
		46011 Shop Building	1,000	58
		46012 Office Building	2,000	275
		46013 Dechlorination	1,000	0
		46014 Miscellaneous (GMS)	10,000	2,318
		46015 Operators Office	1,000	32,957
			-----	
			\$120,000	
4620	M & R VEHICLES	Annual repairs for vehicles:		
		46200 Company Vehicles	2,000	332
		46201 Tractor	1,000	0
		46202 Ottawa - Off road trailer	1,000	718
		46203 Service Carts	3,000	532
		46204 Boom Lift	1,000	308
		46205 Other	1,000	0
			-----	
			9,000	
4630	M & R GROUNDS	Landscaping, sprinkler systems, retention ponds, piping, etc. (west fence)	15,000	3,193
4640	M & R BUILDINGS	Painting, Repair or replacement of doors, screens, locks, windows, ceiling tiles, bulbs electrical, plumbing, and lighting to improve energy efficiency.	15,000	4,795
4650	M & R UNSPECIFIED	Funds for emergency or unidentified equipment deficiencies that require upgrade or improvement in operation.	10,000	0
4900	ADVERTISING	Advertisement and legal ad allowance related to plant operation or bids and public notices.	5,000	2,356

### OPERATIONS/MAINTENANCE

<u>ACCT. NO.</u>	<u>ACCOUNT TITLE</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	
4902	LICENSES AND PERMITS		9,725	30,502
		<u>STATE</u>		
		Professional & Operators license	1,000	
		Operating Permit - Minor Modification	2,000	
		Storage Tank	200	
		Depart of Health - Lab	1,000	
			-----	
			4,200	
		<u>PALM BEACH COUNTY</u>		
		Air Pollution Licenses	1,000	
		Wellfield Permit	100	
		Stormwater	500	
		Tags on Trucks	100	
		Wastewater - Dept of Health	2,800	
			-----	
			4,500	
		<u>CITY &amp; SPECIAL DISTRICT</u>		
		Solid Waste Assessment/Lake Worth Drainage	0	
		Special District Fee	175	
		Other	850	
			-----	
			1,025	
5400	MEMBERSHIP DUES AND SUBSCRIPTIONS	Dues - Professional organizations Professional Registration and licenses, journals and subscriptions.	4,000	719
5410	TECHNICAL TRAINING	CEUs required for lic renewal per FLDEP Lab Technical, and Quality Assurance Short Schools; Personnel Seminars and technical conferences; computer classes		
		54101 Conferences	5,000	712
		54102 Meals	1,000	0
		54103 Travel & Lodging	4,000	0
		54104 CEU courses	2,000	2,350
			-----	
5420	EDUCATIONAL EXPENSES	Classes, books & fees.	5,000	818
	TOTAL OPERATIONS/MAINT.		----- <b>\$2,030,307</b>	<b>960,720</b>

**SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD**  
**F/Y 2017-2018 Budget Line Item Detail**

**OPERATING EXPENSES: SERVICES; MAINTENANCE; CHEMICALS & SUPPLIES**

**CHEMICALS AND SUPPLIES**

<u>ACCT. NO.</u>	<u>ACCOUNT TITLE</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	
5100	OFFICE SUPPLIES	Copier paper, stationery, printer ink cartridges business cards, check printing, general office supplies, & necessities.	7,500	3,233
5201	SAFETY SUPPLIES	Gloves, protective glasses, face shields, hearing protection, overboots, ear-plugs, muffs, emergency eye wash, cartridge respirators, gas cartridge, sterile storage bags for resp- irators, disinfection systems for respirators, fit test ampoules, respirator storage cabinets, disposal respirators, chemical spill absorb- ents, oil sorbent, liquid chemical neutralizers, barricade tape, hazardous materials response kit, salvage drum, diffusion detector tubes, signs, labels, tags, first aid supplies, fire extinguishers and accessories, hazardous area lights, emergency small tools, safety charts, books.	15,000	11,038
5202	GENERAL OPERATING SUPPLIES	Operating supplies, raingear, hard-hats, boots, drager tubes, gloves, hoses, fire hoses, pH meters, DO meters, sludge jugs, flags, water, misc test strips cooler supplies, batteries, hurricane supplies, and other miscellaneous supplies.	10,000	4,563
5203	JANITORIAL SUPPLIES	Mops, brooms, paper goods, brushes, all necessary janitorial cleaning supplies.	2,000	974
5204	LABORATORY SUPPLIES	Laboratory upgrades and replacements. Reagents, glassware, replacement of equip- ment, apparatus. Lab supplies consumed by Process testing done in house. Plus NELAC	10,000	687
5210	CHEMICALS			
		52101 Polymer: 455,000 lbs @ .96 lb	360,000	208,300
		52103 Cl2 Sodium Hypo 12%. @ \$.64 Gal 20,000	12,800	0
		52105 Misc. Chemicals - Bisulfite, Sulfuric etc	10,000	0
		52106 Caustic 30,000 gal @\$2.50 @ gal	75,000	24,196
		52108 Salt 300 tons @ \$120.00 * 25%**	36,000	15,354
		52109 Peroxide tons @ Odor Control	90,000	0
		52110 Nitrate - Odor Control	60,000	7,250
		**Plant = \$120.00 * 350 tons	-----	
			643,800	



**SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD**  
**F/Y 2017-2018 Budget Line Item Detail**

5220	OIL, GAS, GREASE, AND LUBRICANTS	Misc gas, grease, oil and lubricants for pumps and mowers	5,000	2,989
5225	DIESEL FUEL	Diesel fuel for generator	15,000	12,839
5230	CONSTRUCTION MATERIAL	Walkways, signs, fencing, rails, platforms, small shelters, concrete, etc. Additional office and storage units.	4,000	0
5240	UNIFORMS	Provides five (5) new sets of uniforms for employee per year. Basis cost of \$200.00 each. Approved protective safety shoes: \$100 (\$200) employee per year (potential of two pairs due to environment).	8,000	4,215
5250	SMALL TOOLS AND EQUIPMENT PURCHASE	Hand tools, drills, bits, files, small toolboxes, electrical equipment, and small maintenance tools < \$750.00 value.	3,000	1,127
5251	OFFICE EQUIPMENT	Filing cabinets, chairs, calculators, adding machines, office mats, shelves, printers, tables < \$750.00 value.	1,500	3,861
5252	LAB EQUIPMENT	Small equipment <\$750.00	2,000	101
5255	PLANT EQUIPMENT	Equipment used to maintain grounds/buildings	1,000	0
	<b>TOTAL CHEMICALS AND SUPPLIES</b>		<b>\$727,800</b> =====	<b>300,727</b>

**SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD**  
**F/Y 2017-2018 Budget Line Item Detail**

**OPERATING CONTINGENCY**

<u>ACCT. NO.</u>	<u>ACCOUNT TITLE</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	
4990	OPERATING CONTINGENCY		\$100,000	
4992	BANK FEES/PENALTIES	To be utilized as a supplement for any line items which are exceeded during the budget year. Status of this Fund to be reported to Board.	\$0	1,314
4995	TRANSFERS OUT	Transfer from Operations to R&R		500,000
TOTAL OPERATING CONTINGENCY			\$100,000	\$501,314

**OPERATING ASSETS**

<u>ACCT. NO.</u>	<u>ACCOUNT TITLE</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	
6400	OPERATING ASSETS	To be utilized for Plant Operations/Maintenance	\$15,000	(107)
			\$15,000	(107)

**ENGINEERING**

<u>ACCT. NO.</u>	<u>ACCOUNT TITLE</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	
3150	GENERAL		\$60,000	18,854
3162	PRE-TREATMENT		\$0	0
3163	THERMAL SCREENING	Scan every 2 years	\$4,000	0
TOTAL ENGINEERING			\$64,000	18,854
<b><u>GRAND TOTAL BUDGET:</u></b>			<b>6,543,382</b>	<b>\$3,102,804</b>

**SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD**  
**RECLAIM WATER OPERATIONS & MAINTENANCE BUDGET**  
**F/Y 2017-2018**

	2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
	ACTUAL	ACTUAL	BUDGET	YTD	PROPOSED BUDGET
PERSONNEL SERVICES	\$235,229	\$207,119	\$296,000	\$129,444	\$312,500
OPERATING EXPENSES:	717,712	704,393	868,000	378,730	871,000
SERVICES(Legal,hauling,contracts)	25,568	27,467	20,000	12,900	23,000
OPERATIONS/MAINTENANCE	441,753	445,905	486,000	228,685	476,000
CHEMICALS/SUPPLIES	250,391	231,021	362,000	137,145	372,000
TOTAL PERSONNEL AND OPERATING EXPENSES	952,941	911,512 0	1,164,000 0	508,174 0	1,183,500
OPERATING CONTINGENCY	0	0	0	0	0
OPERATING ASSETS	0	0	0	0	0
ENGINEERING	7,025	20,000	10,000	12,540	10,000
<b>TOTAL BUDGET</b>	<b>\$959,966</b>	<b>\$931,512</b>	<b>\$1,174,000</b>	<b>\$520,714</b>	<b>\$1,193,500</b>

ACCOUNT NO.	DESCRIPTION	2014-2015	2015-2016	2016-2017	2016-2017	2017-2018
		ACTUAL	ACTUAL	BUDGET	YTD	PROPOSED BUDGET
R 1212	REGULAR WAGES	\$235,229	\$207,119	\$296,000	\$129,444	\$312,500
R 31101	LEGAL	0	0	2,000	0	\$5,000
R 31502	ENGINEERING	7,025	20,000	10,000	12,540	\$10,000
R 32001	AUDIT	5,000	0	5,000	0	\$5,000
R 3402	TESTING	20,339	24,666	10,000	11,373	\$10,000
R 3406	METER CALIBRATION	229	2,801	3,000	1,527	\$3,000
R 4630	M&R GROUNDS	10,503	0	10,000	0	\$10,000
R 43000	FUEL FOR VEHICLES	1,598	0	5,000	0	\$0
R 4300	ELECTRICITY	382,140	364,204	425,000	183,671	\$425,000
R 45001	INSURANCE	32,000	32,000	32,000	32,000	\$32,000
R 46014	M & R EQUIPMENT	12,757	40,725	8,000	12,887	\$8,000
R 4640	M & R BUILDING	2,755	8,976	1,000	127	\$1,000
R 4902	LICENSES & PERMITS	0	0	0	0	\$0
R 5204	SUPPLIES LAB	11,645	16,461	12,000	8,173	\$12,000
R 52103	CHEMICALS	234,166	214,560	350,000	116,116	\$350,000
R 5225	DIESEL	4,580	0	5,000	12,856	\$10,000
<b>TOTAL BUDGET:</b>		<b>\$959,966</b>	<b>\$931,512</b>	<b>\$1,174,000</b>	<b>\$520,714</b>	<b>\$1,193,500</b>

**SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD**  
**F/Y 2017-2018 Reclaim Budget Line Item Detail**

<u>ACCT. NO.</u>	<u>ACCOUNT TITLE</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>	<u>YTD as of 03/31/2017</u>
R 1212	REGULAR WAGES	Reclaim charged (25%) work related to reclaim	312,500	129,444
R 31101	LEGAL	Attorney fees associated with reclaim	5,000	-
R 31502	ENGINEERING	Engineering fees	10,000	12,540
R 32001	AUDIT	Audit fees for reclaim	5,000	-
R 3402	TESTING	Costs associated for lab fee	10,000	11,373
R 3406	METER CALIBRATION	Calibration of transmitters, totalizers, recorders as required	3,000	1,527
R 4630	SERVICES - Ground	Cost incurred for maintenance of grounds associated with reclaim	10,000	-
R43000	FUEL FOR VEHICLES	Fuel for monitoring of reclaim & Golf Course service/meter reading	-	-
R 4300	ELECTRICITY	5,700,000 kwh * .075/kwh (kwh .075 avg)	425,000	183,671
R 45001	INSURANCE	Property liability package for reclaim covered under plant policy	32,000	32,000
R 46014	M & R EQUIPMENT	Annual repair items for reclaim pumps & equipment in-plant	8,000	12,887
R 4640	M & R BUILDINGS	Cost incurred for repair of reclaim buildings	1,000	127
R 5204	LAB SUPPLIES	Lab supplies consumed for testing required by FLDEP & NELAC Specific for Reclaim	12,000	8,173
R 52103	CHEMICALS	Sodium Hypochlorite -	350,000	116,116
	GF Line item=	52108 Sodium Hypo 12%. @ \$.64 Gal 520,000	-	
R 5225	DIESEL	Reclaim Generator	10,000	12,856
	<u>TOTAL BUDGET:</u>		<u>1,193,500</u>	<u>520,714</u>

R43000 FUEL FOR VEHICLES HAS HAD NO PURCHASES BECAUSE O&M BUYS FUEL FOR VEHICLES,  
BUDGET OF \$5,000 WAS ADDED TO DIESEL FOR RECLAIM GENERATOR

**Proposed Five Year Capital Improvement Plan Including Annual R&R  
FY 2017 - 2021**

Project Number	Project Name	Current Budget					5 Year Total
		FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	
CIP 16-001	Process Air Improvements	\$ 750,000	\$ 3,750,000	\$ -	\$ -	\$ -	\$ 4,500,000
CIP 17-001	Secondary Effluent Disp. Sys.	\$ -	\$ -	\$ 150,000	\$ 250,000	\$ 1,500,000	\$ 1,900,000
CIP 17-002	WIMS Program	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ 40,000
CIP 19-001	Biosolids On-Site Digestion	\$ -	\$ -	\$ -	\$ 100,000	\$ 100,000	\$ 200,000
CIP 18-001*	Upgrade Disinfection System	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ 200,000
CIP 18-002	Headworks Channel Restoration	\$ -	\$ 350,000	\$ -	\$ -	\$ -	\$ 350,000
CIP 16-002*	Financial Software Upgrade	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 150,000
CIP 17-002*	Effluent VFD Upgrades	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 150,000
CIP 21-001**	Other Improvements	\$ -	\$ -	\$ -	\$ -	\$ 960,000	\$ 960,000
<b>Sub-Total CIP</b>		\$ 1,250,000	\$ 4,140,000	\$ 150,000	\$ 350,000	\$ 1,600,000	\$ 8,450,000
R&R-001	R&R - Reclaim Equipment	\$ 50,000	\$ 160,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 610,000
R&R-002	R&R - Wastewater Equipment **	\$ 264,748	\$ 83,000	\$ 155,000	\$ 155,000	\$ 155,000	\$ 967,748
R&R-003	R&R Building & Grounds	\$ 45,000	\$ 57,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 282,000
R&R-004	R&R - Vehicle Replacements	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
R&R-005*	R&R - Other - Bar Screens	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ 500,000
<b>Sub-Total R&amp;R</b>		\$ 859,748	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 2,359,748

\* Any funds not spent at the end of FY 2016-17 will be requested to be added to FY 2017-18 budget via a budget amendment  
 \*\* To be determined once CIP 16-001 and CIP 17-001 are completed

\*\*\* Includes budget amendment amount - R&R Wastewater Equipment FY 2016/17

**Funding Requirements for Proposed Capital Improvements & Annual R&R**

Funding Type	Source	Current Budget					5 Year Total
		FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	
CIP	City of Boynton Beach	\$ 500,000	\$ 550,000	\$ 600,000	\$ 650,000	\$ 700,000	\$ 3,725,000
CIP	City of Delray Beach	\$ 500,000	\$ 550,000	\$ 600,000	\$ 650,000	\$ 700,000	\$ 3,725,000
CIP	Initial transfer from R&R	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000
<b>Sub-Total CIP Funding</b>		\$ 2,000,000	\$ 1,100,000	\$ 1,200,000	\$ 1,300,000	\$ 1,400,000	\$ 8,450,000
R&R	City of Boynton Beach - Flow	\$ 116,000	\$ 180,000	\$ 180,000	\$ 180,000	\$ 180,000	\$ 1,016,000
R&R	City of Delray Beach - Flow	\$ 84,000	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000	\$ 684,000
R&R	Budget Amendment	\$ 569,748	\$ -	\$ -	\$ -	\$ -	\$ 569,748
R&R	Budget to Balance	\$ 90,000	\$ -	\$ -	\$ -	\$ -	\$ 90,000
<b>Sub-Total R&amp;R Funding</b>		\$ 859,748	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 2,359,748



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

**PROPOSED RESOLUTION NO. 17-085** - Approve and authorize the City Manager to sign the agreement with JJ Kane for disposal of Vehicles / Equipment submitted by Public Works / Fleet Maintenance Department.

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**EXPLANATION OF REQUEST:**

Fleet Maintenance is submitting twenty one (21) items to be disposed at auction utilizing JJ Kane live auction, JJ Kane on-line auction and GovDeals.com. Allowing the City to sell surplus vehicles and equipment with various means eliminates Fleet Maintenance having to wait for months until the next JJ Kane local auction. These proceeds will generate revenue for the Fleet Maintenance Fund. Fleet Maintenance has verified that the vehicles are no longer of use and has completed all proper documentation for disposal. Public Works/Fleet Maintenance requests Commission's review, evaluation and approval to sell the surplus vehicles/equipment.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

The disposal of obsolete, damaged and surplus vehicles/equipment will remove the need to store the items around the Public Works Compound taking up valuable space and allow the Finance Department to remove the items from the City's fixed asset records.

**FISCAL IMPACT:** Budgeted The revenue generated from the sale of surplus vehicles/equipment will be placed in the Fleet Maintenance Fund and credited to the revenue account #501-0000-365-01-00. The funds are used for the future procurement of vehicles/equipment.

**ALTERNATIVES:** To hold public auction with staff which has been done in the past, but after expenses it was not in the best interest of the City.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**CONTRACTS**

**VENDOR NAME:** Various Vendors

**START DATE:**

**END DATE:**

**CONTRACT VALUE:**

**MINORITY OWNED CONTRACTOR?:** No

**EXTENSION AVAILABLE?:** No

**EXTENSION EXPLANATION:**

**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Resolution	Resolution approving Agreement with JJ Kane Auctioneers
<input type="checkbox"/> Attachment	Vehicle Surplus List
<input type="checkbox"/> Addendum	JJ Kane Authorization Letter
<input type="checkbox"/> Contract	JJ Kane Contract

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**RESOLUTION NO. R17-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF BOYNTON BEACH,  
FLORIDA, AUTHORIZING AND DIRECTING THE  
CITY MANAGER TO SIGN AN AGREEMENT  
BETWEEN THE CITY OF BOYNTON BEACH AND J.J.  
KANE ASSOCIATES INC., D/B/A J.J. KANE  
AUCTIONEERS FOR DISPOSAL OF VEHICLES AND  
EQUIPMENT SUBMITTED BY PUBLIC WORKS  
DEPARTMENT; AND PROVIDING AND EFFECTIVE  
DATE.**

14           **WHEREAS**, Fleet Maintenance has identified 21 items which are obsolete, damaged,  
15 surplus and no longer of use to the City; and

16           **WHEREAS**, auctioning these items will remove the need to store the items in and  
17 around the Public Works compound, taking up valuable space and will remove the items from  
18 the City's fixed asset records; and

19           **WHEREAS**, the City Commission of the City of Boynton Beach, Florida, upon  
20 recommendation of staff, has deemed it to be in the best interests of the citizens and residents  
21 of the City of Boynton Beach to enter into an Agreement between the City of Boynton Beach  
22 and J.J. Kane Associates, Inc., d/b/a J.J. Kane Auctioneers for the disposal of vehicles and  
23 equipment submitted by the Public Works and Fleet Maintenance Department.

24           **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF**  
25 **THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

26           **Section 1.**     The foregoing "Whereas" clauses are hereby ratified and confirmed  
27 as being true and correct and are hereby made a specific part of this Resolution upon adoption  
28 hereof.

29           **Section 2.**     The City Manager is hereby authorized to sign an Agreement between



30 the City of Boynton Beach and J.J. Kane Associates, Inc., d/b/a J.J. Kane Auctioneers for the  
31 disposal of vehicles and equipment submitted by the Public Works and Fleet Maintenance  
32 Department, a copy of which Agreement is attached hereto as Exhibit “A.”

33 **Section 3.** That this Resolution shall become effective immediately upon  
34 passage.

35 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

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CITY OF BOYNTON BEACH, FLORIDA

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YES NO

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Mayor – Steven B. Grant

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Vice Mayor – Justin Katz

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Commissioner – Mack McCray

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Commissioner – Christina L. Romelus

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Commissioner – Joe Casello

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VOTE

\_\_\_\_\_

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ATTEST:

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\_\_\_\_\_  
Judith A. Pyle, CMC

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City Clerk

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(Corporate Seal)

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## Vehicle Surplus List July 2017

Asset Number	Department	VIN #	Unit #	Vehicle			
				Type	Yr.	<a href="#">Known issues &amp; status on Decommissioned</a>	Original Cost
11951	Police	2G1WS57M091279132	4933	b/w Chevy Impala	2009	Overheats	\$ 20,251.00
11955	Police	2G1WS57M591280521	4929	b/w Chevy Impala	2009	Replaced per replacement schedule	\$ 20,251.00
12183	Police	2G1WS57M991313052	4959	b/w Chevy Impala	2009	Replaced per replacement schedule	\$ 20,251.00
11958	Police	2G1WS57MX91281986	4956	b/w Chevy Impala	2009	Replaced per replacement schedule	\$ 20,251.00
11944	Police	2G1WS57M091280006	4940	b/w Chevy Impala	2009	Replaced per replacement schedule	\$ 20,251.00
12905	Police	2G1WD5EM0A1192638	4005	b/w Chevy Impala	2009	Replaced per replacement schedule	\$ 20,198.00
9727	Police	2FAFP71WX6X102701	4606	b/w Ford Crown Vic	2006	Replaced per replacement schedule	\$ 23,077.00
10720	Police	2FAFP71W77X136838	4715	b/w Ford Crown Vic	2007	Replaced per replacement schedule	\$ 24,315.00
10726	Police	2FAFP71W07X138169	4721	b/w Ford Crown Vic	2007	Replaced per replacement schedule	\$ 24,315.00
10805	Police	2FAFP71W57X145313	4729	b/w Ford Crown Vic	2007	Replaced per replacement schedule	\$ 22,754.00
10714	Police	2FAFP71W87X136833	4710	b/w Ford Crown Vic	2007	Replaced per replacement schedule	\$ 25,025.00
10735	Police	2G1WB55K179261058	3701	Chevy Impala LS, Black	2007	Replaced per replacement schedule	\$ 17,653.00
12903	Police	2G1WA5EK7A1193261	3052	Chevy Impala LS, Black	2010	Engine runs poorly and traction control issues.	\$ 16,497.00
11912	Police	2G1WB57K391273839	3901	Chevy Impala LS, Silver	2009	Replaced per replacement schedule	\$ 15,926.00
10164	Police	2B3KA43G76H360071	3603	Dodge Charger, Blue	2006	Replaced per replacement schedule	\$ 24,973.00
11319	Fire	2G1WB58K081209075	852	Chevy Impala LS	2008	Transmission bad	\$ 15,926.00
5906	Fire	4P1CT02U9YA000872	881	Pierce Heavy Rescue	2000	Replaced per replacement schedule	\$ 244,285.00
11721	Utilities	1GCCS149488213651	15	Chevy Colorado	2008	Replaced per replacement schedule	\$ 11,558.00
11309	Utilities	1GNDU23W88D161435	723	Chevy Uplander Van	2008	Wrecked	\$ 15,009.00
6754	Utilities	A875B09680X	8118	Yale Forklift	2001	Fuel Leak, Non-operational	\$ 15,086.00
5644	Recreation	1HVBBNKN2NH388067	525	Blue Bird Bus	1992	Very Rusty	\$ 8,500.00

# ***The City of Boynton Beach***

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*P.O. Box 310  
Boynton Beach, Florida 33425-0310  
PUBLIC WORKS DEPARTMENT  
PHONE: (561) 742-6200  
FAX: (561) 742-6211  
[www.boynton-beach.org](http://www.boynton-beach.org)*

August 4, 2017

To Whom It May Concern:

The City of Boynton Beach gives J.J. Kane Auctioneers authorization to sell vehicles and/or equipment owned by The City of Boynton Beach at your auction sales conducted during calendar years 2017 and 2018 in the United States.

Sincerely,

Lori LaVerriere



Walter Gillis, Account Manager  
1235 12<sup>th</sup> Ct  
Jupiter, FL 33477  
Mobile (772) 418-0188  
Fax (772) 382-0782

Contact: Lori LaVerriere  
Company Name: The City of Boynton Beach  
Express Mail Address (No P.O. Boxes): 222 NE 9<sup>th</sup> Ave  
City: Boynton Beach  
State: FL  
Zip: 33435  
Phone: 561-742-6202  
Fax: 561-742-6217  
Email: robertsc@bbfl.us

This agreement made the 3<sup>rd</sup> day of May 2017, between The City of Boynton Beach (hereinafter called "Seller") and J.J. Kane Associates Inc / trade name J.J. Kane Auctioneers (hereinafter called "Auctioneer", acting as agent for "Seller"). It is agreed as follows:

1) Time Frame

- a) The Seller hereby engages the Auctioneer to sell at public absolute auction sale, the property identified by the seller excluding chemicals, hazardous and/or environmentally unsafe equipment/material unless mutually written upon between Seller and Auctioneer.
  - i) The Seller chooses to participate starting on the date of the agreement for a period of one (1) year.
  - ii) This agreement shall cover auction sales conducted in the United States at JJ Kane and other facilities.
  - iii) The Seller shall be responsible for clean-up/disposal of petroleum products/chemical spills coming from Seller property/auction items that are offered for sale during this agreement. The prompt and proper clean-up of any spills, leaks or other releases of petroleum or chemical substances and materials will be preformed following Federal, State and Provincial regulations. Auctioneer on certain occasions where a spill has occurred, notification to certain Federal, State and Provincial agencies may be required. Seller shall be responsible for all costs resulting in the clean-up of any spills/leaks or other releases of petroleum or chemical spills in accordance with any Applicable Laws. All clean-up/proper disposal costs will be billed back to the Seller and deducted from Seller sale proceeds. If said proceeds shall not cover the cost of spill cleanup/disposal, Seller will be billed the difference and Auctioneer shall be paid within 10 business days of dated invoice. The obligations set forth in this Article shall survive termination or expiration of this Agreement.

2) Auction Company Personnel

- a) Auctioneer shall provide all necessary auctioneers, accountants, clerks and office staff required to achieve the efficient and orderly performance of the auction sale. The Auctioneer shall employ qualified personnel to perform these jobs and shall perform this engagement in a professional and skilled manner in accordance with all applicable, federal, state and local laws and regulations.

3) As-Is & Where-Is Auction Sales

- a) The property/auction items will be offered for sale individually, or in the case of small miscellaneous items sold in lots as determined by the Auctioneer. The property/auction items will be sold on an "As-Is Where-Is" basis without any warranties of any kind expressed or implied.
- b) Seller agrees to disclose to Auctioneer any known defects or faults with property/auction items prior to the auction sale.

- 4) Marketable Title
- a) The Seller specifically warrants they are the owner of and have marketable title to all of the property, free and clear from any liens, debts or encumbrances except as noted. The Seller further warrants that there are no judgments or liens against it and that there are no pending legal actions, claims or proceedings whatsoever which in any way would hinder, prevent or otherwise affect its right or ability to sell the property at auction sale.
  - b) Seller agrees to deliver on request any documents, certificates, proof of ownership or titles, which would be required to deliver title to the property.
  - c) In the case that there is a delay in the new purchaser receiving a clear title for any vehicle or trailer sold for the Seller, the net proceeds from the sale will be held, until a free and clear title is received by the purchaser, or at the discretion of the Auctioneer, that item would be pulled from the auction sale and remain the Sellers property.
  - d) If Seller is a motor vehicle dealer, list dealer state & dealer number: \_\_\_\_\_

- 5) Titles On-Site
- a) The Seller agrees to have all signed titles, a letter of authorization to sell your vehicles and any other related paperwork (seller specific bills of sale), either in my hands by \_30 days prior to sale dates\_\_ or hand delivered to the sale site by \_7 days prior to sale date\_.
  - b) To comply with motor vehicle rules and so new purchasers may transfer ownership with minimal problems, a letter of authorization needs to be on your company letterhead and must accompany all titles. Below is a sample letter:

To Whom It May Concern:

ABC Construction Company gives J.J. Kane Auctioneers authorization to sell vehicles and/or equipment owned by ABC Construction Company at your auction sales conducted during calendar year 2017 in the United States.

Sincerely

Your Name  
Signature

- 6) Delivery Of Auction Items
- a) The Seller agrees to have said property/auction items delivered to the sale site starting \_30 days prior to sale date\_\_ and no later than \_7 days prior to sale date\_\_. Items must be delivered in running condition (except when noted) with adequate fuel levels and a duplicate set of keys.
- 7) Insurance Coverage
- a) The Seller agrees to maintain proper insurance coverage on the property/auction items being sold until the day of the auction sale.
  - b) The Auctioneer and owner of the sale site property will not be responsible for any damages to property/auction items resulting from acts of nature, theft, accident and/or vandalism while Sellers property is on the sale site.
  - c) Auctioneer shall be responsible for loss or damage to Sellers property/auction items due to Auctioneers willful or negligent acts or omissions.
- 8) Commission
- a) The Seller agrees to pay the Auctioneer a commission rate of \_0\_ percent on the gross selling price of every item identified by the Seller.
  - b) The Seller agrees that Auctioneer will charge a 10 percent fee to the buyer for each item sold.
  - c) The Seller agrees when applicable, that the Auctioneer may deduct its commission from the proceeds of the auction sale.

- 9) No Sales
- a) In the event that a successful bidder attending the auction sale or bidding live over the internet fails to pay for an item for which he is designated to be the high bidder, that property/auction item would be considered a “No Sale” and no commission would be charged on that item and the Seller would retain ownership of said item.
- 10) Reimbursed Expenses
- a) If applicable and pre-approved, the Seller agrees that the Auctioneer may deduct the exact cost for any additional services that Auctioneer provides Seller from the proceeds of the auction sale.
    - (1) Advertising \_\_\_N/A\_\_\_
    - (2) Decommissioning & Washing \_\_\_N/A\_\_\_
    - (3) Repairs \_\_\_N/A\_\_\_
    - (4) Transportation To Sale Site \_\_\_Cost \_\_\_
    - (5) Other \_\_\_N/A\_\_\_
- 11) Payout
- a) Auctioneer will charge and collect from the purchaser, the purchase price together with all applicable taxes. Auctioneer will collect payment in full from the purchaser, prior to any property being removed. Seller shall be responsible for the payment of all income taxes accruing to Seller for revenue received from the sale of property.
  - b) The Auctioneer agrees to pay the Seller the net proceeds from the auction sale 14 business days following the auction sale. Auctioneer shall mail a written report to Seller listing items sold and an amount equal to \_\_\_100\_\_\_ percent of the gross selling price of the property sold at auction, as outlined under section (8) and less any approved expenses as outlined under section (10), in the form of a check made payable or electronic transfer to the Seller. Proof of all approved expenses will be provided with the payout.
    - (1) Proceeds check will be made payable and mailed to the same name and address as it appears on page 1 of this contract unless otherwise listed:  

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- 12) Absolute Unreserved Auction Sales
- a) The Seller understands that the Auctioneer conducts absolute unreserved public auction sales where each item is sold to the highest bidder regardless of price.
  - b) Furthermore, the Seller understands/agrees that it is illegal for the Seller or an agent of the Seller to bid on and/or buy-back any items owned by the Seller.
  - c) If the Seller or agent for the Seller attempts to bid on and/or buy back any of the consigned property/auction items, the Auctioneer will at his discretion choose one of the following actions:
    - (1) Pass the item currently being offered for sale along with all the other Seller’s property/auction items.
    - (2) Sell the item to the last “Good Faith” bidder before the Seller or agent for the Seller began bidding on the property/auction item.
  - d) The Seller agrees that it will reimburse Auctioneer for any lost revenue, including seller’s commission, buyer’s fee and/or any pre-approved reimbursed expenses if a “Buy Back” takes place.
- 13) Advertised Items
- a) At the Auctioneers discretion, in the event that the Seller removes any advertised property/auction item from the auction sale, Seller agrees to pay the Auctioneer a handling fee of \$500.00 for each item removed from the sale.

14) Breach Of Contract

a) In the event either party breaches any of the warranties contained herein or makes any misrepresentation, that party agrees to indemnify and hold the other party harmless from any and all liabilities or damages arising out of or relating to such breach or misrepresentation, including attorney's fees and other costs expended in any action or proceeding arising out of or relating to the breach or misrepresentation.

15) Entire Agreement

- a) This Agreement contains the entire agreement between the parties and there are no other terms, obligations or representations, written or oral, other than contained in this agreement. This agreement may be modified only by a further writing that is duly executed by both parties.
- b) Headings used in this agreement are provided for convenience only and shall not be used to construe meaning or intent.

16) The following section shall apply to the following vehicle mounted aerial devices (Hereinafter referred to as "aerial device"):

- a. Extensible boom aerial devices; and
- b. Aerial Ladders; and
- c. Articulating boom aerial devices; and
- d. Vertical towers; and
- e. A combination of any of the above. The vehicle may be a truck, a trailer, or an all-terrain vehicle.

It shall be the sole and exclusive responsibility of Seller to provide Auctioneer with the operations, maintenance and manufacturer's manual(s) for each aerial device to be auctioned by Auctioneer. Seller acknowledges and agrees that their responsibility to provide all operations, maintenance and manufacturer's manual(s) shall continue in perpetuity even though Auctioneer is selling said items for the Seller. In the event Seller does not provide all operations, maintenance and manufacturer's manual(s) to Auctioneer, Auctioneer shall, in its own discretion, refuse to auction any aerial device until such time as the operations, maintenance and manufacture's manual(s) are provided from Seller to Auctioneer. Auctioneer may notify Seller of the name and location of the successful purchaser within a reasonable time upon completion of the sale. Seller hereby acknowledges its responsibilities in accordance with American National Standards Institute A 92.2-2009 in full and most specifically section 8.7 therein.

17) Disputes.

a) Any disputes that arise between the parties with respect to the performance of this Contract, which cannot be resolved through negotiations, shall be submitted to a court of competent jurisdiction in Palm Beach County, Florida. This Contract shall be construed under Florida Law.

18) Retention of Records.

a) City shall have the right to audit the books, records, and accounts of Association that are related to the Project. Association shall keep such books, records, and accounts as may be necessary in order to record complete and correct entries related to the Event.

b) Association shall preserve and make available, at reasonable times for examination and audit by the City, all financial records, supporting documents, statistical records, and any other documents pertinent to this Agreement for the required retention period of the

Florida Public Records Act (Chapter 119, Florida Statutes), if applicable, or, if the Florida Public Records Act is not applicable, for a minimum period of three (3) years after termination of this Agreement. If any audit has been initiated and audit findings have not been resolved at the end of the retention period or three (3) years, whichever is longer, the books, records, and accounts shall be retained until resolution of the audit findings. If the Florida Public Records Act is determined to be applicable to the Association's records, the Association shall comply with all requirements thereof; however, no confidentiality or non-disclosure requirement of either federal or state law shall be violated.

Seller hereby accepts all of the terms and conditions set forth above.

J.J. Kane Auctioneers

The City of Boynton Beach

Contact: Walter Gillis

Contact: Lori LaVerriere

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

**Please FAX back:**

**1) signed contract**

**2) "the Statement requested in Item # 5 (and also prepared on the following, 5<sup>th</sup>, page),  
printed on your Company Letterhead and signed"**

**To: Walter Gillis, FAX (772-382-0782)**



Date: 05-03-17

To Whom It May Concern:

The City of Boynton Beach gives J.J. Kane Auctioneers authorization to sell vehicles and/or equipment owned by The City of Boynton Beach at your auction sales conducted during calendar years 2017 in the United States.

Sincerely,

Lori LaVerriere



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

Approve increase of Purchase Order 170573 issued to Hyvac Mechanical Services in the amount of \$12,840.00 for ac preventive maintenance services for EWTP, WWTP, & ADMIN BLDG. This contract expires on October 08, 2017.

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**EXPLANATION OF REQUEST:**

Boynton Beach (Utilities) utilizes Hyvac Mechanical Services for the provision of AC preventive maintenance services for EWTP, WWTP, & ADMIN BLDG. The need for additional unseen emergency repairs of AC unit in the plants has resulted in additional invoices exceeding the \$25,000 limit. Many of the equipment located at the plants are extremely expensive and need constant cooling in order to function correctly therefore if a unit is not working correctly an emergency repair is needed to prevent an overall greater problem with malfunction of the equipment that runs the plants.

To date for FY 16/17, expenditures for these services total \$26,480.00. Utilities recommend approving the increase for Purchase Order 170573 in the amount of \$2,000 to meet the needs of Utilities AC preventive maintenance through the end of FY 16/17.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

Approval for increase amount of Purchase Order 170573 will allow for uninterrupted Preventive Maintenance for Utilities three(3) locations.

**FISCAL IMPACT:** Non-budgeted

Non-budgeted

Impacted accounts: 401-2811-536-49-17; 401-2821-536-49-17.

**ALTERNATIVES:**

None. A lack of coverage will negatively impact the operation of the West Water Treatment Plant, East Water Treatment Plant and Main Administration Building.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?**

**Grant Amount:**

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**REVIEWERS:**

Department	Reviewer	Action	Date
Utilities	Groff, Colin	Approved	8/17/2017 - 4:21 PM
Assistant City Manager	Groff, Colin	Approved	8/31/2017 - 7:38 AM
City Manager	LaVerriere, Lori	Approved	8/31/2017 - 8:18 AM



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** Approve the purchase of two (2) used 2012 Toro GR3300 tri-flex greens mowers at \$15,000 per mower from WW Sod & Equipment Company of Okeechobee, FL. based on three written quotes.

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**EXPLANATION OF REQUEST:**

These mowers are to be used strictly for the newly installed championship greens to prevent cross contamination from the grass on the family golf course. The City just completed finishing a project that resurfaced the championship course putting surfaces, including the practice putting green, chipping green and the teaching green.

As part of this project staff felt there was a need to update the mowers that are used on the greens. Staff looked at buying new Toro mowers off a State of Florida contract (#21100000-15-1) and the pricing was approximately \$26,000 per mower. After researching the option of purchasing used Toro mowers, staff has located two (2) Toro mowers with low hours on them for \$15,000 each.

Staff found other vendors with similar used mowers and the cost was between \$17,000 and \$19,000 each. Staff is recommending purchasing the 2 mowers from WW Sod & Equipment for \$15,000 based on the 3 quotes they obtained for used mowers. This will give them two mowers for the cost of \$30,000 versus one new one for \$26,000.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** These mowers will help provide a more consistent putting surface for our customers to play golf on.

**FISCAL IMPACT:** Budgeted

Funds are included in the FY 16/17 budget under account # 411-2911-572-63-01

**ALTERNATIVES:**

Either issue a formal bid and purchase new but based on State of Florida pricing staff feels it would be approximately double the costs or staff would have to use existing equipment (walk mowers) which would be labor intensive and less efficient.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Quotes	Toro Tri-Flex mower quotes
<input type="checkbox"/> Addendum	Purchase over \$10,000

**REVIEWERS:**

Department	Reviewer	Action	Date
Golf Course	Pyle, Judith	Approved	8/14/2017 - 1:39 PM
Assistant City Manager	Groff, Colin	Approved	8/15/2017 - 12:34 PM
Finance	Howard, Tim	Approved	9/1/2017 - 9:30 AM
Legal	Swanson, Lynn	Approved	9/1/2017 - 10:35 AM
City Manager	LaVerriere, Lori	Approved	9/1/2017 - 1:43 PM

# WW SOD & EQUIPMENT CO

6201 SE 128TH AVE  
Okeechobee, FL 34974

561-662-1936

**QUOTE**

## Customer

Name The Links at Boynton Beach Glen Landgraf  
Address PO Box 310  
City Boynton Beach State FL ZIP 33425  
Phone

## Misc

Date 8/10/2017  
Order No.  
Rep  
FOB

Qty	Description	Unit Price	TOTAL
2	Used 2012 Toro GR3300 Tri-flex mower w/ 11 Blade DPA Reels 681 & hrs 1261	\$ 15,000.00	\$ 30,000.00
	* Machines are serviced, ground and set for height of cut *		
	* AS IS WHERE IS NO WARRANTY *		

Quote valid 30 days

## Payment

Select One...

Tax Rate(s)

SubTotal	\$ 30,000.00
Shipping	EXEMPT
<b>TOTAL</b>	<b>\$ 30,000.00</b>

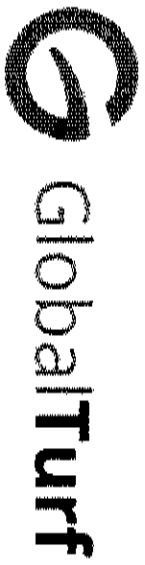
## Comments

Name

CC #

Expires

*We appreciate your Business!*



ABOUT US

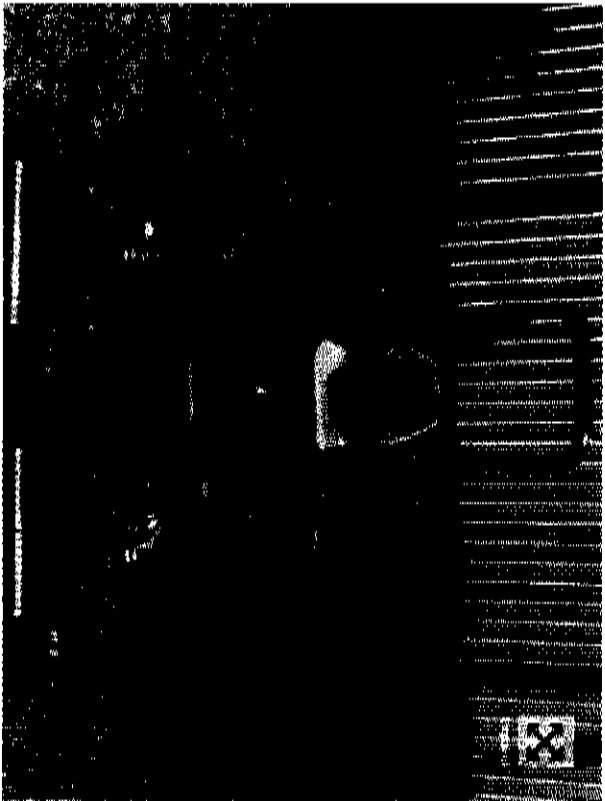
BROWSE INVENTORY

RESOURCES

FINANCING

CONTACT US

SEARCH INVENTORY



## Toro Greens Master Triflex 3300 Gas 3WD

Tag #: 8613

Year: 2012

Hours: 2088

Specs: 3WD; 8-blade DPA reels; ROPS; lights; grass catchers

PRICE: \$17,500.00

FOR SALES CALL +1(302)588-3992



ASK A QUEST ON



SHARE BY EMAIL



PRINT/SAVE PDF



SERVICE/WARRANTY  
PROCESS





**THE LEADER IN EQUIPMENT AND PARTS  
FOR THE GOLF AND TURF INDUSTRY**

**WWW.CUTTERONLINE.COM 800.596.8873**

## Greens Mowers



**TORO GR3050**  
1270 Hours!! DPA'S!  
Priced at \$6,900



**2012 TORO GR3300**  
TRIFLEX - 1771 hours!  
Priced at \$19,900



**2013 TORO GR3320**  
TRIFLEX 14-blade reels!  
Priced at 19,900



**2012 TORO GR3150Q**  
1773 hours! - 3 available.  
Priced at \$17,500



**2009 TORO GR3250-D**  
Only 1581 hours! With Baskets!  
Priced at \$15,900



**2010 TORO GR3150Q**  
11-blade reels! Clean!  
Priced at \$10,900



**2009 JACOBSEN GK-IV+**  
1650 hours - CLEAN!  
Priced at \$12,900



**2012 JOHN DEERE 2500B**  
1080 hours! QAS Head!  
Priced at \$14,900



**2010 JOHN DEERE 2500E Gas** - QAS Reels!  
- Clean! Priced at \$9,900



**2010 DEERE 2500E**  
Diesel - 930 hours!  
Priced at \$15,900



**2006 JOHN DEERE WALKERS 4** av.  
Priced at \$1,900

## Sprayers Rollers & Rakes



**2010 TORO MP5700D**  
1861 hours! 300 Gallon!  
Priced at \$28,900



**CUSHMAN SPRAYER**  
300 Gallon - Diesel!  
Priced at \$9,995



**2012 TORO MP1250 SPRAYER**  
1274 hours! 175 Gallon!  
Priced at \$18,900



**TRU-TURF ROLLER**  
52" with Honda Engine!  
Priced at \$7,900



**2012 TORO SP3040 BUNKER RAKE** Front Blade - Rear Rakes!  
Priced at \$9,900



**TORO WORKMAN SPRAYER 200** Gallon - NICE!  
Priced at \$18,900



**TORO SANDPRO 3020**  
Blade - Cultivator - Rakes!  
Priced at \$3,900



**2011 TORO 5040 RAKE**  
Rakes - Power Blade!  
Priced at \$11,900



**2008 TORO MP1250 SPRAYER** Many Options!  
Priced at \$11,900

## Vehicles



**2014 TORO MDX**  
NICE!  
Priced at \$6,495



**2013 TORO WORKMAN HDX**  
1600 HOURS - CLEAN!  
Priced at \$15,900



**2009 TORO WORKMAN HDX**  
2050 hours! - L/Q Cooled!  
Priced at \$13,900



**2011 CLUB CAR TURF2**  
Mid Duty! 2 available!  
Priced at \$4,595



**2013 POLARIS BRUTUS HD** Very low hours!  
Priced at \$21,999



**2013 CLUB CAR**  
Several Available!  
Priced at \$5,495



**DEERE PROGATOR 2030A**  
Diesel! 1600 hours!  
Priced at \$14,900



**2011 EZGO 800G**  
Mid Duty! Nice!  
Priced at \$3,995



**2014 TORO WORKMAN MD**  
955 hours - 2 Avail!  
Priced at \$5,995



**2010 TORO MD WORKMANS**  
1300 hours - Priced at \$4,495



**2010 CUSHMAN TRUCKSTER 1400**  
ROPS Priced at \$1,900

**WE OFFER A WIDE RANGE OF**

**GREENS MOWERS · ROTARY & TRIM MOWERS · SPRAYERS ROLLERS & RAKES · FAIRWAY MOWERS**

**1-800-596-8873**

Call 1-800-596-8873 or sales@cutteronline.com 3710 Progress Street, Canton, OH 44705







# CITY OF BOYNTON BEACH

## REQUEST FOR PURCHASE OVER \$10,000

Date: 8/14/2017

Requesting Department: Golf Course Contact Person: Ron Tapper

**Explanation for Purchase:**

The equipment being purchased is needed for maintenance of the new TifEagle greens recently installed on the Championship Course. The 2 used Toro GR3300 Tri-Flex mowers are for use on the Championship Course only to avoid cross-contamination from the grass on the Family Course.

Recommended Vendor WW Sod & Equipment Co

Dollar Amount of Purchase \$30,000

**Source for Purchase (check and attach backup materials):**

Three Written Quotations	<input checked="" type="checkbox"/>	GSA	<input type="checkbox"/>
State Contract	<input type="checkbox"/>	PRIDE/RESPECT	<input type="checkbox"/>
SNAPS	<input type="checkbox"/>	Sole Source	<input type="checkbox"/>
Piggy-Back	<input type="checkbox"/>	Budgeted Item	<input type="checkbox"/>
Emergency Purchase	<input type="checkbox"/>	Other	<input type="checkbox"/>

Contract Number: \_\_\_\_\_

NOTE: Pricing proposal for purchase must be presented in the same detail contained within the contract.

**Fund Source for Purchase:**

411-2911-572-63-01 - Funds are from balance remaining from new greens project (GF1701)

**Approvals:**

Department Head	<u>Ron Tapper</u>	Date	<u>8/14/2017</u>
Purchasing Agent	_____	Date	_____
Asst City Manager	_____	Date	_____
City Manager	_____	Date	_____



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** Authorize the City Manager to approve change orders 1 and 2 from Con Tech Building Corporation of Delray Beach, FL, in the amount of \$15,220 and an additional contingency of \$1,522 for unforeseen conditions discovered while the contractor was implementing bridge repairs. This increases the total estimated costs from \$51,256 to \$67,998.

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### EXPLANATION OF REQUEST:

Each year the Florida Department of Transportation inspects each of the City maintained bridges and offers the City a report that details findings and recommendations for deficiency corrections.

On June 6, 2017 approved resolution R17-055 authorizing the City Manager to sign the proposal from Con Tech, the lowest responsible bidder, to address FDOT's repair recommendations in the amount of \$46,596 plus a 10% contingency of \$4,660 for a total estimated cost of \$51,256.

Upon initiating repairs to the bridges on South Lake Drive and Mission Hill Road, Con Tech found that concrete spall was present in more areas than was documented in the FDOT reports. Con Tech recommends the additional repairs, covered by these two change orders, to address concrete spall. Spall is caused when water infiltrates into concrete, chemically reacts with the iron in the rebar reinforcement and causes the rebar to rust. As the rust expands it causes the concrete, encasing it, to flake off in pieces.

When spall occurs, it is not immediately obvious as it may take time for the rusting rebar to cause pieces of concrete to fall from the structure. Therefore the limits of spall repair are best identified during the repair process.

### HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?

The repairs will extend the useful service life of the bridges. These two bridges were installed in the 1950's and are nearing the end of their service life. A bridge replacement program (to replace a 50+ year old bridge each year for 7 years) has been scheduled and budgeted beginning in 2021/2022, in the City's upcoming proposed Capital Plan. This repair work could extend bridge life beyond this date if the work is successful.

### FISCAL IMPACT: Non-budgeted

This project is budgeted. The revised proposal cost is \$67,498 and shall be funded from the Bridge Repair – Maintenance and Improvements component of the City's FY 2016/17 Capital Improvement Plan, Project Number: TR0903 (street maintenance).

Original Proposal Amount	\$46,096.00
Original Contingency	\$ 4,660.00
Change Order No. 1	\$ 7,735.00
Change Order No. 2	\$ 7,485.00
Additional Contingency	\$ <u>1,522.00</u>
Total Revised Proposal	\$67,498.00

**ALTERNATIVES:**

Defer the repair of some of the bridges to a future year (not recommended) or consider replacing the City's bridges starting in 2018/2019.

**STRATEGIC PLAN:****STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

Type		Description
<input type="checkbox"/>	Addendum	Change Order No. 1
<input type="checkbox"/>	Addendum	Change Order No. 2
<input type="checkbox"/>	Attachment	Reso R17-055





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**RESOLUTION NO. R17-055**

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**A RESOLUTION OF THE CITY OF BOYNTON BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN A PROPOSAL FROM CON TECH BUILDING CORP., IN THE AMOUNT OF \$46,596, PLUS A 10% CONTINGENCY OF \$4,660, FOR A TOTAL ESTIMATED COST OF \$51,256 FOR THE PURPOSE OF COMPLETING BRIDGE REPAIRS THAT WERE RECOMMENDED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS,** each year the Florida Department of Transportation inspects each of the City maintained bridges and offers a report that details findings and recommendations for deficiency corrections; and

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**WHEREAS,** the work scheduled to take place on the bridges includes recommendations from the FDOT's August 2015 and August 2016 reports; and

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**WHEREAS,** staff obtained three quotes regarding the needed bridge repairs and has chosen the lowest responsible quote which was Con Tech Building Corporation in the amount of \$46,596; and

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**WHEREAS,** staff is recommending that the City Commission approve and authorize the City Manager to sign the proposal from Con Tech Building Corporation in the amount of \$46,596, plus a 10% contingency of \$4,660 for a total estimated cost of \$51,256 for the purpose of completing bridge repairs that were recommended by the Florida Department of Transportation.

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**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

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Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The City Commission of the City of Boynton Beach, Florida does hereby approve and authorize the City Manager to sign a proposal from Con Tech Building Corporation in the amount of \$46,596, plus a 10% contingency of \$4,660 for a total estimated cost of \$51,256 for the purpose of completing bridge repairs that were recommended by the Florida Department of Transportation, a copy of which is attached hereto as Exhibit "A".

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

PASSED AND ADOPTED this 6th day of June, 2017.


## CITY OF BOYNTON BEACH, FLORIDA

YES NO

Mayor – Steven B. Grant

Vice Mayor – Justin Katz

Commissioner – Mack McCray



Commissioner – Christina L. Romelus



Commissioner – Joe Casello

VOTE

50

ATTEST:

  
Judith A. Pyle, CMC  
City Clerk

(Corporate Seal)





B17-055

## ***Building Corp.***

3822 S. Lancewood Pl. Delray Beach, Fl. 33445 Phone 561-637-2222 Fax: 561-865-7047  
Email: [bbrewer@ct-bc.com](mailto:bbrewer@ct-bc.com) Web: [www.ct-bc.com](http://www.ct-bc.com)  
Florida license # CGC-062808

Thursday, June 1, 2017

### **Project Information**

**Attn: Gary Dunmyer**  
**City of Boynton Beach**

**Contact- Gary Dunmyer**  
**Cell # - 631-1813**  
**Office # -**  
**Fax # - [dunmyerg@bbfl.us](mailto:dunmyerg@bbfl.us)**

**Re: Bridges Concrete Repair**

## **STRUCTURAL REPAIR PROPOSAL**

**We are pleased to propose furnishing all labor, equipment, supervision and material for the execution of the following scope of work as per on-site inspection.**

**We believe that the items below are in accordance with your requirements and I hope that this proposal is viewed favorably. We are available to you at any time to assist you with this or with any other construction needs that you may have.**

### **1. SCOPE:**

Remove all unsound or delaminated concrete, providing a minimum 1/4" substrate profile amplitude and 3/4" clearance behind corroded reinforcing steel. A bond scrub coat will be applied to all repair areas, prior to the application of the structural repair mortars. Prior to starting the placing of concrete, the entire area will be cleaned with water, to a super saturated condition. After placing of any repair concrete, a coat of curing agent will be applied. Corroded reinforcing steel will have all oxidation and scale removed from the exposed steel and then treated with a flexible cementitious rebar coating.

Vertical repairs will generally be done with shrinkage-compensated, fiber-reinforced structural repair mortar with integral corrosion inhibitor.

Horizontal repairs and most formed repairs, from 1" to 8" deep will generally be done with a flowable, shrinkage-compensated structural repair concrete with integral corrosion inhibitor.

Con Tech uses Sika, Sto, Sonneborn and Master Builders repair products. All brands are nationally recognized and are the best available. The Engineer and/or the owner will determine the actual brand used.



2. **CONTRACT SUM:**

**\$46,596.00**

**Refer to itemized bridge estimate sheets**

Note: Final cost will be based on actual quantities repaired or replaced.

3. **ALTERNATES:** *None at this time.*

4. **VALUE ENGINEERING:** *None at this time.*

5. **MISCELLANEOUS:**

- A. Debris removal to contractor's debris container.
- B. Owner shall supply all utilities.
- C. Tile, carpeting, floor covering, and landscaping and interior finish/replacement will be by others.
- D. A Notice of Commencement must be received by Con Tech before any work is started. Work may be suspended if payments are not received on time. Invoice payment is due in full, according to contract terms. If a lien needs to be placed on the property because of unpaid balances, a minimum of a \$2,500 administration charge will be added to the lien amount.
- E. Heavy equipment (cranes, concrete trucks, helicopters, etc.) may be used. Con Tech will not be responsible for damage to existing sidewalks, driveways, landscaping, etc. because of equipment weight.
- F. All work is bid as per prints and specs. Code issue changes will be treated as an additional work order. Any work necessary to be performed, due to misc. findings, upon demolition or excavation, (i.e. plumbing, electrical, mechanical, rock, water, dewatering, hazardous materials, etc.) not delineated herein, shall be in addition to the contract sum.
- G. A minimum repair charge will be charged on all repairs (1 cf, 1 lf, 1 sf).
- H. Misc. carpentry, concrete work and painting will be billed out at \$42.00 per hour, plus material at cost plus 15%.
- I. This proposal including scope of work becomes part of the general contract.
- J. Should the scope of the project increase substantially in size, then the costs of the increased general conditions shall be included in the increased scope.
- K. Any special order material requiring deposits by the manufacturer or supplier will be paid by the Customer before the product is ordered
- L. All impact and municipal fees, utility fees/deposits, connection charges, meters, electrical service upgrade, permits, expediting, engineering, bond costs, security, surveys, testing, x-rays and inspection costs, if necessary, shall be Owner expenses.
- M. In the event of a hurricane warning or watch, the securing of the jobsite will become an extra expense to the owner. This includes dumpster removal, scaffolding tear down, securing material and temporary board up of the property.
- N. In the event that Con Tech initiates legal proceedings in order to enforce the collection of any unpaid sums due under this contract or any other breach by Client, the prevailing party shall be entitled to an award of its reasonable attorney fees and costs, which shall include all attorney fees and costs incurred pursuant to any appeal or bankruptcy proceeding. The venue and jurisdiction for any such legal action under this contract shall be exclusively Palm Beach County, Florida

6. **PROJECT DURATION:**

This project should be substantially complete within ( **45** ) working days from commencement of actual construction, subject to the availability of and delivery of any materials and/or fabricated items, permits and inspections.

7. **PAYMENT TERMS:**

A 25% down payment is required at contract signing. All projects are billed out on the 15<sup>th</sup> and at the end of the month and are due within 7 days. A 1.5% monthly service charge will be applied on all invoice payments exceeding contract terms.

8. **COMMENCEMENT:**

Within 30 days of receipt of the building permit.

*Thank you for giving Con Tech the opportunity to be of service to you.*

*To view projects in progress or to learn more about us and the services we provide,  
please visit our web site at [www.ct-bc.com](http://www.ct-bc.com)*

Sincerely,

*Bob Brewer*

Bob Brewer  
President

**Acceptance of Proposal**

The above prices and specifications are hereby accepted. You are authorized to do the work as specified, payment will be made as outlined above.

Authorized Signature *L. J. L. Vener* Date 6/9/17  
Proposal valid for 30 days.

APPROVED AS TO FORM:

*[Signature]*  
CITY ATTORNEY



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** Approve award of the bid for "Newspaper Microfilming and Digitization Services", Bid No. 059-2610-17/IT to Northern Micrographics of La Crosse, WI to conduct microfilming and digitization with OCR (Optical Character Recognition) indexing of the Lake Worth Herald newspaper from 1912 to 1970 in the amount of \$36,794.70 plus a contingency of \$3,679.47 for additional expenses if staff determines they are needed for a total of \$40,474.17.

---

**EXPLANATION OF REQUEST:**

On August 21, 2017, Procurement Services opened one bid in response to the Request for Bid Newspaper Microfilming and Digitization Services. Bidders were directed to provide pricing for all equipment, labor, tools, materials supplies and shipping charges for microfilming and scanning approximately 31,985 newspaper pages. Northern Micrographics submitted the lowest, most responsive, responsible bid with a cost per pricing for all equipment, labor, tools, materials supplies and shipping charges for microfilming and scanning approximately 31,985 newspaper pages is \$36,794.70.

The other two vendors declined to bid based on one did not possess the requisite ResCarta experience and the other one did not possess necessary equipment to perform this specialized work.

Based on the interest from vendors throughout the procurement process, Finance/Procurement is recommending to proceed with the one vendor that submitted a bid.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

Saving this local historical information in this format will provide free access for current and future generations with important historical information about Boynton Beach and the surrounding areas back to 1912.

**FISCAL IMPACT:** Budgeted

The Boynton Beach City Library was awarded a \$35,000 Library and Services Technology Grant (LSTA) from the Federal Government through the Florida State Library. Any costs in excess of what is covered by the LSTA grant will be paid from donations from the Lake Worth Public Library, the Lake Worth Herald and the Library donation account.

**ALTERNATIVES:** Do not approve bid award.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** Yes

**Grant Amount:** \$35,000

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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Attachment	Bid Tabulation
<input type="checkbox"/> Attachment	Bid Submittal - Northern Micrographics
<input type="checkbox"/> Attachment	Library Digitization Bid 2017

# NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES

BID DUE DATE: MONDAY, AUGUST 21, 2017  
 BID DUE TIME: 2:30 P.M.  
 BID No.: 059-2610-17/IT

"Offers from the vendors listed herein are the only offers received timely as of the above receiving date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late"

<b>VENDORS</b>	<b>BACKSTAGE LIBRARY WORKS</b> 533 East 1860 South Provo, UT 84606 Beth Ann Goodwill Tel: 800-288-1265 Fax: 801-356-8220	<b>MILNER</b> 700 S. Military Trail, #700 Deerfield Beach, FL 33442 Sue Nathanson Tel: 954-312-1526	<b>NORTHERN MICROGRAPHICS</b> 2004 Kramer Street La Crosse, WI 54603 Scott R. Pechacek Tel: 800-236-0850 Fax: 608-781-3883
ORIGINAL AND THREE COPIES SUBMITTED	NO BID	NO BID	YES
ADDENDUM 1 ACKNOWLEDGEMENT (PAGE 11)			YES
BIDDER ACKNOWLEDGEMENT SUBMITTED			YES
<b>BID SHEET TOTAL PRICE: GROUP 1</b>			<b>\$5,575.18</b>
<b>BID SHEET TOTAL PRICE: GROUP 2</b>			<b>\$13,139.52</b>
<b>BID SHEET TOTAL PRICE: GROUP 3</b>			<b>\$10,384.88</b>
<b>BID SHEET TOTAL PRICE: GROUP 4</b>			<b>\$7,695.12</b>
<b>TOTAL BID PRICE - ALL GROUPS</b>			<b>\$36,794.70</b>
NON COLLUSION AFFIDAVIT OF PRIME BIDDER			YES; SUBMITTED
ANTI-KICKBACK AFFIDAVIT			YES; SUBMITTED
MINORITY OWNED BUSINESS STATEMENT SUBMITTED			SUBMITTED; NON-MINORITY
CONFIRMATION OF DRUG FREE WORKPLACE SUBMITTED			YES; SUBMITTED
ACKNOWLEDGEMENT OF PBC INSPECTOR GENERAL SUBMITTED			YES; SUBMITTED
COMMENTS:	Does not possess requisite ResCarta experience.	Does not possess necessary equipment to perform this specialized work.	

Preliminary bid tabulation, 8.21.17  
 Bid Opened by: Ilyse Triestman  
 Witnessed by: Leah Krasnoff



## Northern Micrographics

August 17, 2017

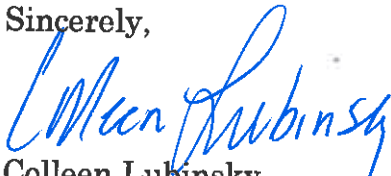
Procurement Services  
City of Boynton Beach  
100 E. Boynton Beach Boulevard  
Boynton Beach, FL 33425-0310

Northern Micrographics (NM) is pleased to respond to City of Boynton Beach Invitation to Bid NO. 059-2610-17/IT Newspaper Microfilming and Digitization Services.

NM understands the requirements and is capable of providing quality service to meet the objectives specified within the RFQ. NM agrees to be bound by the terms, conditions and pricing stated in the proposal.

If you have any questions regarding NM's response to the RFQ, please contact me at 800-236-0850 ext. 130. We look forward to working with you.

Sincerely,



Colleen Lubinsky  
Regional Sales Manager



## **Northern Micrographics**

### **Northern Micrographics Response to City of Boynton Beach Invitation to Bid NO. 059-2610-17/IT Newspaper Microfilming and Digitization Services**

Procurement Services  
City of Boynton Beach  
100 E. Boynton Beach Boulevard  
P.O. Box 310  
Boynton Beach, FL 33425-0310

Northern Micrographics (NM) is pleased to respond to the invitation to bid for City of Boynton Beach (BBCL) Newspaper Microfilming and Digitization Services NO. 059-2610-17/IT.

### **Vendor Project Responsibilities**

#### **Vendor Facilities**

NM corporate headquarters occupies a 36,200 square foot facility in La Crosse, WI. The entire facility is climate controlled, smoke-free and is monitored by a security system. Imaging production areas are restricted to NM personnel only.

The scanning facility was designed for secure and proper handling of original source documents, as well as microfilm/microfiche. The foundation of our facility is steel reinforced concrete to assure vibration-free stability of equipment. The scanning facility is equipped with state of the art hardware and software. Each workstation is properly cleaned and calibrated prior to filming or scanning to ensure the area is free from dust and other distorting materials.

Our production facility contains an ANSI-standard storage vault that is fireproof, waterproof, and temperature/humidity controlled conforming to the ANSI/NAPM IT9.11 storage standard. All digital and microfilm masters are stored in our vault for safe keeping as well as work-in-process source documents.

Photographs are not available of our facility for security reasons. Please see Attachment B for a layout of the Northern Micrographics facility. Onsite inspection of our facility is available upon request.

#### **Shipping and Receiving**

NM will notify BBCL of shipments arrival and any discrepancies that may have occurred in that shipment. NM understands and will comply with the guidelines of packing and shipment of original historical and digital materials as outlined in the RFP. NM understands the project will be shipped within four groups and packed in chronological order with the exception of bound items in reverse order.



## **Northern Micrographics**

### **Storage and handling of materials**

NM trains all staff in the special handling and technical processes required for the digitization and filming of endangered or rare materials. The average technician at NM has 5 or more years of experience in these processes. The department supervisors are responsible for training new employees and assuring that the appropriate processes and techniques required by ANSI/AIIM/RLG standards are adhered to during all phases of production. In addition to formal training, NM technicians have had experience completing both filming and scanning projects for libraries and universities throughout the United States. These projects have ranged from small preservation filming jobs to large digitization projects like the first phase of Making of America performed under contract for Cornell University and the University of Michigan.

### **Microfilming Procedures**

NM will provide microfilming services as specified in the RFP. NM will follow all ANSI/AIIM and RLG standards for preservation microfilming. The project consists of 13,985 pages which are considered "brittle" requiring special handling and repair as needed. Total project consists of 31,985 pages to be filmed in four groups. Filming to be one-up orientation, with the exception of center folds which shall be filmed two-up orientation.

NM will provide standard targets as requested within the RFP, and understands BBCL will provide any custom targets, if required within the shipment.

NM will create two 2<sup>nd</sup> generation negative print masters from each 1<sup>st</sup> generation camera master negative. NM will create three 3<sup>rd</sup> generation positive service copies from each negative print master.

### **Scanning Procedure**

All scanning and quality control procedures are performed in a climate controlled, secure environment. The scanning facility was designed for secure and proper handling of original source documents, as well as microfilm/microfiche. NM uses a mix of internally developed and commercially available hardware and software for all digital processes. Equipment is checked daily in accordance with ANSI/AIIM standards.

Each workstation is properly cleaned prior to scanning to ensure the area is free from dust and other distorting materials. No food or drink is allowed in the scanning facility and operators will wear lint-free gloves.

NM will grayscale scan each reel of microfilm at 400dpi to archival TIFF. All images will be processed utilizing production tools to produce ResCarta compliant data for ingestion into the ResCartaWeb content management software. ResCartaWeb will be hosted by BBCL.

NM will provide all data on a hard drive for customer review. BBCL will notify NM of any discrepancies which in turn will be corrected and then returned back to BBCL for loading into ResCartaWeb.





### **Vendor Inspection of Images**

All receipt, scanning, quality control and stamping workstations are networked with password control. Materials received will be logged into a control database that will contain various types of metadata information. Image capture will be performed under database management to assure proper page count. Post processing of the file will also be managed by the same database to insure that file naming and TIFF header stamping is performed correctly. Each image will undergo a binary software check to test the integrity of the individual file and a human visual inspection at designated quality control areas prior to shipment.

Each image is quality checked three times:

1. While scanning, the imaging technician compares the scanned image to the original source. The sharpness, contrast, and brightness level is adjusted in order to replicate the original source. Each scanned image and derivative file is individually viewed in order to guarantee that the original was captured accurately.
2. Prior to copying to delivery media (external hard drive), each scanned image is manually viewed to check for proper orientation (image rotation, etc.).
3. After recording, we run a checksum which compares the images on the hard drive to the images on the delivery media. The delivery media is recreated if errors are found.

### **Directory Structure and File Naming Standards**

For years, organizations have created systems and developed guidelines for converting source material to digital format. While many of these guidelines worked well in individual instances, it left many institutions searching for a widely accepted standard for a variety type of collections. Such standards should help facilitate the sharing of digital collections.

Through a collaborative process, the ResCarta Foundation formed a set of standards that will guide the creation, storage and display of digital objects. Northern Micrographics will utilize the ResCarta standard to establish appropriate directory structure, file naming and metadata elements.

Each ResCarta object is stored in its own folder utilizing a four level directory tree. Each level will always have an eight character name. The concatenation of the three lower level folder names is the object identifier and it is intended to be globally unique.



Directory Tree Schema:

RCDATA01 | INSTITUTIONAL\_ID | AGGREGATOR | ISSUE

The **top level** folder of a ResCarta archive is named “RCDATA01” and is always at the root of the directory structure.

The **second level** is referred to as the “Institutional ID” and it is often derived from the organization’s normalized MARC identifier as a way to maintain uniqueness.

The **third level** of the object tree is referred to as the “aggregator” level. This level is always eight characters in length and named from a sequential dumb number generated at the time of production. The choice of its name is arbitrary as long as global uniqueness can be maintained. This directory name will typically reflect that date (YYYYMMDD) in which the digital files were generated.

The **fourth level** in the tree is the issue/container level. Again, this level is always eight characters in length and is given an institutionally unique identifying name, also known as the root identifier.

All file names will be sequentially named and eight characters in length. The digital files will reside within the container level.

Example:

RCDATA01 | boyntonb | 20170616 | 00000001 | 00000001.tif

#### Vendor Production/Delivery Schedule

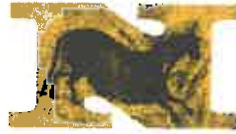
NM is a full service digital and microform preservation organization. We are in the business of completing daily and ongoing projects such as the one in this specification for our customers. As such, we are aware of and adhere to the proposed timetable as outlined in the RFP.

#### Subcontracting

All work will be performed within our facility. Subcontracting will not be required for this project.

#### Warranties/Guarantees Provided

NM will make every effort to insure the quality of all digital images, technical metadata and directory structure. If any products are deemed unacceptable, NM will make necessary corrections at no cost to BBCL.



## Northern Micrographics

### Insurance

An example copy of NM's Certificate of Liability Insurance can be found in Attachment A of this response.

### Rights over products

NM will perform these services as work for hire.

### Business Summary

Northern Micrographics' experience in the imaging industry began in 1947 when it was established as the Microcard Corporation in La Crosse, WI. The Microcard Corporation quickly became a pioneer in the field of unit microforms, establishing the first commercial microfiche production facility in the United States. After the sale of Microcard Corporation to the National Cash Register Company in 1966, the same principals founded Gateway Research, which, in turn became Northern Micrographics in 1973. Northern Micrographics and Brookhaven Press specialize in microprinting and micropublishing serving academic, commercial and industrial markets.

In 1986, Northern Micrographics spun off its computer graphics operations to form NMT Corporation specializing in GCOM (Graphic Computer Output Microfilm) services and software development for the engineering graphics and utility industry marketplaces. In 1999, Northern Micrographics, Brookhaven Press and Brookhaven Bindery were merged into NMT Corporation and currently operate as divisions of NMT. NMT is a Wisconsin corporation with headquarters and production facilities in La Crosse, Wisconsin.

Today, Northern Micrographics is a high volume, high quality imaging firm producing microfiche, rollfilm, and digital images for many commercial, industrial and academic organizations nationwide.

NM is a privately owned, closely held corporation. Financial information is not disclosed. There are approximately 45 full and part time employees. NM's Federal tax ID number is 363454000.

### Key Personnel and Technical Support

Listed below are the key personnel that will supervise and/or work on this project. Any technical issues will be addressed with your primary contact. Discussions with the other key personnel listed below are available upon request/necessity. Contacts are available from 8:00 am – 5:00 pm CST.

#### *Daniel Gelatt – President*

Daniel Gelatt has a Ph.D. in theoretical physics from Harvard University where he taught physics. He went on to IBM's Watson Research Center and, with a co-worker, shared an award from the American Institute of Physics for Industrial Applications of Physics. Since 1982, he has headed Northern Micrographics and NMT Corporation. He was a member of the Board of Regents of the University of



## Northern Micrographics

Wisconsin System from 1989-1996, and sits on the Board of Directors of The Principal Financial Group, Des Moines, Iowa.

### *Scott Pechacek – VP, Sales & Marketing*

Scott Pechacek joined Northern Micrographics in 2004. He has held previous positions with Winnebago Software, the Sagebrush Corporation and the Fastenal Company. He brings 20 years of experience in sales, marketing and product management within the library/archives community.

### *John Sarnowski – Director, Imaging Products*

John Sarnowski founded and owned Great River Systems, Inc., one of first Sun system integrators in the country, with clients such as Cray Research, Medtronic, Inc. and U.S. Army. He wrote "Talon", a precision art system, for the metal nameplate industry converting Postscript data to vinyl cutters, lasers, and image setters. He created the "Virtual Office" imaging system of software products for Indus International and taught Computer Integrated Manufacturing courses for IBM and Sun Microsystems. John has attended seminars for preservation filming and scanning sponsored by the Northeast Document Conversion Center and the Rochester Institute of Technology. In addition, John has presented topics related to digitization for groups including the American Library Association, Public Library Association, Texas Library Association, Wisconsin Library Association, the Internet Librarian, the Minnesota Electronic Books Conference and OSS.net. John is responsible for the development and implementation of Northern Micrographics' internal training procedures.

### *Tom Connelly – VP, Production*

Tom Connelly joined Northern Micrographics in 1986. In addition to his years of service with NMT, he has previously worked with Northern Engraving as Automotive Quality Control Manager and Plant Superintendent. He brings 25 years of experience in process control and production management to the NMT Senior Management Team.

### *Digital Preservation Technicians*

NM Digital Preservation technicians have a combined average work experience of 8 years. While each technician may specialize in a specific area, all technicians are cross-trained on equipment and are experienced with the various types of source material we scan.

### Communication

NM has assigned a primary contact for this project. In the event that the primary contact is not available a secondary contact is provided.

Primary: Colleen Lubinsky  
Regional Sales Manager

Northern Micrographics  
2004 Kramer St.  
La Crosse, WI 54603  
Ph: 608-781-0850 ext. 130



## Northern Micrographics

Fax: 608-781-3883  
Email: colleen.lubinsky@nmt.com

Secondary: Scott Pechacek  
VP, Sales and Marketing

Northern Micrographics  
2004 Kramer St.  
La Crosse, WI 54603  
Ph: 608-781-0850 ext. 107  
Fax: 608-781-3883  
Email: scott.pechacek@nmt.com

### Invoices

NM will provide an invoice with each batch detailing services and quantiles provided including shipping.

### Prices for Microfilming , Scanning and Derivative Image Files

The complete pricing summary sheets have been enclosed in a sealed envelope as requested.

### References

Northern Micrographics produces microfilm and digital images for a variety of organizations. As a natural extension to our existing microforms business, Northern Micrographics has specialized in electronic imaging since 1985. NM has the ability to scan aperture cards, 16mm and 35mm film formats, as well as paper from A to E-size roll drawings. Scanned data can be provided on a variety of media. Scanned data can also be OCR'd for full-text search capability.

Our microfilm and digital preservation services have been utilized by a number of institutions including

- American Chemical Society
- American Institute of Physics
- Archdiocese of St. Louis
- Combined Arms Research Library
- Cornell University
- DePaul University
- Diocese of La Crosse
- Evangelical Lutheran Church in America
- First Division Museum at Cantigny Park
- Iowa State University
- L.E. Phillips Public Library
- National Center for Atmospheric Research (NCAR)
- National Radio Astronomy Observatory
- Office of the Secretary of the State of Wisconsin
- State Historical Society of Missouri
- State Historical Society of Wisconsin
- Stimson Library
- Toro Corporation
- University of Illinois at Urbana-Champaign
- University of Minnesota
- University of Pittsburgh
- Vermont State Library
- Vigo County Public Library
- Wheaton College



## Northern Micrographics

Northern Micrographics has been involved in several large projects. NM scanned over 2 million images for the Making of America Project for Cornell University. NM has also provided imaging services to the Minnesota Historical Society to capture over 1 million newspaper pages. The large majority of these images is made available through the National Digital Newspaper Program (NDNP) and can be search through Chronicling America (<http://chroniclingamerica.loc.gov/>).

Northern Micrographics regularly participate in imaging seminars, conferences, and educational workshops. Each project is unique, allowing us to understand and offer a broad range of imaging services. NM not only provides the service, but also the experience and expertise required to make your project a success.

### Reference #1

Organization:	Batavia Public Library	Contact:	Stacey Peterson
Address:	10 S. Batavia Ave Batavia, IL 60510		
Telephone:	630-879-9118	Email:	<a href="mailto:speterson@bataviapubliclibrary.org">speterson@bataviapubliclibrary.org</a>

#### Description of work performed:

Northern Micrographics has provided both microfilming and imaging services for Batavia Public Library since 2013. Projects have consisted of newspapers, local history files and civil war letters all filmed and scanned following the ResCarta standard archive specifications. Collections scanned and hosted by NM can be found at: <http://box2.nmtvault.com/Batavia/jsp/RcWebBrowse.jsp>

### Reference #2

Organization:	First Division Museum	Contact:	Eric Gillespie
Address:	Colonel Robert R. McCormick Research Center Wheaton, IL 60189		
Telephone:	630-260-9298	Email:	<a href="mailto:egillespie@firstdivisionmuseum.org">egillespie@firstdivisionmuseum.org</a>

#### Description of work performed:

NM has provided digital imaging services for the Museum for a number of different collections. 35mm film scanning of historical records from WWII. Paper scanning of yearbooks, newspapers and journals all using ResCarta archive standards for ResCartaWeb. Collections scanned by NM can be found at: <http://firstdivisionmuseum.nmtvault.com/custom/About.jsp>



## Northern Micrographics

### Reference #3

Organization: Georgetown Peabody Library    Contact: Sarah Cognata  
Address: Lincoln Park, 2 Maple Street  
Georgetown, MA 01833

Telephone: 978-352-5728    Email: [scognata@georgetownpl.org](mailto:scognata@georgetownpl.org)

#### Description of work performed:

NM has provided both microfilming and digitization services for Georgetown Peabody for both Newspaper collections as well as a collection of annual reports all using ResCarta archive standards for ResCartaWeb.

Collections scanned by NM can be found at: <http://box2.nmtvault.com/ResCarta-GPL/jsp/RcWebBrowseCollections.jsp>

#### Experience/Contracts on hand

NM is currently under contract providing digitization services with the following customers:

##### **Ohio History Connection**

Project: NDNP (National Digital Newspaper Project)  
Value: \$100,000  
Contact: Jenni Salamon  
Phone #: 614-297-2579

##### **Adam Mathew Digital (London)**

Project: Changing Men Project  
Value: \$14,000  
Contact: Sophie Heath  
[Sophie@amdigital.co.uk](mailto:Sophie@amdigital.co.uk)

##### **Minnesota Historical Society –NDNP**

Project: Minnesota – NDNP (National Digital Newspaper Project)  
Value \$73,700  
Contact: Jane Wong  
Phone #: 651-259-3248

Project: South Dakota – NDNP (National Digital Newspaper Project)  
Value \$73,700  
Contact: Jane Wong  
Phone #: 651-259-3248



**Northern Micrographics**

**Attachment A**

**Certificate of Liability Insurance**

See next page





## Northern Micrographics

ACORD CERTIFICATE OF LIABILITY INSURANCE		CSR JB NMICO-3	DATE (MM/DD/YYYY) 07/28/05		
<b>PRODUCER</b> Brown & Brown Ins. of WI, Inc. 1425 U.S. Hwy 16 P. O. Box 1357 La Crosse WI 54602-1357 Phone: 608-784-7676		<b>THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.</b>			
<b>INSURED</b>  NMT Corporation 2004 Kramer St. PO Box 2287 La Crosse WI 54602-2287		<b>INSURERS AFFORDING COVERAGE</b>	<b>NAIC #</b>		
		INSURER A: St. Paul/Travelers	24775		
		INSURER B: Philadelphia Insurance			
		INSURER C:			
		INSURER D:			
		INSURER E:			
<b>COVERAGES</b>					
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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.					
<b>INSURED</b> <b>TYPE</b>	<b>TYPE OF INSURANCE</b>	<b>POLICY NUMBER</b>	<b>POLICY EFFECTIVE DATE (MM/DD/YYYY)</b>	<b>POLICY EXPIRATION DATE (MM/DD/YYYY)</b>	<b>LIMITS</b>
A	<input checked="" type="checkbox"/> 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 type="checkbox"/> POLICY <input type="checkbox"/> CGL <input type="checkbox"/> LOC	PT06300328	08/01/05	08/01/06	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$250,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMPOD AGG \$2,000,000 Emp Ben. 1,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	PT06300328	08/01/05	08/01/06	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
A	<input checked="" type="checkbox"/> EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$10,000	PT06300328	08/01/05	08/01/06	EACH OCCURRENCE \$3000,000 AGGREGATE \$3,000,000 \$ \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? IF YES, DENOTE UPON SPECIAL PROVISIONS BELOW OTHER	WZA6314650	08/01/05	08/01/06	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$100000 E.L. DISEASE - EA EMPLOYEE \$100000 E.L. DISEASE - POLICY LIMIT \$500000
B	Professional Liab	RNSD148451	08/01/05	08/01/06	\$250000 ded \$250,000
A	Valuable Papers	PT06300328	08/01/05	08/01/06	\$5000 ded \$3,000,000
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS					
<b>CERTIFICATE HOLDER</b>		<b>CANCELLATION</b>			
CALIF-1  Califa attn: Trudy Levy 7 Third Ave. San Francisco CA 94118		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.			
		AUTHORIZED REPRESENTATIVE Bob F. Breitman F. Breitman			

ACORD 29 (2001/08)

© ACORD CORPORATION 1988

# *The City of Boynton Beach*



Finance/Procurement Services  
100 E. Boynton Beach Boulevard  
P. O. Box 310  
Boynton Beach, Florida 33425-0310  
Telephone: (561) 742-6310  
FAX: (561) 742-6316

## **ADDENDUM No. 1**

DATE: August 14, 2017  
BID No. 059-2610-17/IT - "NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES"

Information included in this addendum will have a material impact on the submittal for this solicitation. In case of a conflict between the original solicitation and this Addendum, this **Addendum No. 1** shall govern. Words in ~~striketrough~~ type are deletions from existing text. Words in **bold, underlined** type are additions to existing text.

1. The BID due date remains unchanged and is **August 21, 2017, at 2:30 P.M.; location remains the same.**
2. The following questions or requests for clarification were submitted prior to the deadline and are hereby answered below:
  - Q1: The notary portions of the bid state the notary is in the State of Florida, county of Boynton Beach. Can we secure a notary in our home state of Utah? Or are you only accepting bids from companies located in Florida?
  - A1: Yes, you can secure a notary in your home state. The venue is always the county in which the notarization is being performed.
  - Q2: Under the scope of work (p.9), the ITB states that all newspapers are to be filmed "one page per frame" unless there is a centerfold spread. During the collation process, does the vendor have permission to disband the newspapers into single sheets for one-up filming?
  - A2: Yes, unless there is a centerfold spread with text or photographs that span over the fold. These will be filmed two-up (if the pages are separated, then they must be put close together in the two-up filming process so that a researcher can easily read the text or view the photograph).

***The City of  
Boynton Beach***



*Finance/Procurement Services  
100 E. Boynton Beach Boulevard  
P. O. Box 310  
Boynton Beach, Florida 33425-0310  
Telephone: (561) 742-6310  
FAX: (561) 742-6316*

**ACKNOWLEDGEMENT OF ADDENDUM No. 1  
"NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES"**

**BID No.: 059-2610-17/IT**

**RESPONDENT MUST SIGN, DATE AND INCLUDE THIS "ACKNOWLEDGEMENT OF ADDENDUM NO. 1 WITH BID PACKAGE FOR SUBMITTAL TO BE CONSIDERED COMPLETE AND ACCEPTABLE."**

Scott R. Pechacek  
PRINT NAME OF REPRESENTATIVE

*Scott R. Pechacek*  
SIGNATURE OF REPRESENTATIVE

NMT Corporation (dba: Northern Micrographics  
NAME OF COMPANY

08-17-2017

DATE

PROJECTED TIMEFRAME	ACTIVITY
November 22, 2017	Group 3 of newspapers shipped to vendor, if applicable
November 29, 2017	Group 4 of newspapers shipped to vendor, if applicable. (note: BBCL will ship all newspapers by the end of November, if the vendor requests all newspapers can be shipped in one group, if applicable.)
December 2017 – February 2018	Vendor performs microfilming tasks including quality control and creating microfilm copies
March 2018 – May 2018	Vendor performs digitizing tasks in four groups and ships portable hard drive to BBCL for quality control when digitization for each group has been completed
June 2018	Project is completed and vendor ships original newspapers, microfilm, and portable hard drive containing complete digital content in ResCarta database to BBCL

### **MINIMUM VENDOR QUALIFICATIONS AND REQUIREMENTS**

In order to be considered a responsive and responsible bidder as set forth within these specifications, the bidder must meet the below referenced minimum qualifications and requirements.

	<u>COMPLY?</u> <u>YES /NO</u>
A. Bidder has performed at least two (2) ResCarta Foundation database projects.	<u>Yes</u>
B. Bidder has at least two (2) years experience in handling fragile newspapers.	<u>Yes</u>
C. Bidder has at least two (2) years experience working within a compressed timeframe.	<u>Yes</u>
D. Bidder has at least two (2) years experience developing projects within the ResCarta Foundation database.	<u>Yes</u>
E. Bidder has the necessary equipment, staff, resources, facility and security to perform the services described herein.	<u>Yes</u>
F. Bidder agrees to adhere to strict timeline as defined herein.	<u>Yes</u>
G. Bidder agrees to comply with ANSI (American National Stds. Institute), AIIM (Association for Information and Image Mgmt.), and RLG (Research Libraries Group) standards.	<u>Yes</u>

**The bidder should return this completed compliance form and submit documentation to support the above statements with its bid submittal, but must submit within three (3) days of City request.** Failure of the bidder to submit this required information may be grounds to deem bidder non-responsive. Bidder may attach brochures, resumes of personnel to be assigned to the project, or any additional sheets or documents necessary to fully support their qualifications. The City shall be the sole determinate of bidder compliance.

**City of Boynton Beach  
Risk Management Department  
INSURANCE ADVISORY FORM**

Under the terms and conditions of all contracts, leases, and agreements, the City requires appropriate coverages listing the City of Boynton Beach as Additional Insured. This is done by providing a Certificate of Insurance listing the City as "Certificate Holder" and "The City of Boynton Beach is Additional Insured as respect to coverages noted." Insurance companies providing insurance coverages must have a current rating by A.M. Best Co. of "B+" or higher. (NOTE: An insurance contract or binder may be accepted as proof of insurance if Certificate is provided upon selection of vendor.) The following is a list of types of insurance required of contractors, lessors, etc., and the limits required by the City: (NOTE: This list is not all inclusive, and the City reserves the right to require additional types of insurance, or to raise or lower the stated limits, based upon identified risk.)

<u>TYPE (Occurrence Based Only)</u>		<u>MINIMUM LIMITS REQUIRED</u>	
<b>General Liability</b>		<b>General Aggregate</b>	<b>\$ 1,000,000.00</b>
Commercial General Liability		Products-Comp/Op Agg.	\$ 1,000,000.00
Owners & Contractor's Protective (OCP)		Personal & Adv. Injury	\$ 1,000,000.00
Liquor Liability		Each Occurrence	\$ 1,000,000.00
Professional Liability		Fire Damage (any one fire)	\$ 50,000.00
Employees & Officers		Med. Expense (any one person)	\$ 5,000.00
Pollution Liability			
Asbestos Abatement			
Lead Abatement			
Broad Form Vendors			
Premises Operations			
Underground Explosion & Collapse			
Products Completed Operations			
Contractual			
Independent Contractors			
Broad Form Property Damage			
Fire Legal Liability			
<b>Automobile Liability</b>		<b>Combined Single Limit</b>	<b>\$ 1,000,000.00</b>
Any Auto		Bodily Injury (per person)	to be determined
All Owned Autos		Bodily Injury (per accident)	to be determined
Scheduled Autos		Property Damage	to be determined
Hired Autos		Trailer Interchange	\$1,000,000.00
Non-Owned Autos			
PIP Basic			
Intermodal			
<b>Garage Liability</b>		<b>Auto Only, Each Accident</b>	<b>\$ 1,000,000.00</b>
Any		Other Than Auto Only	\$ 100,000.00
Garage Keepers Liability		Each Accident	\$ 1,000,000.00
		Aggregate	\$ 1,000,000.00
<b>Excess Liability</b>		<b>Each Occurrence</b>	<b>to be determined</b>
Umbrella Form		Aggregate	to be determined
<b>Worker's Compensation Statutory Limits</b>		<b>Each Accident</b>	<b>\$ 100,000.00</b>
Employer's Liability		Disease, Policy Limit	\$ 500,000.00
		Disease Each Employee	\$ 100,000.00
<b>Property:</b>			
Homeowners Revocable Permit			\$ 300,000.00
Builder's Risk		Limits based on Project Cost	
Other - As Risk Identified	to be determined		
INSURANCE ADVISORY FORM		Revised 03/2017	

## BIDDER ACKNOWLEDGEMENT

Submit Bids To: **FINANCE/PROCUREMENT SERVICES**  
100 E. Boynton Beach Boulevard  
P.O. Box 310  
Boynton Beach, Florida 33425-0310  
Telephone: (561) 742-6322

Bid Title: **NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES**

Bid Number: **059-2610-17/IT**

Bid Received By: **AUGUST 21, 2017, NO LATER THAN 2:30 P.M.**

Bids will be opened in Procurement Services unless specified otherwise. Bid receiving date and time is scheduled for: **August 21, 2017, no later than 2:30 P.M.**, and may not be withdrawn within ninety (90) days after such date and time.

All awards made as a result of this bid shall conform to applicable sections of the charter and codes of the City.

Name of Vendor: Northern Micrographics

Federal I.D. Number: 36-3454000

A Corporation of the State of: Wisconsin

Area Code: 608 Telephone Number: 781-0850

Area Code: 608 FAX Number: 781-3883

Mailing Address: 2004 Kramer Street

City/State/Zip: La Crosse, WI 54603

Vendor Mailing Date: 8/16/2017

E-MAIL: sales@nmt.com

  
Authorized Signature

Scott R. Pechacek  
Name Typed

**A D D E N D A**

**CITY OF BOYNTON BEACH  
FLORIDA**

**BID TITLE: NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES**  
**BID NO: 059-2610-17/IT**

**BIDDER:** Northern Micrographics

**DATE SUBMITTED:** 8/16/2017

We propose and agree, if this bid is accepted, to contract with the City of Boynton Beach, in the Contract Form, to furnish all material, equipment, machinery, tools, apparatus, means of transportation, construction, coordination, labor and services necessary to complete/provide the work specified by the Contract documents.

Having studied the documents prepared by: The City of Boynton Beach and having examined the project site, we propose to perform the work of this Project according to the Contract documents and the following addenda which we have received:

ADDENDUM	DATE	ADDENDUM	DATE
No. 1	8/14/2017		

☐ **NO ADDENDUM WAS RECEIVED IN CONNECTION WITH THIS BID**

## BID SHEET

### NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES

BID No.: 059-2610-17/IT

**Basis of Award:** This bid may be awarded to the lowest responsive and responsible bidder per group, by total of all groups or any combination thereof, whichever is deemed in the City's best interests.

<b>Group 1</b> – All equipment, labor, tools, materials, supplies and shipping charges for microfilming and scanning approximately 4,059 newspaper pages	<b>TOTAL PRICE GROUP 1:</b> \$ <u>5,575.18</u> (Brittle Pages)
<b>Group 2</b> – All equipment, labor, tools, materials, supplies and shipping charges for microfilming and scanning approximately 9,926 newspaper pages	<b>TOTAL PRICE GROUP 2:</b> \$ <u>13,139.52</u> (Brittle Pages)
<b>Group 3</b> – All equipment, labor, tools, materials, supplies and shipping charges for microfilming and scanning approximately 10,356 newspaper pages	<b>TOTAL PRICE GROUP 3:</b> \$ <u>10,384.88</u>
<b>Group 4</b> – All equipment, labor, tools, materials, supplies and shipping charges for microfilming and scanning approximately 7,644 newspaper pages	<b>TOTAL PRICE GROUP 4:</b> \$ <u>7,695.12</u>
<b>TOTAL PRICE ALL GROUPS 1 THRU 4:</b>	\$ <u>36,794.70</u>

**SCHEDULE OF VALUES** : In addition to the total price per group above, please provide schedule of values used to develop and determine the total of each group bid price. These unit prices will also be used to obtain additional microfilming digitization services, if required.

ITEM	UNIT PRICE
High contrast black and white silver halide 35mm roll film master, 1-up for non-brittle newspapers	\$ <u>0.29</u> / per frame
High contrast black and white silver halide 35mm roll film master, 1-up for brittle newspapers	\$ <u>0.58</u> / per frame
High contrast black and white silver halide 35mm roll film master, 2-up for non-brittle newspapers	\$ <u>0.32</u> / per frame
High contrast black and white silver halide 35mm roll film master, 2-up for brittle newspapers	\$ <u>0.64</u> / per frame
Material preparation for microfilming including unbinding and minor repairs	\$ <u>35.00</u> / per hour
Duplicate reels – negative	\$ <u>32.00</u> / per reel

Northern Micrographics

(Name of bidder, Corporation, Firm or Individual)



## BID SHEET (continued)

### NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES

BID No.: 059-2610-17/IT

Duplicate reels – positive	\$ <u>32.00</u> / per reel
Manual cropping of image (remove over-scan, leaving ¼ inch border)	\$ <u>0.09</u> / per image
Manual cropping of image and auto deskew	\$ <u>0.15</u> / per image
Digitizing from microfilm at 400dpi, grayscale, uncompressed TIFF	\$ <u>0.19</u> / per frame
OCR, saved as ResCarta compliant file	\$ <u>0.10</u> / per image
2 TB (minimum) portable hard drive	\$ <u>120.00</u> / each
Loading data to portable hard drive	\$ <u>25.00</u> / each
Shipping (including portable hard drive for quality control and final shipment)	\$ <u>350.00</u> / total

The undersigned bidder understands that this project will be grant funded and agrees to adhere to projected timeframe as defined herein.

The undersigned bidder hereby represents that it has carefully examined the specifications and requirements and will perform all its items, covenants and conditions, all in exact compliance with the requirements of the scope of services.

The bidder, by submission of this Bid acknowledges that the bidder has been advised that in the event bidder contests the award of this project to another bidder, that the bidder damages, if any, are limited to actual Bid preparation costs and bidder hereby waives any claim it may have for other damages coming from the City's failure to award the project bidder.

Northern Micrographics  
(Name of bidder, Corporation, Firm or Individual)

**BID SHEET (continued)**

**NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES**

**BID No.: 059-2610-17/IT**

Date 8/16/2017

Northern Micrographics

(Name of bidder, Corporation, Firm or Individual)

By Scott R Pechacek  
Signature

Scott R. Pechacek  
Printed Name

VP, Sales and Marketing  
Title

608-781-0850 ext. 107  
Telephone Number

**CERTIFICATE AS TO CORPORATE PRINCIPAL**

I, \_\_\_\_\_, certify that I am the Secretary of the Corporation named as Principal in the within bond; that \_\_\_\_\_ who signed the said Bid Bond on behalf of the Principal, was then \_\_\_\_\_ of said Corporation; that I know his signature, and his signature hereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said Corporation by authority of its governing body.

\_\_\_\_\_  
Secretary (corporate seal)

STATE OF FLORIDA            )  
COUNTY OF PALM BEACH    )

Before me, a Notary Public duly commissioned, qualified and acting, personally appeared \_\_\_\_\_ to me well known, who being by me first duly sworn upon oath, says that he is the Attorney-in-Fact, for the \_\_\_\_\_ and that he has been authorized by \_\_\_\_\_ to execute the foregoing bond on behalf of the Contractor named therein in favor for the Owner, the City of Boynton Beach.

### STATEMENT OF BIDDER'S QUALIFICATIONS

Each Bidder bidding on work included in these General Documents shall prepare and submit the data requested in the following schedule of information.

This data must be included in and made part of each bid document. Failure to comply with this instruction may be regarded as justification for rejecting the Contractor's proposal.

1. Name of Bidder: Northern Micrographics
2. Business Address: 2004 Kramer Street  
La Crosse, WI 54603
3. When Organized: 1947
4. Where Incorporated: La Crosse, WI
5. How many years have you been engaged in the contracting business under the present firm name? Since 1973 or 44 years
6. General character of work performed by your company. High Volume, High quality imaging firm producing microfiche, rollfilm, and digital images for many commercial, industrial and academic organizations nationwide.
7. Number of employees. 47
8. Background and experience of principal members of your personnel, including officers. (Attach additional sheets as necessary.) NM has provided this information within our response.
9. Have you ever defaulted on a contract? If so, where and why? NO  
(Attach additional sheets as necessary.)

STATEMENT OF BIDDER'S QUALIFICATIONS *continued*

10. Experience in performance.

Project	\$ Value	Contact Name	Phone #
NM has provided details within the response under Reference section.			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

11. Contracts on hand. (Please attach additional sheets as necessary.)

13. Provide a brief description and references for at least three (3) similar projects.  
(Attach additional sheets as necessary.)

- 1) \_\_\_\_\_  
NM has provided References and Project information within the response under Reference section.
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

Dated at: Northern Micrographics

this 17 day of August 20 17

By: Scott R. Pechacek  
(Signature)

Name: Scott R. Pechacek  
(Printed or Typed)

Title: VP, Sales and Marketing

NON COLLUSION AFFIDAVIT OF PRIME BIDDER

State of Wisconsin )

County of La Crosse )

Shelley Buge, being first duly sworn, deposes and says  
that: Shelley Buge

- 1) He/She is VP, Sales and Marketing of NMT Corporation (dba: Northern Micrographics),  
(Title) (Name of Corporation or Firm)  
the bidder that has submitted the attached bid: "NEWSPAPER MICROFILMING AND  
DIGITIZATION SERVICES";
- 2) He/She is fully informed respecting the preparation and contents of the attached bid and of all  
pertinent circumstances respecting such bid;
- 3) Said bid is genuine and is not a collusive or sham bid;
- 4) Further, the said bidder nor any of its officers, partners, owners, agents, representatives,  
employees or parties in interest, including this affiant, has in any way colluded, conspired,  
connived or agreed, directly or indirectly with any other bidder, firm or person to submit a  
collusive or sham bid in connection with the Contract for which the attached bid has been  
submitted or to refrain from bidding in connection with such Contract, or has in any manner,  
directly or indirectly, sought by agreement or collusion or communications or conference with  
any other bidder, firm or person to fix the price or prices in the attached bid or of any other  
bidder, or to fix any overhead, profit or cost element of the bid price or the bid price of any other  
bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any  
advantage against the City of Boynton Beach or any person interested in the proposed  
Contract; and
- 5) The price or prices quoted in the attached bid are fair and proper and are not tainted by any  
collusion, conspiracy, connivance or unlawful agreement on the part of the bidder or any of its  
agents, representatives, owners, employees, or parties in interest, including this affiant.

(Signed) Scott R. Puchack

(Title) VP, Sales and Marketing

Subscribed and sworn to before me

This 17<sup>th</sup> day of August, 2017

My commission expires August 1, 2021

ANTI-KICKBACK AFFIDAVIT

STATE OF FLORIDA )  
 ) SS  
COUNTY OF PALM BEACH )

I, the undersigned hereby duly sworn, depose and say that no portion of the sum herein bid will be paid to any employees of the City of Boynton Beach as a commission, kickback, reward of gift, directly or indirectly by me or any member of my firm or by an officer of the corporation.

By: Scott R Pechacek  
NAME - SIGNATURE

Sworn and subscribed before me  
this 17<sup>th</sup> day of August, 20 17

Printed Information:

Scott R. Pechacek  
NAME

VP, Sales and Marketing  
TITLE

Shelley Byrge Shelley Byrge  
NOTARY PUBLIC, State of ~~Florida~~  
at Large Wisconsin  
Expires: 8/1/2021

NMT Corporation (dba: Northern Micrographics)  
COMPANY

\_\_\_\_\_  
"OFFICIAL NOTARY SEAL" STAMP

THIS PAGE TO BE SUBMITTED ALONG WITH BID FOR  
PACKAGE TO BE CONSIDERED COMPLETE AND ACCEPTABLE

### CONFIRMATION OF MINORITY OWNED BUSINESS

This is a requested form to be made a part of our files for future use and information. Please fill out and indicate in the appropriate spaces provided which category best describes your company. Return this form with your bid proposal sheet making it an official part of your bid response.

**Is your company a Minority Owned Business ?**

_____	X _____
Yes	No

**If Yes, please indicate by an "X" in the appropriate box:**

- ( ) AMERICAN INDIAN
- ( ) ASIAN
- ( ) BLACK
- ( ) HISPANIC
- ( ) WOMEN
- ( ) OTHER \_\_\_\_\_  
(specify)
- ( ) NOT APPLICABLE

**Do you possess a Certification qualifying your business as a Minority Owned Business?**

YES \_\_\_\_\_ NO \_\_\_\_\_

**If YES, Name the Organization from which this certification was obtained and date:**

Issuing Organization for Certification

Date of Certification

**THIS PAGE TO BE SUBMITTED ALONG WITH BID FOR  
PACKAGE TO BE CONSIDERED COMPLETE AND ACCEPTABLE**



## CONFIRMATION OF DRUG-FREE WORKPLACE

Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the City of Boynton Beach or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- 4) In the statement specified in subsection (1), notify the employee that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or *nolo contendere* to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than 5 days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by, any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

**As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.**

  
Vendor's Signature

THIS PAGE TO BE SUBMITTED ALONG WITH BID FOR  
PACKAGE TO BE CONSIDERED COMPLETE AND ACCEPTABLE

### STATEMENT OF NO BID

If you are not bidding on this service/commodity, please complete and return this form to:  
Procurement Services – 100 E. Boynton Beach Blvd. – PO Box 310 – Boynton Beach, FL  
33425.

**Failure to respond may result in deletion of vendor's name from the qualified bidder's list  
for the City of Boynton Beach.**

COMPANY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

WE, the undersigned have declined to respond to your **Bid No.: 059-2610-17/IT** for  
**NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES** because of the following  
reasons:

\_\_\_\_\_ Specifications too "tight", i.e., geared toward brand or manufacturer only  
(explain below)

\_\_\_\_\_ Insufficient time to respond to the Invitation

\_\_\_\_\_ We do not offer this product or an equivalent

\_\_\_\_\_ Our product schedule would not permit us to perform

\_\_\_\_\_ Unable to meet specifications

\_\_\_\_\_ Unable to meet bond requirements

\_\_\_\_\_ Specifications unclear (explain below)

\_\_\_\_\_ Other (specify below)

REMARKS: \_\_\_\_\_

THIS PAGE TO BE SUBMITTED ALONG WITH BID FOR  
PACKAGE TO BE CONSIDERED COMPLETE AND ACCEPTABLE

# **PALM BEACH COUNTY INSPECTOR GENERAL**

## **ACKNOWLEDGMENT**

### **NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES**

**Bid No.: 059-2610-17/IT**

The 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 and lower tier subcontractors.

The contractor understands and agrees that in addition to all other remedies and consequences provided by law, the failure of the Contractor or its subcontractors or lower tier subcontractors to fully cooperate with the Inspector General when requested may be deemed by the municipality to be a material breach of this contract justifying its termination.

NMT Corporation (dba: Northern Micrographics)  
CONTRACTOR NAME

By Scott R. Pechauck

Title: VP, Sales and Marketing

Date: 08-17-2017

THIS PAGE TO BE SUBMITTED ALONG WITH BID FOR  
PACKAGE TO BE CONSIDERED COMPLETE AND ACCEPTABLE

# *The City of Boynton Beach*

---



Finance/Procurement Services  
100 E. Boynton Beach Boulevard  
P. O. Box 310  
Boynton Beach, Florida 33425-0310  
Telephone: (561) 742-6310  
FAX: (561) 742-6316

## **INVITATION TO BID NO. 059-2610-17/IT FOR NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES**

Sealed bids will be received in PROCUREMENT SERVICES, City of Boynton Beach, 100 E. Boynton Beach Boulevard, or mail to P.O. Box 310, Boynton Beach, Florida 33425-0310 on or before: **August 21, 2017; No Later Than 2:30 P.M. (Local Time).**

Bids will be opened in: CONFERENCE ROOM "B" - CITY HALL  
2ND FLOOR unless otherwise designated

### **SCOPE OF BID:**

The City of Boynton Beach (hereinafter known as "City") seeks bids from qualified firms to conduct microfilming and digitization with OCR indexing of the Lake Worth Herald newspaper from 1912 to 1970 as further defined herein.

Copies of this solicitation package may be obtained from Demandstar at Onvia at [www.demandstar.com](http://www.demandstar.com) or by calling 1-800-711-1712. Demandstar distributes the City's solicitations through electronic download. If you prefer that a copy be mailed via U.S.P.S., please contact the City's Procurement Division at (561) 742-6322. Respondent(s) who obtain copies of this solicitation from sources other than Demandstar or the City's Procurement Services Division may potentially risk not receiving certain addendum(s) issued as a result of the solicitation.

Bidders shall submit **one (1) marked original and three (3) copies of the completed bid package** in a sealed envelope to the address above. The Project Name, Bid Number, and time and date of the Bid Opening shall be clearly marked on the outside of the sealed envelope. Facsimile or electronic responses shall not be accepted.

All Bids will be publicly opened. Bids received after the assigned date and time will NOT be considered. The Procurement Services time stamp shall be conclusive as to the timeliness of filing. The City of Boynton Beach is not responsible for the U.S. Mail or private couriers in regard to mail being delivered by a specified time so that Bids can be considered. The City reserves the right to consider Bids that have been determined by the City to be received late due to mishandling by the City after receipt of the Bids and prior to award being made.

Bidders may not withdraw their Bid for a period of ninety (90) calendar days after the day set for the opening of Bids.

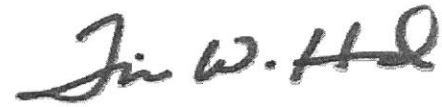
Sealed bids or proposals received by the City in response to an invitation to bid are exempt from public records disclosure requirements until the City provides a notice of decision or **thirty (30) days** after the opening of the proposal/bid. If the city rejects all bids or proposals submitted in response to an invitation to bid or request for proposals, and the City concurrently provides notice of its intent to reissue the competitive solicitation, the rejected bids or proposals remain exempt from public records disclosure until such time as the City provides notice of a decision or intended decision concerning the reissued competitive solicitation, or until the City withdraws the reissued competitive solicitation. A bid, proposal, or reply is not exempt for longer than twelve months after the initial City notice rejecting all bids, proposals, or replies. Requests for bid or proposal documents should be submitted to the City Clerk's Office. Documents may be inspected without charge, but charges will be incurred to obtain copies.

#### CONE OF SILENCE:

Per Palm Beach County Code Section 2-355 after the deadline to respond to this Bid, members of the City Commission are prohibited from communicating directly or indirectly with Bidders regarding the substance of the proposal submittals until such time as the City Commission (1) awards or approves a contract, (2) rejects all responses, or (3) otherwise takes action which ends the solicitation process. Improper communications during this "Cone of Silence" period may result in a penalty as outlined in Palm Beach County Code Section 2-357.

Any questions relative to any item or portion(s) of this bid should be directed to Ilyse Triestman, Purchasing Manager, (561) 742-6322; E-mail: [triestmani@bbfl.us](mailto:triestmani@bbfl.us); Monday through Friday, 8:00 A.M. to 5:00 P.M.

CITY OF BOYNTON BEACH

A handwritten signature in black ink, appearing to read "Tim W. Howard", is written over a horizontal line.

Tim W. Howard  
Assistant City Manager - Administration  
Director of Financial Services

## INSTRUCTIONS TO BIDDERS

### 1. GENERAL:

The following instructions are given for the purpose of guiding bidders in properly preparing their bids. These directions have equal force and weight with the specifications and strict compliance is required with all the provisions herein contained.

### 2. INTERPRETATIONS, INCONSISTENCIES AND ADDENDA:

Prospective bidders may request interpretation of the meaning of the specifications in writing from the City of Boynton Beach. To be considered, such a request shall be received no later than **August 11, 2017**. The bidder shall be bound by the specifications and any and all interpretations and supplemental instructions issued in the form of a written addendum(s).

Any questions relative to any item(s) or portion of this bid or Invitation to Bid should be directed to **Ilyse Triestman, Purchasing Manager, Monday through Friday, 8:00 A.M. to 5:00 P.M. at (561) 742-6322; E-mail triestmani@bbfl.us**

The City may issue an addendum to change the intent or to clarify the meaning of the Contract documents. Since all addenda are available to bidders at the Finance/Procurement Office, it is each bidder's responsibility to check with the issuing office and immediately secure all addenda before submitting bids. It is the usual practice for the City to mail an addendum to known bidders, but it cannot be guaranteed that all bidders will receive an addendum in this manner. Each bidder shall acknowledge receipt of ALL addenda by notation on the bid submittal forms.

Incorporation in a bid of exceptions to any portions(s), of the Contract documents may invalidate the bid. Exceptions to the technical and special provisions shall be clearly and specifically noted in the bidder's bid on a separate sheet marked "**EXCEPTIONS TO THE SPECIFICATIONS**" and this sheet shall be attached to the bid. The use of bidder's standard forms, or the inclusion of manufacturer's printed documents shall not be construed as constituting an exception within the intent of the Contract documents.

### 3. PREPARATION OF BID:

Each bidder shall submit an original (so marked) and three additional copies of the bid and its accompanying statements. The bid shall be submitted with all the blanks on the bid form filled in. The bid shall be enclosed in a sealed envelope plainly marked on the outside:

#### **NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES BID No.: 059-2610-17/IT**

All blank spaces must be filled in as noted, in ink or typed, in both words and figures with the amounts extended and totaled, and no changes shall be made in the phraseology of the forms or in the items mentioned therein. In case of any discrepancy between the written amounts and the figures, the written amounts shall govern. The bid shall contain a manual signature of an authorized representative in the space provided on all affidavits and

proposal sheets.

A corporation's bid shall be signed by the corporation's President or Vice President, attested by the corporation Secretary and shall bear the corporate seal. A general partnership's bid shall be signed by a general partner. A limited partnership's bid shall be signed by a general partner. A sole proprietor's bid shall be signed by the sole proprietor. The bidder IS required to be licensed to do business as an individual, partnership or corporation in the State of Florida.

If forwarded by mail, the sealed envelope containing the bid shall be enclosed in a mailing envelope addressed to Procurement Services, City of Boynton Beach, P.O. Box 310, 100 E. Boynton Beach Boulevard, Boynton Beach, Florida 33425-0310.

#### **4. SUBMISSION OF BIDS:**

All bid forms must be executed and submitted in a sealed envelope by **AUGUST 21, 2017, NO LATER THAN 2:30 P.M.** The face of the envelope shall contain the company's name and address, bid title, and bid number. Bids not submitted on attached bid forms may be rejected. All bids are subject to the conditions specified herein. Those which do not comply with these conditions are subject to rejection. If bids are submitted in advance of bid day, they shall be received at the Office of Procurement Services, City of Boynton Beach, 100 E. Boynton Beach Boulevard, Boynton Beach, Florida, or mail to P.O. Box 310, Boynton Beach, Florida 33425-0310.

#### **5. REJECTION OF BIDS:**

The City reserves the right to reject any or all bids and to waive technical errors, or to accept any bids that are in part deemed as the most responsive, responsible bidder which represents the most advantageous bid to the City. In determining the "most advantageous bid" price, quantifiable factors, and other factors are considered. Any or all bids will be rejected, if there is reason to believe that collusion exists among the bidders. Bids will be considered irregular and may be rejected, if they show serious omissions, alterations in form, additions not called for, conditions or irregularities of any kind. The City reserves the right to reject any or all bids and to waive such technical errors as may be deemed best for the interests of the City.

#### **6. PUBLIC ENTITY CRIMES:**

Legal Requirements: Federal, State, County and City laws, ordinances, rules, and regulations that in any manner affect the items covered herein apply. Lack of knowledge by the Bidder will in no way be a cause for relief from responsibility.

On Public Entity Crimes: All invitations to bid as defined by Section 287.012(11), Florida Statutes, requests for proposals as defined by Section 287.012(16), Florida Statutes, and any contract document described in Section 287.058, Florida Statutes, shall contain a statement informing persons of the provisions of paragraph (2) (a) of Section 287.133, Florida Statutes, which reads as follows:

"A person or affiliate who has been placed on the convicted vendor list following a

conviction for public entity crime may not submit a bid on a contract or provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a CONTRACTOR, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list."

#### **7. WITHDRAWALS:**

Any bidder may, without prejudice, withdraw or modify his bid at any time prior to the expiration of the time during which bids may be submitted. A request for withdrawal or a modification shall be in writing and signed by a person who submitted the original bid. After expiration of the period for receiving bids, no bid shall be withdrawn, modified, or explained.

#### **8. METHOD OF ORDERING:**

A Purchase Order will be issued as formal acceptance of this offer.

#### **9. DISPUTES**

In case of any doubt or difference of opinion as to the items to be furnished hereunder, the decision of the City Manager shall be final and binding on both parties.

#### **10. INDEMNIFICATION:**

The bidder's attention is directed to the indemnification requirements set out in the Contract, general conditions and special conditions. The bidder's bid shall include an amount sufficient to constitute sufficient consideration to support the Contractor's obligation to indemnify the City for claims or actions from any claim demand or cause of action arising from any act, omission or default of the CITY, its employees or agents, arising from the Contract or its performance.

#### **11. RIGHTS OF THE CITY:** The City expressly reserves the right to:

- A. Waive any informality, minor deviations from specifications at a lower price than the most responsive, responsible bidder meeting all aspects of the specifications and consider it, if it is determined that total cost is lower and the overall function is improved or not impaired;
- B. Waive any defect, irregularity or informality in any bid or bidding procedure;
- C. Reject or cancel any or all bids;
- D. Reissue an Invitation to Bid;
- E. Extend the bid opening time and date;



F. Procure any item by other means;

G. Increase or decrease the quantity specified in the Invitation to bid unless the bidder specifies otherwise;

H. Consider and accept any alternate bid as provided herein when most advantageous to the City.

**12. TIME FOR COMPLETION:**

See "Specifications and Requirements" section for delivery and completion time requirements.

**13. ACCEPTANCE PERIOD:**

The bidder shall hold his bid good for acceptance by the City for a period of not less than ninety (90) days following the date of the bid opening.

**14. INSURANCE REQUIREMENTS:**

Under the terms and conditions of all contracts, leases, and agreements, the City requires appropriate coverages listing the City of Boynton Beach as Additional Insured. You must agree to provide a Certificate of Insurance listing the City as "Certificate Holder" and the City of Boynton Beach is Additional Insured as respect to coverages noted. General liability coverage will be required as noted in our Insurance Advisory. Automobile and Workers' Comp coverage will additionally be required if your organization will be physically present on site.

See Insurance Requirements – "Insurance Advisory Form".

**15. ASSIGNMENT:**

Any Contract, or Purchase Order, issued pursuant to this Invitation to Bid and the monies which may become due hereunder are not assignable except with the prior written approval of the City.

**16. DELIVERY:**

Prices shall be quoted F.O.B. Boynton Beach, Florida. F.O.B. destination indicates that the seller is responsible for the shipment until it reaches its destination. Any and all freight charges are to be included in the bid total. The bidder's invoice payment terms must be shown.

**17. PALM BEACH COUNTY INSPECTOR GENERAL:**

The Successful Bidder shall be aware that the Inspector General of Palm Beach County has the authority to investigate and audit matters relating to the negotiation and performance of any contracts resulting from this solicitation and in furtherance thereof, may demand and obtain records and testimony from the Successful Bidder and its subcontractors and lower tier subcontractors. The Successful Bidder understand and

agrees that in addition to all other remedies and consequences provided by law, the failure of the Successful Bidder or its subcontractors or lower tier subcontractors to fully cooperate with the Inspector General when requested, may be deemed by the CITY to be a material breach of this Contract justifying its termination. Each Bidder shall complete the Palm Beach County Inspector General Acknowledgement Form and shall submit this form with the Bid/Proposal. The CITY considers the failure of the Contractor to submit this document to be a major irregularity, and may be cause for rejection of the Proposal.

- 18. PUBLIC RECORDS:** Sealed documents received by the City in response to an invitation are exempt from public records disclosure until thirty (30) days after the opening of the Bid unless the City announces intent to award sooner, in accordance with Florida Statutes 119.07.

The City is public agency subject to Chapter 119, Florida Statutes. The Contractor shall comply with Florida's Public Records Law. Specifically, the Contractor shall:

- A. Keep and maintain public records required by the CITY to perform the service;
- B. Upon request from the CITY's custodian of public records, provide the CITY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in chapter 119, Fla. Stat. or as otherwise provided by law;
- C. Ensure that public records that are exempt or that are confidential and exempt from public record disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and, following completion of the contract, Contractor shall destroy all copies of such confidential and exempt records remaining in its possession once the Contractor transfers the records in its possession to the CITY; and
- D. Upon completion of the contract, Contractor shall transfer to the CITY, at no cost to the CITY, all public records in Contractor's possession. All records stored electronically by Contractor must be provided to the CITY, upon request from the CITY's custodian of public records, in a format that is compatible with the information technology systems of the CITY.

- E. IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS:**

**JUDY PYLE, CITY CLERK  
100 E BOYNTON BEACH BLVD.  
BOYNTON BEACH, FLORIDA, 33435  
561-742-6061  
PYLEJ@BBFL.US**

## **SPECIFICATIONS AND REQUIREMENTS**

### **BACKGROUND**

The Boynton Beach City Library (hereinafter known as BBCL) is collaborating on a project to microfilm and digitize the only known copies of the Lake Worth Herald newspaper published from 1912 to 1970. Please note, for the purposes of this document, references to the Lake Worth Herald newspaper include all available copies of the Lake Worth Herald and the first and only issue of the Lucerne Herald, published May 23, 1912.

Work will include providing positive, negative and preservation master microfilm as well as digital files in TIFF format for the newspapers provided. The final product of this project includes making the Lake Worth Herald newspaper digitally available to the public via the internet, using the ResCarta Foundation, Inc. database ([www.rescarta.org](http://www.rescarta.org)). The ResCarta database is open source software with the ability to have the metadata collected by the Digital Public Library of America (DPLA) through an Open Archives Initiative Protocol for Metadata Harvesting (OAI-PMH) feed. This grant is funded (in part) by an LSTA (Library Services and Technology Act) Grant and administered by the State Library of Florida (Department of State).

### **SCOPE OF SERVICES**

The City of Boynton Beach (hereinafter known as "City") seeks proposals from qualified firms to conduct microfilming and digitization with OCR indexing of the Lake Worth Herald newspaper from 1912 to 1970 in full accordance with the specifications and requirements contained herein. All pricing must include return shipping.

Microfilming, as outlined below, must comply with ANSI (American National Standards Institute), AIIM (Association for Information and Image Management), and RLG (Research Libraries Group) standards. All digital scans, as outlined below, must comply with FADGI (Draft) Guidelines of September 2, 2015 (see Attachment B). All metadata must be harvestable by the Digital Public Library of America (DPLA) via an Open Archives Initiative Protocol for Metadata Harvesting (OAI-PMH) feed.

The following attachments are attached herewith and incorporated herein:

- Attachment A – FADGI Guidelines of September 2, 2015 (Please note: this is the iteration of the standard required by the State of Florida, which is the entity issuing the grant for this digitization project)
- Attachments B-J – Photographs of the existing collection

#### Scope of Work/Deliverables:

- BBCL will pack and ship bound newspaper for preservation microfilming and digitization. BBCL will pack boxes in chronological order, with the exception of volumes bound in reverse order (i.e. newest date on top, oldest date on bottom), and each box will include a packing list. BBCL will forward completed metadata spreadsheets for the shipment (in the vendor-approved format) via email to the vendor.
- BBCL may ship newspapers in **four groups** to ease the workflow:
  - **Group 1:** May 23, 1912 - December 31, 1924 – **4,059** pages;
  - **Group 2:** January 1925, - December 30, 1946 – **9,926** pages;
  - **Group 3:** January 2, 1947 - May 30, 1961 – **10,356** pages;
  - **Group 4:** June 2, 1961 - December 31, 1970 – **7,644** pages).
- All microfilming and digitization shall be done on the vendor's premises. **No subcontracting of this work shall be permitted without prior communication and approval from BBCL.**
- The vendor shall prepare the newspapers for microfilming, including unbinding, repairing damaged newspapers where possible to ensure a clear image, and collating (organizing the newspapers according to how many will be filmed on each microfilm reel). The vendor shall make only minimal repairs to the newspapers; pages that are in more than four or five pieces should not be repaired or filmed. Repairs shall be limited to gentle (by hand) flattening and use of Filmoplast® (an acid free archival mending tape that is buffered and reversible) or approved equivalent to attach the pieces. Please note for purposes of this bid, BBCL estimates 13,985 pages are considered "brittle" which will require special handling (see Attachments C-K for photographs of typical newspaper condition). At the end of the project, the vendor shall submit a photo-documented report of the issues/pages that are not filmed due to their condition.
- The vendor shall then microfilm the newspapers. All of the newspapers shall be microfilmed before the digitization portion of the work begins.
- All pages shall be microfilmed in high contrast black and white on 35mm polyester roll film with one-up orientation (one page per film frame). In the case where there is a centerfold spread, they shall be filmed as two-up (as two-page spreads) to include any articles or images that overlap both pages.
- The vendor shall provide the following standard targets: Start, Copyright, Title, Technical Target (resolution), Volume, Missing Issues/Pages targets, Continued on Next Reel (if applicable), End of Reel. BBCL will provide any custom targets, if required, with the shipment and will provide information regarding their use.
- The vendor shall create one master microfilm (silver halide), two negative microfilm copies, and three positive microfilm copies for each newspaper filmed. All microfilm must be quality control inspected by the vendor for visual defects or missing pages.
- Vendor shall digitize the newspapers from the microfilmed images. The digitized images must be 400dpi (dots per inch) resolution grayscale TIFF (tagged image file format) and will be searchable using OCR software. The vendor shall deskew and crop all images in

preparation for text capture.

- The vendor shall OCR all pages, creating ResCarta compliant data files, and shall upload the digital newspaper files into the ResCarta Foundation, Inc. database.
- A copy of the database shall be loaded onto a portable hard drive (provided by vendor) and sent to BBCL via UPS for review/quality control. During quality control, BBCL will view the digitized newspapers to be sure none of the pages is skewed, cropped, or blurry and that the metadata is accurate (i.e. the date of publication shown in the database is the same as shown on the newspaper). This work may be phased in the same four groups noted above to ease the workflow. The hard drive, once viewed by BBCL, will be returned to the vendor via UPS with notes for any corrections needed (these notes will also be sent to the vendor via email). While BBCL is performing quality control on group 1, the vendor can be scanning group 2, and so on.
- The vendor shall correct any errors found by BBCL during the quality control checks. The vendor shall return a copy of the corrected ResCarta database on a portable hard drive to BBCL via UPS along with all master microfilm, positive microfilm (three copies), and duplicate negative microfilm (two copies). The vendor shall pack and return the newspapers to BBCL, in the same manner in which they were original sent, via UPS.
- For grant-related purposes, reports from vendor will be required for each submitted payment request that indicate the issues of newspapers microfilmed, number of pages microfilmed, number of rolls of microfilm produced, number of pages digitized, and number of metadata records added to the database. The vendor shall also provide receipts and tracking information from shipping company showing delivery of portable hard drive to and from vendor as well as receipts and tracking information from shipping company showing delivery of microfilm, corrected hard drive, and newspapers from vendor.

Care, Handling, and Storage of Original Material:

- Handling of originals shall only be done by qualified technicians throughout the entire workflow.
- Keep all originals in secure and climate-controlled facilities.
- The vendor is responsible for the security of all materials while in their care.
- Under non-emergency circumstances, the vendor shall not leave originals unattended, or in a machine unattended for extended periods (i.e. over lunch breaks or overnight).

Timeframe and Scheduling:

**This project is grant-funded and will have a strict timeframe.** The following is the projected schedule for the project:

PROJECTED TIMEFRAME	ACTIVITY
October 1, 2017	Grant Awarded
October 15, 2017	Contracts/agreements signed; vendor provides metadata spreadsheet to BBCL
November 8, 2017	Group 1 of newspapers shipped to vendor, if applicable
November 15, 2017	Group 2 of newspapers shipped to vendor, if applicable

PROJECTED TIMEFRAME	ACTIVITY
November 22, 2017	Group 3 of newspapers shipped to vendor, if applicable
November 29, 2017	Group 4 of newspapers shipped to vendor, if applicable. (note: BBCL will ship all newspapers by the end of November, if the vendor requests all newspapers can be shipped in one group, if applicable.)
December 2017 – February 2018	Vendor performs microfilming tasks including quality control and creating microfilm copies
March 2018 – May 2018	Vendor performs digitizing tasks in four groups and ships portable hard drive to BBCL for quality control when digitization for each group has been completed
June 2018	Project is completed and vendor ships original newspapers, microfilm, and portable hard drive containing complete digital content in ResCarta database to BBCL

### **MINIMUM VENDOR QUALIFICATIONS AND REQUIREMENTS**

In order to be considered a responsive and responsible bidder as set forth within these specifications, the bidder must meet the below referenced minimum qualifications and requirements.

- |   | <u>COMPLY?</u><br><u>YES /NO</u> |
|---|----------------------------------|
| A. Bidder has performed at least two (2) ResCarta Foundation database projects.   | _____                            |
| B. Bidder has at least two (2) years experience in handling fragile newspapers.   | _____                            |
| C. Bidder has at least two (2) years experience working within a compressed timeframe.  | _____                            |
| D. Bidder has at least two (2) years experience developing projects within the ResCarta Foundation database.  | _____                            |
| E. Bidder has the necessary equipment, staff, resources, facility and security to perform the services described herein.  | _____                            |
| F. Bidder agrees to adhere to strict timeline as defined herein.  | _____                            |
| G. Bidder agrees to comply with ANSI (American National Stds. Institute), AIIM (Association for Information and Image Mgmt.), and RLG (Research Libraries Group) standards. | _____                            |

**The bidder should return this completed compliance form and submit documentation to support the above statements with its bid submittal, but must submit within three (3) days of City request.** Failure of the bidder to submit this required information may be grounds to deem bidder non-responsive. Bidder may attach brochures, resumes of personnel to be assigned to the project, or any additional sheets or documents necessary to fully support their qualifications. The City shall be the sole determinate of bidder compliance.



**City of Boynton Beach**  
**Risk Management Department**  
**INSURANCE ADVISORY FORM**

Under the terms and conditions of all contracts, leases, and agreements, the City requires appropriate coverages listing the City of Boynton Beach as Additional Insured. This is done by providing a Certificate of Insurance listing the City as "Certificate Holder" and "The City of Boynton Beach is Additional Insured as respect to coverages noted." Insurance companies providing insurance coverages must have a current rating by A.M. Best Co. of "B-" or higher. (NOTE: An insurance contract or binder may be accepted as proof of insurance if Certificate is provided upon selection of vendor.) The following is a list of types of insurance required of contractors, lessees, etc., and the limits required by the City. (NOTE: This list is not all inclusive, and the City reserves the right to require additional types of insurance, or to raise or lower the stated limits, based upon identified risk.)

<u>TYPE (Occurrence Based Only)</u>		<u>MINIMUM LIMITS REQUIRED</u>	
General Liability	Commercial General Liability	General Aggregate	\$ 1,000,000.00
	Owners & Contractor's Protective (OCP)	Products-Comp/Op Agg.	\$ 1,000,000.00
	Liquor Liability	Personal & Adv. Injury	\$ 1,000,000.00
	Professional Liability	Each Occurrence	\$ 1,000,000.00
	Employees & Officers	Fire Damage (any one fire)	\$ 50,000.00
	Pollution Liability	Med. Expense (any one person)	\$ 5,000.00
	Asbestos Abatement		
	Lead Abatement		
	Broad Form Vendors		
	Premises Operations		
	Underground Explosion & Collapse		
	Products Completed Operations		
	Contractual		
	Independent Contractors		
	Broad Form Property Damage		
	Fire Legal Liability		
Automobile Liability	Any Auto	Combined Single Limit	\$ 1,000,000.00
	All Owned Autos	Bodily Injury (per person)	to be determined
	Scheduled Autos	Bodily Injury (per accident)	to be determined
	Hired Autos	Property Damage	to be determined
	Non-Owned Autos	Trailer Interchange	\$1,000,000.00
	PIP Basic		
	Intermodal		
Garage Liability	Any	Auto Only, Each Accident	\$ 1,000,000.00
	Garage Keepers Liability	Other Than Auto Only	\$ 100,000.00
		Each Accident	\$ 1,000,000.00
		Aggregate	\$ 1,000,000.00
Excess Liability	Umbrella Form	Each Occurrence	to be determined
		Aggregate	to be determined
Worker's Compensation Statutory Limits	Employer's Liability	Each Accident	\$ 100,000.00
		Disease, Policy Limit	\$ 500,000.00
		Disease Each Employee	\$ 100,000.00
Property:	Homeowners Revocable Permit		\$ 300,000.00
	Builder's Risk		Limits based on Project Cost
Other - As Risk Identified		to be determined	
INSURANCE ADVISORY FORM		Revised 03/2017	

## BIDDER ACKNOWLEDGEMENT

Submit Bids To: FINANCE/PROCUREMENT SERVICES  
100 E. Boynton Beach Boulevard  
P.O. Box 310  
Boynton Beach, Florida 33425-0310  
Telephone: (561) 742-6322

Bid Title: **NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES**

Bid Number: **059-2610-17/IT**

Bid Received By: **AUGUST 21, 2017, NO LATER THAN 2:30 P.M.**

Bids will be opened in Procurement Services unless specified otherwise. Bid receiving date and time is scheduled for: **August 21, 2017, no later than 2:30 P.M.**, and may not be withdrawn within ninety (90) days after such date and time.

All awards made as a result of this bid shall conform to applicable sections of the charter and codes of the City.

Name of Vendor: \_\_\_\_\_

Federal I.D. Number: \_\_\_\_\_

A Corporation of the State of: \_\_\_\_\_

Area Code: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Area Code: \_\_\_\_\_ FAX Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Vendor Mailing Date: \_\_\_\_\_

E-MAIL: \_\_\_\_\_ Authorized Signature

\_\_\_\_\_  
Name Typed



**A D D E N D A**

CITY OF BOYNTON BEACH  
FLORIDA

**BID TITLE:   NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES**  
**BID NO:       059-2610-17/IT**

BIDDER: \_\_\_\_\_

DATE SUBMITTED: \_\_\_\_\_

We propose and agree, if this bid is accepted, to contract with the City of Boynton Beach, in the Contract Form, to furnish all material, equipment, machinery, tools, apparatus, means of transportation, construction, coordination, labor and services necessary to complete/provide the work specified by the Contract documents.

Having studied the documents prepared by: The City of Boynton Beach and having examined the project site, we propose to perform the work of this Project according to the Contract documents and the following addenda which we have received:

ADDENDUM	DATE	ADDENDUM	DATE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

☐ NO ADDENDUM WAS RECEIVED IN CONNECTION WITH THIS BID

## BID SHEET

### NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES

BID No.: 059-2610-17/IT

**Basis of Award:** This bid may be awarded to the lowest responsive and responsible bidder per group, by total of all groups or any combination thereof, whichever is deemed in the City's best interests.

<b>Group 1</b> – All equipment, labor, tools, materials, supplies and shipping charges for microfilming and scanning approximately 4,059 newspaper pages	<b>TOTAL PRICE GROUP 1:</b> \$ _____
<b>Group 2</b> – All equipment, labor, tools, materials, supplies and shipping charges for microfilming and scanning approximately 9,926 newspaper pages	<b>TOTAL PRICE GROUP 2:</b> \$ _____
<b>Group 3</b> – All equipment, labor, tools, materials, supplies and shipping charges for microfilming and scanning approximately 10,356 newspaper pages	<b>TOTAL PRICE GROUP 3:</b> \$ _____
<b>Group 4</b> – All equipment, labor, tools, materials, supplies and shipping charges for microfilming and scanning approximately 7,644 newspaper pages	<b>TOTAL PRICE GROUP 4:</b> \$ _____
<b>TOTAL PRICE ALL GROUPS 1 THRU 4:</b>	<b>\$</b> _____

**SCHEDULE OF VALUES** : In addition to the total price per group above, please provide schedule of values used to develop and determine the total of each group bid price. These unit prices will also be used to obtain additional microfilming digitization services, if required.

ITEM	UNIT PRICE
High contrast black and white silver halide 35mm roll film master, 1-up for non-brittle newspapers	\$ _____ / per frame
High contrast black and white silver halide 35mm roll film master, 1-up for brittle newspapers	\$ _____ / per frame
High contrast black and white silver halide 35mm roll film master, 2-up for non-brittle newspapers	\$ _____ / per frame
High contrast black and white silver halide 35mm roll film master, 2-up for brittle newspapers	\$ _____ / per frame
Material preparation for microfilming including unbinding and minor repairs	\$ _____ / per hour
Duplicate reels – negative	\$ _____ / per reel

\_\_\_\_\_  
(Name of bidder, Corporation, Firm or Individual)

## BID SHEET (continued)

### NEWSPAPER MICROFILMING AND DIGITIZATION SERVICES

BID No.: 059-2610-17/IT

Duplicate reels – positive	\$ _____ / per reel
Manual cropping of image (remove over-scan, leaving ¼ inch border)	\$ _____ / per image
Manual cropping of image and auto deskew	\$ _____ / per image
Digitizing from microfilm at 400dpi, grayscale, uncompressed TIFF	\$ _____ / per frame
OCR, saved as ResCarta compliant file	\$ _____ / per image
2 TB (minimum) portable hard drive	\$ _____ / each
Loading data to portable hard drive	\$ _____ / each
Shipping (including portable hard drive for quality control and final shipment)	\$ _____ / total

The undersigned bidder understands that this project will be grant funded and agrees to adhere to projected timeframe as defined herein.

The undersigned bidder hereby represents that it has carefully examined the specifications and requirements and will perform all its items, covenants and conditions, all in exact compliance with the requirements of the scope of services.

The bidder, by submission of this Bid acknowledges that the bidder has been advised that in the event bidder contests the award of this project to another bidder, that the bidder damages, if any, are limited to actual Bid preparation costs and bidder hereby waives any claim it may have for other damages coming from the City's failure to award the project bidder.

\_\_\_\_\_  
(Name of bidder, Corporation, Firm or Individual)



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

Accept the Fiscal Year 2016-2017 Budget Status Report of the General Fund and the Utilities Fund for the ten (10) month period ended July 31, 2017.

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**EXPLANATION OF REQUEST:**

This report summarizes the adopted funding sources and expenditure budgets for the City's General Fund and Utility Fund for the ten (10) month period ended July 31, 2017 (83% of the fiscal year). The analysis compares:

- Actual results for the current period to the annual budget
- Actual results for the same period of the prior year annual budget

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** The annual budget is what provides and controls the resources for City programs and services.

**FISCAL IMPACT:**  
**GENERAL FUND**

	FY 2016-17			FY 2015-16			FY 2017 vs. 2016	
	Annual Budget	Actual to Date Amount	%	Annual Budget	Actual to Date Amount	%	Budget %	Actual %
Revenues & Transfers	\$ 83,767	\$ 75,076	90%	\$ 76,518	\$ 71,181	93%	9.5%	5.5%
Expenditures	\$(83,767)	\$(66,250)	79%	\$(76,518)	\$(64,751)	85%	9.5%	2.3%
Excess (Deficit)	\$ -	\$ 8,826		\$-	\$ 6,430			

The General Fund chart above reflects revenue in excess of expenditures (dollars in thousand) yielding a \$8.8M surplus for the period ending July 31, 2017.

**Revenues & Transfers (Exhibit A) – Budgeted Funding Sources:** Property taxes and other revenues provide funding sources of \$68.9M or 82% of our total \$83.7M General Fund budget estimate for FY 2016-17. Transfers from other funds (non-revenues) provide \$14.8M or 18% of the total funding sources to balance our \$83.7M General Fund budgeted expenditures.

These three major estimated funding sources are summarized as follows:

1. 38% - \$ 31.6M – Property taxes less Tax Increment Financing to the CRA
  2. 44% - \$ 37.3M – All other revenues plus General Fund Balance
  3. 18% - \$ 14.8M – Transfers from other funds
- 100% - \$ 83.7M – Total funding sources

The property tax rate for FY 2016-17 is 7.9000 mills, no change from the prior year; the net property taxes of \$31.6M in FY 2016-17 represent an 7.48% increase in property tax revenue or an increase of \$2.2M from FY 2015-16.

To balance the budget in FY 2016-17, it required transfers from other funds of \$14.8M representing 18% of all funding sources.

**Actual Funding Sources Realized:** At the end of the tenth month in FY 2016-17, revenues and transfers realized are approximately \$75.0M of the budget estimate compared to \$71.1M realized to date in FY 2015-16.

**Ad Valorem Taxes, net of discounts and TIF taxes to the CRA,** received to date was \$31.7M as compared to \$29.6M for FY 2015-16, as noted on Exhibit A.

### **Expenditures (Exhibit B)**

**Budgeted Expenditures:** Overall, appropriations increased approximately 9.5% from \$76.5M to \$83.7M. The budget increase was due to the cost of doing business, providing funding related to wage increases, equipment and additional personnel.

**Actual Expenditures** – General Fund expenditures for the ten month period ending July 31 (83% of the fiscal year) are \$66.2M that is 79% of the \$83.7M expenditure appropriation for FY 2016-17. Note: the City's annual pension obligations for General Employees, Fire, and Police are paid in the first month of the fiscal year.

The table at the top of Exhibit B displays actual expenditures of \$66.2M or 79% of the FY 2016-17 budget. At this point in the fiscal year, FY2016-17 spending levels are \$1.5M ahead of the \$64.7M or 85% expended in FY 2015-16 for this same period.

### **UTILITY FUND**

The FY 2016-17 annual expenditure budget of \$42.24M represents a \$27K increase from the FY 2015-16 budget of \$42.2M. The operational forecast reflects an estimated increase of \$1.2M of the fund balance for FY 2016-17.

	FY 2016-17			FY 2015-16			FY 2017 vs. 2016	
	Annual Budget	Actual to Date Amount	%	Annual Budget	Actual to Date Amount	%	Budget %	Actual %
Revenues & Transfers	\$ 42,245	\$ 37,590	89%	\$ 42,218	\$ 37,420	89%	0.1%	0.5%
Expenditures	\$(42,245)	\$(34,651)	82%	\$(42,218)	\$(33,671)	80%	0.1%	2.9%
Excess (Deficit)	\$ -	\$ 2,939		\$ -	\$ 3,749			

For the ten month period in FY 2016-17,

- Revenues realized are \$37.5M (89%) of the annual budget estimate.
- Expenditures incurred are \$34.6M (82%) of the annual appropriated budget.

This resulted in revenues in excess expenditures which yielded a surplus of approximately \$2.9M.

**Expenditures (Exhibit D)** – Utility Fund FY 2016-17 expenditures to date are \$34.6M or 82% of the annual appropriation compared to expenditures of \$33.6M or 80% for the prior fiscal year (which excludes

depreciation and the joint ventures expenditures).

**ALTERNATIVES:** Discuss this Budget Status Report or request clarification at the City Commission meeting.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?**

**Grant Amount:**

---

**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Addendum	GF Revenues-Financial Report for July 31, 2017
<input type="checkbox"/> Addendum	GF Expenditures-Financial Report for July 31, 2017
<input type="checkbox"/> Addendum	UF Revenues-Financial Report for July 31, 2017
<input type="checkbox"/> Addendum	UF Expenditures-Financial Report for July 31, 2017

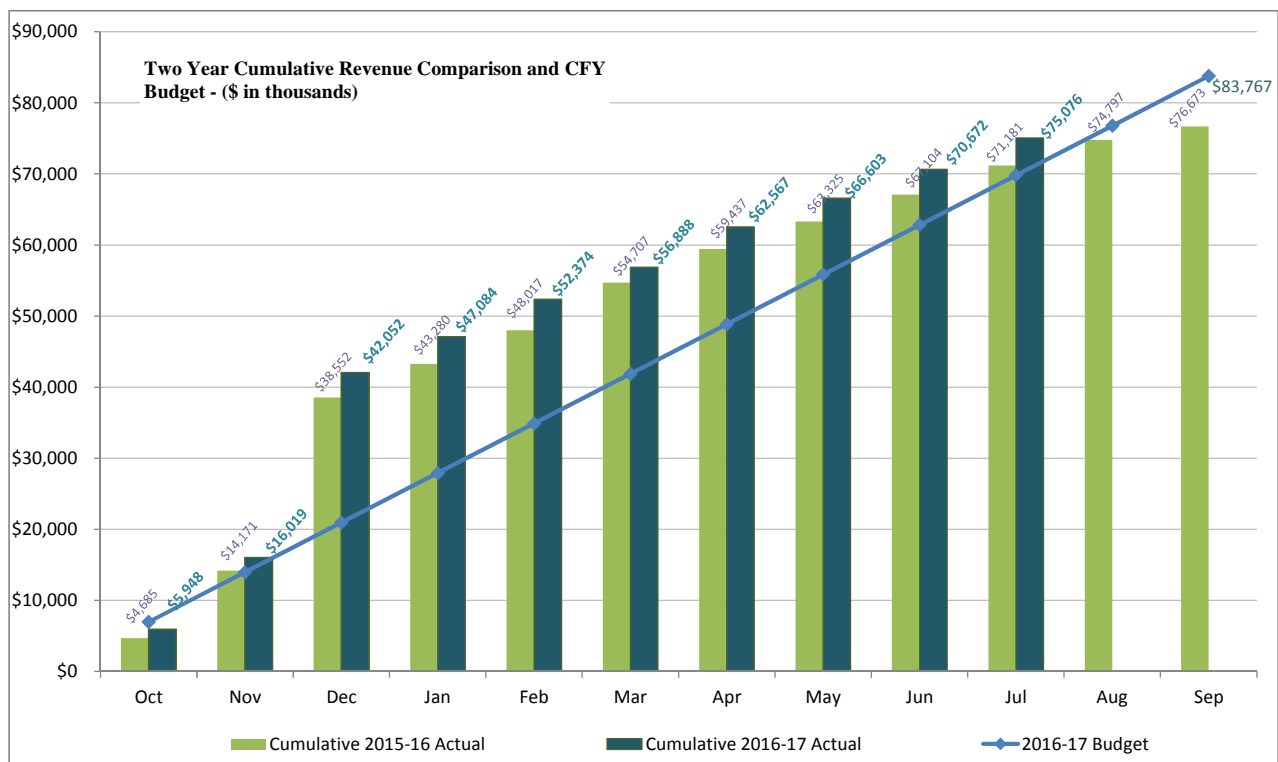
## CITY OF BOYNTON BEACH, FLORIDA

## GENERAL FUND ANALYSIS

## STATEMENT OF REVENUES - COMPARATIVE BUDGET TO ACTUAL

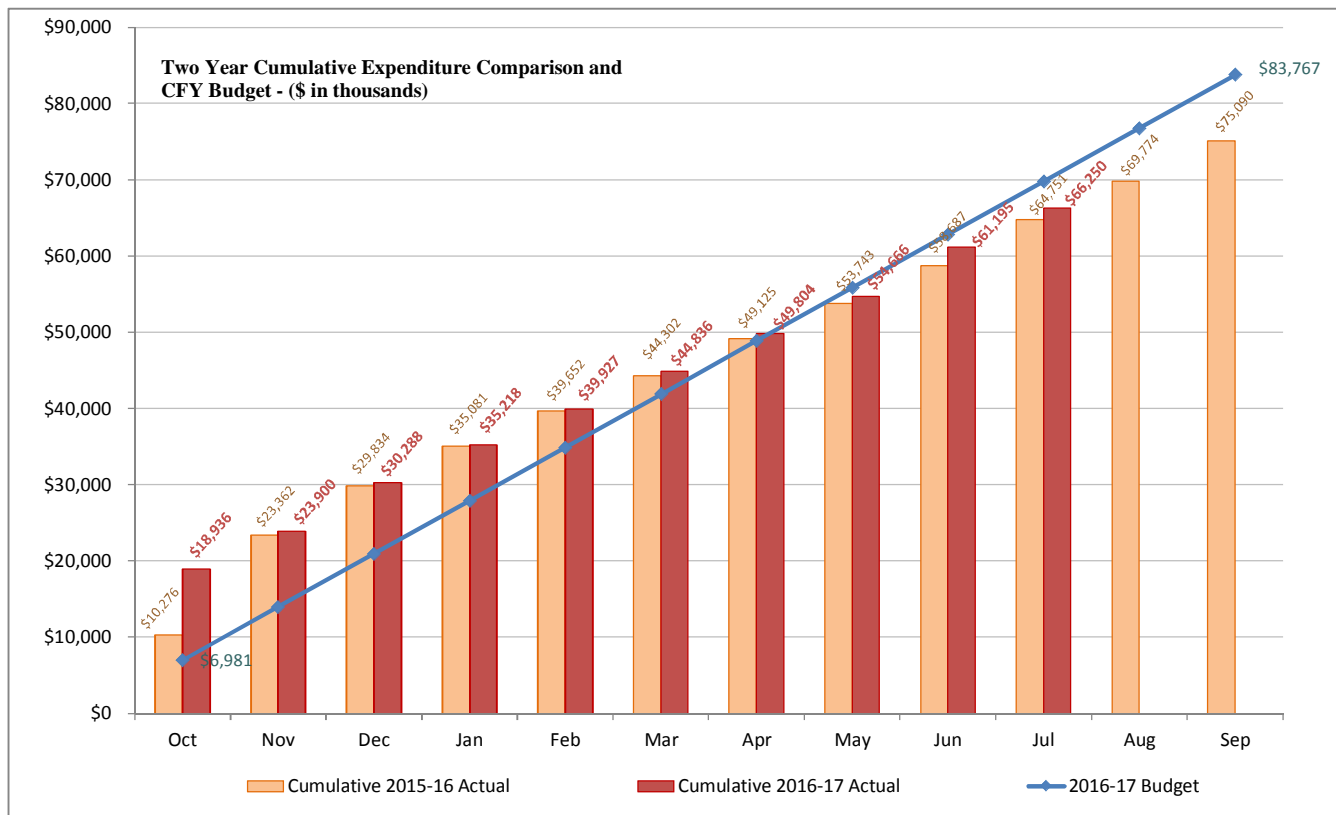
Fiscal Year Period Ended July 31, 2017 (83% of Fiscal Year)

ACCOUNTS	REVENUES					
	FY 2016-17 BUDGET APPROVED	FY 2016-17 TO DATE		FY 2015-16 BUDGET APPROVED	FY 2015-16 TO DATE	
		REVENUE REALIZED	% REALIZED		REVENUE REALIZED	% REALIZED
AD VALOREM TAXES, net	\$ 38,322,309	\$ 38,378,634	100%	\$ 35,437,711	35,591,244	100%
LESS TIF TAXES TO CRA	(6,682,137)	(6,590,331)	99%	(5,985,241)	(5,971,583)	100%
NET TAXES TO THE CITY	31,640,172	31,788,303	100%	29,452,470	29,619,661	101%
<b>LICENSES AND PERMITS</b>						
BUSINESS TAXES	1,656,000	1,717,857	104%	1,545,000	1,626,815	105%
BUILDING PERMITS	2,417,000	1,847,847	76%	2,154,000	2,251,761	105%
FRANCHISE FEES	5,065,000	3,738,678	74%	4,830,000	3,769,187	78%
OTHR LICENSES, FEES & PER	218,000	213,131	98%	180,000	216,631	120%
<b>INTERGOVERNMENTAL REVENUES</b>						
OTHER FEDERAL REVENUE	85,000	13,872	16%	130,000	27,135	21%
STATE SHARED REVENUES	8,674,000	6,536,992	75%	8,239,000	6,626,080	80%
SHRD REV FROM OTHR LCL	310,000	125,361	40%	395,000	141,092	36%
<b>CHARGES FOR SERVICES</b>						
PYMTS IN LIEU OF TAXES	121,300	134,833	111%	121,300	120,133	99%
CHRGs-GENERAL GOVT	459,500	423,818	92%	459,000	398,954	87%
PUBLIC SAFETY	5,133,816	6,126,834	119%	4,870,949	5,107,902	105%
PHYSICAL ENVIRONMENT	20,000	5,709	29%	20,000	13,249	66%
CULTURE/RECREATION	415,500	395,734	95%	410,500	381,579	93%
<b>INTEREST &amp; MISC REVENUE</b>						
LIBRARY FINES	30,000	18,491	62%	30,000	15,760	53%
VIOLATIONS LOCAL ORD.	720,000	432,849	60%	595,000	542,740	91%
INTEREST EARNINGS	50,000	93,274	187%	50,000	104,234	208%
RENTS AND ROYALTIES	368,800	354,640	96%	367,200	293,640	80%
SPECIAL ASSESSMENTS	5,541,500	5,645,525	102%	5,541,500	5,620,172	101%
SALE OF SURPLUS MATERIAL	2,000	1,668	83%	2,000	2,129	106%
OTHER MISC. REVENUE	2,725,000	365,517	13%	233,000	224,467	96%
<b>INTERNAL FUND TRANSFERS</b>						
TRANSFERS	14,842,000	12,368,333	83%	16,442,000	13,701,667	83%
FUND BALANCE APPROPRIATED	3,272,149	2,726,791	83%	450,645	375,538	83%
<b>Total Revenues</b>	<b>\$ 83,766,737</b>	<b>\$ 75,076,057</b>	<b>90%</b>	<b>\$ 76,518,564</b>	<b>71,180,526</b>	<b>93%</b>



**CITY OF BOYNTON BEACH, FLORIDA**  
**GENERAL FUND ANALYSIS**  
**STATEMENT OF EXPENDITURES - COMPARATIVE BUDGET TO ACTUAL**  
Fiscal Year Period Ended July 31, 2017 (83% of Fiscal Year)

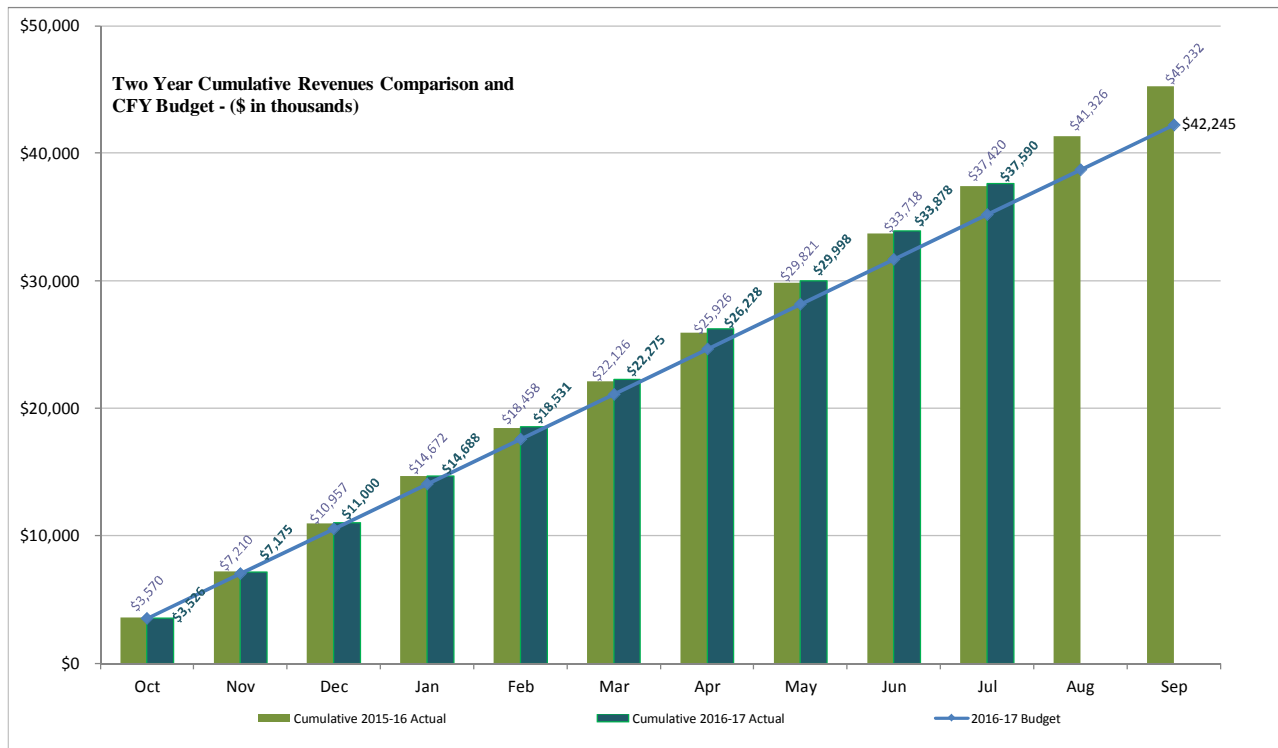
ACCOUNTS	EXPENDITURES					
	FY 2016-17 BUDGET APPROVED	FY 2016-17 TO DATE		FY 2015-16 BUDGET APPROVED	FY 2015-16 TO DATE	
		EXPENDED	% EXPENDED		EXPENDED	% EXPENDED
<b>GENERAL GOVERNMENT</b>						
CITY COMMISSION	\$ 231,706	\$ 227,801	98%	\$ 260,692	\$ 183,235	70%
CITY MANAGER	696,119	634,894	91%	675,310	574,968	85%
CITY HALL/GEN. ADMIN.	8,405,149	2,281,347	27%	2,441,639	1,849,198	76%
MARKETING/COMMUNICATIONS	313,215	210,650	67%	234,811	191,892	82%
CITY CLERK	605,165	430,422	71%	611,709	482,077	79%
CITY ATTORNEY	615,411	415,544	68%	645,944	479,274	74%
FINANCIAL SERVICES	1,186,767	881,664	74%	1,175,704	1,009,896	86%
ITS	2,249,058	1,671,690	74%	1,921,828	1,605,527	84%
HUMAN RESOURCES	806,830	603,147	75%	720,200	546,415	76%
<b>PUBLIC SAFETY</b>						
UNIFORM SERVICES	16,197,211	14,148,759	87%	15,809,178	13,497,269	85%
ADMINISTRATIVE SERVICES	3,715,348	2,963,363	80%	5,269,636	4,408,244	84%
SUPPORT SERVICES	9,151,124	8,186,650	89%	8,782,483	7,706,380	88%
FIRE	21,789,868	19,428,191	89%	22,767,587	19,503,395	86%
COMMUNITY STANDARDS	2,191,683	1,495,933	68%	0	0	0%
EMERGENCY MANAGEMENT	22,870	8,526	37%	81,914	14,082	17%
<b>BUILDING &amp; DEVELOPMENT</b>						
DEVELOPMENT	1,091,800	946,388	87%	1,013,150	871,987	86%
BUILDING	1,200,588	1,097,619	91%	1,184,195	969,460	82%
ENGINEERING	693,132	591,830	85%	716,777	606,786	85%
PLANNING & ZONING	733,234	657,864	90%	757,498	657,175	87%
ECONOMIC DEVELOPMENT	231,749	160,627	69%	245,731	155,708	63%
<b>PUBLIC WORKS</b>						
PUBLIC WORKS	223,397	196,904	88%	235,695	199,697	85%
FACILITIES MANAGEMENT	1,851,035	1,247,584	67%	1,541,462	1,246,430	81%
STREETS MAINTENANCE	1,128,602	838,373	74%	1,100,307	934,835	85%
<b>LEISURE SERVICES</b>						
LIBRARY	2,253,461	1,938,559	86%	2,261,401	1,943,722	86%
SCHOOLHOUSE MUSEUM SERV	269,372	246,160	91%	301,653	285,720	95%
RECREATION	2,960,081	2,470,834	83%	2,990,094	2,542,369	85%
PARKS & GROUNDS	2,952,762	2,242,743	76%	2,771,966	2,255,904	81%
CRA REIMBURSABLE & RESERVES	-	26,349	0%	-	29,167	0%
<b>Total Expenditures</b>	<b>\$ 83,766,737</b>	<b>\$ 66,250,415</b>	<b>79%</b>	<b>\$ 76,518,564</b>	<b>\$ 64,750,812</b>	<b>85%</b>





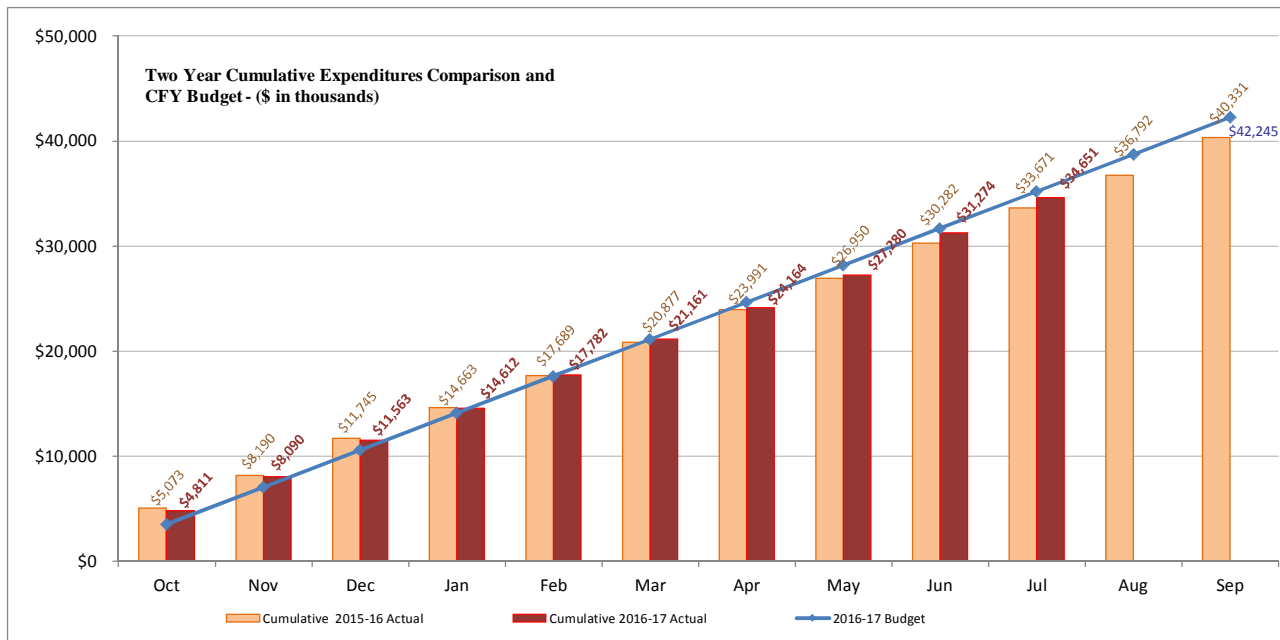
**CITY OF BOYNTON BEACH, FLORIDA**  
**UTILITY FUND ANALYSIS**  
**STATEMENT OF REVENUES - COMPARATIVE BUDGET TO ACTUAL**  
**Fiscal Year Period Ended July 31, 2017 (83% of Fiscal Year)**

ACCOUNTS	REVENUES					
	FY 2016-17 BUDGET APPROVED	FY 2016-17 TO DATE		FY 2015-16 BUDGET APPROVED	FY 2015-16 TO DATE	
		REVENUE REALIZED	% REALIZED		REVENUE REALIZED	% REALIZED
WATER SALES	\$ 20,250,000	\$ 18,544,536	92%	\$ 19,490,000	\$ 17,593,842	90%
WATER CONNECTION FEE	25,000	79,277	317%	25,000	38,360	153%
WATER SERVICE CHARGE	750,000	843,425	112%	750,000	725,455	97%
WTR-BACKFLOW PREVNTN TEST	10,000	13,000	130%	5,000	19,000	380%
RECLAIMED WATER SALES	60,000	59,658	99%	60,000	49,230	82%
SEWER SERVICE	18,500,000	15,811,552	85%	17,988,000	15,669,150	87%
STORMWATER UTILITY FEE	3,800,000	3,183,438	84%	3,790,000	3,145,582	83%
TELEWISE SEWER LINES	3,500	634	18%	2,500	12,857	514%
FEES	15,000	6,338	42%	10,000	36,854	369%
INTEREST INCOME	35,000	19,420	55%	40,000	42,202	106%
SALE OF SURPLUS EQUIP.	-	30,805	0%	-	1,403	0%
OCEAN RGE UT TAX ADM CHG	800	686	86%	800	725	91%
BAD DEBT RECOVERIES	-	-	0%	500	-	0%
MISCELLANEOUS INCOME	-	688	0%	-	38,377	0%
TRANSFER FROM SANITATION FUND	-	-	0%	-	-	0%
FUND BALANCE DECREASE (INCREASE)	(1,204,004)	(1,003,337)	83%	56,108	46,757	83%
<b>TOTAL REVENUES</b>	<b>\$ 42,245,296</b>	<b>\$ 37,590,120</b>	<b>89%</b>	<b>\$ 42,217,908</b>	<b>\$ 37,419,794</b>	<b>89%</b>



**CITY OF BOYNTON BEACH, FLORIDA**  
**UTILITY FUND ANALYSIS**  
**STATEMENT OF EXPENDITURES - COMPARATIVE BUDGET TO ACTUAL**  
**Fiscal Year Period Ended July 31, 2017 (83% of Fiscal Year)**

<b>EXPENDITURES</b>						
ACCOUNTS	FY 2016-17 BUDGET APPROVED	FY 2016-17 TO DATE		FY 2015-16 BUDGET APPROVED	FY 2015-16 TO DATE	
		EXPENDED	% EXPENDED		EXPENDED	% EXPENDED
WATER DISTRIBUTION	\$ 1,814,027	\$ 1,577,843	87%	\$ 1,659,754	\$ 1,387,074	84%
PUBLIC WATER TREATMENT	5,839,748	4,811,499	82%	5,691,571	4,417,619	78%
METER READING & SERVICES	1,068,186	973,269	91%	1,208,362	893,847	74%
WASTEWATER COLLECTION	1,667,933	1,217,575	73%	1,720,597	1,356,684	79%
WASTEWATER PUMPING STATIONS	2,586,495	1,948,727	75%	2,622,842	2,064,780	79%
SEWAGE TREATMENT	4,050,070	2,925,380	72%	4,405,000	3,061,240	69%
WATER QUALITY	650,776	455,405	70%	662,894	562,317	85%
UTILITY ADMINISTRATION	14,710,941	12,137,169	83%	14,472,294	11,723,045	81%
UTILITIES ENGINEERING	1,365,747	1,271,434	93%	1,150,746	1,079,433	94%
STORMWATER MAINTENANCE	966,364	792,675	82%	978,291	778,527	80%
CUSTOMER RELATIONS	1,446,521	1,190,973	82%	1,562,822	1,208,045	77%
DEBT SERVICE	6,078,488	5,348,857	88%	6,082,735	5,138,506	84%
<b>Total Expenditures</b>	<b>\$ 42,245,296</b>	<b>\$ 34,650,806</b>	<b>82%</b>	<b>\$ 42,217,908</b>	<b>\$ 33,671,117</b>	<b>80%</b>





## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** Approve the minutes from the City Commission held on

---

**EXPLANATION OF REQUEST:**

The City Commission met on \_\_\_\_\_ and minutes were prepared from the notes taken at the meetings. The Florida Statutes provide that minutes of all Commission meetings be prepared, approved and maintained in the records of the City of Boynton Beach.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** A record of the actions taken by the City Commission will be maintained as a permanent record.

**FISCAL IMPACT:** Non-budgeted N/A

**ALTERNATIVES:** Do not approve the minutes

**STRATEGIC PLAN:** High Performing City Organization

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Minutes	Minutes 08-15-17
<input type="checkbox"/> Minutes	Minutes 08-10-17
<input type="checkbox"/> Minutes	Minutes 08-17-17

**MINUTES OF THE PUBLIC INPUT MEETING  
ON THE TOWN SQUARE - PLAYGROUND  
HELD ON THURSDAY, AUGUST 10, 2017, AT 5:30 PM, AT THE  
BOYNTON BEACH CITY LIBRARY, PROGRAM ROOM  
208 S. SEACREST BOULEVARD, BOYNTON BEACH, FLORIDA**

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**Laura South**, Vice President, Event Production Merchant Strategy began the meeting at 5:39 p.m.

Town Square Boynton Beach is a 16-acre site in downtown Boynton Beach, just east of the I-95 Boynton Beach Boulevard exit. The project is a public/private partnership between the City of Boynton Beach and E2L Real Estate Solutions, LLC and includes the renovation of the historic Boynton Beach High School into a cultural center, residential and retail spaces, a hotel, public spaces, a garage, fire station and a new city hall. The Schoolhouse Museum and Children Learning Center will remain and the Boynton Beach City Library will receive upgrades in association with the construction of a new city hall. The focus would be on the playground. Ms. South introduced Mayor Steven Grant.

**Mayor Grant** indicated he was extremely excited about the meeting. This meeting was for citizens input about the Kid's Kingdom Park. He introduced Vice Mayor Justin Katz, Tim Howard Assistant City Attorney, Wally Majors Director of Parks and Recreation, Jeffery Livergood Director of Public Works, Eleanor Krusell Communication Manager, City Attorney James Cherof, Joseph Paterniti Interim Utility Director, Rebecca Harvey Sustainability Coordinator, Craig Clark Library Director, and Mark Hefferin, President E2L Real Estate Solutions, LLC. He was looking forward to citizens' input.

Ms. South introduced Baker Barrios Inc., Wayne Dunkelberger, Creative Director, Beth Bartlett, Master Planner, Grace Harrison, Landscape Architect, Sharon Merchant President of Merchant Strategy.

**Grace Harrison**, Landscape Architect, noted she was honored to be a part of the team to help with the design of the new park with Wayne Dunkelberger, Creative Director, working on the overall Master Plan, and Beth Bartlett, Master Planner with more than 10 years experience.

Ms. Harrison indicated the reason to be present was to help the citizens of Boynton Beach to get ideas and to brain storm what can be done with Kid's Kingdom Park. She wants to have some History of the existing Kid's Kingdom Playground, as well as provide some current trends and research in playground design. Ms. Harrison stated that the input from the public was very important; this was a park for the community. She needed to know what type of parks would be acceptable, what the community would like to keep, what can be refurbished or repurposed.

**Jeff Livergood**, Director of Public Works, indicated the reason the community was included tonight was to provide ideas about replacing Kid's Kingdom Playground. He said this was a much larger scale project. This meeting was about Kid's Kingdom only. There would be other opportunities to speak to the architectural as well as the open space in the future. He noted that the site planning process will follow the normal practices of the City. It will go through the Planning and Development Board and then to the City Commission for approval. Mr. Livergood said the opportunity to comment on the overall site plan and the buildings and their placement will be available to the citizens at a different meeting. The meeting's focus was on Kid's Kingdom Park. Mr. Livergood said that the park was built with volunteer efforts. Leathers Associates facilitated the process for the park in 1992. He said there was a lot of love and effort put into the park. The park was designed in 1992; the standards have since changed. He was responsible for the maintenance for the facility. There were some structural concerns with some of the equipment. The playground needs to be replaced. The life of a playground was 20 years; this playground has reached its end of life. Anything that would be built now will need to be replaced in 20 years. He was looking forward to replacing the park. The existing playground was made from the first generation recycled timbers. At that time the material was top of the line. The materials being used today are much better. The new element that was being worked into the design was a safety issue. He was looking forward to replacing elements of the park.

Ms. Harrison indicated the designers would reuse some of the pieces from the existing park. She said some of the pieces could be used as memorial pieces, which was a statement of the community. The design parameter for the new playground would focus on safety and visibility (no hiding spots). She indicated the reuse and repurposing of some of the elements would be great. She continued to say that Crime Prevention Through Environmental Design (CPTED) was a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts. Generally speaking, most implementations of CPTED occur solely within the urbanized, built environment.

Beth Bartlett, asked the question, what was play? She explained play was a very important part of a child's development. She explained play was voluntary, pleasurable, and non-literal; it was make believe. Play was linked to cognitive, social and physical development in children. There are three different types of play. The first was social play. With social play kids learn to be adults, they learn to negotiate, they learn to take turns, and they see relationship with diverse groups of people. Children have peer-to-peer play. The second was pretend play, begins as early as 12 months, pretend to be a person or object or something else. This was the beginning of language skills, self-regulation, creativity and social understanding. The next was physical. With this type of play the CDC recommends kids get 60 minutes of play per day. It supports their gross motor development; it helps them to be healthy. She explained that schools are limiting physical education, kids are over scheduled. She continued to say that children have passive entertainment, such as computers and cell telephones.

Ms. Harrison presented three design ideas for the park. The Traditional Wood, Modern Ropes, Colorful Modular. She believes the Traditional Wood was similar to what was currently installed at Kids Park. This was recycled lumber and would be cool to the touch. Custom pieces would have a natural feel. The next was the Modern Ropes kids enjoy climbing and getting a different view. The color modular pieces, these are easily maintained. These are plug and play, cool to the touch. All can be themed.

**Susan Oyer**, 140 SE 27 Way, requested clarification regarding the name Kapok Park. Was this the actual name or was that the name that was being assigned in the planning stage. Ms. Harrison said that this was being assigned as a place holder. Ms. Oyer said that she would have thought that this would be Kid's Kingdom Park or Castle Park. Ms. Harrison explained the blue area was Kid's Kingdom and the other area was the Kapok Park.

Ms. Bartlett explained that Kapok Park was located west of the High School. The name Kapok was chosen because of the large Kapok tree. She explained this was a separate area from the park.

Ms. Oyer indicated that most of the people would like to keep the castle. The ship was decaying and needed to be sunk. She said maybe some small memorial for the ship would be okay. Ms. Harrison asked if Ms. Oyer could clarify what she means by the Castle. Ms. Oyer explained the part that looks like a castle. Ms. Harrison asked if by the Castle she meant the moat and the entrance to the castle, or did she mean the vertical elements. Ms. Oyer said the turrets on top, the red parts that look like a castle.

Ms. Oyer stated her assumption was that the material would be a combination of wood and or a modern MDF (Medium Density Fiberboard) or modular plastic or a combination of all. She wanted to make sure that the pieces would be cool. The next thing was the boat area; visibility was nonexistent. When this is built, maybe a small boat that had more viability would be better. Ms Oyer also said a fountain would be nice, something like they have on Clematis. She continued to say have some type of whimsical art in the fountain area. There should be some night lighting. Solar LED (Light Emitting Diode) and need to have something in the daytime to cool off. Please use the LED lights at night. Please do not use cool white; cool white interferes with the sleep rhythm. Need to have something around the perimeter, some type of benches, so that the homeless do not sleep there. Maybe something that would allow the parents to exercise as well. There could be some type of a movement station. Anything that was being done should be whimsical.

Ms. Harrison said she agreed. She wants families to enjoy and return.

**Former Commissioner, David Katz** said he was one of the five people that worked on the park in 1993. He still has his original notes. Of all the designs that were shown, the only one that comes close was the traditional wood. He said the City needed to keep the pickets. This would be the traditional wood recycled lumber, make sure that those

pickets stay and the monument signs. Many people were involved with the design of the park. The City needs to keep the integrity of what it looks like now. He stated people purchased those pickets and they should remain some place.

Ms. Harrison stated there were many ways in order to memorialize and repurpose some of the items at the park.

**Ginny Foot**, said her concern was about safety. The park needs to have separate areas for the older kids; they play too rough for the younger ones. She said someone will get hurt.

Ms. Harrison noted she would look at that in the site plan design.

**Alan Hendricks**, 122 SE 4 Avenue, added some conceptual comments. There is a place called Delray Beach Children's Gardens. There is an educational element to the gardens. It was a very cool concept; it was a playground as well as a garden. Shade sails, if there was a boat. What would it look like at night? Could you make it attractive at night; since this would be in the center of Town Square? He continued, exercise for the parents was a good ideal. They bring in art and music at the Delray Gardens.

Ms. Harrison loved that idea. There are many restaurants that are promoting herb gardens, as landscape architect or butterfly gardens. She liked the educational piece.

**Jim Knight**, 740 Havana Drive, said that it was really important to interview some of the children that use the park. Ms. Harrison said that was a great idea. She spoke with staff and they said that the park was being used as a day camp.

**Barbara Ready**, 329 SW 13 Avenue, indicated that there was an opportunity for the playground equipment that could serve a dual purpose. A splash pad could serve as public art. The other thing as far as safety, the fence was not high enough. The pickets can be saved. One of the other concerns, would be the ground cover; they do not like the mulch. They like the rubber floors. The City could light the fountain at night. Ms. Ready said, if the City ran out of money for the playground; the City could use some recycled tires.

Ms. Harrison said that these are great ideas.

Ms. Ready wanted the City to get the community involved. The benches were for parents to sit and watch the kids. This could be mosaic. The City could seek donations for the park. Ms. Harrison said that it was easy to put in a raised bar on the benches, they could also incorporate art into the design of the playground.

**Rodrigo Silverio**, 10 Velaire Drive, asked if there were any safe and secure restroom facilities incorporated into the plans.

**Deb Myers**, 115 South Seacrest, indicated the only thing that she would add; the children can leave the area. She likes the traditional wood as well.

**Vice Mayor Katz**, noted that he was going along with what had been said. There has to be an effort to infuse some type of nautical theme into the playground. He said that the City was known as the Gateway to the Gulf Stream. The City was trying to market itself as a coastal area. He continued to say the designers need to get weird in the way that children think. Think like a child, what was cool. Infuse the coastal village vibe. Maybe taking those horses and making them into a seahorse something as simple as that. Try to make this a part of a theme. If you really look around, that is not much of a coastal element. He thinks that there should be some coastal elements at the playground. The building was limited, but for the playground the designers can be creative.

Ms. Harrison stated they must get in the mind of the user; the children are the users of the park.

**Nicole Scott**, NE 6 Avenue, said her kids love the Castle Park. She does not go because she cannot find her kids. She indicated she loved everyone's idea. She loved the idea of the Castle Park, because she can find her kids at one time. She loves Vice Mayor Katz's idea about the nautical theme. She suggested to lower things, so that the children could be found easier. Ms. Scott stated she has two boys who would love the opportunity to add their art to the park.

**Mike Simon** 714 Hillcrest Road, the City needs to incorporate some of the ideals of nautical themes and incorporate passive skate board element. This could be used as a dual age purpose.

Ms. Harrison communicated it is excellent when everyone can utilize the park.

**Ilysia Shattuck**, 57 Egret Way, as a parent she stopped going to some of the parks because we could not find the children. She loves the red park, across from the Children's museum. We have a lot of natural shade. Her daughter gave her a list of what she wanted the park to have: lots of swings, slides, rock climbing, open green field, water to keep her cool. Her son wanted a rocket ship.

**Candice Brueggemann** 713 SE 4 Street, the playground should not be moved. Add a splash park. It would be great if the existing park was restored.

Ms. Bartlett read into the minutes: "Mother of two, please install playground, low picnic tables, add a fence, shade, landscape to attract squirrels, some type of water fountain. Please do not use Astroturf."

**Rick Maharajh**, 1627 Centonia Drive, would love to see fusion between the Disney castle and the nautical theme. Have tons of LED lights. He asked what was being done



for children with special needs. He would love to see a lunch and learn. He said bring the kids in to see what they have to say about the park.

**Mike Fitzpatrick** recalled the boat was fashioned after the NINA, to commemorate Christopher Columbus's anniversary. Mr. Fitzpatrick wanted to state that the end of life for the castle was 100 years. When the playground was built it was known that the other elements in the park would need to be replaced around the castle. The castle was the focal point. The idea was that the castle would stay and the other elements could be replaced. If you look at the castle it does not have any type of decay. He also stated that he wants to save those trees in this area, the trees provide shade. The children can climb the trees. He indicated there were two sections in the castle, one for older children and one for younger children.

**Commissioner Romelus** indicated she would like to see Kid's Kingdom maintain its original structure. She said being a mother she understands the struggle with trying to locate a child at the park. She would like to see more openness, so we can see the kids; love the originality of that structure. In Delray Beach, they had a park that resembled Kid's Kingdom. A few months ago, it became blue plastic. She does not want this to happen at Kid's Kingdom. She would like to see the spongy ground instead of the mulch. Ms. Harrison said that was a lesson learned about mulch.

**Dominique Natalie** would like to know if the City can provide areas for sensory play. The park should be wheel chair friendly. Have an area a little bit higher, not just for toddlers.

**Susan Oyer**, 140 SE 27 Way, said to maintain the nautical theme, there was a way to incorporate both. She said why not whimsical ocean animals, like a seahorse knight. Ms. Oyer said that the castle would be there for another 80 years. What about a castle by the ocean. Maybe add a color scheme.

**Nicole Scott** asked about separating children by ages. She also said making sure all children were included. Make sure that the park was ADA compliant

**Barbara Ready** wanted to save the green space. There was already a bathroom available. She said as far as a theme, the City has a pirate festival every year. She said she needed to see the plans for the park.

Ms. Bartlett said it was possible on the west side; this was what was being called Kapok Park. It was possible to make the splash pad in the area west of the old school. She added there could be movies in the park, shade structures, also interactive art, along with some of the other interactive pieces. Ms. Harrison said there could be lighting of the fountain and the other water pieces.

**Susan Oyer**, noted the Historic High School was looking to become an event center. She was thinking some type of French doors, some type of patio area, nice walk way so

that the City can rent this area out to make some money. Having an event space would be appropriate. The Water Park needs to go next to Kid's Kingdom. The space next to the Historic High School should be more elegant, to attract investors. The City can have some solar trees; in the evening these can light up the area. She found a beautiful statue, which shifts. We could use the City logo.

**Barbara Ready** said she would like to see a restaurant in the Old High School. She would also like to see fencing in the area. Ms. Ready indicated the City could repurpose some of the slate boards in the Old High School.

Ms. South thanked everyone for coming and indicated this information would be on the City's website, and #TownsquareBoyntonBeach. There are two more public meetings coming up , August 17, 2017 and August 24, 2017 from 5:30pm to 7:30 pm. A job fair has been scheduled for, Tuesday August 22, 2017.

#### **ADJOURNMENT**

Public Input meeting was adjourned at 6:45 p.m.



Queenester Nieves  
Deputy City Clerk

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD ON TUESDAY  
AUGUST 15, 2017, AT 6:30 P.M. IN COMMISSION CHAMBERS, CITY HALL  
100 E. BOYNTON BEACH BOULEVARD, BOYNTON BEACH, FLORIDA**

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**PRESENT:**

Steven B. Grant, Mayor  
Justin Katz, Vice Mayor  
Mack McCray, Commissioner  
Joe Casello, Commissioner  
Christina Romelus, Commissioner

Lori LaVerriere, City Manager  
James Cherof, City Attorney  
Judith A. Pyle, City Clerk

**1. OPENINGS**

A. Call to Order - Mayor Steven B. Grant

Mayor Grant called the meeting to order at 5:32 p.m.

Roll call

Judith A. Pyle, City Clerk, called the roll. All present.

Mayor Grant read the below captioned case:

**CLOSED-DOOR SESSION** to be held on August 15, 2017 commencing at 5:30 pm in Commission Chambers at City Hall to discuss pending litigation in the case: DENNIS GALINDEZ and MARLA GALINDEZ, his wife, Plaintiffs vs. CITY OF BOYNTON BEACH and FIRST GENESIS LAW N SERVICE, INC., Defendants - Case No. 50 2015 CA 002413 Division AD

Mayor Grant announced the closed-door session regarding DENNIS GALINDEZ and MARLA GALINDEZ vs. City of Boynton Beach for the above captioned case.

**James Cherof**, City Attorney, announced present for the session was the City Commissioners; Lori LaVerriere, City Manager; James Cherof, City Attorney; Tracy DeCarlo, Assistant City Attorney; and a court reporter.

Mayor Grant recessed the meeting at 5:34 p.m.

Mayor Grant reconvened the meeting at 6:30 p.m. and called the Regular City Commission meeting to order.

Invocation

Reverend Richard Dames gave the invocation.

Pledge of Allegiance to the Flag

Commissioner Casello led the Pledge of Allegiance to the Flag.

**ROLL CALL**

Judith Pyle, City Clerk, called the roll. A quorum was present.

**Agenda Approval:**

**1. Additions, Deletions, Corrections**

Commissioner Romelus requested item 12.C to be moved before consent agenda.

Mayor Grant requested item 12.A to be moved before consent agenda. Added a new announcement to introduce new sustainability officer, Rebecca Harvey.

**2. Adoption**

**Motion**

Commissioner McCray moved to approve the agenda as amended. Commissioner Casello seconded. The motion was duly seconded and unanimously passed.

**2. OTHER**

**A. Informational items by Members of the City Commission**

Mayor Grant announced there would be a FDOT (Florida Department of Transportation) meeting relating to I-95 and Boynton Beach Boulevard to Gateway. The meeting has been scheduled for Tuesday, August 29. He informed the Commission that the business tax receipts and certificates of use were mailed out. On August 2<sup>nd</sup> he attended the Teen Cop academy for their crime scene investigation role play. Attended the Art Camp showcase. August 3<sup>rd</sup> was present at the Literacy Coalition, attended the Business Development Bureau Brightline behind the scenes. Attended St. Johns Baptist Church's back to school event. August 7<sup>th</sup> was on a panel discussion for an inconvenient sequel, moderated by Congressman Ted Deutch. August 8<sup>th</sup> attended Heathier Boynton Beach Advocacy Committee. August 9<sup>th</sup> the Boynton Beach Chamber Luncheon with Felicia Combs attended the Boynton Intercoastal group event. August 10<sup>th</sup> attended the new Carvel Ice Cream Shop opening. Attended the Town Square public input meeting regarding the Playground. August 11<sup>th</sup> went to the Hispanic Bar Association Labarga Luncheon. He also attended the Connect-to-Greatness event. August 12<sup>th</sup> was in Pearl City for the Habitat for Humanity luau. Attended the Barasole Association at the South County Civic Center. August 14<sup>th</sup> attended Poinciana Elementary for the High Five Success initiative. Spoke at the Veteran's Park to celebrate the victory over Japan. Wanted to recognize and welcome the students from Florida Career College.

Commissioner Casello indicated he had the opportunity to have a seat at the round table to discuss opioid use. He indicated this was held at Palm Beach State College hosted by Senator Valor, Senator Negron and Commissioner Melissa McKinlay as well as some sober home operators.

Commissioner Romelus attended a check presentation by BIG (Boynton Intercostal Group) to honor the Police and Fire department. She said this was a great opportunity to honor our safety personnel. She wanted to make sure that the City honors them as well. Attended the Town Square input meeting. Indicated she wanted to see the playground preserved.

Commissioner McCray attended Poinciana Elementary for the High Five Success Initiative. Also attended the Chamber of Commerce luncheon and indicated he was a little dismayed at the attendance.

Vice Mayor Katz stated he had no disclosures.

### 3. ANNOUNCEMENTS, COMMUNITY & SPECIAL EVENTS & PRESENTATIONS

#### A. Announce remaining scheduled Town Square Public Input Meetings:

Thursday, August 17, Topic: Architectural Styles

Friday, August 24, Topic: Open Spaces (Includes Public Art)

All meeting will take place at the Boynton Beach City Library from 5:30 .m. to 7:30 p.m.

Flyers for the Public Input Meetings are in the back of the room.

#### B. Announce upcoming Town Square Job Fair on August 22, 2017 to be held at Carolyn Sims Center, 225 NW 12<sup>th</sup> Avenue:

Sub-Contractors 8:00 A.M - Noon

Labor Force (skilled & unskilled) 3:00 P.M - 7:00 PM

Flyers are available at the table in the back of the Commission Chambers.

#### C. The schedule for September City Commission meetings is as follows:

**Regular City Commission Meeting to hold 1st Budget Public Hearing and Adoption of Final Fire Assessment - Thursday, September 7, 2017 @ 6:30 p.m. in Commission Chambers; and**

**Regular City Commission Meeting & 2nd Budget Public Hearing to adopt the Final Millage Rate and Final Budget for FY 2017-18 - Tuesday, September 19, 2017 @ 6:30 p.m. in Commission Chambers**

- D. Proclaim August 31, 2017 as National Overdose Awareness Day. Sharon Burns Carter, of the Southeast Recovery Advocates, will be present to accept the proclamation.

Mayor Grant read the Proclamation declaring August 31, 2017 as National Overdose Awareness Day.

**Sharon Burns Carter**, noted that there are 23 million Americans in recovery today. She wanted to thank Mayor Grant and the City of Boynton Beach for addressing the issue of drug overdose. She continued to say that it takes a unique person and organization to tackle the issue of drug addiction.

**Linda Mautner**, President of the Ian Mautner Foundation, stated she was here to show the City of Boynton Beach some appreciation. She said the bad guys are getting arrested. She wanted to inform the Commission there are a lot of lives that are being impacted with what the City of Boynton Beach was doing. Ms. Mautner explained they are working in the trenches; there are many young people that are being helped. Ms. Mautner wanted the Commission to know that there are a lot a real miracles happening because of the new laws that are being implemented. Ms. Carter said there will be a rally on August 31, at FAU beginning at 5pm. If you are interested go to [feduprally.org](http://feduprally.org) to receive additional information.

- E. Presentation of a certificate and check to Rodolfo Ledesma, Grand Prize winner of Sister Cities International 2017 Young Artists and Authors Showcase competition. Mayor Grant and Jeannie Heavilin will be presenting the award

Mayor Grant presented the certificate.

Jeannie Heavilin, President of Boynton Beach Sister Cities, announced that for the past 14 years she has participated in the Sister Cities International of young artist and authors showcase competition. Ms. Heavilin explained that the City of Boynton Beach has a local competition for middle and high school students and the Arts Commission provides the judges. The winning work was sent to Washington, DC for the international competition. The Sister Cities receives entries from around the world. This was the most exciting time to have a local resident win the grand prize. Rodolfo Ledezma won the grand prize for the US student in the international competition. She said Rodolfo Ledezma attends South Tech; he was planning to pursue an architectural career in the future. He will receive \$1000 as the grand prize winner. He will also receive a free pass to the traveling sauna in November. Ms. Heavilin noted that all of the winning art and essays would be a part of the Sister Cities International traveling exhibit. The City of Boynton Beach will be hosting the exhibit, April 2018.

Mayor Grant wanted to congratulate Rodolfo and wished him the best in his architectural career.

**Colin Groff, Assistant City Manager**, introduced Rebecca Harvey, Sustainability Coordinator. He stated she was hired to carry out all of the initiative that was a part of our climate action plan. She was going to be working with every department in the City.

**Rebecca Harvey, Sustainability Coordinator**, thanked the Commission and Mayor for the opportunity to say a few words. Wanted to thank Mayor Grant for his participation in an event that she organized on climate change. She was honored to be a part of the City leadership team.

Commissioner McCray asked where she was located.

Rebecca Harvey stated she was housed at the Utility Department for the moment. She gave her address as 124 East Woolbright Road.

Mayor Grant opened public audience.

**4. PUBLIC AUDIENCE INDIVIDUAL SPEAKERS WILL BE LIMITED TO 3 MINUTE PRESENTATIONS (at the discretion of the Chair, this 3 minute allowance may need to be adjusted depending on the level of business coming before the City Commission)**

**Chrystal Spears 181 SE 1st Avenue**, on behalf of Habitat for Humanity of South Palm Beach County, presented Mayor Grant with the pink hammer award for coming out and being the habitat City Leader.

**Jeffery Fengler, Habitat for Humanity of South Palm Beach County**, wanted to thank the City of Boynton Beach for being a part of the solution. The City was transferring property to Habitat. Mr. Fengler indicated with those lots Habitat for Humanity would build 4 new low cost homes. Mr. Fengler stated they are moving forward faster with the help of the City of Boynton Beach. He also indicated that the Boynton Beach CRA have given a lot on MLK Boulevard. He stated that would be the third home being built in that area.

Commissioner McCray wanted to state he met with Mr. Fengler and Ms. Spears last week.

**Richard Dames, 233 NE 12<sup>th</sup> Avenue**, indicated that he was the President of Boynton Beach Coalition. Wanted to thank, Mayor Grant, Vice Mayor Katz, Commissioner McCray, Chief Katz and the Fire Department for supporting the children of the High Five Success Initiative. Wanted the Commission to know that just seeing all of the members and government officials welcoming the children back to school gave the parents and students a sense of pride.

**Lori Wilkinson, 2458 SW Cranbrook Drive**, thanked the Commission for her reappointed to the Education and Youth Advisory Board. She introduced her daughter

Kathleen, stated that her daughter was on the Education and Youth Advisory Board as a student member. She was not at this meeting in the capacity as a board member. There was an issue going on with Boynton Beach High School. Last year the principle was changed, with that change some of the teachers left. She indicated that the school district was trying to push Boynton Beach High School as the Dreyfoos of the south. She understands that the Commission has no control of the School District, but she wanted to see what the Commission could do to help Boynton Beach High School. Mrs. Wilkinson said that some of the awards and scholarships that the students have gotten were unbelievable. She said if the school comes with funding requests or anything else that the Commission would be open to listen.

**Kathleen Wilkinson, 2458 SW Cranbrook Drive**, indicated she was a student at Boynton Beach High theater academy. She wanted to let the Commission know that the school has grown throughout the last two years. The teacher in charge was Mr. Gilbert, he established a theater program. He has taken the program to a level that no one thought could be done. It turned out amazing. The theater group has put on "Little Shops of Horrors", and if anyone was there they would tell that it was a huge success. It brought community members and students to the school. The school received awards, and they were the Critic Choice alternate. She continued to say some of the students have been the State Representative for their events. The student last year received superior. IT was the highest that could be earned. As a student I am requesting your support.

Mayor Grant said thank you and he was sorry to hear that this has happened. Mrs. Wilkinson said this was our city and community. Commissioner McCray suggested that Mrs. Wilkinson meet with the new principal.

**Cindy Falco-DiCorrado**, of 316 NW 1 Avenue, wanted to make a statement as a public citizen. She heard on the news that in France 235 children were hospitalized because of medical marijuana. The ages of the children that were hospitalized were 6 and over. The children were able to get the cannabis because their parents had a prescription for medical marijuana. She wanted the Commission to study the statics before they allow the marijuana stores into Boynton Beach.

**Commissioner Casello** explained Mr. Garcia was showing a picture of a blinking yellow warning before the light turned red.

**Sonny Garcia, 1631 NW 3<sup>rd</sup> Lane**, explained the picture that he showed the Commission was a warning yellow light. This blinking yellow light gives the driver notification that the light was about to turn red. Since the Commission was bringing back the red light cameras, he believed that the citizens of Boynton Beach should be given a chance with the blinking warning light. He indicated the Commission needs to listen to the citizens of Boynton Beach. All this takes was a letter or something from the Commission. He continued and said Mayor Grant stated that if citizens get a ticket they deserve it. He asked the Mayor and Commission to at least give the citizens a warning.



Mayor Grant said that the City will speak with FDOT (Florida Department of Transportation) or the County regarding the warning light. Mayor Grant agreed that the blinking yellow light was very informative. He said that he would move forward with getting additional information on the informational light.

**Representative Emily Slosberg, 7499 W. Atlantic Avenue, Delray Beach**, wanted to introduce her staff. She stated she represents District 91. Representative Slosberg was here to thank the Commission for allowing her to speak on behalf of texting and driving. Representative Slosberg indicated that Florida was only one of four states that do not have a law regarding texting while driving. She explained that she introduced a bill that would make texting while driving a primary offense. Currently drivers can text and drive and nothing can be done. Representative Slosberg requested the City to pass a resolution regarding texting while driving. Representative Slosberg noted that there have been record amounts of calls in favor of the new law. Representative Slosberg shared that she lost her twin sister in a car crash. Representative Slosberg said she was not sure if Tallahassee was not focused on safety, but she was not given a hearing on the bill. There seems to be a culture that says that it was ok to text and drive. Representative Slosberg wanted to say thank you to the Commission for backing of this bill.

Commissioner Casello indicated that maybe with these signed resolutions from different cities it would make a difference.

Mayor Grant seeing no one else coming forward closed Public Audience.

## **5. ADMINISTRATIVE**

A. Appoint eligible members of the community to serve in vacant positions on City advisory boards. The following Regular (Reg) and Alternate (Alt) Student (Stu) and Nonvoting Student (N/V Stu) openings exist:

Arts Commission: 2 Alts  
Building Board of Adjustments & Appeals: 3 Regs and 2 Alts  
Library Bd: 1 Alts  
Planning and Development Bd. 1 Alt  
Recreation & Parks Bd: 1 Alt  
Senior Advisory Bd: 1 Alt Advisory Bd: 1 Stu N/V

Mayor Grant asked for a motion to nominate.

### **Motion**

Commissioner Casello moved to nominate David Sholl as an alternate member of the Planning and Development Board. Vice Mayor Katz seconded the motion.

**Vote**

The motion unanimously passed.

Mayor Grant asked for a motion to nominate.

**Motion**

Commissioner Casello moved to nominate Lisa Browne-Banic as an alternate member of Recreation & Parks Board. Seconded the motion, Commissioner McCray.

Commissioner Romelus said this was the individual that had to step down. She did not want to appoint her again, and then have the same issue again.

**Vote**

The motion unanimously passed.

Mayor Grant read items that were moved from New Business

- 12. A.** Approve the release of the following land parcel to Habitat for Humanity of South Palm Beach as requested by the CRA: 117 W Martin Luther King Jr Blvd - PCN 08-43-45-21-25-001-0170

Mayor Grant asked for a motion.

**Motion**

Commissioner McCray moved to approve. Seconded by Commissioner Romelus.

**Vote**

The motion unanimously passed.

Mayor Grant read items that were moved from New Business

- 12. C.** Approve a \$1,000 donation to the Home Safe/Healthy Beginnings Program from Commissioner Romelus' Community Support Funds.

Mayor Grant asked for a motion.

## Motion

Commissioner Romelus explained the Home Safe/Healthy Beginning Program would screen parents after the birth of a child. The program provides playpens and beds to infants. Commissioner Romelus indicated that the program was 100 beds, then the sponsor requested to have the beds returned. This was why she wanted to donate her funds. She stated that the program does some great work.

Commissioner McCray requested additional information on why the beds were taken back.

Commissioner Romelus indicated that the organization that had originally given the beds to the program found out that they had a need as well.

## Motion

Commissioner McCray moved to approve. Seconded by Commissioner Casello.

## Vote

The motion unanimously passed.

## 6. CONSENT AGENDA

**Matters in this section of the Agenda are proposed and recommended by the City Manager for "Consent Agenda" approval of the action indicated in each item, with all of the accompanying material to become a part of the Public Record and subject to staff comments**

**A. PROPOSED RESOLUTION NO. R17-067** - Approve supporting legislation that would make the ban on texting while driving a primary offense as requested by Representative Emily Slosberg, State House District 91.

Commissioner Casello stated that all of the Commissioners were in favor of this resolution. He indicated there was a letter from the Fire Chief supporting the resolution but nothing from the Police Chief.

Mayor Grant noted that he was on the Chief's Facebook page and saw that he was in favor of the resolution.

Jeff Katz, Police Chief stated that he was supportive of this legislation. He has traveled to Tallahassee to stand with Representative Slosberg's father when he attempted to pass this law. He stated that he absolutely supports this resolution. Chief Katz said texting and driving kills and it needs to be a primary offense.

Commissioner Casello stated that he found it interesting that in the red light camera video's there were people that were on the phone.

Chief Katz stated regretfully when we leave here tonight, there will be someone texting while driving. Commissioner McCray asked if Chief Katz was on vacation. Chief Katz stated he was visiting his daughter.

Mayor Grant asked for a motion to approve.

**Motion**

Commissioner Casello moved to approve. Seconded by Commissioner McCray

**Vote**

The motion unanimously passed.

**B. PROPOSED RESOLUTION NO. R17-068** - Approve and authorize City Manager to execute an agreement with Vision Service Plan Insurance Co. (VSP) for City's employee Vision Plan for the plan year October 1, 2017 through September 30, 2018.

**C. PROPOSED RESOLUTION NO. R17-069** - Authorize the City Manager to sign a letter of agreement with Counseling Services Associates (CSA) to provide Employee Assistance Program (EAP) services at the rate of \$13.00 per employee per year (estimated annualized cost of \$10,500.00) from October 1, 2017 through September 30, 2018 for the final renewal of the agreement.

**D. PROPOSED RESOLUTION NO. R17-070** - Approve Subordination Agreement allowing for a subordination of the City's mortgage for Leonard Williams for the property located at 605 North Seacrest Boulevard, Boynton Beach, Florida 33435, authorizing the City Manager to sign the Subordination Agreement.

**E. PROPOSED RESOLUTION NO. R17-071** - Approve the update to the Engineering Division fee schedule for plat review related activities in the City of Boynton Beach, changes to become effective immediately.

**F.** Approve the Bid for "ANNUAL SUPPLY OF PVC SCHEDULE 40 AND 80 IRRIGATION SUPPLIES" Bid # 054-1412-17/MFD to the following four (4) companies: Ferguson Enterprises, FIS Outdoor, Melrose Supply and Site One Landscapes on a primary, secondary and multiple third basis, to the lowest, most responsive, responsible bidders who met all specifications with an estimated annual expenditure of \$25,000. The bid allows for two (2), one (1) year renewals upon vendor acceptance and determination that it would be in best interest of the City.

G. Approve utilizing the Town of Davie Bid No. 17-124 for Fertilizer, to multiple vendors as listed below, as the lowest, most responsive and responsible bidders meeting all specifications. Items will be ordered on an "AS NEEDED BASIS". The City's anticipated annual expenditure is \$90,000. The Town of Davie complied with public bid requirements equal to or exceeding the City of Boynton Beach's bid requirements.

H. Approve utilizing Government Services Administration (GSA) contract #GS-35F-0016T to provide telecommunication services from Windstream (PAETEC) in an amount not to exceed \$38,000 for FY 2017/2018.

I. Accept the Fiscal Year 2016-2017 Budget Status Report of the General Fund and the Utilities Fund for the nine (9) month period ended June 30, 2017.

J. Accept the written report to the Commission for purchases over \$10,000 for the month of July 2017.

K. Legal Expenses - July 2017 - Information at the request of the City Commission. No action required.

L. Approve the minutes from the City Commission Budget Workshop meeting held on July 17, 2017 and regular City Commission meetings held on July 18, 2017 and August 1, 2017.

Mayor Grant asked for a motion to approve.

### **Motion**

Commissioner McCray moved to approve the Consent Agenda as amended. Commissioner Casello seconded the motion.

### **Vote**

The motion unanimously passed.

## **7. BIDS AND PURCHASES OVER \$100,000**

A. Approve the employee group medical, dental, life, and long term disability insurance programs for Fiscal Year 2017-2018 and authorize City Manager to execute required documents for the following policies per the renewal clauses in Request for Proposal for "Fully Insured: Group Medical, Dental, Life, and Long Term Disability Insurance" RFP No. 048-1610-14/JMA:

(1) **PROPOSED RESOLUTION NO. R17-072** - Approve and authorize City Manager to execute an agreement with CIGNA Healthcare for City's "Fully Insured Group Medical Insurance" for the plan year October 1, 2017 through September 30, 2018.

(2) **PROPOSED RESOLUTION NO. R17-073** - Approve and authorize City Manager to execute an agreement with CIGNA Healthcare for City's "Fully Insured Group Dental Insurance" for the plan year October 1, 2017 through September 30, 2018.

(3) **PROPOSED RESOLUTION NO. R17-074** - Approve and authorize City Manager to execute an agreement with The Hartford for City's "Life and Long Term Disability Insurance" for the plan year October 1, 2017 through September 30, 2018.

Mayor Grant asked if these Proposed Resolutions could be done together. James Cherof, City Attorney, stated yes. Mayor Grant read each Resolution into the minutes.

Commissioner McCray asked if there was an RFP done for all the Resolutions.

**July Oldbury, Director of Human Resources and Risk management.** Indicated that this went out to bid in 2014. She was recommending exercising the City final renewal option.

Commissioner McCray asked if this was the best that the City could do. Ms. Oldbury stated that was correct.

Mayor Grant asked for a motion to approve.

### **Motion**

Commissioner McCray moved to approve all three resolutions. Commissioner Casello seconded the motion.

### **Vote**

The motion unanimously passed

**B. PROPOSED RESOLUTION NO. R17-075** - Authorize City Manager to sign the First amendment to the vendor services agreement with Bill2Pay, LLC of Jacksonville, FL for additional services to include printing, mailing and collections of for various City processes on an "AS-NEEDED BASIS". Estimated annual expenses for additional services are \$125,000.

Mayor Grant read the item into the record.

Commissioner Casello asked if this request went out to bid.

**Tim Howard, Assistant City Manager**, stated last year the City approved a contract with Bill2Pay as a result of an RFP for bill printing, mailing and collecting of utility bills. In the RFP the City indicated it may want to utilize the vendor for additional services. That language was not included into the executed contract. Since then the City looked at the process of renewals and printing of business tax receipts, which was a function that this company can handle. The City needs to amend the contract to put that language into the contract to allow the City to use the vendor other than for utility printing. To answer the question this was the result of an RFP, this just needs an amendment to the language.

Commissioner Casello asked if the City has searched locally for vendors or contractors.

Mr. Howard responded yes, as a part of the services needed. A quote was requested for a portion of the mailing of the business tax receipts. The City received quotes, and Bill2Pay was the lowest responsive bidder.

Commissioner McCray asked if the \$125,000 was a piggyback from an RFP that the City has already.

Mr. Howard said that was correct.

Commissioner McCray stated the City already was utilizing a current contract.

Mayor Grant asked if the City was using the new bill to pay online for utilities. Can businesses use the same account? Mr. Howard indicated he hopes that next year this could be done, but the City needed to get the renewals out. He indicated hopefully next year it should be in place.

Commissioner McCray asked whether the City was paying an extra 1% to use the credit cards or the residents.

Mr. Howard indicated that the contract that was approved last year the City was able to pass along the convenience fee to the customer. He indicated if the customers use a check or cash they would not get charged. The City has always paid the convenience fee, now it was being passed on to the customer.

Commissioner McCray noted that the City was paying it prior. It was being passed on to the customer. He had no idea it was being paid by the customer. He feels like he has been blind-sided. Asked what was the cost to the City per year?

Mr. Howard said that he believes the cost was about \$300,000 between utilities and general.

Commissioner McCray indicated when the RFP was done this should have been brought in at the same time.

Vice Mayor Katz stated that he could not say with 100% certainty, but he was fairly confident that the Commission was told about the service fee and that it would be incorporated into the cost of the utility bill.

Mayor Grant stated that the City could not make money from the convenience fee by law.

Commissioner McCray stated that he could not recall about the convenience fee.

Mayor Grant asked for a motion to approve.

**Motion**

Commissioner McCray moved to approve. Commissioner Casello seconded the motion.

**Vote**

The motion unanimously passed

C. Authorize the purchase of a multi-station accessible playground for Barrier Free Park in the amount of \$245,799.28 from REP Services of Lake Mary, FL by utilizing Clay County RFP #13/14-8, Various Equipment and Amenities for Parks and Playground. Clay County's bid process satisfies the City of Boynton Beach's competitive bid requirements.

Mayor Grant read item into the record.

Mayor Grant asked for a motion to approve.

**Motion**

Commissioner Romelus moved to approve. Commissioner McCray seconded the motion.

Commissioner Romelus noted she was really excited about this equipment at the Barrier Free Park. She indicated having this last piece of equipment allows for the children to play without any barriers.

**Vote**

The motion unanimously passed

D. Approve the ranking as recommended by the Selection Committee and authorize the City staff to negotiate an agreement with Spillman Technologies of Salt Lake City, Utah for RFP No. 007- 2110-17/JMA for RFP for Public Safety Software. The



agreement will be brought back to the City Commission for approval once negotiated.

Mayor Grant read item into the record.

Mayor Grant asked if this was for Police and Fire.

Mr. Howard replied this was for the Police Department. This was for their evidence, CAD and records management system. He continued to say that there are a number of modules within the software.

Mayor Grant asked if this was upgrading the software.

Mr. Howard responded that there were so many pieces that it needed to be brought back to the Commission for approval.

Commissioner McCray asked about who served on the selection committee.

Mr. Howard gave the names of the selection committee. Theresa Bennett, Communication Dispatch Supervisor, Greg Hoggatt Deputy Chief of Operations (Fire), Vincent Maestro, Technical Services Police Officer, Cary Ann Matson, Sergeant Records, Captain Rich McNevin Intelligence & Analytics and Doug Solomon Technical Services Manager.

Commissioner McCray asked how many from the Police Department

Mr. Howard responded that there were four from the Police Department and one from the Fire Department.

Commissioner Casello asked if funds were set aside for this software.

Mr. Howard estimated in the CIP (Capital Improvement Plan) about \$780,000 maybe \$800,000 over the next five or six years. Mr. Howard indicated until they negotiate a price he could not say.

Ms. LaVerriere responded that this was an item that was continually being deferred. The Police records management system was sorely outdated. The Commission prioritized this purchase. Ms. LaVerriere stated that this was a budgeted item.

Mayor Grant noted that it was very close between two vendors.

Mr. Howard replied the presentation lasted 8 hours each vendor. There was a lot of work for the group to go through.

Mayor Grant wanted to know the reason why Spillman was chosen over the other vendor.

**Captain Rich McNevin, Intelligence & Analytics**, indicated they evaluated 9 companies; the top three were given an opportunity to make a presentation. They needed three days of interviews. He can only speak for himself, but the other company could not answer questions that they should have been prepared to answer, for him that was a huge red flag. This was a very large project. Spillman Technologies was able to answer all the questions and was on point for everything.

Mayor Grant stated that he was looking at the back up and was ready to move forward.

Mayor Grant asked for a motion to approve.

**Motion**

Commissioner Romelus moved to approve. Commissioner Casello seconded the motion.

**Vote**

The motion unanimously passed

E. Approve the Bid for "ANNUAL SUPPLY OF BRASS FITTINGS AND ACCESSORIES" Bid # 051-1412-17/MFD to the following four (4) companies: Ferguson Enterprises, Fortiline, HD Supply Waterworks and Sunstate Meter on a primary, secondary and multiple third basis, to the lowest, most responsive, responsible bidders who met all specifications with an estimated annual expenditure of \$110,000. The bid allows for two (2), one (1) year renewals upon vendor acceptance and determination that it would be in best interest of the City.

Mayor Grant read item into the record.

Mayor Grant asked for a motion to approve.

**Motion**

Commissioner McCray moved to approve. Vice Mayor Katz seconded the motion.

**Vote**

The motion unanimously passed

F. Approve the Bid for "ANNUAL SUPPLY OF PIPE FITTINGS AND ACCESSORIES" Bid # 052- 1412-17/MFD to the following four (4) companies:

Ferguson Enterprises, Fortiline, HD Supply Waterworks and SiteOne Landscapes on a primary, secondary and multiple third basis, to the lowest, most responsive, responsible bidders who met all specifications with an estimated annual expenditure of \$180,000. The bid allows for two (2), one (1) year renewals upon vendor acceptance and determination that it would be in best interest of the City.

Mayor Grant read item into the record.

Mayor Grant asked for a motion to approve.

**Motion**

Vice Mayor Katz moved to approve. Commissioner McCray seconded the motion.

**Vote**

The motion unanimously passed

G. Approve the piggy-back of the Palm Beach County contract (Bid #W UD 16-001/VMG) with Aquifer Maintenance and Performance Systems, Inc. (AMPS, Inc.) of West Palm Beach, FL with the same terms, conditions, specifications and pricing. This contract will be utilized for well rehabilitation services on an AS-NEEDED BASIS, with an estimated annual expenditure of \$300,000. Palm Beach County complied with Public Contract Bid requirements equal to or exceeding the City of Boynton Beach's requirements.

Mayor Grant read item into the record.

Commissioner McCray asked how many wells are in the City of Boynton Beach?

Joseph Paterniti, Interim Utility Director, stated that the City has 29 production wells, and two aquifer storage and recovery wells.

Mayor Grant asked for a motion to approve.

**Motion**

Vice Mayor Katz moved to approve. Commissioner McCray seconded the motion.

**Vote**

The motion unanimously passed

H. Approve increasing Purchase Order #170417 \$120,000 from \$89,200 to \$209,200 utilizing the St. Johns County School District vendor agreement with U.S.

Water Services Corporation (RFP 2014-20) for water and wastewater operation and management services thru September 30, 2017. St. Johns County School District procurement process satisfies the City's competitive bid requirements.

Mayor Grant read item into the record.

Mayor Grant asked if the City was planning on coming back with a new contract. Mr. Howard stated that this will get the City through the present fiscal year. Then we will bring another item back later in October of the year.

Mayor Grant asked if the City was planning on getting a new RFP.

Mr. Howard indicated this particular bid was being piggybacked by a number of cities across the State. This contract was specific to water treatment operators to work in water plants.

Commissioner McCray wanted to know if the staff was reaching out to the schools to let them know of this type of opportunity. He stated that he was informed that the City did not have enough Water Treatment operators.

**Colin Groff, Assistant City Manager** replied that the City has an apprentice program for operators.

Commissioner McCray asked if the City gave tours of the water plant. Mr. Colin added as soon as the water plant was completed, there will be a tour.

Ms. LaVerriere indicated that the licenses for A, B or C Operators are very difficult tests. She said it takes more than 2000 hours hands on, then a written test.

Mr. Groff noted the apprentice program takes a full year of on hands training plus the apprentice must pass a test. The City has apprentices at the plant but the state requires that we have licensed operators in order to run the plant.

Commissioner McCray asked how many are training now.

Mr. Groff stated he believes we have 6 positions that are in that process. He noted that the City has two successful trainees, which are now Certified Water Treatment Plant Operators.

Mayor Grant asked for a motion to approve.

**Motion**

Commissioner McCray moved to approve. Commissioner Romelus seconded the motion.

**Vote**

The motion unanimously passed

**8. COMMUNITY STANDARDS and LEGAL SETTLEMENTS - None**

**9. PUBLIC HEARING**

**7 P.M. OR AS SOON THEREAFTER AS THE AGENDA PERMITS**

**The City Commission will conduct these public hearings in its dual capacity as Local Planning Agency and City Commission.**

**A. PROPOSED ORDINANCE NO. 17-020 - FIRST READING - AMEND THE LAND DEVELOPMENT REGULATIONS, Chapter 1, Article II. Definitions and Article V, Section 2, Workforce Housing Program, to convert the mandatory inclusionary zoning program to an incentivized program emphasizing project density and building height.**

Attorney Cherof read Ordinance 17-020, by title only on first reading.

**Andrew Mack, Director of Development**, explained his Department has updated outdated data with current market data. The long term goal was to have a comprehensive review of Land Development Regulations to incentivize workforce housing. Some of the key changes were the conversion from mandatory to voluntary program. He also stated that the City was using the Downtown Transit Orient Development District (DTODD). He explained this was a density bonus incentive for workforce housing in addition to height bonus as an incentive for workforce housing. There are adjustments to set aside, the fee in lieu fee calculation; the affordability gap would be decreased.

Mr. Mack showed the map of the DTODD boundaries. The area would be restricted to cultural and Boynton Beach areas, mostly mixed use. He continued to say that the amendments will create a voluntary workforce housing program. It would provide flexibility in the workforce housing program, and encourage participation through incentives. This would provide a balanced approach to obtain workforce housing units.

Mayor Grant opened to Public Comments.

**Robert Lewis 350 North Federal highway, Apt. 510**, indicated he was very glad that Boynton Beach recognized the importance of workforce housing. The provisions that the City had were suspended in 2011, because of the housing bust. There was no sense in retaining all of those regulations. He was very glad that those ordinances were going to be reviewed and updated. Mr. Lewis explained that conditions have changed drastically. When we start with workforce housing again, we should start at a lower level. He does not understand when he hears the word mandatory he thinks of the opposite. Remember the developers are not going to be eager to provide workforce housing. He encouraged the City to provide the incentive and lifting the maximum density to compensate for that. He knows that in the past the City allowed for fees in lieu of; if the builder does not want to give the apartments away. They could give some money to the City of Boynton Beach. He just mentioned the whole program can be dangerous. The City was dealing with a lot of money. He wanted to know if the builder's information would be public or private. He does not know if this would be public information or confidential, after agreements are signed, with how many units are workforce housing.

Mr. Mack stated that the workforce housing was being implemented during the site plan. The builders have many options. They can purchase land, build units offsite as well as a fee in lieu of. To answer the question these records would be public records.

**Susan Oyer, 140 SE 27 Way**, as a property owner on Ocean Avenue, she was concerned about the density issue. She gave copies of some emails from former Commissioner Fitzpatrick from a staff member of the MPO (Metropolitan Planning Organization). Regarding the need for the density and the possibility of the Coastal Train station. This was why the Commission wants to build up. She was against density and height, the rest was part of the Power Point that was presented within the last couple of months to the MPO. This was looking to add height and density on Ocean Avenue. The CRA stated that there would be nothing more than 2 stories on Ocean Avenue. But with the work force housing and the City has the TODD, their needs are to have higher buildings and more density. The reason why she was speaking about the train station was because the train station was not a part of the plans at yeast for 25 years. They are not looking at a possibility for a coastal link station. There was not an urgency to create a funding source to go forward with the TODD and create the coastal link station. The cost to any City that want to have the stations are going to have to contribute. According to the email from the MPO there would be an estimated cost of \$10 million per City. In order for the City to have the train station the City must pay their share of the track upgrade, the cost of \$200 mill, if TODD was part of the thought process for approving or disapproving, this was something that should be considered. She asked the Commission, why are you looking at this, the City of Boynton would not have that type of money anytime soon. Especially with the City of Boynton Beach pension problem.

Mr. Mack indicated he wanted to clarify the CRA plan that was adopted in October does call for a 35 foot maximum height on Ocean Avenue. It requires a 30-foot step back that was still in place and part of the future Cultural overlay district regulations.

Ms. Oyer stated that it allows for an exemption or an allowance for the workforce housing.

Mr. Mack explained there are no exemptions at this point. Ms. Oyers said at this point. He noted that the cultural district overlay regulations are being asked to be withdrawn.

Ms. Oyer stated the citizens were told that there would be no more than 2 stories on Ocean Avenue. This was the historic street; this was the shining stellar portion of Boynton Beach. The last things that the City needs are big buildings. She remembers when there were houses on Ocean Avenue. She remembers her family building was the tallest on the street.

Vice Mayor Katz stated that the CRA Executive Director had no authority to promise that there would be no more than 2 story buildings. On the previous Executive Director's behalf, he apologizes.

Ms. Oyer said one of her concerns was to maintain the compatibility. It was up to debate. We all want some place that everyone wants to walk down.

Commissioner McCray noted that the information given was mind boggling. He stated he has some concerns, especially coming from a former Commissioner that was now serving on the MPO board.

Mayor Grant corrected to say that the former Commissioner serves on the Citizen Advisory Board to the MPO.

Commissioner McCray asked the City Manager if she knew anything about the \$10 million from Boynton Beach to the MPO.

Ms. LaVerriere responded that she had not been in contact with the Palm Beach County MPO. Indicated she would inquire about the project and what stage they are on.

Commissioner McCray asked Mayor Grant if he had any discussions regarding \$10 million dollars and the MPO.

Mayor Grant stated that this was extremely preliminary. This was just an estimate. There was no planned coastal rail station. This was just in the theory stage.

Commissioner McCray noted whether it was theory or factual he was seeing \$10 million dollars.

Mayor Grant replied this was voluntary not mandatory. Indicated that he was the looking forward to having developers building workforce housing.

Commissioner Casello asked about the adjustment to the duration. Also regarding the restricted covenant in the rental, was that the cycling that was spoken about.

Mr. Mack noted currently the duration has been reduced from 30 to 15 years. This was to coincide with the 2 year cycle of housing; typically most people remain in their homes for 7 years.

Commissioner Romelus noted she would love to see something more stringent. She stated that the City was moving in the right direction of creating housing for people that live here, not just visit. The City has a duty to its employees; give them an opportunity to live in the City. She was looking forward to the process and the inception.

Commissioner McCray stated that he was in favor of the language voluntary not mandatory.

Vice Mayor Katz indicated that this was a market improvement over the previous ordinance, which was restrictive and an intrusion on the free market. He stated that the previous version mandated that units must be dedicated in a private property owner's development. He hoped that the developers would work to exercise more options, if they would not just pay the fine, but to acquire land or potentially build housing. Vice Mayor Katz noted he liked the idea the developer could choose to use that money not just give the money to use. The City does not want to become the government that was building homes. He likes the flexibility.

Commissioner Casello inquired what happened if the developers opt to buy out. Mr. Mack said that the City has a housing trust fund. The money would be deposited into that fund. The Commission, at some point would utilize the money to use for workforce housing. Commissioner Casello asked if the money could only be used for that purpose. Mr. Mack replied yes, this was like an enterprise fund.

Commissioner Romelus wanted clarification regarding that statement; could the funds only be used for workforce and not affordable. Mr. Mack indicated the affordable was part of workforce housing. Commissioner Romelus asked could the community trust funds be used for workforce housing only? Could the funds be used for affordable housing? Mr. Mack noted it would be used primarily for workforce housing. The majority was to be used for workforce housing. Mr Mack stated that 25% could be used towards affordable housing

Mayor Grant asked for a motion to approve.



## Motion

Commissioner Casello moved to approve. Commissioner Romelus seconded the motion.

## Vote

City Clerk, Pyle called the roll. *Vote 5-0*

The motion unanimously passed

**B. PROPOSED ORDINANCE NO. 17-021 - FIRST READING** - Approve Town Square Future Land Use Map Amendment from Public and Private Governmental/Institutional (PPGI) and High Density Residential (HDR) to Mixed Use Medium (MXM) and rezone from PU Public Usage, REC Recreation and R-3 Multifamily to MU-3 Mixed Use 3 zoning district. City-initiated.

**PROPOSED ORDINANCE NO. 17-022 - FIRST READING** - Amending Ordinance 02-013 to Rezone a Parcel of Land Described Herein and Commonly Referred to as Town Square From Public Usage (Pu); Recreation (Rec) And Multifamily (R-3) to Mixed Use 3 (Mu-3)

Attorney Cherof read Ordinance 17-021 and 17-022, by title only on first reading.

Mayor Grant explained the reason the City was amending the Land Use map was because there was a 90 day requirement, by the Department of Economic Development to review the documentation.

Attorney Cherof stated that was correct.

**Mike Rumpf, Planning and Zoning Director**, indicated the application consists of the amendment of the future land use map as well as rezoning. Staff was proposing to amend what was on the map now, which consists of the PPGI land use as well as high density residential land use classification. Staff was proposing to reclassify them to mix use medium land use classification. Mr. Rumpf said they would rezone the property. The existing zoning on the four block area, which was approximately 16 acres, consists of public uses (PU) recreation and R3 multifamily. The application was to rezone the property or project area to Mix Use 3. Both the land use and the rezoning are connection with other items that are going through the process now.

Mr. Rumpf stated that these items were supported by the strategic plan; this was from the CRA plan future Land Use of Mixed Use Medium requested for Town Square. This was the same land use pattern which was consistent with the surrounding areas.

The next was the City initiated item, to promote redevelopment support land assembly. This allow the City to eliminate uncertainty. The Mayor confirmed this being more than

10 acres; this application requires review by the State Land Planning Agency. Mr. Rumpf stated that staff anticipated that Master plan was being prepared by the developers.

Mayor Grant asked would the Commission have the Master Plan before the second reading.

Mr. Rumpf stated that he was hopeful the Master Plan would be completed.

Mayor Grant asked if the meeting on August 21<sup>st</sup>, would the Commission have a better idea what would be on the Master Plan. Colin Groff Assistant City Manager responded on August 21, staff would be going over the preliminary of the Master Plan. The Plan was to dovetail on what Planning and Zoning was doing. Staff was trying to do everything in order so that the Commission can make an informed decision.

Mayor Grant Indicated the City can deed restrict historic structures. Mr. Rumpf stated there are various tools that can be used to make sure those structures are preserved.

Commissioner McCray asked to hear from the public.

Mayor Grant opened to the Public

**David Katz 67 Midwood Lane**, Chair of the Planning and Zoning Board, stated that this was voted down 5-2. He said the Planning and Development Department has taken the Library, the High School, the School House Museum and Kids Kingdom and rolled it into one big rectangle. His concern was that someday they could be torn down, and then a new building could go up in their place. Something needs to be done to make sure that would not happen. Also, there are a set of condos, which was being included in the rectangle. One person owns 4 units; the City was giving the apartment owner a big check. The units are presently zoned for 11 or twelve units per acre, now it would increase to 50 units per acre. It would cost the developer to acquire that property, or to the CRA. His option was to carve out that parcels to see whether not it would come back into the project later.

Commissioner Casello said he did not understand the fear of knocking down the Old School. Mr. Katz said that was a concern because they were going to be included in that zoning district. Commissioner Casello indicated the City was putting \$10 million into the Old School House. Mr. Katz responded he was not saying that this would happen, but this needs to be protected. Commissioner Casello asked would that land increase in value because of the Town Square Center. Mr. Katz said that was what was being objected to the way in which this was presented.

Mayor Grant stated regarding the historic building, the Commission would make sure whatever was there was deed restricted.

**Cindy Falco-DiCarrdo**, 316 NW 1<sup>st</sup> Avenue, stated her home was in the district, asked if she needed to have her home deed restricted if she gets it as a historical site.

Mr. Rumpf stated she did not need to have her home deed restricted.

Vice Mayor Katz responded to say even if the City placed some type of restrictive covenant, some future Commission could change that at their leisure.

Mr. Mack replied the property would continue to be City property. He confirmed that the deed restrictions could be lifted at a future Commission meeting. Mr. Mack stated that doing this would need to include the public comment process.

Vice Mayor Katz said with that being the case, he does not know the life span of the building. He has a hard time attempting to bind a future Commission. Given the investment that the Commission is putting in the Old School House, he has a hard time believing that a future Commission would tear down a building that was being utilized. He continued to say. He understands the sentiment in trying to restrict the building, but the Commission cannot control whether any future Commission would knock down the building.

Commissioner McCray read P & D board minutes into the record. Asked Mr. Mack if he was a Planner. Mr. Mack stated that he was an engineer and a licensed contractor. Commissioner McCray stated that he could not vote in good faith vote for this item.

Vice Mayor Katz said the condos are not currently City owned. He continued to say, to deny the current owner the right to make money was not fair. A future developer could purchase the property and get a future Commission to change the zoning. The alternative would be to exclude the property. Vice Mayor Katz asked why not let the current owner reap the benefits. To get the value added on afterwards does not make any sense. Vice Mayor Katz stated someone will reap the benefits, why not the current owner.

Mayor Grant stated that he does not know what future Commissions would do. All those areas could be rezoned.

Commissioner Romelus requested Mr. Mack to give the reason why the City needs to rezone the area.

Mr. Mack stated that with this was the City initiative, when dealing with developments the City needs to deal with certainty. We need to get this done now. It needs to go to the State and then back to the City.

Commissioner Romelus stated the Commission and the CRA has approved millions of dollars for the Town Square project. She said the City has gotten so close. She continued saying being the representative for District 3; she does not want this

opportunity to pass the City. She believes that this was the right opportunity to move forward. She was not in favor of stalling the projects.

Commissioner Casello, asked Mr. Mack how critical was this ordinance in tying into the Town Square project.

Mr. Mack stated this was step two. This was a very critical step.

Commissioner Casello asked if this ordinance failed tonight, would it have a major affect on the project.

Mr. Mack answered it would. The City could not move forward.

Mayor Grant asked for a roll call

### **Motion**

Vice Mayor Katz moved to approve PROPOSED ORDINANCE NO. 17-021. Seconded by Commissioner Casello.

City Clerk Pyle called the roll. Vote 4-1 (*Commissioner McCray dissenting*)

### **Motion**

Commissioner Casello moved to approve PROPOSED ORDINANCE NO. 17-022 Seconded by Vice Mayor Katz

City Clerk Pyle called the roll. Vote 4-1 (*Commissioner McCray dissenting*)

Mayor Grant opened to public comments. No one came forward.

**C. PROPOSED ORDINANCE NO. 17-015 - SECOND READING - PUBLIC HEARING** - Approve amendments to the LAND DEVELOPMENT REGULATIONS, Chapters 2, 3 and 4 to continue the implementation of the Community Redevelopment Plan with the establishment of the new Cultural District Overlay Zone regulating site development, uses, and urban design. (*Staff requests item tabled to 8/15/17*) (*Staff recommends removing from the agenda and to be brought back at a later date*)

Mayor Grant asked for a motion to remove from the table.

### **Motion**

Commissioner Romelus moved to remove from agenda. Seconded by Commissioner Casello.

**Vote**

The motion unanimously passed.

Mr. Mack stated staff was asking that this be withdrawn to incorporate the input from the public meetings being conducted. Also to make sure the architectural styles are incorporated.

Mayor Grant indicated he was looking forward to the video.

**D. PROPOSED ORDINANCE NO. 17- 016 - SECOND READING - PUBLIC HEARING** Approve amendments to the LAND DEVELOPMENT REGULATIONS, Chapters 2 and 3 to continue the implementation of the Community Redevelopment Plan with the establishment of the new Boynton Beach Boulevard Overlay Zone regulating site development standards, uses, and urban design. ***(Staff requests item tabled to 8/15/17) (Staff recommends removing item from the agenda and to be brought back at a later date)***

**Motion**

Commissioner Romelus moved to remove from agenda. Seconded by Commissioner Casello.

**Vote**

The motion unanimously passed.

**10. CITY MANAGER'S REPORT - None**

**11. UNFINISHED BUSINESS - None**

**12. NEW BUSINESS**

A. Approve the release of the following land parcel to Habitat for Humanity of South Palm Beach as requested by the CRA: 117 W Martin Luther King Jr Blvd - PCN 08-43-45-21-25-001-0170 ***(Heard previously before consent agenda)***

B. Approve the release of land parcel owned by the CRA to South Florida Marine in accordance with the approval at the CRA Board meeting on April 11, 2017.

Mayor asked for a motion.

**Motion**

Vice Mayor Katz moved to approve. Seconded by Commissioner Romelus

**Vote**

The motion unanimously passed.

C. Approve a \$1,000 donation to the Home Safe/Healthy Beginnings Program from Commissioner Romelus' Community Support Funds. (*Heard previously before consent agenda*)

D. **PROPOSED RESOLUTION NO. R17-076** - Authorize the City Manager to implement Procedures for Local Business Preference by Administrative Policy Manual (APM) No. 10.14.01.

Mayor Grant read Proposed Resolution No. R17-076 by title only into the record.

Commissioner McCray asked for an update

**Tim Howard Assistant City Manager**, replied that this was an administrative policy to provide local businesses with preference.

Mayor Grant asked for a presentation.

Mr. Howard stated this was a policy to give a preference for City vendors, to give a preference to local vendors on bids or RFP's. The policy would award the local business based on the preference, if the price was within 5% of 5,000 of the lowest bidder, the local business would be awarded the contract.

Commissioner Romelus, said as a general consensus this ordinance was a win for the local community and for small and local businesses in Boynton Beach. This was a huge draw; this was a huge draw for the City giving preference to our local businesses. This policy allows preference to local businesses They in turn would invest in Boynton Beach. The businesses must be certified and registered within the City of Boynton Beach.

Ms. LaVerriere explained this was part of the building wealth in the community program. This was part of the strategic plan, tying to provide opportunity to the local vendors. Ms. LaVerriere said training would be provided to local vendors. This was step one of things to come.

Commissioner McCray stated that this could have been avoided. Thank you Commissioner Romelus for the clarification. He needed answers for those that are sitting in the audience.

Vice Mayor Katz noted that he appreciated staff creating an opportunity for local vendors. He also liked the idea of offering the opportunity for local businesses that was

not cost prohibitive to the City. He believes that the 5% range was fair. He appreciates the moderation and equilibration in crafting this policy

Mayor Grant stated his concern was for October 2018, to see about the measurables.

Mr. Howard explained that different cities have different qualification for a local business. Using the business tax receipts would allow staff to gather data from our vendor files.

Mayor Grant asked for a motion.

**Motion**

Commissioner Romelus moved to approve. Seconded by Commissioner Casello

**Vote**

The motion unanimously passed.

**E. PROPOSED RESOLUTION NO. R17-077** – Approved resolution supporting adequate funding of the Low Income Home energy Assistance Program (LIHEAP) and urge the Appropriations Committee of the United States Senate and House of Representatives to both fully follow LIHEAP's enabling law when determining all future appropriations, and to restore LIHEAP funding to its historic levels.

Mayor Grant read Proposed Resolution No. R17-077, by title only into the record.

Mr. Grant stated that he received this information from FPL Account Manager. There was a federal program that awards money to states based on size. Most of the time this goes to the northern states. The City was requesting the State, Senate and the House of Representatives to follow LIHEAP's laws, and to award money according to population.

Mayor Grant asked for a motion.

**Motion**

Commissioner Romelus moved to approve. Seconded by Commissioner Casello

**Vote**

The motion unanimously passed

**13. LEGAL - None**

#### **14. FUTURE AGENDA ITEMS**

- A. Commissioner Romelus has requested discussion on issues relating to Power by the Hour - September 7, 2017.
- B. City Commission's ratification of the Boynton Beach Community Redevelopment Agency (CRA) annual budget for fiscal year 2017-2018 – September 19, 2017
- C. Discussion relating to future of the Building Board of Adjustment and Appeals - TBD
- D. Discussion of number of boards people are allowed to serve on at one time, attendance policies, eligibility rules and qualification of members for all boards- TBD.
- E. Staff to bring information concerning disposing of City-owned land - TBD
- F. Staff to review and report concerning Florida Textile Recycling, LLC. FTR, LLC which proves automated clothing recycling as a non-profit corporation and provides funding to agencies for other non-profit uses -TBD
- G. Staff to research possibility of allowing dogs at the beach during certain hours and bring back to Commission - TBD.
- H. Commissioner Casello requested discussion concerning registered lobbyists and their participation on City advisory boards - TBD

#### **15. ADJOURNMENT**

##### **Motion**

Commissioner McCray moved to adjourn. Vice Mayor Katz seconded the motion.

##### **Vote**

The motion unanimously passed. The meeting was adjourned at 8:36 p.m.

*(Continued on next page)*



CITY OF BOYNTON BEACH

\_\_\_\_\_  
Mayor - Steven B. Grant

\_\_\_\_\_  
Vice Mayor - Justin Katz


\_\_\_\_\_  
Commissioner – Mack McCray

\_\_\_\_\_  
Commissioner - Christina Romelus

\_\_\_\_\_  
Commissioner - Joe Casello

ATTEST

\_\_\_\_\_  
Judith A. Pyle, CMC  
City Clerk

  
\_\_\_\_\_  
Queenester Nieves  
Deputy City Clerk

**MINUTES OF THE PUBLIC INPUT MEETING  
ON THE TOWN SQUARE - ARCHITECTURAL STYLES  
HELD ON THURSDAY, AUGUST 17, 2017, AT 5:30 PM, AT THE  
BOYNTON BEACH CITY LIBRARY, PROGRAM ROOM  
208 S. SEACREST BOULEVARD, BOYNTON BEACH, FLORIDA**

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**Colin Groff**, Assistant City Manager, welcomed all to the public input meeting and explained the City has been planning on developing this area for 20 years. Most buildings are 50 years old or more and it is time to replace them. The effort is a redevelopment project to create a vibrant downtown area for all to enjoy. There will be government buildings, and the Old High School will be restored and repurposed to a new civic building. The Police Station will be relocated to Gateway and High Ridge Road next to Fire Station No. 5. The third part of the project is a new city complex in the downtown area including a new City Hall and refurbished Library, bringing the Library into the 21<sup>st</sup> Century as an information/technology art center for residents and patrons to interact, learn and enjoy what Boynton Beach has to offer. A couple of parking garages will be constructed. Also included in the 16-acre redevelopment will be parks, green spaces, an amphitheater, place for events, an active family area green space and refurbished area for kids to play in. The remaining land will be for private development.

Mr. Groff explained the project will be funded by the money from new private development. The City partnered with a private developer to fund the City infrastructure without impacting residential taxes. The purpose of the meeting is to receive input on architectural styles in the downtown area. He introduced Wayne Dunkelberger, Baker Barrios Inc., Creative Director and the lead architect who would facilitate the meeting and his colleague "Cory." Mr. Groff announced the meeting was an interactive presentation and all should participate.

**Mr. Dunkelberger** explained he will show images of different building styles to gauge the public's reaction, thereby providing him with direction of what style to design the buildings. He reviewed pictures of the Old High School and Schoolhouse Children's Museum which are the City's legacy sites and important features in the project. He advised the Old High School will be refurbished and both sites will be cleaned up. He pointed out the civic and public buildings in America have certain styles, which historically were Neoclassic, Mediterranean and Coastal styles. The three styles under consideration are some of the styles they have seen throughout Florida and in Boynton Beach. They wanted to present what they think would be appropriate for the current master plan.

He first presented images of other city halls such as a converted historic, neoclassical high school in Key West. He advised this type of building has been around for years and in many people spaces. The traditional neoclassical is seen in many civic buildings and art museums. There are also deco and contemporary versions of neoclassical style

as well as a Mediterranean style. He commented it was hard to pick a Mizner building, but he presented a simplified Mediterranean style and pointed out they also have contemporary styles. The contemporary styles have the same forms, formats, textures and materials, but the building is retold in a modern sense.

Coastal is another great style which ties back to Boynton Beach and many parts of Florida which feature porches, tin roofs and setbacks. The seaside version has a colonial influence. There is a coastal Florida style and a modern contemporary style which takes the forms of the classic Coastal style.

Mr. Dunkleberger explained he would go back to the slides and take input on what they want.

**Susan Oyer**, 140 SE 27<sup>th</sup> Way, did not favor neoclassical and thought slightly updated Mizner or "Mediterraneanesque" buildings may be appropriate. Moving further east could be Coastal. She noted the two schools are not Mizner buildings, but are Mediterraneanesque. She thought if there would be governmental buildings in the general vicinity, the design should be cohesive. She advised Mizner designed City Hall and she advocated for using the Mizner design as the foyer into the new City Hall, and then building up in a similar theme. If done, the City could say they have a Mizner City Hall.

A man agreed with Ms. Oyer's comments. He thought architects need to be challenged to work within those parameters and be careful not to become like the Boynton Beach west of 95. He did not want to lose the City's identity and observed there are many mid-century modern buildings in the City that are original. If he had to mix two styles, it would be either mid-Century modern including the art deco aspects in the Old High School.

Mr. Dunkleberger announced Commissioner Casello was present.

**Ms. Falco-Dicorrado** advised she has a Mizner home and recently returned home from Georgia. She thought seeing vintage, old-world type buildings makes one want to relax and reflect, and gives a sense of family as it feels like home. She thought some Mediterranean feels like home.

Mr. Dunkelberger explained when Mizner, created the term Mediterranean, he envisioned Mediterranean for this area.

One woman pointed out the City is not Boca Raton and Boynton Beach does not need to have the same architecture. The City is a coastal town that started as a fishing town. She thought Mediterranean was hodge-podge and Boynton Beach needed more clarity. A mix of Mediterranean roof with a coastal feel may work. Neoclassical had nothing to do with the City and mid-century blends well with the coastal.

**Ron Silvario** agreed with the prior speaker. Renovations have already started and he requested the designers keep new technology, materials and energy in mind. He noted Galaxy Elementary School was totally green. He strongly urged staying with the coastal feel because it blends into the neighboring buildings and technology is entering a new era. He endorsed green buildings.

Mr. Groff explained they are trying to build as much green into the buildings as possible and staff was excited about including solar and energy savings features as part of the project.

**Barbara Ready** thought if sacrificing density on Ocean Avenue, the Coastal style should be used. It is warm, inviting and reminiscent of other vacation cities where visitors can hang out and hear the music from the amphitheater from the street. She thought a blend of Mediterranean and Coastal should be used.

**Debby Lytle** liked Coastal and thought Mediterranean and Mizner is classic but it is dated. She thought the City could push the boundaries and develop a coastal feel. She noted the City's branding is *Breeze into Boynton*.

**Brenda Williams**, 337 NE 24<sup>th</sup> Avenue, asked for the geographical boundaries of the 16 acres and learned the north boundary was Boynton Beach Boulevard south to is SE 2<sup>nd</sup> Avenue. The west boundary was Seacrest Boulevard. The east boundary was SE 1<sup>st</sup> Street. She asked about Ocean Avenue going down to the railroad and learned it is part of the overall downtown development, but from the Schoolhouse Children's Museum going east down to Federal Highway was not part of the Town Square project. It was part of an Overlay District and the CRA Master Plan which also has that type of architecture.

Ms. Williams asked about the relocation of the Police Department to Gateway Boulevard and commented traffic is horrendous. She thought it was a hazardous location and asked if there would be an overpass for emergency vehicles because cars block three lanes there. She asked about a parking garage off the back of the Town Square project and private developers which she tried to visualize.

Mr. Groff explained staff was trying to obtain feedback so they could design it and that was the purpose of the meeting. A Special City Commission meeting will be held on August 21<sup>st</sup> to provide the Commission with an update. Staff hoped to have a conceptual site plan ready by then. The Civic Center uses will move to the Old High School and its architectural style will remain because the City was trying to restore it.

A woman asked if the fire station would be eliminated or replaced and learned it would be relocated and replaced with a new fire station.

**Dr. Stephanie Haden** asked where the major services the public uses would be housed during the next five years of construction and learned the plans are not yet in place. It

was explained the City's portion of the renovations is scheduled to be completed in 18 months and the City is using the aggressive schedule so they do not have to shut services down. The City will not close anything. They will offer services by constructing the new building first, moving the services there and then closing the old buildings. There may be a two to three month period when Fire Station No. 1 will report out of Fire Station No. 5.

Dr. Hayden commented she came in late and only saw the Coastal styled buildings. Mr. Dunkelberger showed Dr. Hayden the various building styles. He explained part of his job is to take the input received and develop an architectural form for the City Hall and Library. Dr. Hayden asked which style is more economical. Mr. Dunkelberger responded each was the same depending on how detail is added. They receive a budget from the City or contractor and they design to any style within that budget.

**Mike Fitzpatrick** was concerned about maximizing solar power and commented the buildings need a flat roof. He liked neoclassical noting the building would need a five-foot parapet or a mansard on a Mediterranean with a five-foot well, so when panels are installed, they are protected. The next time there is a hurricane the winds will pass over and there will not be so much debris.

A man thought the building at Intracoastal Park was one of the best looking buildings in the area and it would fit with the development. He also favored keeping with the color scheme of the Library, nice and bright.

One woman felt we are in the 21<sup>st</sup> century and thought the buildings should be modern and tasteful. She thought the City could have quaint shops and still be modern contemporary and unique. Boynton Beach is not Delray or Boca, and the City should stand out as unique.

**Kim Weiss** explained the City has a burgeoning arts community and a lot of plans which should be reflected in the architecture. She likes eclectic, but thought it could not hurt to stretch their comfort zone to interject an artistic look as there is a lot going on with the sophistication level of this town. Mr. Dunkelberger explained art will be incorporated.

**Ginny Foot** liked shade trees, impact glass, hurricane preparedness and more shade.

A woman thought the design should maximize the land use because she has seen a one-story school built and then the school is outgrown. She asked if the City considered the life expectancy of the new buildings and if they would maximize space and build up. She also asked if there was a height limit. Mr. Groff explained the City planned for a 60 year time plan for growth. Technology will also grow and will help reduce the need for space.

**Judy Cloutier** noted Boca followed a trend with Mizner that became dated.

**Yvonne Skovron** asked what style the CRA projects along Ocean Avenue and east would be. Mr. Groff explained there is CRA Master Plan and Cultural District guidelines that have to be followed. There is a private development project in for review between the railroad tracks and SE 3<sup>rd</sup> Street that follows those guidelines, but they do not want the exact same architecture. It should be complementary to what will be constructed in the City's portion and they will help work on architectural guidelines throughout Ocean Avenue. She understood the Old High School will be renovated and the style would remain. She agreed the City needs its own identity and would like to see a combination of Coastal and Mediterranean as modern, but not Mediterranean because of the school. She likes to see things that stand out which keeps it unique.

Dr. Hayden liked Mediterranean or contemporary and suggested incorporating sustainability and greening into the architecture instead of plaster as that is where they are heading.

**Jeanne Heavilin** commented Boynton Beach has been grappling with its identity with nautical and the marina. She thought it was time to sharpen the identity. She liked contemporary, but thought something to tie in with the Coastal and modern theme with shade was appropriate.

A man asked how large the buildings would be. Mr. Groff replied large was a relative term. He was aware 50,000 square feet would be needed for the City Hall. The Library would need about 50,000 square feet, and the new Civic Center in the Old High School would be about 28,000 square feet. He did not know about the private buildings. As plans develop, the information will be available and can be viewed.

The man commented he saw sketches of five and six-storied buildings a few years ago. Mr. Groff explained there will be some height as density is needed, but not all the buildings will be tall. He hoped to have a better idea by Monday. They want to build something that will last for 60 to 70 years and staff is really thinking about the future and replacement. He pointed out when constructing a new building, they cannot use part of the old building and it was possible the entire Library may be replaced.

**Mr. Fitzpatrick** referenced the Engineering East building at FAU, which is LEED platinum noting it still looks good and it has light shelves. Mr. Dunkelberger explained light shelves can be in any style, but it is a contemporary element to any design. Mr. Fitzpatrick thought those were the kinds of features to include for energy usage.

**Ms. Ready** asked about color as many people like cool, ocean colors and agreed with Jeanne Heavilin. She would like to see blues and greens and whites which could also help with sustainability. She was not in favor of orange and terra cotta colors.

**Ms. Lytle** noted the public was discussing one block with the Library and Civic Center. She commented the developers can do what they want with the private sector. Mr. Groff explained staff was seeking to come up with architectural styles that will be used for the

used for the entire project and by private developments as there will be guidelines the developer will have to follow. The project is being paid for through private development as a public/private partnership so the City would not have to raise taxes. There are controls. The private developer is working with the City and is part of the development team.

**Tim Dalheim**, 114 W. Ocean Avenue, commented regardless of the styles, he has concerns about lighting that affects the neighborhood, the setbacks and variances including height changes that will accompany the project. He wanted to know about buffering and how the parking lot will be buffered. He noted he has an unobstructed view of the moon and stars at night and wondered how the area will be lit. He asked if music from the amphitheater, Pirate Fest and other events will end at a certain time or be accelerated as it may be an issue for the surrounding neighbors. He commented there may be more bars or night clubs and they may have patios and live music. There is a big neighborhood around the six blocks.

Mr. Groff responded the architects will work with the civil engineers because lighting and buffering are critical. He explained there are no nightclubs planned for the Town Square central area, but when there are events in the Town Square there may be some noise and the project is being designed so a lot of the noise is blocked by buildings. Sites are designed so noise cannot be heard inside the home. The City will consider all those issues and will do their best to protect the neighborhood. It was his experience in other parts of the country, that these projects help neighborhoods grow and become better neighborhoods.

One woman liked Mediterranean contemporary and liked the building which was from a Town Square in California. It looked open, friendly and she liked the colors.

**Ramona Young** agreed with the comment about the colors, as people stay calmer with light, soft colors and the Mediterranean contemporary should be within the parameters. She had seen buildings in Alexandria and Havana with open space where people gather and thought it was something to consider. It was definitely contemporary.

**Ron Silverio** asked about the name of the project and learned it is currently called the Town Square, Boynton Beach.

Dr. Hayden liked the color "moccasin" which was a faded hue of yellow, pale turquoise and the color honeydew.

**Michael Wilson** liked the Mediterranean and Coastal styles and thought the contemporary and modern blends both. His main concern was most condo projects have used bold color schemes with reds and oranges, which he did not like. The area by Ocean and Federal Highway used orange and gray. Some of those projects have new owners and they are changing them to cooler coastal colors which he favored. Boynton also has also built to the curb and there is no setback on arterial or side

streets. With condominiums, they have no place to relax. He suggested there be open areas. He was aware there would be green areas and concert areas by City Hall, but he thought a plaza and/or fountain areas were needed. He thought downtown is where people congregate and tables can be set up where people can come and enjoy coming to Boynton and having some conversations. He thought developers do not like to design open areas, but more were needed.

Mr. Dunkelberger explained part of the site plan is the open public realm which is a key feature of the plan. He thought Mr. Wilson would be happy with the plan.

**John Trach** commented every great city with great walkability has wide boulevards, pedestrian areas, setbacks and shade trees. He referenced Delray Beach east of Swinton which has wide sidewalks, additional space to be able to sit and street-side parking. He noted Las Ventanas has no street-side parking and all retail is directly on the street. While there is a parking garage, Sweetwater patrons do not like to sit next to a busy street. He liked the Mediterranean contemporary style. It has six stories, but has tiers. Mr. Dunkelberger explained both the Coastal and Mediterranean styles have the step-back style.

Mr. Groff invited all to attend the City Commission meeting on Monday night as the plan should be ready. The meeting, which will update the Commissioners, will be in the Library Program Room from 6 p.m. to 8 p.m. The meeting will not be for public input, but it is open to the public. The architect will also review the site plan at the meeting.

**Ms. Foot** understood the Police Department would be on Gateway and asked if there are plans for satellite police offices in the City. Mr. Groff explained the police currently use zone reporting. One satellite station is in Renaissance Commons and another on MLK and then one on Gateway. The Police Department is cramped for space. The High Ridge location is the public safety complex.

Ms. Young complimented staff for the signs posted around the City and west of the City about the meeting.

A request was made to have a sign language interpreter present.

Mr. Groff advised these types of projects cannot take place without public input and the City is always willing to get input even by email.

Ms. Oyer summarized her prior comments and requested recognizing the new City buildings should be sympathetic to historic buildings. Mizner buildings can look dated and she suggested other buildings have flat roofs instead of barrel tile roofs. New buildings could be Mediterranean or contemporary Mediterraneanesque. Her family was one of the first families in Boynton Beach and her grandfather constructed many of the buildings in a Mediterraneanesque style. She liked having a front building attached to the new City Hall with a Mizner design so the City could say they are the only City in



Florida to have two public access Mizner buildings. She agreed pretty ocean colors are needed. All the houses were white when she was growing up which reflected the light and she would love to see white reflective roofs and as many sustainable features as possible. She agreed pretty trees, such as Crepe Myrtle that Lake Worth and other cities planted, should be used and shade trees are needed along the sidewalk. She thought the City should go green as much as possible.

Ms. Oyer was aware they want to put very tall buildings on Ocean Avenue and commented many residents do not want tall buildings. The CRA indicated a six to eight-story workforce housing building is planned for 20 feet away from the Schoolhouse Children's Museum. She wanted no more than two stories on Ocean Avenue and thought there needs to be a step back. The stair stepping looks nice, but it needs to be on Boynton Beach Boulevard as no one would oppose it there, but they would on Ocean Avenue. Ms. Oyer indicated she would send a photo of a parking garage with rainbow window panels that can serve as an art feature and it would give surrounding property owners something pretty to look at.

Ms. Oyer agreed with Mr. Fitzpatrick's comments about the LEED certification and solar energy but pointed out LED lights keep people from sleeping so they should use what is healthiest for everyone. The City lost a mid-century building when they redesigned the post office and the only one left is the Civic Center. She thought, if changing styles, since a lot of people like the Coastal style, they use a bridge between Coastal and Mediterranean style as the development shifts further east. Mr. Dunkelberger commented it may be possible. She suggested viewing the tourist streets in Frankenmuth, Michigan and Pigeon Forge and reminded all the statute requires 2.5 acres of green space for every 1,000 people, so workforce housing by the Schoolhouse Children's Museum may not work.

Ms. Lytle explained she visits other towns for festivals and events and Boynton Beach needs the open space. The more people that are brought to Boynton Beach, the more open space they need. Mr. Dunkelberger explained they have been working with programmable outdoor space and he thought she would be pleased with the site plan. She supported painting buildings on Woolbright and Federal white and gray because the brown is very dark. Make them white and gray will give extra energy.

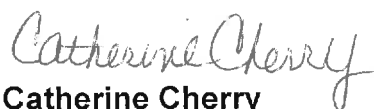
**Candy Brugerman** 713 SE 4<sup>th</sup> Street, commented there is a need for sidewalks on SE 1<sup>st</sup> Street. Mr. Groff explained all the streets within the project have to be rebuilt including 1<sup>st</sup> Street and they will be made walkable streets. She liked the Mediterranean flowing into Coastal.

Mr. Groff summarized the general opinion of architectural styles was more modern Mediterranean with a Coastal influence as a style, but not every building exactly the same. The attendees agreed by a show of hands. He advised the City received great input on the site plan which is still being worked on. The City has a great team working on the project and one of the best architects in the state. He was excited about hearing

the input. Mr. Dunkelberger summarized the color choices were to move away from darker colors and lighter sea and ocean colors and heard about sustainable projects.

Ms. South announced one more meeting next week about Art in Public Places and next Tuesday is a community job fair. It is an all-day event with two different sessions. She commented last week's meeting was on YouTube, [www.boynton-beach.org](http://www.boynton-beach.org). It is on social media, Facebook, Instagram and Twitter, # Town Square Boynton Beach.

Mr. Dunkelberger announced he will be present on Monday night to provide more input on the site plan and he closed the meeting at 7:02 p.m.



**Catherine Cherry**  
Minutes Specialist



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** Approve the purchase of Water Meters and Equipment with Sensus Metering Systems as a Sole Source vendor for the maintenance and replacement of water equipment for the City's Utility Metering System. The City is currently using Sensus's Flex Net System. Items will be ordered on an "as needed" basis for the estimated annual expenditure of \$175,000.

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**EXPLANATION OF REQUEST:**

**Time Period:** October 1, 2017 - September 30, 2018

The City utilizes Sensus's Flex Net System for meter reading to accurately determine the customer's water consumption for proper billing. The items purchased will be for new meters and their components to add to the system, as well as any replacements that may be needed.

Sensus provides a quote which locks their prices for a period of time. The current quote expires January 31, 2018. We will receive another quote once this one expires.

This will be a yearly request which will be presented to Commission at the beginning of each fiscal year.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

The purpose of this purchase is to secure a source of supply for the equipment of the Sensus's Flex Net Meter Reading System. The equipment will be ordered on an "as needed" basis and stocked within the City's Warehouse.

**FISCAL IMPACT:** Budgeted

Funds are budgeted and available for account 502-0000-141-0100 for the estimated amount of \$175,000.

FY 14/15 expenditures were \$174,489.96

FY 15/16 expenditures were \$94,306.26

FY 16/17 expenditures to date are \$139,099.27

**ALTERNATIVES:** To utilize another water metering system with a different manufacturer.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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Is this a grant? No

Grant Amount:

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**ATTACHMENTS:**

Type		Description
<input type="checkbox"/>	Addendum	Sole Source Letter
<input type="checkbox"/>	Addendum	Sensus Quote

August 17, 2017

City of Boynton Beach, FL

To Whom It May Concern:

Please be advised that Sensus, USA is the sole manufacturer and provider of Sensus' products including Water Meters, Meter Reading Systems, Testing Equipment, Software, System Support Programs and Repair Parts.

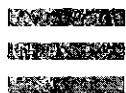
Thank you for your business, and we look forward to continuing to provide you with quality Sensus Products and superior customer service.

Please feel free to contact me at [andrea.davis@xyleminc.com](mailto:andrea.davis@xyleminc.com) regarding this or any other matter.

Sincerely,

*Andrea M. Davis*

Andrea Davis  
Sensus, USA  
Director, Channel Marketing



450 North Gallatin Avenue  
P.O. Box 487  
Uniontown, PA 15221 USA

1-800-MeterIt  
1-800-638-3748  
www.sensus.com

**SENSUS**

# QUOTATION

Your Quote Number: 28286

Reference: SEACOAST

Bill to Customer: 084060

Ship to Customer:

ATTENTION WANEYA B. & DRAVIOUS R.  
BOYNTON BEACH CITY OF  
PURCHASING DEPARTMENT  
PO BOX 310  
BOYNTON BEACH FL 33425-0310 USA

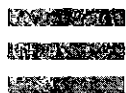
BOYNTON BEACH CITY OF  
PO BOX 310  
PURCHASING DEPARTMENT  
BOYNTON BEACH FL 33425-0310

Salesman: HERRON BROCK  
Terms: NET 30 DAYS

Effective Date: 2/02/17  
Expiration Date: 1/31/18

Line	Description	Quantity	U/M	US Dollar Unit Price
1	Part#: I5S1GDXX METER 5/8 X 3/4" IPERL 10 GALLON, 6 WHEEL 3A W/6' 2 WIRE TRPL CABLE SMART MODE W/7-1/2" LL	1	EA	109.270
2	Part#: I2S1GDXX METER 3/4"S IPERL 10 GALLON, 6 WHEEL 3A W/6' 2 WIRE TRPL CABLE SMART MODE W/7.5" LL	1	EA	109.380
3	Part#: I4S1GDXX METER 1" IPERL 10 GALLON, 6 WHEEL 3A W/6' 2 WIRE TRPL CABLE SMART MODE	1	EA	154.550
4	Part#: 5396353752201MI M520M TRANSCIVER UNIT PIT SET, SINGLE PORT TOUCHCOUPLER, LEAK DETECTION, HOURLY READ & INTERVAL DATA	1	EA	140.420
5	Part#: 5396353752203MI M520M TRANSCIVER UNIT PIT SET, DUAL PORT TOUCHCOUPLER, LEAK DETECTION HOURLY READ & INTERVAL DATA	1	EA	143.220

This Quotation is an offer to sell which includes and is subject to the Sensus Metering Systems Terms of Sale available for viewing and downloading at <http://www.sensus.com/tc> Please contact Customer Service at 1-800-638-3748 if you are unable to access this site and require a printed copy of the Terms of Sale.



450 North Gallatin Avenue  
P.O. Box 487  
Uniontown, PA 15221 USA

1-800-MeterIt  
1-800-638-3748  
www.sensus.com

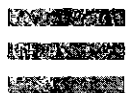
Your Quote Number: 28286

**SENSUS**

US Dollar

Line	Description	Quantity	U/M	Unit Price
6	Part#: C1 METER 1-1/2" OMNI C2 COMPOUND	1	EA	1,048.170
7	Part#: C2 METER 2" OMNI C2 COMPOUND	1	EA	1,209.430
8	Part#: C3 METER 3" OMNI C2 COMPOUND	1	EA	1,531.940
9	Part#: C4 METER 4" OMNI C2 COMPOUND	1	EA	2,660.740
10	Part#: C6 METER 6" OMNI C2 COMPOUND	1	EA	4,595.820
11	Part#: T1 METER 1-1/2" OMNI T2 TURBO	1	EA	717.300
12	Part#: T2 METER 2" OMNI T2 TURBO	1	EA	850.850
13	Part#: T3 METER 3" OMNI T2 TURBO	1	EA	1,060.250
14	Part#: T4 METER 4" OMNI T2 TURBO	1	EA	2,064.160
15	Part#: T6 METER 6" OMNI T2 TURBO	1	EA	3,716.170
16	Part#: T61RTXXG1AAXX MTR 6 OMNI T2 MNCS/TURB NDK 10G PULS 10G 8WHL1A AMR TSTRSR N-DRNK RECLM	1	EA	4,002.580
17	Part#: F6CXXXXG1AA0X MTR 6 OMNI F2 CHB/F2 ID=SN 10GAL PULSE 10G 8WHL1A AMR REG ID = MFG SN 45.00"LL	1	EA	8,061.260

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Your Quote Number: 28286

**SENSUS**

US Dollar

Line	Description	Quantity	U/M	Unit Price
18	Part#: R11XXXXG8BAXX METER 1-1/2" OMNI R2 10 GALLON, 7 WHEEL 2A, AMR MAIN CASE 13" LL	1	EA	432.820
19	Part#: R21XXXXG8BAXX METER 2" OMNI R2 10 GALLON, 7 WHEEL 2A, AMR MAIN CASE 17" LL	1	EA	607.280
20	Part#: S2PR338GD0XX1XX MTR-LL 5/8-3/4SR11 ER-TRPL G6' BTM/BRZ 6WHL3A 6'SEN L/HSG PK ID=MSN 10G RECLM DP/P	1	EA	124.070
21	Part#: S2PX338GD0XX1XX MTR-LL 5/8-3/4SR11 ER-TRPL 10G BTM/BRZ 6WHL3A 6'SEN L/HSG PK REG ID = MFG S/N DP/P	1	EA	116.700
22	Part#: E2SXX38GDXXXXXX E-REG TRPL SR11 5/8-3/4 10G 6WHL3A 6'SEN AY W/BAYONETT RING	1	EA	53.470
23	Part#: E5SXX38GDXXXXXX E-REG TRPL SR11 1 10G 6' 6WHL3A 6'SEN AY W/BAYONETT RING	1	EA	53.470
24	Part#: 031 SR/SR11 TR/PL CONVERSION KIT REGISTER ONLY, L/HOUSING	1	EA	53.090
25	Part#: 5380220000014 SPANNER WRENCH ILL 26	1	EA	18.120
26	Part#: 0001000101268 GEL CAP ILL 55 AMR ACCESSORIES 517-0010784	5,000	EA	.160

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1-800-638-3748  
www.sensus.com

Your Quote Number: 28286

**SENSUS**

US Dollar

Line	Description	Quantity	U/M	Unit Price
27	Part#: PM M50/M100 WAR WARNTY METRO M50/M100 1-YR EXTENDED MAINTENANCE	1	EA	1,609.000
28	Part#: MISC. SEE BELOW	1	EA	.000

-  
\* ADD ON TO METER PRICES FOR OMNI T2 TO T6 RECLAIM  
EA. \$67.56

-  
PARTS NOT QUOTED TO BE DISCOUNTED 24% FROM CURRENT  
PARTS PRICING BOOKLETS.

-  
WANEYA'S FAX 561-742-6478 - PHONE 561-742-6427  
bryantw@ci.boynton-beach.fl.us  
robertsondbbfl.us

-  
FULL FREIGHT ALLOWED.  
FOB SHIPPING POINT.

-  
CASE - 00472464

-  
PROJECT CODE - WAKG

IF MODIFICATIONS IN METER MATERIALS OR PROCESSING ARE REQUIRED TO MEET  
NEW REGULATIONS, THE PRICING SUBMITTED IS SUBJECT TO IMMEDIATE CHANGE  
Thank you for your interest in quality products by Sensus.

Current as of: 1/27/17

Correspondence:

SENSUS

207 WINDMERE DRIVE

BOWLING GREEN, KY 42103

Purchase Orders:

SENSUS

PO BOX 487

UNIONTOWN, PA 15401

sensus.orders@sensus.com

PHONE: 800-METER-IT

800-638-3748

ROBERT WHITTAKER

Regional Sales Manager

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downloading at <http://www.sensus.com/tc> Please contact Customer Service at 1-800-638-3748 if you are unable to access this site and require a  
printed copy of the Terms of Sale.



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

**PROPOSED ORDINANCE NO. 17-022 - FIRST READING** - Approve Flood Prevention Requirements (CDRV 17-005) - Amending the LAND DEVELOPMENT REGULATIONS, Chapter 1, Article II, Definitions and Article VIII, Section 1.D, Appeals, Chapter 2, Article IV, Sections 2 and 4, and Chapter 4, Article X, to update definitions, Building Division Processes, Standards, and adopt Flood Insurance Rate Maps and Flood Insurance Study in accordance with the NFIP requirements. City initiated.

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**EXPLANATION OF REQUEST:**

In 1982, the Federal Emergency Management Agency (FEMA) issued Flood Insurance Rate Maps (FIRM) and a Flood Insurance Study (FIS) report that identified special flood hazard areas in the City. Recently, FEMA completed a re-evaluation of flood hazards in Palm Beach County.

FEMA provided the City with preliminary and revised preliminary copies of the FIRM and FIS report on May 31, 2013 and August 18, 2014, respectively, that identified existing flood hazards in the City.

As part of this process, FEMA conducted a series of four (4) public workshops in Palm Beach County; of which one (1) was hosted at the Boynton Beach Library program room. The workshops were intended to provide the public an opportunity to view maps, obtain technical assistance, and ask questions of FEMA consultants, County, and City staff.

Notice was subsequently published in the Palm Beach Post, the Sun Sentinel, the Town Crier, El Latino, and the Palm Beach Daily News on or about December 26, 2014 and January 2, 2015. An additional publication was completed in the Federal Register on November 10, 2014.

The 90-day appeal period, which began upon the publishing of the second notice, has ended and FEMA did not receive any appeals during this time. Hence, the Flood Hazard Determination is considered final and the Flood Insurance Study and Flood Insurance Rate Maps will become effective on October 5, 2017.

On April 5, 2017, the City received notice from FEMA of the final Flood Hazard Determination and update of the Flood Insurance Study, Flood Insurance Rate Maps (FIRM), and the requirement to adopt aforementioned items by reference within six (6) months.

In addition the City is required, prior to October 5, 2017, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(e) of the NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM.

The proposed amendments to Chapter 1, 2, and 4 of the LDR is provided in their entirety in Exhibit "A, B, and C" respectively, along with a list of FIRM Maps and the FIS Report in Exhibit "D". The most notable amendments are summarized below:

- Reorganization and update of flood related definitions for clarity and compliance with NFIP.
- Reorganization and update of flood related requirements/standards for clarity and compliance with NFIP.
- Striking of redundant provisions that are now included in the Florida Building and Residential Code.
- Insertion of flood specific requirements for variances according to NFIP.

- Clarification of designated Flood Plain Administrator and duties.
- Listing of specific federal and state permits that may be required.
- Requirement for issuance of development permits or approvals other than buildings and structures that are exempt from the Florida Building Code.
- Adoption by reference to the October 5, 2017 FIRM Maps and FIS report.

All FIRM Maps and FIS Report are available online for viewing at <http://msc.fema.gov/portal/advanceSearch>

Staff is recommending approval of the proposed code amendments as required by the NFIP and to update reference to the newly finalized Palm Beach County Flood Insurance Study and Flood Insurance Rate Maps.

The Planning & Development Board reviewed this item on August 22, 2017 and forwards it with a recommendation for approval.

## **HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

City currently participates and manages the National Flood Insurance Program and does not anticipate any changes to programs or services.

## **FISCAL IMPACT:**

Continued participation through the National Flood Insurance Program affords all City residents in a special flood hazard area a discount of 15% on flood insurance premiums.

## **ALTERNATIVES:**

None recommended

## **STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** NA

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:** NA

**Is this a grant?** No

**Grant Amount:**

**ATTACHMENTS:**

Type	Description
▣ Ordinance	Ordinance approving amendments to LDR Flood Prevention REquirements
▣ Staff Report	Staff Report
▣ Letter	FEMA Letter of Final Determination
▣ Exhibit	Exhibit "A" - Chapter 1_Article II_Definitions and Article VIII_Section 1.D_Appeals
▣ Exhibit	Exhibit "B" - Chapter 2_Article IV_Section 2 and 4_Building Permit and Variances
▣ Exhibit	Exhibit "C" - Chapter 4_Article X_Flood Prevention Requirements
▣ Exhibit	Exhibit "D" - List of FIRM Maps and FIS Report
▣ Other	Presentation

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**WHEREAS**, the Federal Emergency Management Agency (FEMA) issued Flood Insurance Rate Maps and a Flood Insurance Study report that identified special flood hazard areas in the City and has recently completed a re-evaluation of flood hazards in Palm Beach County; and

23           **WHEREAS**, staff is recommending approval of the proposed amendments as required  
24    by the NFIP and to update reference to the newly finalized Palm Beach County Flood Insurance  
25    Study and Flood Insurance Rate Maps; and

30                   **NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**  
31                   **THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

32           **Section 1.**     The foregoing whereas clauses are true and correct and are now ratified and  
33 confirmed by the City Commission.

34           **Section 2.**     Chapter 1, Article II, Definitions and Article VIII, Section 1.D, Appeals  
35 of the Land Development Regulations of the City of Boynton Beach Code of Ordinances is  
36 hereby amended as reflected in Exhibit “A” attached hereto and incorporated herein.

37           **Section 3.**     Chapter 2, Article IV, Section 2, Building Permits and Section 4,  
38 Variances of the Land Development Regulations of the City of Boynton Beach Code of  
39 Ordinances is hereby amended as reflected in Exhibit “B” attached hereto and incorporated  
40 herein.

41           **Section 4.**     Chapter 4, Article X, Flood Prevention Requirements of the Land  
42 Development Regulations of the City of Boynton Beach Code of Ordinances is hereby amended  
43 as reflected in Exhibit “C” attached hereto and incorporated herein.

44           **Section 5.**     Each and every other provision of the Land Development Regulations not  
45 herein specifically amended, shall remain in full force and effect as originally adopted.

46           **Section 6.**     All laws and ordinances applying to the City of Boynton Beach in conflict  
47 with any provisions of this ordinance are hereby repealed.

48           **Section 7.**     Should any section or provision of this Ordinance or any portion thereof  
49 be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the  
50 remainder of this Ordinance.

51           **Section 8.**     Authority is hereby given to codify this Ordinance. The City Clerk is  
52 directed to work with the Land Development Regulations publisher to consolidate this ordinance  
53 and the exhibit for publication.

54           **Section 9.**     This Ordinance shall become effective immediately.

55 FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2017.

56

57 SECOND, FINAL READING AND PASSAGE this \_\_\_\_ day of \_\_\_\_\_, 2017.

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CITY OF BOYNTON BEACH, FLORIDA

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YES NO

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Mayor – Steven B. Grant

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Vice Mayor – Justin Katz

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Commissioner – Mack McCray

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Commissioner – Christina L. Romelus

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Commissioner – Joe Casello

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VOTE

\_\_\_\_\_

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ATTEST:

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Judith A. Pyle, CMC

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City Clerk

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(Corporate Seal)

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## DEPARTMENT OF DEVELOPMENT PLANNING AND ZONING

Memorandum PZ 17-029

**TO:** Chair and Members  
Planning & Development Board

**FROM:** Andrew P. Mack, P.E., Director of Development *A.M.*

**DATE:** August 2, 2017

**RE:** Approve amendments to the LAND DEVELOPMENT REGULATIONS, Chapter 1, Article II, Definitions and Article VIII, Section 1.D, Appeals, to update definitions and administrative official that regulate Flood Prevention in accordance with National Flood Insurance Program requirements.

Approve amendments to the LAND DEVELOPMENT REGULATIONS, Chapter 2, Article IV, Sections 2 and 4, to update Building Division processes that regulate Flood Prevention in accordance with National Flood Insurance Program requirements.

Approve amendments to the LAND DEVELOPMENT REGULATIONS, Chapter 4, Article X, to update standards, adopt Flood Insurance Rate Maps, and Flood Insurance Study that regulate Flood Prevention in accordance with National Flood Insurance Program requirements.

### OVERVIEW

The rewrite of the City's Land Development Regulations (LDR) in late 2010 allowed staff to perform a complete review and analysis of each standard, regulation, and process. As part of the post-adoption process, staff anticipates the periodic need for, and is prepared to expeditiously process, updates and amendments to the LDR for one or more of the following reasons:

1. Furthering business and economic development initiatives;
2. Advancing sustainability initiatives;
3. Maintaining internal consistency;
4. Achieving regulatory compliance; and
5. Incorporating implementation feedback to meet original objectives or new vision.

The proposed amendment would support item #4.

### BACKGROUND

In 1982, the Federal Emergency Management Agency (FEMA) issued Flood Insurance Rate Maps (FIRM) and a Flood Insurance Study (FIS) report that identified special flood hazard areas in the City. Recently, FEMA completed a re-evaluation of flood hazards in Palm Beach County.

On May 31, 2013 and August 18, 2014 respectively, FEMA provided the City with preliminary and revised preliminary copies of the FIRM and FIS report that identified existing flood hazards in the City.

Notice was subsequently published in the Palm Beach Post, the Sun Sentinel, the Town Crier, El Latino, and the Palm Beach Daily News on or about December 26, 2014 and January 2, 2015. An additional publication was completed in the Federal Register on November 10, 2014.

The 90-day appeal period, which began upon the publishing of the second notice, has ended and FEMA did not receive any appeals during this time. Hence, the Flood Hazard Determination is considered final and the Flood Insurance Study and Flood Insurance Rate Maps will become effective on October 5, 2017.

On April 5, 2017, the City received notice from FEMA of the final Flood Hazard Determination and update of the Flood Insurance Study, Flood Insurance Rate Maps (FIRM), and the requirement to adopt aforementioned items by reference within six (6) months.

In addition the City is required, prior to October 5, 2017, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(e) of the NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM.

### **PROPOSED DEVELOPMENT STANDARDS**

The proposed amendments to Chapter 1, 2, and 4 of the LDR is provided in their entirety in Exhibit "A, B, and C" respectively, along with a list of FIRM Maps and the FIS Report in Exhibit "D". The most notable amendments are summarized below:

- Reorganization and update of flood related definitions for clarity and compliance with NFIP.
- Reorganization and update of flood related requirements/standards for clarity and compliance with NFIP.
- Striking of redundant provisions that are now included in the Florida Building and Residential Code.
- Insertion of flood specific requirements for variances according to NFIP.
- Clarification of designated Flood Plain Administrator and duties.
- Listing of specific federal and state permits that may be required.
- Requirement for issuance of development permits or approvals other than buildings and structures that are exempt from Florida Building Code.
- Adoption by reference the October 5, 2017 FIRM Maps and FIS report.

All FIRM Maps and FIS Report are available online for viewing at <http://msc.fema.gov/portal/advanceSearch>.

### **CONCLUSION/RECOMENDATION**

Staff is recommending approval of the proposed code amendments as required by the NFIP and to update reference for the newly finalized Palm Beach County Flood Insurance Study and Flood Insurance Rate Maps.

Attachment

S:\Planning\SHARED\WP\SPECPROJ\CODE REVIEW\CDRV 17-005 Flood Ordinance\Staff Report - Flood Ordinance.docx



# Federal Emergency Management Agency

Washington, D.C. 20472

IN REPLY REFER TO:

19P

April 5, 2017

The Honorable Steven Grant  
Mayor, City of Boynton Beach  
City Hall  
100 East Boynton Beach Boulevard  
Boynton Beach, Florida 33435

Community: City of Boynton Beach,  
Palm Beach County,  
Florida

Community No.: 120196

Map Panels Affected: See FIRM Index

Dear Mayor Grant:

This is to notify you of the final flood hazard determination (FHD) for the City of Boynton Beach in compliance with Title 44, Chapter I, Section 67.11, Code of Federal Regulations (44 CFR 67.11). This section requires that notice of final FHDs shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On September 30, 1982, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On May 31, 2013, and August 18, 2014, FEMA provided you with Preliminary and Revised Preliminary copies, respectively, of the FIRM and Flood Insurance Study (FIS) report that identify existing flood hazards in your community. The proposed FHDs for your community were published in the *Palm Beach Post*, the *Sun Sentinel*, the *Town Crier*, *El Latino*, and the *Palm Beach Daily News* on or about December 26, 2014, and January 2, 2015; and in the *Coastal Star* on January 3, 2015, and in the *Federal Register*, at Part 67, Volume 79, Pages 66733, on November 10, 2014.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed FHDs during that time. Accordingly, the FHDs for your community are considered final. The final notice for FHDs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on October 5, 2017. Before the effective date, FEMA will send you final printed copies of the FIRM and FIS report.

Because the FIS report establishing the FHDs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in Paragraph 60.3(e) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of

the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(e);
2. Adopting all the standards of Paragraph 60.3(e) into one new, comprehensive set of regulations;  
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(e).

Also, prior to October 5, 2017, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(e) of the NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many States and Communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations*, 4<sup>th</sup> Edition (2014) provides some guidance on this subject and is available at <https://www.fema.gov/media-library/assets/documents/96634>.

Please note, any enclosed correspondence from the State Floodplain Manager is provided to assist States and communities in coordinating to meet State requirements. Its inclusion with this determination should not be construed as FEMA's specific endorsement of its contents.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS report and FIRM to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. In general, flood insurance rates increase as the lowest floor elevations (including basements) of new and substantially improved structures decrease in relation to the BFEs or base flood depths (if determined). This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIS report and FIRM for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Palm Beach County has been combined into one FIS report and FIRM. When the FIS report and FIRM are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community

The FIRM panels have been computer-generated. Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance, please contact the Florida Division of Emergency Management by email at [floods.ordinance@em.myflorida.com](mailto:floods.ordinance@em.myflorida.com). For general assistance with floodplain management, contact Steve Martin, NFIP State Coordinator for Florida by telephone at (850) 413-9960 or by email at [steve.martin@em.myflorida.com](mailto:steve.martin@em.myflorida.com). If you should require any additional information, we suggest that you contact the Director, Federal Insurance and Mitigation Division of FEMA in Atlanta, Georgia, at (770) 220-5200 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the toll free number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structures*, *Use of Flood Insurance*

*Study (FIS) Data as Available Data, and National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodríguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

Enclosure:  
Final SOMA  
Adoption of NFIP-Compliant Flood Ordinances with the FBC

cc: Community Map Repository  
Mr. Shane Kittendorf, Floodplain Administrator, City of Boynton Beach

EXHIBIT "A"

Chapter 1, Article II, Definitions and Article VIII, Section 1.D Appeals.

~~**AREA OF SHALLOW FLOODING** - See "Flood, Area of Shallow Flooding."~~

~~**AREA OF SPECIAL FLOOD HAZARD** - See "Flood, Special Flood Hazard Area."~~

**BASE FLOOD** - See "Flood, Base Flood."

~~**BREAKAWAY WALL** - A wall that is not part of the structural support of the building and is intended to collapse without causing damage to the elevated portion of the building or the foundation system.~~

**BUILDING/STRUCTURE HEIGHT** - The vertical distance in feet measured from the lowest point at the property line of an adjacent property or from the minimum base flood elevation as established by FEMA, whichever is highest, to the highest point of the roof for flat roofs, to the deck line for parapet roofs with parapets less than five (5) feet in height. Gable, mansard, and hip roof heights shall be measured to the midpoint between the eaves and the ridge. Rooftop penthouses, stairwells, mechanical and electrical equipment shall be concealed by or constructed of exterior architectural materials or features of the same type or quality used on the exterior walls of the main building and may only exceed the maximum building height pursuant to the provisions of the Land Development Regulations. Walls or retaining walls shall also be measured from the lowest adjacent property line to the top of the structure excluding column caps, column capitals and other similar architectural items.

**COASTAL HIGH HAZARD AREA** - The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

**CROWN OF ROAD** - The elevation of the highest surface of street pavement within the right-of-way abutting the property or otherwise approved by the City Engineer.

**DEVELOPMENT** - A single use or combination of uses, proposed or approved, that may include but not be limited to a single-family subdivision, townhomes, rental apartments, condominiums, public facilities, commercial buildings, shopping centers, or industrial projects, possibly of similar design, constructed as a unified community. Development shall also include the meaning given it in F.S. § 380.04, pursuant to a development order or permit. With respect to workforce housing, it shall mean a proposed development at one (1) location which includes at least ten (10) residential units for which site plan approval is required. With respect to flood prevention requirements, see "Flood, Development." ~~it shall mean any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.~~

~~**ELEVATED BUILDING** - Building without a basement in which the lowest floor is elevated above the ground.~~

**FLOOD (FLOODING)** - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source. For purposes of Chapter 4, Article X, Flood Prevention Requirements:

1. **ALTERATION OF A WATERCOURSE** - A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity,

or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

~~2. **AREA OF SHALLOW FLOODING** - A designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.~~

~~2. 3. **ASCE 24** - A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.~~

~~3. 4. **BASE FLOOD** - A flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "one hundred (100) year flood" or the "one percent (1%) annual chance flood."~~

~~4. 5. **BASE FLOOD ELEVATION** - The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).~~

~~5. 6. **BASEMENT** - The portion of a building having its floor subgrade (below ground level) on all sides.~~

~~6. **BREAKAWAY WALL** - A wall that is not part of the structural support of the building and is intended to collapse without causing damage to the elevated portion of the building or the foundation system.~~

~~7. **COASTAL CONSTRUCTION CONTROL LINE** - The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a one hundred (100)-year storm surge, storm waves or other predictable weather conditions.~~

~~8. **COASTAL HIGH HAZARD AREA** - A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.~~

~~9. **DESIGN FLOOD** - The flood associated with the greater of the following two (2) areas: 1) area with a floodplain subject to a one percent (1%) or greater chance of flooding in any year; or 2) area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.~~

~~10. **DESIGN FLOOD ELEVATION** - The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet.~~

~~11. **DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.~~

~~12. 11. **ENCROACHMENT** - The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.~~



13. **EXISTING BUILDING and EXISTING STRUCTURE** - Any buildings and structures for which the “start of construction” commenced before January 3, 1979.

14. **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before January 3, 1979.

15. **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OF SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

16. ~~42.~~ **FLOOD DAMAGE-RESISTANT MATERIALS** - Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

17. ~~43.~~ **FLOOD HAZARD AREA** - The greater of the following two (2) areas: 1) the area within a floodplain subject to a one percent (1%) or greater chance of flooding in any year; and/or 2) the area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

~~14. **FLOOD HAZARD BOUNDARY MAP (FHBM)** - An official map of a community issued by the Federal Emergency Management Agency where the boundaries of the areas of special flood hazard have been defined.~~

18. ~~45.~~ **FLOOD INSURANCE RATE MAP (FIRM)** - An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

19. ~~46.~~ **FLOOD INSURANCE STUDY** - The official report provided by the Federal Emergency Management Agency which contains flood profiles, flood boundary-floodway map and water surface elevation of the base flood.

20. **FLOODPLAIN ADMINISTRATOR** - The office or position designated and charged with the administration and enforcement of this chapter (may be referred to as the Floodplain Manager).

21. **FLOODWAY** - The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

22. ~~47.~~ **FLOODWAY ENCROACHMENT ANALYSIS** - An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

23. ~~48.~~ **FUNCTIONALLY DEPENDENT USE** - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long term storage or related manufacturing facilities.

24. ~~49.~~ **HIGHEST ADJACENT GRADE** - The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

25. **HISTORIC STRUCTURE** - Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

26. ~~20.~~ **LETTER OF MAP CHANGE (LOMC)** - An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change

include:

a. **LETTER OF MAP AMENDMENT (LOMA)** - An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

b. **LETTER OF MAP REVISION (LOMR)** - A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

c. **LETTER OF MAP REVISION BASED ON FILL (LOMR-F)** - A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

d. **CONDITIONAL LETTER OF MAP REVISION (CLOMR)** - A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

~~27. 24.~~ **LOWEST FLOOR** - The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24.

28. **MARKET VALUE** - The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in Chapter 4, Article X, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or the ad valorem tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

29. **NEW CONSTRUCTION** - For the purposes of administration of Chapter 4, Article X, and the flood resistant construction requirements of the *Florida Building Code*, structures for which the “start of construction” commenced on or after January 3, 1979 and includes any subsequent improvements to such structures.

30. **NEW MANUFACTURED HOME PARK OR SUBDIVISION** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 3, 1979.

~~31. 22.~~ **SAND DUNES** - Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

~~32. 23.~~ **SPECIAL FLOOD HAZARD AREA** - Land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1, A30, AE, A99, AH, V1, V30, VE or V.

33. **SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.

**34. SUBSTANTIAL, IMPROVEMENT** - Any repair, reconstruction, alteration, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions, or (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

**35. WATERCOURSE** - For the purposes of Chapter 4, Article X, a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

~~**FLOODWAY**—The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.~~

~~**FUNCTIONALLY DEPENDENT FACILITY**—A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing. The term does not include long term storage, manufacture, sales or service facilities.~~

**MANUFACTURED HOME** - A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. Also known as a mobile home, is a detached, single dwelling unit, manufactured upon a non-removable chassis or undercarriage without independent motive power in accordance with the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD), and capable of being relocated from one (1) site to another. The structure is designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems. All wheels shall be removed prior to the issuance of a certificate of occupancy.

**MANUFACTURED HOME PARK** - Premises typically referred to as a mobile home or trailer park, where manufactured homes are installed ~~parked~~ for non-transient living or sleeping purposes.

~~**NEW CONSTRUCTION**—Structures for which the "start of construction" commenced on or after the effective date of this article.~~

**START OF CONSTRUCTION** ~~(for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348),~~ - The date a building permit is issued for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction or improvement is within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond excavation or placement of a manufactured home on a foundation. Permanent construction excludes land preparation such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other

structural part of a building, whether or not that alteration affects the external dimensions of the building.

~~**SUBSTANTIAL IMPROVEMENT**—Any repair, reconstruction, or improvement of a structure or site, the cost of which equals or exceeds fifty percent (50%) of the value of the structure as established by the most recent Palm Beach County ad valorem tax bill, either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

Chapter 1, Article VIII, Section 1.D Appeals.

**Sec. 1. Administrative Official.**

D. *Assignment of Appeals.* The City Commission or the Building Board of Adjustment and Appeals shall review all appeals. The assignment of each is as follows:

1. City Commission. The City Commission shall hear and decide all appeals regarding the administration, interpretation, or enforcement of any standard, provision, or regulation contained in the land development regulations, except for that which is identified in subparagraph b. below.

2. Building Board of Adjustment and Appeals. The owner of a building, structure, or service system, or duly authorized agent may appeal a decision of the Building Official or the Floodplain Administrator, as applicable, in his/her enforcement or administration of Chapter 4, Article IX, Building, Construction and Historic Preservation Requirements; Chapter 4, Article X, Flood Prevention Requirements; or whenever any one (1) of the following conditions are claimed to exist:

a. The Building Official or the Floodplain Administrator, as applicable, rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure, or service system;

b. The provisions of the city's current edition of the Administrative Amendments to the Florida Building Code do not apply to this specific case;

c. That an equally good or more desirable form of installation can be employed in a specific case; or

d. The true intent and meaning of the city's current edition of the Administrative Amendments to the Florida Building Code have been misconstrued or incorrectly interpreted.

## EXHIBIT “B”

### Chapter 2, Article IV, Section 2 and 4, Building Permit and Variances.

#### **Sec. 2. Building Permit.**

##### *A. General.*

1. Purpose and Intent. The purpose and intent of this section is to set forth a well-defined application process, review criteria, and uniform procedure for the processing of permit applications, to ensure that certain buildings, structures, and systems comply with the respective requirements and standards described in the Florida Building Code, including the City Administrative Amendments thereof, and these Land Development Regulations.

2. Applicability. A building or other structure shall not be erected, moved, added to, or structurally altered (including substantial improvements as defined by Chapter I, Article II), unless a building permit is issued by the city. A building permit shall not be issued by the Building Official or designee unless the application complies with the requirements of this article and the Florida Building Code, including the city's Administrative Amendments. All permit applications for new buildings, building expansions, major modifications or certain other improvements, must be consistent with any applicable and corresponding site plan, master plan or record plat.

3. Scope. The Florida Building Code is based on national model building codes and national consensus standards which are amended where necessary for Florida's specific needs. The code incorporates all building construction-related regulations for public and private buildings in the State of Florida other than those specifically exempted by F.S. § 553.73. It has been harmonized with the Florida Fire Prevention Code, which is developed and maintained by the Department of Financial Services, Office of the State Fire Marshal, to establish unified and consistent standards.

*B. Submittal Requirements.* Application forms for building permits shall be provided by the Building Division. Unless the Building Official or designee determines otherwise, the applicant shall submit completed forms, provide all documentation, including plans and exhibits required by such applications, and pay all applicable fees as adopted by resolution by the City Commission.

In addition to the information required on the applications, the permittee for any permit for construction in special flood hazard areas, which upon its completion would result in the issuance of a certificate of occupancy or certificate of completion, shall, ~~include the following information~~ prior to the issuance of such certificate of occupancy/completion: submit a

~~—1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.~~

~~—2. Elevation in relation to mean sea level to which any non-residential structure will be flood proofed.~~

~~—3. Certification by a Florida registered engineer or architect that the structure meets the flood proofing criteria of Chapter 4, Article X.~~

~~—4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.~~

~~—5. A flood elevation or flood proofing certification after placement of the lowest floor and prior to further vertical construction is completed,~~ or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor and prior to further vertical construction. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, the permit holder shall submit to the Development Department a certification of the elevation of the lowest floor, flood proofing elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer. When flood proofing is utilized, certification shall be prepared by or under the direct supervision of a professional engineer or architect. Any work done within the twenty-one (21)-day calendar period and prior to submission of the certification shall

be at the permit holder's risk. The Development Department shall review the flood elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to continuation of the work. Failure to submit the survey or failure to make said corrections shall cause issuance of a stop-work order for the project.

~~—6. A survey of mangrove trees on-site.~~

#### **Sec. 4. Variances.**

##### **A. General.**

1. Purpose and Intent. The purpose of this section is to provide an efficient relief process to allow for deviations from certain requirements and standards of the Florida Building Code, including the city's Administrative Amendments thereof, and the applicable regulations in the city's Land Development Regulations, in circumstances when the applicant is able to demonstrate a hardship. The intent of this application is not to provide a means for circumventing any such requirement or standard, but to allow for a departure from the code upon demonstration that the subject request satisfactorily addresses the review criteria contained herein, and without the necessity of amending the regulation to accommodate the requested relief.

##### **2. Applicability.**

a. The owner of a building, structure, or service system, or duly authorized agent may appeal a decision from the Building Official whenever any one (1) of the following conditions is claimed to exist:

(1) The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure, or service system;

(2) The provision of the Florida Building Code, including the city's Administrative Amendments thereto does not apply to this specific case;

(3) That an equally good or more desirable form of installation can be employed in a specific case; or

(4) The true intent and meaning of the Florida Building Code, including the city's Administrative Amendments thereto have been misconstrued or incorrectly interpreted; or

b. The owner of a building, structure, or service system, or duly authorized agent may request relief to any of the following:

(1) The Florida Building Code, including the city's Administrative Amendments and Technical Amendments;

(2) Chapter 4, Article IX, Building, Construction, and Historic Preservation Requirements of the City's Code of Ordinances; or

(3) Chapter 4, Article X, Flood Prevention Requirements of the City's Code of Ordinances; or

c. Notice of appeal shall be filed within thirty (30) calendar days after the Building Official renders the refuted decision.

**B. Submittal Requirements.** The application form shall be approved by the Building Official and maintained by the Building Division. In order for an application to be considered, it shall be accompanied by all documentation required by the application checklist.

**C. Review Criteria.** The Building Board of Adjustment and Appeals, when so petitioned, and after a hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the purpose and intent of this or the technical codes or public interest, and also finds all of the following general criteria in subsection 1. below:

##### **1. General Criteria for All Variance Requests.**

a. That special circumstances exist that are peculiar to the building, structure, or service system involved, and which are not applicable to others;

b. That the special conditions and circumstances do not result from the action or inaction of the applicant;

c. That granting the variance requested will not confer on the applicant any special privilege that is

denied by this Code to other buildings, structures, or service systems;

d. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure, or service system; and

e. That the granting of the variance will be in harmony with the general intent and purpose of this Code and will not be detrimental to the public health, safety, and general welfare.

2. Special Criteria for Variance Applications Involving Deviations from Flood Prevention Regulations or the Flood Resistant Design Requirements of the Florida Building Code. An applicant for a variance shall submit a showing of good and sufficient cause and that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land (increased costs to satisfy the requirements or inconvenience do not constitute hardship). Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and ~~in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.~~ Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. In passing upon such variance requests ~~appeals~~, the Board shall determine that the granting of the variance will not result in increased flood heights; additional threats to public safety; extraordinary public expense; create nuisance; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances. The Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of these Land Development Regulations, and:

a. The danger that materials may be swept onto other lands to the injury of others.

b. The danger to life and property due to flooding or erosion damage.

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

d. The importance of the services provided by the proposed facility to the community.

e. The necessity to the facility of a waterfront location, where applicable.

f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

g. The compatibility of the proposed use with existing and anticipated development.

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

i. The safety of access to the property in times of flood for ordinary and emergency vehicles.

j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

### 3. Additional Requirements for Flood Prevention Variances.

a. Written Notice. Any applicant to whom a variance from the flood prevention requirements has been granted to allow construction of a lowest floor below the required elevation shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage) and stating that construction below the base flood elevation increases risks to life and property.

b. Historic Buildings and Structures. The repair, improvement, reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or the Boynton Beach Register of Historic Places, are eligible for variances from the flood prevention requirements of the LDR without regard to the procedures set forth in this section upon evidence by the applicant that such actions would not adversely impact the historic designation of the structure. The Director of Development or designee shall maintain the records of granted variances.

c. Functionally Dependent Uses. A variance is authorized to be issued for the construction or

substantial improvement necessary for the conduct of a functionally dependent use, as defined in Chapter 1, Article II, provided the variance is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

D. *Approval Process.* An application for variance approval requires review by staff to ensure it is eligible to be considered by the Building Board of Adjustment and Appeals. Once determined to be eligible for consideration, staff shall forward the variance application to the Building Board of Adjustment and Appeals, and such Board will review the request based on the review criteria listed above, and render its decision. See Section 112 of the City's Administrative Amendments to the Florida Building Code for the rules and regulations regarding the operating procedures of the Board.

E. *Expiration.* See Section 112 of the city's Administrative Amendments to the FBC for the rules and regulations regarding the expiration of a variance granted by the Building Board of Adjustment and Appeals.

F. *Miscellaneous.*

1. Conditions of Approval. The Building Board of Adjustment and Appeals may prescribe appropriate conditions and safeguards on the approval of any variance in accordance with Section 112 of the city's Administrative Amendments to the FBC.

~~2. Flood Prevention Variances. Any applicant to whom a variance from the flood prevention requirements has been granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

~~a. Historic Buildings and Structures. The repair, improvement, reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or the Boynton Beach Register of Historic Places, are eligible for variances from the flood prevention requirements of the LDR without regard to the procedures set forth in this section upon evidence by the applicant that such actions would adversely impact the historic designation of the structure. The Director of Development or designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.~~

~~b. Functionally Dependent Uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of subsection "a" above, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.~~

(Ord. 10-025, passed 12-7-10; Am. Ord. 13-020, passed 7-2-13)



## EXHIBIT “C”

### Chapter 4, Article X, Flood Prevention Requirements.

#### **Sec. 1. General.**

A. *Short Title.* This article shall hereafter be known and cited as the "City Flood Prevention Code."

B. *Purpose and Intent.* The purpose of this article and the flood load and flood resistant construction requirements of the Florida Building Code (FBC) are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. a. Minimize unnecessary disruption of commerce, access, and public service during times of flooding;
- b. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- c. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- d. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- e. Minimize damage to public and private facilities and utilities;
- f. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- g. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events;
- h. Meet the requirements of the National Flood Insurance Program (NFIP) for community participation as set forth in the Title 44 Code of Federal Regulations (44 CFR); and
- i. To insure that potential homebuyers are notified that property is in a flood area.
2. *Methods of Reducing Flood Loss.* In order to accomplish its objectives, this article includes methods and provisions that are designed to:
  - a. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
  - b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - c. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters;
  - d. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
  - e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
3. This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced in the Florida Building Code.

C. *Administration.*

1. *Administrator.* The Building Official is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to interpret and administer this article and may

delegate performance of certain duties to other employees. The Floodplain Administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance issued in accordance with Chapter 2, Article IV, Section 4.

2. Duties. Duties of the administrator or his designee shall include, but not be limited to:

a. Review all development permits to determine whether proposed new development will be located in flood hazard areas to assure that the permit requirements of this article have been satisfied. This includes reviewing applications for modifications of any existing development in flood hazard areas.

b. Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit. Such permits include but are not limited to:

i. The South Florida Water Management District; section 373.036, F.S.

ii. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

iii. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.

iv. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.

v. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

vi. Federal permits and approvals.

c. Notify adjacent communities and the state division of emergency management ~~department of community affairs~~ prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

~~— e. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Chapter 2, Article IV, Section 2.~~

~~— f. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed, in accordance with Chapter 2, Article IV, Section 2.~~

~~— g. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.~~

~~— h. In coastal high hazard areas, the administrator shall obtain certification for the adequacy of breakaway walls in accordance with Section 3.C.8. below.~~

~~— i. When flood proofing is utilized for a particular structure, the administrator shall obtain certification from a registered professional engineer or architect.~~

~~e. j.~~—Where interpretation is needed as to the exact location of the boundaries of the areas

of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Chapter 1, Article VIII, Section 1.D.2.

~~k. When base flood elevation data has not been provided in accordance with Section 1.D. below, the administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer the provisions of this article Sections 3 and 4 below.~~

~~l. All records pertaining to the provisions of this article shall be maintained in the Department of Development and shall be open for public inspection.~~

~~f. m.~~ Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant.

~~g. n.~~ Review applications to determine whether proposed development will be reasonably safe from flooding.

h. Issue development permits or approvals for development other than buildings and structures that are subject to the FBC, including buildings, structures and facilities exempt from the FBC, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance.

i. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.

3. Substantial Improvement and Substantial Damage Determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the FBC and this article is required.

4. Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Chapter 2, Article IV, Section 4.

5. 4. Notice and Orders. The ~~Building Official~~ Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to

ensure compliance with this article.

6. Inspections. The Floodplain Administrator shall make the required inspections for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code* and manufactured homes. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

7. ~~5.~~ Other Duties. The ~~Building Official~~ Floodplain Administrator shall have other duties, including but not limited to:

a. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage;

b. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

c. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps (FIRM) if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;

d. Review required design certifications and documentation of elevations specified by this ~~ordinance~~ article and the FBC and this article to determine that such certifications and documentations are complete;

e. Notify FEMA when the corporate boundaries of the city are modified; and

f. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-590) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on the FIRM as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

g. Floodplain Management Records. Regardless of any limitation on the period required for retention of public records, the ~~Building Official~~ Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ~~ordinance~~ article and the flood resistant construction requirements of the FBC, including FIRM; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the FBC and this ~~article~~ ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ~~ordinance~~ article and the flood resistant construction requirements of the FBC. These records shall be available for public inspection at the Development Department.

D. *Applicability.*

1. Scope. This article applies to all development of real property located within the city, including areas of special flood hazard. Development shall include but not be limited to the subdivision of land; filling, grading, and other site improvements and utility installations;

construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; ~~placement of recreational vehicles~~; installation of swimming pools; and any other development.

2. Basis for Establishing Flood Hazard Areas. The Flood Insurance Study (FIS) for Palm Beach County, Florida and Incorporated Areas dated October 5, 2017 ~~the City of Boynton Beach~~ dated March 31, 1982, and all subsequent amendments and revisions, and the accompanying FIRMs ~~120196-0001-0005, dated September 30, 1982~~, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file in the Development Department at the city.

3. Additional Data to Establish Flood Hazard Area. To establish flood hazard areas and base flood elevations pursuant to this article the ~~Building Official~~ Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ~~ordinance~~ article and, as applicable, the requirements of the FBC.

b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change (LOMC) that removes the area from the special flood hazard area.

E. *Terms and Definitions.* See Chapter 1, Article II for all applicable terms and definitions which pertain to the regulations and standards contained herein.

F. *Rules.*

1. Compliance. No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

2. Abrogation. This article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the FBC. In the event of a conflict between this ~~ordinance~~ article and any other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

3. Interpretation. In the interpretation and application of this article all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. *Conflict.* Whenever the regulations and requirements of this ~~article~~ Code conflict with any other lawfully enacted and adopted rules, regulations, ordinances, or laws, the most restrictive shall apply, unless otherwise stated herein. The provisions of this article shall not be deemed to nullify any provisions of local, state, or federal law.

H. *Relief from Requirements.* Unless described otherwise, any deviation from the flood

prevention regulations contained herein shall require approval of variance application, which is subject to review and approval by the Building Board of Adjustment and Appeals. A request for a variance shall be reviewed in accordance with Chapter 2, Article IV, Section 4.

I. *Warning and Disclaimer.* The degree of flood protection required by this article and the FBC, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man made or natural causes. This ~~ordinance article~~ does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the FIS and shown on FIRM and the requirements of 44 CFR may be revised by the FEMA, requiring this community to revise these regulations to remain eligible for participation in the NFIP. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ~~ordinance article~~. This article shall not create liability on the part of the city or by any officer or employee thereof for any flood damage that results from reliance on this ~~ordinance article~~ or any administrative decision lawfully made thereunder.

## **Sec. 2. City Approval Required.**

Any owner or owner's authorized agent who intends to undertake any development activity within the scope of this article, which is wholly within or partially within any flood hazard area shall first make application to the ~~Building Official~~ Floodplain Administrator or designee and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied. Flood zone elevation certification shall be required for improvements in applicable flood zones, and reviewed in accordance with the procedures set forth in Chapter 2, Article IV, Section 2 for any type of building permit application that upon its completion, would result in the issuance of a certificate of occupancy. With respect to building and land development permits, the site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

### *A. Development in Flood Hazard Areas.*

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the FIS, they shall be established in accordance with Section 2.B. ~~or and~~ Section 2.C. below.
3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the FIS, such elevations shall be established in accordance with Section 2.B. below.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line (CCCL) or notation that the site is seaward of the coastal construction control line, if applicable.

8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

9. Existing and proposed alignment of any proposed alteration of a watercourse.

The ~~Building Official-Floodplain Administrator~~ is authorized to waive the submission of site plans, construction documents, and other data that are required by this article, but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ~~ordinance~~ article.

B. *Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the ~~Building Official-Floodplain Administrator~~ shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the ~~Building Official-Floodplain Administrator~~ to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

4. Where the base flood elevation data are to be used to support a LOMC from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

C. *Additional Analyses and Certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section ~~2.C.6.~~ 2.C.5. below and shall submit the Conditional Letter of Map Revision (CLOMR), if issued by FEMA, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the FIS or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not

connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

3. Where small streams exist, but where no base flood data has been provided or where no floodways have been provided, no encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet on each side from top of bank, whichever is greater, unless certification by a Florida registered engineer is provided demonstrating that such encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

4. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 2.C.6. ~~2.C.5.~~ below.

5. 4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

6. ~~5.~~ When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

### **Sec. 3. Minimum Finished Floor Elevation (Non-Flood Hazard Area).**

The finished floor elevation of all habitable space of new construction not located in a flood hazard area ~~zone~~ shall be elevated a minimum of twelve (12) inches above the average crown height of the adjacent roadway. The finished floor elevation of all habitable space of building additions and/or substantial improvements not located in a flood hazard area ~~zone~~ shall be no lower than the existing finished floor elevation.

### **Sec. 4. Minimum Lowest Floor in Areas of Indeterminate Drainage (Zone AO).**~~**Minimum Requirements and Higher Regulatory Standards for Flood-Hazard Areas.**~~

In areas of indeterminate drainage subject to sheet flow (Zone AO), lowest floors shall be at or above the elevation specified in the Florida Building Code or at least 2 feet above the average crown of road, whichever is higher.

In all areas of special flood hazard the following provisions are required:

#### ~~A. General Standards.~~

##### ~~1. Anchors.~~

~~a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.~~

~~b. See Section 5.C. below for anchoring standards for manufactured homes.~~

~~2. Materials. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~

~~3. Design.~~



~~— a. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.~~

~~— b. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

~~— c. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.~~

~~— d. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.~~

~~— 4. On-Site Waste Disposal Systems. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.~~

~~— 5. Miscellaneous. Any alteration, repair, reconstruction or improvements to a structure which are in compliance with the provisions of this article, shall meet the requirements of "new construction" as contained in this article.~~

~~— B. *Special Flood Hazard Areas (with Base Flood Elevation Data).* In all areas of special flood hazard area where the BFE data have been provided, the following provisions are required:~~

~~— 1. General. New construction of any residential or non-residential structure located in all special flood hazard areas shall have the lowest floor, including basement, elevated to twelve (12) inches above the base flood elevation (BFE). However, any proposed building addition and/or substantial improvement to an existing structure shall only be required to have the lowest floor, including basement, elevated to the BFE in accordance with 44 CFR. Should solid foundation perimeter walls be used to elevate a residential structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 4.B.2. below.~~

~~— Non-residential structures located in all A-zones may be flood proofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight and with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided as set forth in Chapter 2, Article IV, Section 2.B.~~

~~— 2. Elevated Buildings. New construction or substantial improvements of existing elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.~~

~~— a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:~~

~~— (1) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;~~

~~— (2) The bottom of all openings shall be no higher than one (1) foot above grade; and~~

~~— (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.~~

~~— b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the~~

premises (standard exterior door) or entry to the living area (stairway or elevator); and

~~— c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.~~

~~— d. Electrical, plumbing and other utility connections are prohibited below the base flood elevation.~~

~~— C. *Floodways*. The following provisions shall apply to floodways within areas of special flood hazard established hereinbefore:~~

~~— 1. Prohibit encroachments including fill, new construction, substantial improvements, and other development unless certification (with supporting technical data) by a Florida registered engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.~~

~~— 2. If Section 4.C.1. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.~~

~~3. Prohibit the placement of any manufactured homes (mobile homes) except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards and elevation standards outlined hereinbefore are met.~~

~~— D. *Coastal High Hazard Area (V Zones)*. Located within the areas of special flood hazard established herein are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash; therefore, the following provisions shall apply:~~

~~— 1. All buildings or structures shall be located landward of the reach of the mean high tide and the coastal construction control line.~~

~~— 2. All buildings or structures shall be elevated so that the lowest supporting member (excluding pilings or columns) is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action.~~

~~— 3. All buildings or structures shall be securely anchored on pilings or columns.~~

~~— 4. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the one hundred (100) year mean recurrence interval (one percent (1%) annual chance flood).~~

~~— 5. A Florida registered engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Sections 4.D.2. through 4.D.4. above.~~

~~— 6. No fill shall be used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects or wave deflection. The Department of Development shall review design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist, which demonstrates that the following factors have been fully considered:~~

~~— a. Particle composition of fill material does not have a tendency for excessive natural compaction; and~~

~~— b. Volume and distribution of fill will not cause wave deflection to adjacent properties;~~

and

- ~~— c. Slope of fill will not cause wave run-up or ramping.~~
- ~~— 7. In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 2.C. above demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with the regulations contained herein. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.~~
- ~~— 8. Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:~~
  - ~~— a. No solid walls shall be allowed; and~~
  - ~~— b. Material shall consist of wood or mesh screening only.~~
- ~~— 9. If aesthetic lattice works or screening are utilized, such enclosed space shall not be used for human habitation.~~
- ~~— 10. Prior to construction, plans for any structure that will have lattice work or decorative screening must be submitted to the Development Department for review.~~
- ~~— 11. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of this chapter are met.~~
- ~~— 12. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except for lattice work or decorative screening, as provided for in Sections 4.D.8. and 4.D.9. above.~~
- ~~— E. Areas of Shallow Flooding (AO Zones). Located within the areas of special flood hazard established in Section 1.F. are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:~~
  - ~~— 1. Residential Structures. All new construction and substantial improvements of residential structures and service systems shall have the lowest floor, including basement, elevated to the depth number specified on the FIRM, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, of new construction shall be elevated at least two (2) feet above the highest adjacent grade or average crown of road, whichever is higher. For additions and/or substantial improvements, the lowest floor, including basement, shall be no lower than the existing finished floor elevation.~~
  - ~~— 2. Non-residential Structures. All new construction and substantial improvements of non-residential structures shall:~~
    - ~~— a. Have the lowest floor, including basement and service systems, elevated to the depth number specified on the FIRM, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, of new construction shall be elevated at least two (2) feet above the highest adjacent grade or average crown of road, whichever is higher. For additions and/or substantial improvements, the lowest floor, including basement, shall be no~~

lower than the existing finished floor elevation.

~~—b. Be completely flood proofed to or above that level so that any space below that level has watertight walls substantially impermeable to the passage of water; structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and utility and sanitary facilities completely flood proofed.~~

~~—F. *Small Streams.* Where small streams exist, but where no base flood data has been provided or where no floodways have been provided, the following provisions apply:~~

~~—1. *Encroachments.* No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet on each side from top of bank, whichever is greater, unless certification by a Florida registered engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.~~

~~—2. *Construction and Improvements.* New construction or substantial improvements of structures shall be elevated or flood proofed in accordance with elevations established in accordance with Section 1.C.2.k. above.~~

~~—G. *Seaward of the Coastal Construction Control Line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area, buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the FBC. Minor structures and non-habitable major structures as defined in Florida Statutes shall be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.~~

## **Sec. 5. Specific Requirements by Type of Improvement or Development.**

### **A. *Site Improvements, Utilities and Limitations.***

1. General. All proposed new development shall be reviewed to determine that:

a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. Sanitary Sewage Facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in FAC Chapter 64E-6 and ASCE 24, Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.

3. Water Supply Facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in FAC Chapter 62-532.500 and ASCE 24, Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

4. Limitations on Placement of Fill. Subject to the limitations of this ~~ordinance~~ article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the FBC.

5. Limitations on Sites in Regulatory Floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 2.C.1 of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

*B. Subdivision Standards.*

1. General. The following provisions shall apply for all subdivision proposals:
  - a. All subdivision proposals shall be consistent with the need to minimize flood damage.
  - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
  - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  - d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains more than fifty (50) lots or is larger than five (5) acres.
  - e. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
2. Subdivision Plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
  - a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats ~~and final plats~~;
  - b. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with the requirements contained herein; and
  - c. Compliance with the site improvement and utilities requirements contained herein of this ~~ordinance~~ article

*C. Manufactured Homes.*

1. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of FAC Chapter 15C-1 and the requirements of this article. If located seaward of the CCCL, all manufactured homes shall comply with the more restrictive of the applicable requirements.
2. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
  - a. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the FBC, Residential Section R322.2 and this article. Foundations for manufactured homes subject to Section 5.C.6 below are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
  - b. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the FBC, Residential Section R322.3 and this article.
3. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

4. Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 5.C.5. ~~or~~ and Section 5.C.6. below, as applicable.

5. General Elevation Requirement. Unless subject to the requirements of Section 5.C.6. below, all manufactured homes that are placed, replaced, or substantially improved on sites located: 1) outside of a manufactured home park or subdivision; 2) in a new manufactured home park or subdivision; 3) in an expansion to an existing manufactured home park or subdivision; or 4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the FBC, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).

6. Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions. Manufactured homes that are not subject to Section 5.C.5. of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

a. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the FBC, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or

b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.

7. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the FBC, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

8. Utility Equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the FBC, Residential Section R322, as applicable to the flood hazard area.

*D. Tanks.*

1. Underground Tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

2. Above-Ground Tanks, Not Elevated. Above-ground tanks that do not meet the elevation requirements of Section 5.D.3. below shall:

a. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

b. Not be permitted in coastal high hazard areas (Zone V).

3. Above-Ground Tanks, Elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

4. Tank Inlets and Vents. Tank inlets, fill openings, outlets and vents shall be:

- a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

#### E. Buildings and Structures.

1. Buildings, structures, and facilities that are exempt from the *Florida Building Code*. Buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 5.F below.

2. Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

a. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code*, *Building* Section 3109 and Section 1612 or *Florida Building Code*, *Residential* Section R322.

b. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

#### F. Other Development.

1. General Requirements for Other Development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the *Florida Building Code*, shall:

- a. Be located and constructed to minimize flood damage;
- b. Meet the limitations of Section 5.A.5 of this article if located in a regulated floodway;
- c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- d. Be constructed of flood damage-resistant materials; and
- e. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

2. Fences in Regulated Floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 5.A.5 of this article.

3. Retaining Walls, Sidewalks and Driveways in Regulated Floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 5.A.5 of this article.

4. Roads and Watercourse Crossings in Regulated Floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 5.A.5 of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 2.C.1 of this article.

5. Concrete Slabs Used as Parking Pads, Enclosure Floors, Landings, Decks, Walkways, Patios and Similar Nonstructural Uses in Coastal High Hazard Areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- a. Structurally independent of the foundation system of the building or structure;
- b. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- c. Have a maximum slab thickness of not more than four (4) inches.

6. Decks and Patios in Coastal High Hazard Areas (Zone V). In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

- a. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- b. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- c. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- d. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils



and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

7. Other Development in Coastal High Hazard Areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

b. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

8. Nonstructural Fill in Coastal High Hazard Areas (Zone V). In coastal high hazard areas:

a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

b. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

c. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

## **Sec. 6. Appeals.**

The Building Board of Adjustment and Appeals shall hear and decide on requests for appeals from the strict application of this article and of the flood resistant construction requirements of the FBC, excluding Section 3109 or latest supplement thereof.

## **Sec. 7. Penalties.**

The city or any other legal authority shall enforce any violation of this article pursuant to the penalty provisions contained in Chapter 1, Article I, Section 7 of these Land Development Regulations.

EXHIBIT "D"

	<u>Description</u>	<u>Number</u>	<u>Date</u>
1.	Flood Insurance Study (FIS)	12099CV000A	October 5, 2017

	<u>Description</u>	<u>Map Number</u>	<u>Date</u>
1.	Flood Insurance Rate Map (FIRM) Index	12099CIND1A	October 5, 2017
2.	Flood Insurance Rate Map (FIRM) Index	12099CIND2A	October 5, 2017
3.	Flood Insurance Rate Map (FIRM)	12099C0778F	October 5, 2017
4.	Flood Insurance Rate Map (FIRM)	12099C0779F	October 5, 2017
5.	Flood Insurance Rate Map (FIRM)	12099C0783F	October 5, 2017
6.	Flood Insurance Rate Map (FIRM)	12099C0786F	October 5, 2017
7.	Flood Insurance Rate Map (FIRM)	12099C0787F	October 5, 2017
8.	Flood Insurance Rate Map (FIRM)	12099C0788F	October 5, 2017
9.	Flood Insurance Rate Map (FIRM)	12099C0789F	October 5, 2017
10.	Flood Insurance Rate Map (FIRM)	12099C0791F	October 5, 2017
11.	Flood Insurance Rate Map (FIRM)	12099C0793F	October 5, 2017
12.	Flood Insurance Rate Map (FIRM)	12099C0976F	October 5, 2017
13.	Flood Insurance Rate Map (FIRM)	12099C0977F	October 5, 2017
14.	Flood Insurance Rate Map (FIRM)	12099C0981F	October 5, 2017

All FIRM Maps and FIS Report are available online for viewing at <http://msc.fema.gov/portal/advanceSearch>



**City of Boynton Beach  
Building Division**

# **Flood Prevention Amendments CDRV 17-005**

Shane Kittendorf, CBO, CFM

Building Official

Email: [KittendorfS@bbfl.us](mailto:KittendorfS@bbfl.us)

Phone: 561.742.6352

# Objectives

- The Community Rating System (CRS) recognizes and encourages community floodplain management activities that exceed the minimum NFIP standards.
- Besides the benefit of reduced insurance rates, CRS floodplain management activities enhance public safety, reduce damages to property & infrastructure, avoid economic disruption, reduce human suffering, and protect the environment.
- Flood maps are used to help determine flood insurance and building requirements.
- Flood maps are being updated to incorporate the latest and most accurate information into the maps so that they better reflect the risk.
- Federal law requires that if your property is in a flood area, and have federally insured mortgage flood insurance is required.

# Timeline

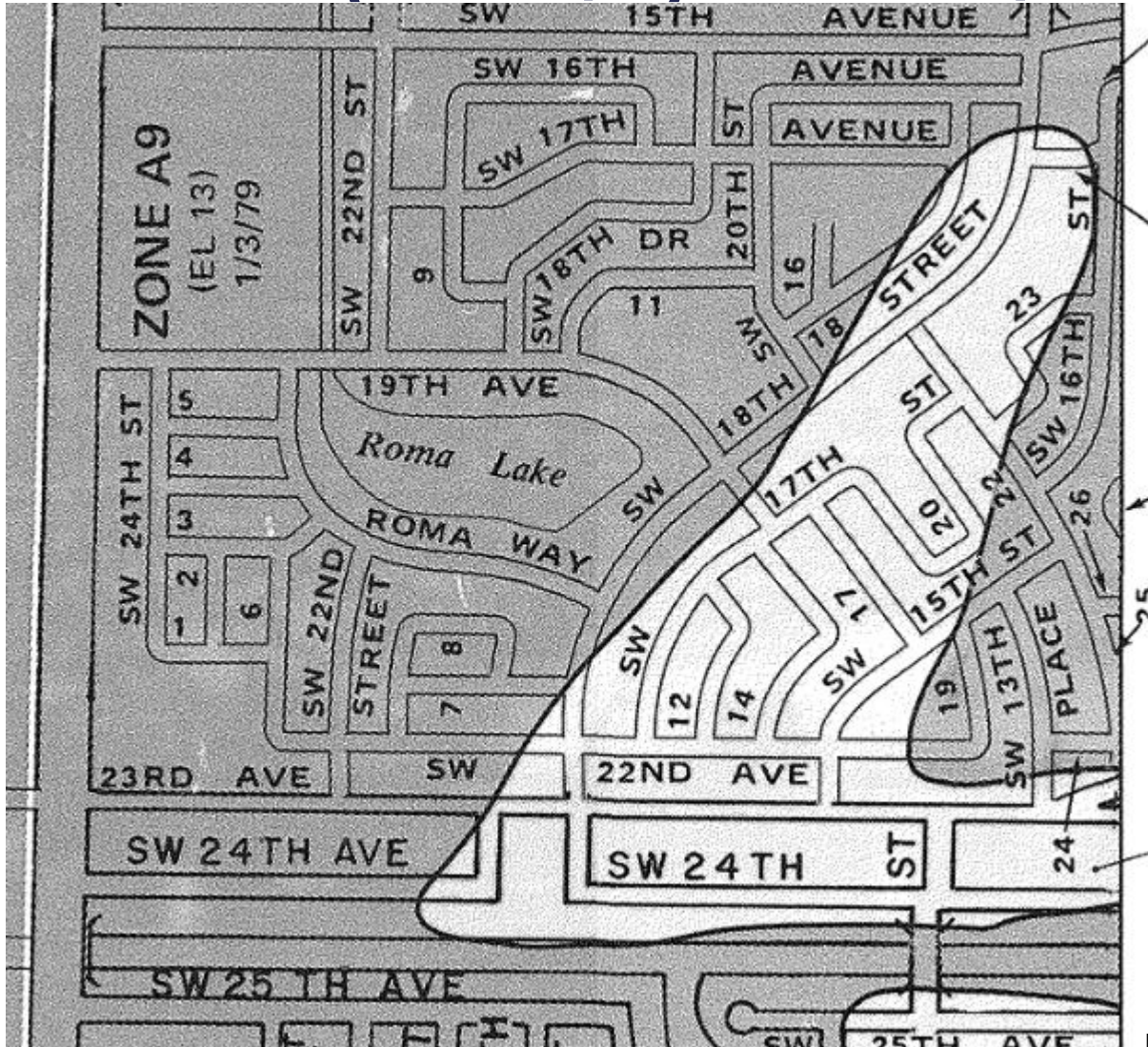
- FEMA issued Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) in 1982.
- FEMA completed a re-evaluation of flood hazards in Palm Beach County on August 18, 2014.
- FEMA conducted four (4) public workshops; one (1) in Boynton Beach to view, obtain assistance, and ask questions.
- Notice was published in various newspapers and Federal Register.
- The 90-day appeal period ended and no appeals were received.
- FIRM maps and FIS will become effective on October 5, 2017.

# Key Changes

- Reorganization and update of flood definitions and requirements for compliance with NFIP.
- Striking of redundant provisions now in the Florida Building and Residential Code.
- Added requirements for flood variances according to NFIP.
- Clarification of designated Flood Plain Administrator and duties.
- Listing of specific federal and state permits that may be required.
- Requirement of development permits for other buildings and structures that are exempt from Florida Building Code.
- Adoption by reference the October 5, 2017 FIRM Maps and FIS report.



# 1982 (Map) – Boynton Leisureville



## \*EXPLANATION OF ZONE DESIGNATIONS

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.



# 2017 (Map) – Boynton Leisureville



## LEGEND



**SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

**ZONE A** No Base Flood Elevations determined.

**ZONE AE** Base Flood Elevations determined.

**ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

**ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

**ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

**ZONE A99** Areas to be protected from 1% annual chance flood event by a Federal flood protection system under construction; no Base Flood Elevations determined.

**ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

**ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.



**FLOODWAY AREAS IN ZONE AE**

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.



**OTHER FLOOD AREAS**

**ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.



# Summary

- Amendments will satisfy the mandatory requirements of the NFIP.
- Enhance public safety and protect the environment.
- Reduce damages to property and public infrastructure.
- Avoid economic disruption & losses; and reduce human suffering.

# Questions





## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

**PROPOSED ORDINANCE NO. 17-023 - FIRST READING** - Approve LDR Amendments Group 3/CRA Plan Implementation (CDRV 17-007) – Amending the LAND DEVELOPMENT REGULATIONS, Chapters 1, 3, and 4 to continue implementing Community Redevelopment Plan recommendations with changes in the future land use classification scheme, and establishment of the new R-4, Multi-family Residential Zoning District including amendments and additions to definitions, and use and lot standards. City initiated.

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**EXPLANATION OF REQUEST:**

The Boynton Beach CRA Community Redevelopment Plan was adopted on October 4<sup>th</sup>, 2016 and is now being implemented through incremental amendments to the Comprehensive Plan and Land Development Regulations, and will soon undergo a more comprehensive implementation through, in part, an LDR audit to be completed later this year.

These proposed amendments primarily involve the future land use (FLU) and zoning district schemes including the merging of certain future land use classifications and zoning districts, establishment of a new future land use classification and zoning district, and minor changes to the titles of the mixed use future land use classifications and corresponding zoning districts. These recommendations are detailed in Tables #1 and #2 of Section "C" of the CRA Plan, and are listed below.

- The elimination of the Moderate Density Residential (MoDR) future land use classification and placement of the corresponding zoning districts under the Low Density Residential (LDR) classification;
- The increasing of the maximum density allowed in the "High Density Residential" (HDR) future land use classification to 15 dwelling units per acre, along with establishment of a new corresponding zoning district, R-4, Multi-family Residential, to bridge the density gap between the Medium Density Residential (11 dus/acre) and Special High Density Residential (20 dus/acre) future land use classifications;
- Movement of the R-3 Multi-family Zoning District from under the HDR Future Land Use Classification to correspond with the MeDR FLU Classification.
- The conversion of the suburban and urban future land use classification scheme into a single group of mixed use districts applicable city-wide, through elimination of the "Mixed Use Suburban" and "Mixed Use" classifications, replacement with the Mixed Use Low (MXL) and Mixed-Use Medium (MXM) classifications, and renaming "Mixed Use Core" "Mixed Use High" (MXH);
- The insertion of references to the Workforce Housing Program to coincide with the recent amendments to, and status of this City program; and
- General edits or "clean-up" amendments to provide proper reference to or description of the new CRA Redevelopment Plan, improve clarity, and eliminate redundancy.

Staff proposes these LDR amendments to continue implementing the CRA's new Community Redevelopment Plan and to support continued quality development and redevelopment of the downtown and remaining CRA area.

The Planning & Development Board reviewed this item on August 22, 2017 and forwards it with a recommendation for approval.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES? NA**

**FISCAL IMPACT:**

Proposed amendments will increase development opportunities and at greater development densities thereby contributing to increased application and processing revenues and ultimately, increased land values.

**ALTERNATIVES:** None recommended

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** Completion of the CRA Plan has been in the City's Strategic Plan since 2015. This item furthers the Plan with timely implementation.

**CLIMATE ACTION:**

**CLIMATE ACTION DISCUSSION:** NA

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**Is this a grant?**

**Grant Amount:**

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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Ordinance	Ordinance amending LDRs CRA Plan implementation
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Exhibit	Exhibit "A" - Proposed Amendments

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35 determined and finds that it is in the best interest of the citizens and residents of the City of  
36 Boynton Beach, Florida to approve the amendments to the Land Development Regulations as  
37 contained herein.

38 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**  
39 **THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

40 **Section 1.** The foregoing whereas clauses are true and correct and are now ratified and  
41 confirmed by the City Commission.

42 **Section 2.** The Land Development Regulations of the City of Boynton Beach Code  
43 of Ordinances is hereby amended as reflected in Exhibit “A” attached hereto and incorporated  
44 herein.

45 **Section 3.** Each and every other provision of the Land Development Regulations not  
46 herein specifically amended, shall remain in full force and effect as originally adopted.

47 **Section 4.** All laws and ordinances applying to the City of Boynton Beach in conflict  
48 with any provisions of this ordinance are hereby repealed.

49 **Section 5.** Should any section or provision of this Ordinance or any portion thereof  
50 be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the  
51 remainder of this Ordinance.

52 **Section 6.** Authority is hereby given to codify this Ordinance. The City Clerk is  
53 directed to work with the Land Development Regulations publisher to consolidate this ordinance  
54 and the exhibit for publication.

55 **Section 7.** This Ordinance shall become effective immediately.

56 FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2017.

57 SECOND, FINAL READING AND PASSAGE this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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CITY OF BOYNTON BEACH, FLORIDA

YES NO

Mayor – Steven B. Grant \_\_\_\_\_

Vice Mayor – Justin Katz \_\_\_\_\_

Commissioner – Mack McCray \_\_\_\_\_

Commissioner – Christina L. Romelus \_\_\_\_\_

Commissioner – Joe Casello \_\_\_\_\_

VOTE \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Judith A. Pyle, CMC  
City Clerk

(Corporate Seal)



## DEPARTMENT OF DEVELOPMENT PLANNING AND ZONING

Memorandum PZ 17-046

**TO:** Chair and Members  
Planning & Development Board

**FROM:** Michael Rumpf  
Planning and Zoning Director

**DATE:** August 16, 2017

**RE:** LDR Amendments Group 3/CRA Plan Implementation (CDRV 17-007) – Amending the LAND DEVELOPMENT REGULATIONS, Chapters 1, 3, and 4 to continue implementing Community Redevelopment Plan recommendations with changes in the future land use classification scheme, and establishment of the new R-4, Multi-family Residential Zoning District including amendments and additions to definitions, and use and lot standards.

### OVERVIEW

The Boynton Beach CRA Community Redevelopment Plan was adopted on October 4<sup>th</sup>, 2016. Comprehensive implementation of the Plan will require a full “audit” and subsequent revisions of existing zoning and other land development regulations, to be completed by the end of 2017. However, some recommendations have immediate application to pending development projects and will therefore be implemented incrementally as needed. Prior amendments processed or in progress include establishing the MU-4 Mixed Use-4 Zoning District (adopted in January, 2017), and the pending establishment of the Cultural District and Boynton Beach Boulevard District Overlays (temporarily on-hold in the public hearing stage).

These recommendations are primarily amendments to the future land use (FLU) and zoning district schemes including the merging of certain future land use classifications and zoning districts, establishment of a new Future Land Use classification and zoning district, and minor changes to the titles of the mixed use future land use classifications and corresponding zoning districts. These recommendations are detailed in Tables #1 and #2 of Section “C” of the CRA Plan, and are described in further detail below.



## EXPLANATION

Changes in FLU and zoning district titles, or the establishment of a new classification or zoning district affects nearly all chapters of the City's Land Development Regulations (LDR). Regardless how minor or simple such changes may be, many chapters, sections and tables within the LDR are affected and must be updated simultaneously to maintain a cohesive document. Although each specific section and page is not described in this report (see attached Exhibit "A" for each amendment), the different types of amendments proposed are each summarized as follows:

- The elimination of the Moderate Density Residential (MoDR) Future Land Use Map classification and placement of the corresponding zoning districts under the Low Density Residential (LDR) Classification and using the maximum density threshold from the MoDR classification of 7.5 units per acre;
- The establishment of a new "High Density Residential" (HDR) Land Use Classification with a maximum density of 15 dwelling units per acre, along with the establishment of a new corresponding zoning district, R-4, Multi-family Residential, to bridge the density gap between the Medium Density Residential (11 dus/acre) and Special High Density Residential (20 dus/acre) future Land Use Map classifications. Building and site development standards must also be established for the new zoning district which mostly match the standards of the R-3 Zoning District, except that a slightly lower minimum unit size is proposed to, in part, support current market trends. A slightly higher maximum lot coverage standard (50%) is proposed to correspond with denser development characteristics and land values in the targeted environments. Zoning uses proposed to be assigned to the new R-4 District also generally reflect the R-3 District uses except for the exclusion of commercial uses. Commercial uses are shown assigned to the R-3 District as part of the original Ocean Avenue Overlay District. The new R-4 District is not proposed as part of the new overlay area and therefore is not intended to for commercial or mixed use development.
- The conversion of the four (4) urban and suburban land use classifications into a single, 3-classification system which simple entails elimination of the "Mixed Use Suburban" classification, and renaming Mixed Use Core (MX-C) Mixed Use High (MXH). The resulting system includes MX-L, MX-M, and MX-H.
- The insertion of references to the Workforce Housing Program to coincide with the recent amendments to, and status of this City program.
- General edits or "clean-up" amendments to provide proper reference to or description of the new CRA Redevelopment Plan, improve clarity, and eliminate redundancy.

## CONCLUSION/RECOMMENDATION

Staff proposes these code amendments to continue implementing the CRAs new Community Redevelopment Plan and to support continued quality development and redevelopment of the downtown and remaining CRA area.

### Attachments

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## EXHIBIT "A"

### LDR AMENDMENTS GROUP 3 / CRA PLAN IMPLEMENTATION

#### Code of Ordinances, Part III. LDR, Ch 1, Art. II. Definitions

**MIXED USE ZONING DISTRICT** - Whenever the words "mixed use district" or "mixed use zoning district" are used, they are construed to include any or all of the following zoning districts: SMU suburban mixed use; MU-L1 ~~Mmixed Use - low intensity 1~~; MU-L2 ~~Mmixed Use - low intensity 2~~; MU-L3 ~~Mmixed Use - low intensity 3~~; MU-4 Mixed Use - 4 and MU-HC ~~Mmixed Use-high intensity~~Core.

**PLANNED ZONING DISTRICT** - A zoning district in which the zoning of the is accompanied by and conditioned upon an approved master plan for the use and/or development of the property. Whenever the words "planned district" or "planned zoning district" are used, they are construed to include any or all of the following zoning districts: IPUD infill planned unit development; PUD planned unit development; MHPD mobile home planned development; PCD planned commercial development; SMU suburban mixed use; MU-L1 ~~Mmixed Use - low intensity 1~~; MU-L2 ~~Mmixed Use - low intensity 2~~; MU-L3 ~~Mmixed Use - low intensity 3~~; MU-4 Mixed Use - 4; MU-HC ~~Mmixed Use-high intensity~~Core; and PID planned industrial development.

**RESIDENTIAL ZONING DISTRICT** - Whenever the words "residential district" or "residential zoning district" are used, they are construed to include any or all of the following zoning districts: R-1-AAB single-family residential; R-1-AA single-family residential; R-1-A single-family residential; R-1 single-family residential; R-2 single and two-family residential; R-3 multi-family residential; R-4 multi-family residential; IPUD infill planned unit development; PUD planned unit development; or MHPD mobile home planned development.

Code of Ordinances, Part III. LDR, Ch 1, Art. III. Relationship to Comprehensive Plan

Sec. 5. Future Land Use Map (FLUM).

B. *FLUM Classifications and Corresponding Zoning Districts (Table 1-1)*. The following table shows the future land use map classifications and their corresponding zoning districts:

Zoning Districts	Future Land Use Map (FLUM) Classification (including maximum dwelling units per acre)														
	<u>LDR</u> (5) (7.5)	<u>MoDR</u> (7.5)	<u>MeDR</u> (10) (11)	<u>HDR</u> (11) (15)	SHDR (20)	OC	LRC	GC	<u>MXS</u> <u>MXL</u> (20)	<u>MX</u> <u>MXM</u> (40) <u>50</u>	<u>MX-C</u> <u>MXH</u> (80)	I	R	PPGI	DRI
R-1-AAB	• 5														
R-1-AA	• <u>5.5</u>	• ≤5.5													
R-1-A	• <u>6</u>	• ≤6													
R-1	• <u>7.5</u>	• ≤7.5													
R-2			• ≤10												
R-3			•	•											
<u>R-4</u>				•											
IPUD			•	•	•										
PUD	•	•	•	•	•										
MHPD	•	•													
C-1						•									
C-2							•								
C-3							•								•
C-4								•							
CBD										•	•				
PCD						•	•	•							
SMU									•						•
MU-L1									•	• ≤20					
MU-L2										•					
MU-L3										•					
MU-4											•				
<u>MU-HC</u>											•				
M-1												•			
PID												•			•
REC													•		
PU														•	

Future Land Use Map Classifications:

LDR: Low Density Residential

~~MXS: Mixed Use Suburban~~ MXL: Mixed Use Low

~~MoDR: Moderate Density Residential~~

~~MX: Mixed Use~~ MXM: Mixed Use Medium

MeDR: Medium Density Residential

~~MX-C~~ H: Mixed Use Core High

HDR: High Density Residential

I: Industrial

SHDR: Special High Density Residential

R: Recreation

OC: Office Commercial

PPGI: Public & Private Government/Institutional

LRC: Local Retail Commercial

DRI: Development of Regional Impact

GC: General Commercial

## Code of Ordinances, Part III. LDR, Ch. 3, Art. I. Overview

### Sec. 4. Official Zoning Map

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C. *Establishment of Zoning Districts.* The City of Boynton Beach is hereby divided into zoning districts as follows and as delineated on the official zoning map which, together with all explanatory matter thereon, is hereby declared a part of the official zoning regulations:

R-1-AAB	Single-family residential district
R-1-AA	Single-family residential district
R-1-A	Single-family residential district
R-1	Single-family residential district
R-2	Single- and two-family residential district
R-3	Multi-family residential district
<u>R-4</u>	<u>Multi-family residential district</u>
IPUD	Infill planned unit development district
PUD	Planned unit development district
MHPD	Mobile home planned development district
C-1	Office and professional commercial district
C-2	Neighborhood commercial district
C-3	Community commercial district
C-4	General commercial district
CBD	Central business district
PCD	Planned commercial development district
SMU	Suburban mixed use district
MU-L1	Mixed use-low intensity-1 district
MU-L2	Mixed use-low intensity 2 district
MU-L3	Mixed use-low intensity 3 district
MU-4	Mixed use 4
MU-HC	Mixed use-high intensity <u>Core</u> district
M-1	Industrial district
PID	Planned industrial development district
PU	Public usage district
REC	Recreation district

# Code of Ordinances, Part III. LDR, Ch 3, Art. III. Zoning Districts & Overlays

## Sec. 1.B. Residential Building and Site Regulations (Table 3-1)

RESIDENTIAL	R-1 AAB	R-1 AA	R-1 A	R-1	R-2 Duplex	R-3 Multi	<b><u>R-4 Multi</u></b>	IPUD	PUD	MHPD
Density (dwelling units per acre):	5	5.5	6	7.5	10	Flexible <sup>+3</sup> <b><u>11</u></b>	<b><u>15</u></b>	Flexible <sup>+3</sup> <sup>10</sup>	Flexible <sup>+3</sup> <sup>10</sup>	Flexible <sup>+3</sup> <sup>10</sup>
Project Area, Minimum (acres)	N/A	N/A	N/A	N/A	N/A	N/A	<b><u>N/A</u></b>	<b><u>N/A</u></b>	5+	10+
Lot Area per unit, Minimum (square feet):	9,000	8,000 <sup>+8</sup>	7,500	6,000	4,500	4,000 <sup>+5</sup> <sup>12</sup>	<b><u>4,000</u></b> <sup>+5</sup> <sup>12</sup>	Flexible <sup>+0</sup>	Flexible <sup>+0</sup>	4,200
Lot Frontage, Minimum (feet):	90	75	60	60	75	100	<b><u>100</u></b>	Flexible <sup>+0</sup>	Flexible <sup>+0</sup>	N/A
Living Area, Minimum A/C (square feet):	1,800	1,600	1,400	1,200	750	750	<b><u>650</u></b>	<b><u>750</u></b> Flexible	<b><u>750</u></b> Flexible	N/A
Lot Coverage, Maximum:	45%	45%	45%	50%	40%	40%	<b><u>50%</u></b>	50%	N/A	N/A
Floor-Area-Ratio (FAR) for Non-Residential, Maximum:	N/A	N/A	N/A	N/A	0.10 <sup>6</sup>	N/A	<b><u>N/A</u></b>	<b><u>0.20</u></b> <sup>6</sup> N/A	N/A	N/A
Structure Height, Maximum (feet):	30	30	30	30	25 <sup>7</sup>	45 <sup>8</sup> <sup>6</sup>	<b><u>45</u></b>	45 <sup>9</sup> <sup>7</sup>	45 <sup>8</sup> <sup>6</sup>	30
Building Setbacks, Minimum (feet):										
Front:	25	25	25	25	25	40	<b><u>20</u></b>	Flexible <sup>5</sup>	Flexible <sup>5</sup>	20
Interior side:	10	10 <sup>+8</sup>	7.5	7.5	10	20	<b><u>20</u></b>	Flexible <sup>5</sup>	Flexible <sup>5</sup>	5
Corner side:	25 <sup>4</sup>	25 <sup>4</sup>	25 <sup>4</sup>	25 <sup>4</sup>	25 <sup>4</sup>	40	<b><u>20</u></b>	Flexible <sup>5</sup>	Flexible <sup>5</sup>	10 <sup>+4</sup> <sup>11</sup>
Rear:	20 <sup>4</sup>	20 <sup>4</sup>	20 <sup>4</sup>	20 <sup>4</sup>	25 <sup>4</sup>	40	<b><u>40</u></b>	Flexible <sup>5</sup>	Flexible <sup>5</sup>	10 <sup>+4</sup> <sup>11</sup>
Special rear yard setback reductions for 1-story building additions abutting:	Maximum Percentage of Reduction:									
I-95 or railroad tracks:	50%	50%	50%	50%	N/A	N/A	<b><u>N/A</u></b>	N/A	N/A	N/A
Intracoastal Waterway (ICWW):	50%	50%	50%	50%	N/A	N/A	<b><u>N/A</u></b>	N/A	N/A	N/A
Lake:	50%	50%	50%	50%	N/A	N/A	<b><u>N/A</u></b>	N/A	N/A	N/A
Golf course:	50%	50%	50%	50%	N/A	N/A	<b><u>N/A</u></b>	N/A	N/A	N/A
Canal wider than 150 feet:	50%	50%	50%	50%	N/A	N/A	<b><u>N/A</u></b>	N/A	N/A	N/A
Canal narrower than 150 feet:	33%	33%	33%	33%	N/A	N/A	<b><u>N/A</u></b>	N/A	N/A	N/A
Commercial/industrial:	50%	50%	50%	50%	N/A	N/A	<b><u>N/A</u></b>	N/A	N/A	N/A
Public/private park:	50%	50%	50%	50%	N/A	N/A	<b><u>N/A</u></b>	N/A	N/A	N/A
Perimeter wall abutting non-	50%	50%	50%	50%	N/A	N/A	<b><u>N/A</u></b>	N/A	N/A	N/A

residential:										
<b>Administrative Adjustment:</b>	<b>Maximum Percentage of Reduction (to standard yard setback):</b>									
Front yard:	20%	20%	20%	20%	N/A	N/A	<u>N/A</u>	N/A	N/A	N/A
Side yard:	20%	N/A	20%	20%	N/A	N/A	<u>N/A</u>	N/A	N/A	N/A
Rear yard:	25%	25%	25%	25%	N/A	N/A	<u>N/A</u>	N/A	N/A	N/A
<b>General Notes:</b>	<b>1, 2</b>	<b>1, 2</b>	<b>1, 2</b>	<b>1, 2</b>	<b>3</b>	<b>3</b>	<b><u>1, 3</u></b>	<b><u>129</u></b>		

1. The setback reduction provisions shall not supersede any setbacks that are recorded on a plat and shall not be used in conjunction with the setback reductions allowed by administrative adjustments.

2. An administrative adjustment to reduce a setback may be granted if any first floor addition follows the building line of a legally non-conforming single-family structure, or a building line previously approved by a variance.

3. Existing and/or planned single-family homes shall conform to the R-1 district requirements. Duplex homes shall conform to the R-2 district requirements.

4. Where orientation of adjacent lots on both street frontages provides typical front yard setbacks, the corner lot shall provide for front yard setbacks along both streets. When two (2) front yard setbacks are provided for on a corner lot, no rear yard back setback shall be required, only side yard setbacks shall be imposed.

5. Minimum required perimeter setbacks of an IPUD or PUD are flexible except where adjacent to single-family residential zoning. Where adjacent to single-family zoning, required perimeter setbacks shall resemble the setbacks of the adjacent development based upon the orientation of structures with said development. Also, perimeter buildings shall have an increased setback of one (1) additional foot for every foot of building height in excess of thirty (30) feet. Project design along abutting roadway(s), including setbacks, shall be based on existing development patterns or applicable recommendation from the respective development plan.

~~6. A floor area ratio (FAR) may be considered for non-residential uses allowed within this zoning district (see "Use Matrix" — [Chapter 3, Article IV, Section 3](#)), and pursuant to the applicable future land use classification of the Comprehensive Plan.~~

~~7. Not to exceed two (2) stories.~~

~~86. Not to exceed four (4) stories.~~ See Note #5 for additional setback requirements relative to building height.

~~97.~~ A lesser building height may be required for compatibility with adjacent **development properties**. See Note #5 for **more additional** setback requirements relative to building height.

~~10. Individual lots within an IPUD or PUD development contain flexible standards relative to minimum required lot frontage and lot area for each unit.~~

~~118.~~ The minimum lot area shall be seven thousand, five hundred (7,500) square feet and the minimum side yard shall be seven and one-half (7-1/2) feet for properties developed and/or platted prior to June 13, 1975.

~~129. A total usable open space shall be calculated at of two hundred (200) square feet of usable open space shall be required for each per dwelling unit (also see [Chapter 4, Article III, Section 8](#)).~~

~~1310.~~ The maximum allowable density is determined by the applicable future land use classification of the Comprehensive Plan.

~~1411.~~ Perimeter building setbacks of the mobile home park district shall mirror the building setbacks of adjacent zoning district(s), but with a minimum of the setback required for a single-family residence.

~~1512.~~ Multi-family dwellings and group homes require four thousand (4,000) square feet. All other uses allowed in R-3 and R-4 require twenty thousand (20,000) square feet.

# Code of Ordinances, Part III. LDR, Ch. 3, Art. III. Sect. 1. Overview

## E. Mixed-Use Urban Building and Site Regulations (Table 3-4)

MIXED USE, URBAN	MU-L1	MU-L2	MU-L3	MU-4	MU-HC
<b>Lot Area, Minimum (acres):</b>					
Public park	N/A	N/A	N/A	N/A	N/A
All other uses	0.50	0.75	1	1	1
Lot Frontage, Minimum (ft.) <sup>1</sup>	100	100	150 <sup>2</sup>	200	200
Structure Ht., Minimum (ft.)	30	30	30	45	45
Maximum Height (ft.) <sup>53</sup>	45	65	75	100	150/125 <sup>64</sup>
Maximum Density (DUs/Acre) <sup>4410, 4612</sup>	20	<del>30</del> 40	<del>40</del> 50	60	80
Maximum F.A.R. <sup>4511</sup>	1.0	2.0	3.0	4.0	4.0
<b>Build-to-line (ft.)<sup>448</sup>:</b>					
All sides abutting a collector or arterial road	Factor of Pedestrian Zone Requirement <sup>407</sup>				
Abutting a Local street	0 <sup>407</sup>	0 <sup>407</sup>	0 <sup>407</sup>	0 <sup>407</sup>	0 <sup>407</sup>
Interior side	0 <sup>407</sup>	0 <sup>407</sup>	0 <sup>407</sup>	0 <sup>407</sup>	0 <sup>407</sup>
<b>Building Setbacks, Minimum (ft.)<sup>448</sup>:</b>					
<b>Rear abutting:</b>					
Residential single-family	25 <sup>75</sup> /0 <sup>75,86</sup>	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>
Intracoastal waterway	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>
<b>Side abutting</b>					
Residential single-family	25 <sup>75</sup> /0 <sup>75,86</sup>	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>
Usable Open Space, Minimum (sq. ft.) <sup>439</sup>	N/A	N/A	N/A	1%	2%

1. May be reduced if frontage extends from right-of-way to right-of-way.

2. Minimum of fifty (50) feet, if frontage is on a collector/local collector roadway.

53. Maximum height on any street frontage is forty-five (45) feet. Maximum height on Intracoastal Waterway is thirty-five (35) feet. Heights may require reduction where adjacent to a single-family zoning district where necessary to achieve the compatibility requirements of these regulations.

64. Maximum height reduced to one hundred twenty-five (125) feet for the entire project where property abuts any other MU-L or residential zoning district not separated by a right-of-way.

75. Plus one (1) additional foot for each foot of height over thirty-five (35) feet.

86. Where there is an intervening right-of-way of at least forty (40) feet.

9. ~~Subject to permitting agency approval.~~

407. Buildings and structures shall be located no farther than zero (0) feet from the property line, except in conjunction with providing required visibility at intersections, driveways; open spaces and public plazas; or when additional setback is necessary to provide for required "Pedestrian Zone (PZ). Building placement is a factor of roadway type and CRA district, which determines the min. width and design of the PZ. Except for the Downtown District, where the minimum PZ width is 18', the minimum PZ in all other districts is 16 ft. See Section 5.C.2. below for additional relief provisions from build-to line requirements.

448. Listed eligible historic structures are not required to meet these standards.

439. Usable open space shall be required for all developments two (2) acres in size or larger which shall be devoted to plazas or other public open space, excluding private recreation. See Chapter 4, Article III, Section 8 for additional regulations.

4410. Projects within the transit core shall have minimum densities as follows: MU-L1 - eleven (11), MU-L2 - twenty (20), MU-L3 - thirty (30), MU-4 - thirty-five (35) and MU-HC - forty (40) dwellings per acre (except that minimum density for the MU-HC district applies to projects located within the entire station area).

4511. Projects within the transit core shall have a minimum FAR as follows: MU-L3 - one and three-quarters (1.75), MU-4 (2.0) and MU-HC - two (2.0) (except that minimum FAR for the MU-HC district applies to projects to be located within the entire station area).

4612. The maximum density for projects within the Downtown Transit-Oriented Development District ~~Overlay Zone~~ (the Station Area) may be increased up to twenty-five percent (25%) over the maximum density allowed in the underlying zoning district through participation in the City's Workforce Housing Program.



Code of Ordinances, Part III. LDR, Ch 3, Art. III. Zoning Districts & Overlays  
Sect. 2 Residential Districts

G. R-4 Multi-family Residential District.

1. General. The purpose of the R-4 zoning district is to implement the High Density Residential (HDR) future land use map classification of the Comprehensive Plan. The intent of this conventional district is to provide for higher residential densities that support infill development opportunities. At the allowed maximum density, intended development can provide a graduated transition to densities and intensities of mixed use redevelopment projects in a compact form. Although this district is not a planned zoning district, development attributes should similarly emphasize design that is sensitive to its context within the urban redevelopment area, including interconnectivity and pedestrian accommodations, sustainable and/or smart growth building and landscaping design, building placement and orientation of project to the local street network and on-street parking.

2. Use(s) Allowed. See "Use Matrix Table 3-28" in [Chapter 3, Article IV, Section 3.D.](#)

3. Building and Site Regulations (Table 3-10).

a. Existing and/or future single-family dwellings shall conform to the building and site regulations of the R-1 district (see Table 3-8 in Section 2.D.3. above).

b. Duplex dwellings shall conform to the building and site regulations of the R-2 district (see Table 3-9 in Section 2.E.3. above).

c. Multiple-family and group homes shall conform to the lot and building requirements of that portion of Table 3-10 below pertaining to "residential uses".

d. All uses, excluding single-family, duplex, multi-family, and group homes, shall conform to the lot and building requirements of that portion of Table 3-10 below pertaining to "non-residential uses".

<b><u>BUILDING/SITE REGULATIONS</u></b>	
<b><u>R-4 District</u></b>	
<b><u>(Residential Uses)</u></b>	
<b><u>Minimum lot area (per unit):</u></b>	<u>4,000 s.f.</u>
<b><u>Minimum lot frontage:</u></b>	<u>100 feet</u>
<b><u>Minimum yard setbacks:</u></b>	
<u>Front:</u>	<u>40 feet</u>
<u>Rear:</u>	<u>40 feet</u>
<u>Interior side:</u>	<u>20 feet</u>
<u>Corner side:</u>	<u>40 feet</u>
<b><u>Minimum living area:</u></b>	<u>650 s.f.</u>
<b><u>Maximum lot coverage:</u></b>	<u>50%</u>
<b><u>Maximum structure height:</u></b>	<u>45 feet</u>
<b><u>(Non-Residential Uses)</u></b>	
<b><u>Minimum lot area:</u></b>	<u>20,000 s.f.</u>
<b><u>Minimum lot frontage:</u></b>	<u>100 feet</u>

<b><u>Minimum yard setbacks:</u></b>	
<u>Front:</u>	<u>40 feet</u>
<u>Rear:</u>	<u>40 feet</u>
<u>Interior side:</u>	<u>20 feet</u>
<u>Corner side:</u>	<u>40 feet</u>
<b><u>Minimum living area:</u></b>	<u>N/A</u>
<b><u>Maximum lot coverage:</u></b>	<u>40%</u>
<b><u>Maximum Floor Area Ratio (FAR)</u></b>	<u>N/A</u>
<b><u>Maximum structure height:</u></b>	<u>45 feet</u>

4. Accessory Structures. Walls, fences, pools, sheds, screen-roof enclosures, and other structures are regulated in accordance with Chapter 3, Article V, Supplemental Regulations.

5. Review and Approval Process.

a. Single-family and duplex dwellings and accessory uses thereto shall be allowed upon application to and approval by the Building Official for structures that require a building permit pursuant to Chapter 2, Article IV, Section 2.

b. Community and common areas, such as recreational areas, landscape buffers and tracts, and project signage may be subject to site plan review. In these instances, site plan approval shall be required prior to application for building permit.

c. Multiple-family dwellings and non-residential uses shall require site plan approval in accordance with Chapter 2, Article II, Section 2.F. prior to application for building permit.

6. Parking. Required off-street parking is regulated in accordance with Chapter 4, Article V, Minimum Off-Street Parking Requirements.

## Code of Ordinances, Part III. LDR Chapter 3, Art. III. Sec. 5. Mixed-Use (Urban) Districts.

### A. General.

1. Purpose and Intent. The mixed-use ~~(urban)~~-zoning districts are mostly intended to implement the CRA Community Redevelopment Plans, in part, by providing for a mixture of land uses, accommodating varying densities and intensities appropriate for each planning area CRA district, and by establishing quality streetscapes and pedestrian environments as part of a compact urban setting. These mixed use districts also support transit ridership, and in particular, through higher density and intensity ~~the development of transit-oriented developments near planned passenger train stations along the FEC Railroad corridor, such as the designated location along Northeast 4th Street, between Boynton Beach Boulevard and Ocean Avenue within the designated Downtown Transit-Oriented Development District (DTODD).~~ Additional standards and requirements of this section are based on the proximity to the planned train station, and location within the transit core, which is defined as the area extending one-quarter (1/4) mile from the train station ~~(see map # to be determined).~~ To ensure compliance with these Regulations, an application for site plan approval shall be required and reviewed concurrently with any request to rezone lands to a mixed-use (urban) district, except as provided in Section 2.D.1.e. Also see Chapter 4, Article III, Section 6.H. for design and compatibility standards, ~~as well as the urban design guidelines for development within the Boynton Beach Community Redevelopment Area (urban design guidelines).~~ The objectives of the mixed-use (urban) districts are as follows:

- a. Support and enhance revitalization efforts in the city's traditional commercial core area through the provision of compact, transit-supportive, high density and intensity development;
- b. Allow for commercial services to be provided to new residential developments in planned locations with appropriate densities, heights, and mixtures of uses;
- c. Create optimal pedestrian environments and spaces through well located public plazas, expanded public sidewalks, maximized internal and external interconnectivity and design of pedestrian-friendly vehicular circulation areas;
- d. Allow flexibility in architectural design and building bulk while maximizing compatibility and harmony with adjoining development;
- e. Create surrounding areas that complement rather than compete with the downtown; and
- f. Create higher quality environments for residents, businesses, employees, and visitors as determined by how well the urban centers function seamlessly with respect to interconnectivity between the principal uses, activity centers, and transportation systems, forming a cohesive and desirable sense of place.

### 2. Description of Districts.

a. ~~Mixed Use-Low-Intensity~~ 1 (MU-L1). The MU-L1 district implements the ~~mMixed uUse~~ Low (MXL) future land use map (FLUM) classification of the Comprehensive Plan and has a maximum residential density of twenty (20) dwelling units per acre, except within the Downtown Transit-Oriented Development District (DTODD) ~~Overlay Zone~~ (the Station Area), where the maximum density ~~is may be~~ twenty-five (25) dwelling units per acre through participation in the City's Workforce Housing Program. In addition, projects located within the transit core of the Station Area shall have a minimum density of eleven (11) dwelling units per acre. This minimum density requirement shall be applicable to any such project regardless of whether the site is partially or entirely located within the transit core.

b. ~~Mixed Use-Low-Intensity~~ 2 (MU-L2). The MU-L2 district implements the ~~mMixed uUse~~ Medium (MXM) future land use map (FLUM) classification of the Comprehensive Plan and has a maximum residential density of thirty (30) dwelling units per acre, except within the Downtown Transit-Oriented Development District (DTODD) ~~Overlay Zone~~ (the Station Area), where the maximum density ~~is may be~~ thirty-seven and one-half (37.5) dwelling units per acre through participation in the City's Workforce Housing Program. In addition, projects located within the transit core of the Station Area shall have a minimum density of twenty (20) dwelling units per acre. This minimum density requirement shall be applicable to any such project regardless of whether the site is partially or entirely located within the transit core.

c. ~~Mixed Use-Low-Intensity~~ 3 (MU-L3). The MU-L3 district implements the ~~mMixed uUse~~ Medium (MXM) future land use map (FLUM) classification of the Comprehensive Plan and has a maximum residential density of forty (40) dwelling units per acre, except within the Downtown Transit-Oriented Development District (DTODD) ~~Overlay Zone~~ (the Station Area), where the maximum density ~~is may be~~ fifty (50) dwelling units per acre through participation in the City's Workforce Housing Program. In addition, projects located within the transit core of the Station Area shall have a minimum density of thirty (30) dwelling units per acre. This minimum density requirement shall be applicable to any such project regardless of whether the site is partially or entirely located within the transit core.

d. Mixed Use-4 (MU-4). The MU-4 district implements the ~~mMixed uUse~~ core High (MX-CH) future land use map (FLUM) classification of the Comprehensive Plan and has a maximum residential density of sixty (60) dwelling units per acre, except within the Downtown Transit-Oriented Development District (DTODD) ~~Overlay Zone~~ (the Station Area), where the maximum density ~~is may be~~ seventy five (75) dwelling units per acre through participation in the City's Workforce Housing Program. In addition, projects located within the transit core of the Station Area shall have a minimum density of thirty five (35) dwelling units per acre. This minimum density requirement shall be applicable to any such project regardless of whether the site is partially or entirely located within the transit core. The intent of this new district is to facilitate the establishment of high density and intensity

development nodes at strategic locations that support downtown redevelopment, while in certain location also providing a proper continuum of, or transition in scale between the Mixed Use ~~High~~Core (MU-HC) and Mixed Use ~~Low~~-3 (MU-L3) Districts.

e. Mixed Use ~~High~~IntensityCore (MU-HC). The MU-HC district implements the ~~m~~Mixed ~~u~~Use ~~e~~Core (MX-C) future land use map (FLUM) classification of the Comprehensive Plan and has a maximum residential density of eighty (80) dwelling units per acre, except within the Downtown Transit-Oriented Development District (DTODD) ~~Overlay Zone~~ (the Station Area), where the maximum density ~~is~~ may be one hundred (100) dwelling units per acre through participation in the City's Workforce Housing Program. In addition, projects located within the Station Area shall have a minimum density of thirty (30) dwelling units per acre. This minimum density requirement shall be applicable to any such project regardless of whether the site is partially or entirely located within the transit core. The intent of this district is to supplant the ~~c~~Central ~~b~~Business ~~d~~District (CBD) in the historic downtown and marina district.

### 3. Location and General Use Requirements.

a. General. The mixed use (urban) districts are intended for projects that promote sustainable design with respect to land use, energy conservation, resource management, and social equity. Rezoning to any of these districts is encouraged for proposed development or redevelopment on lands that are in close proximity to existing infrastructure, public and alternative transportation routes and modes, employment centers, community areas, or have sustained or are complicated by environmental contamination.

The mixed use (urban) zoning districts shall be applied to selected geographic areas east of I-95, where a mixture of uses and building intensities is intended to implement the city's Comprehensive Plan, CRA Community Redevelopment Plans, and urban design guidelines including goals involving compact design, transit-oriented development, employment, population, transportation, housing, public facilities, and environmental quality. Permitted uses and associated standards for development vary between the zoning districts each reflecting the importance of the district's location and relationship to the downtown. Maximum heights, densities, and intensities of development are regulated to achieve, in part, the intended vision as established within the Redevelopment Plan for each of the six planning districts, while ensuring land use compatibility. A master plan as a whole, comprised of individual buildings and parcels, would be reviewed for compliance with the requirements below pertaining to a residential component to the project, and commercial use on the first floor of a project. Projects not meeting the requirement for a residential component shall be reviewed for contribution to employment targets in accordance with FDOT standards for a community center TOD.

b. ~~All Mixed Use Low Intensity Districts.~~ Mixed ~~u~~Use ~~low intensity~~ 1 (MU-L1), ~~m~~Mixed use ~~low intensity~~ 2 (MU-L2), and ~~m~~Mixed ~~u~~Use ~~low intensity~~ 3 (MU-L3).

(1) In order to complement the revitalization efforts in the downtown area, the MU-L zoning districts shall be applied to lands consistent with the Comprehensive Plan Future Land Use Map and ~~respective CRA Community~~ Redevelopment pPlans. Such areas are generally described as Woolbright Road between I-95 and the FLC Railroad, Boynton Beach Boulevard between I-95 and Northwest 1st Street, Martin Luther King Jr. Boulevard, Southeast 4th Street south to Southeast 5th Avenue, and Ocean Avenue between Southeast 4th Street and Southeast 1st Street. See the ~~respective~~ CRA Community Redevelopment pPlan for specific recommendations on locations and boundaries.

(2) These MU-L districts are appropriate for low- to mid-rise developments that provide for medium density residential and low to medium intensity commercial and office uses.

(3) The review of these applications will emphasize compactness, aesthetics and design quality, and physical compatibility with adjacent land uses.

(4) Except where limited by Table 3-21 in Chapter 3, Article III, Section 5.C., all new developments within the MU-L1 and MU-L2 districts that contain a non-residential use shall front on streets designated as "arterial", or "collector", roadways on the Functional Classification of Roadways Map. All projects within the MU-L3 district and proposed within the transit core must contain a residential component, and all projects proposed within these ~~m~~Mixed ~~u~~Use ~~low intensity~~ districts that front on an arterial road must have space on the first floor devoted to commercial use.

(5) Maximum height may be further limited in certain geographic areas to further applicable redevelopment plans and maintain compatibility with an abutting single-family district.

#### c. Mixed Use- 4 (MU-4).

(1) The ~~m~~Mixed ~~u~~Use ~~high intensity~~4 (MU-4) district shall only be applied to lands classified as mixed use-core (MX-C) on the future land use map as recommended by the Community Redevelopment Plan.

(2) The MU-4 district is appropriate for high density/intensity development intended for designated nodes such as properties at the intersection of US-1 and Woolbright Road, and the downtown area, which is generally located east of the FEC Railroad, including the marina district, and which extends out from the planned train station by approximately three (3) to four (4) blocks. Such developments shall include a mix of uses designed in a compact vertical style. Developments proposed within the Downtown Transit-Oriented Development District ~~Overlay Zone~~ (the Station Area) must contain a residential component and have space on the first floor which shall be devoted to commercial uses for those portions of the project having frontage along Ocean Avenue or an arterial road.

(3) All new developments within this district shall front on streets designated as "arterial" roadways on the Functional Classification of Roadways Map.

d. Rezoning of Single-family Districts. All requests to rezone any single-family residential district to a mixed use zoning district shall be subject to the following additional requirements:

- (1) Height, density and intensity of development shall be consistent with the redevelopment plan for the redevelopment district;
- (2) Ratio of lot frontage to depth that is no more than one (1) foot (frontage) to one and one-quarter (1.25) foot (depth);
- (3) Vehicular access to the property located to minimize impacts on adjacent single-family developments and meet safety standards; and
- (4) Landscape barriers provided, in accordance with the landscape regulations of this Code, where the rezoned property abuts single-family residential zoning

~~ed.~~ ~~Mixed Use-High Intensity Core~~ (MU-~~HC~~).

(1) The ~~m~~Mixed ~~u~~Use-high intensity~~C~~ (MU-~~HC~~) district shall only be applied to lands classified as mixed use-core-high (MX-~~CH~~) on the future land use map.

(2) The MU-~~HC~~ district is appropriate for high density/intensity development intended for the downtown area, which is generally located east of the FEC Railroad, including the marina district, and which extends out from the planned train station by approximately three (3) to four (4) blocks. Such developments shall include a mix of uses designed in a compact vertical style. Developments proposed within the Downtown Transit-Oriented Development District ~~Overlay Zone~~ (the Station Area) must contain a residential component and have space on the first floor which shall be devoted to commercial uses for those portions of the project having frontage along Ocean Avenue or an arterial road.

(3) All new developments within this district shall front on streets designated as "arterial" roadways on the Functional Classification of Roadways Map.

~~de.~~ Rezoning of Single-family Districts. All requests to rezone any single-family residential district to a mixed use zoning district shall be subject to the following additional requirements:

- (1) Height, density and intensity of development based on ~~the roadway frontage~~ the standards indicated in Table 3-21;
- (2) Ratio of lot frontage to depth that is no more than one (1) foot (frontage) to one and one-quarter (1.25) foot (depth);
- (3) Vehicular access to the property located to minimize impacts on adjacent single-family developments and meet safety standards; and
- (4) Landscape barriers provided, in accordance with the landscape regulations of this Code, where the rezoned property abuts single-family residential zoning.

B. *Use(s) Allowed.* See "Use Matrix, Table 3-28" in Chapter 3, Article IV, Section 3.D.

C. *Building and Site Regulations.*

**Sect. 5.C.1. Building and Site Regulations (Table 3-21).**

MIXED USE, URBAN	MU-L1	MU-L2	MU-L3	MU-4	MU-HC
<b>Lot Area, Minimum (acres):</b>					
Public park	N/A	N/A	N/A	N/A	N/A
All other uses	0.50	0.75	1	1	1
Lot Frontage, Minimum (ft.) <sup>1</sup>	100	100	150 <sup>2</sup>	200	200
Structure Ht., Minimum (ft.)	30	30	30	45	45
Maximum Height (ft.) <sup>53</sup>	45	65	75	100	150/125 <sup>64</sup>
Maximum Density (DUs/Acre) <sup>4410, 4612</sup>	20	<del>30</del> 40	<del>40</del> 50	60	80
Maximum F.A.R. <sup>4511</sup>	1.0	2.0	3.0	4.0	4.0
<b>Build-to-line (ft.)<sup>448</sup>:</b>					
All sides abutting a collector or arterial road	Factor of Pedestrian Zone Requirement <sup>447</sup>				
Abutting a Local street	0 <sup>447</sup>	0 <sup>447</sup>	0 <sup>447</sup>	0 <sup>447</sup>	0 <sup>447</sup>
Interior side	0 <sup>447</sup>	0 <sup>447</sup>	0 <sup>447</sup>	0 <sup>447</sup>	0 <sup>447</sup>
<b>Building Setbacks, Minimum (ft.)<sup>448</sup>:</b>					
<b>Rear abutting:</b>					
Residential single-family	25 <sup>75</sup> /0 <sup>75, 86</sup>	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>
Intracoastal waterway	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>
<b>Side abutting</b>					
Residential single-family	25 <sup>75</sup> /0 <sup>75, 86</sup>	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>	25 <sup>75</sup>
Usable Open Space, Minimum (sq. ft.) <sup>439</sup>	N/A	N/A	N/A	1%	2%

1. May be reduced if frontage extends from right-of-way to right-of-way.

2. Minimum of fifty (50) feet, if frontage is on a collector/local collector roadway.

53. Maximum height on any street frontage is forty-five (45) feet. Maximum height on Intracoastal Waterway is thirty-five (35) feet. Heights may require reduction where adjacent to a single-family zoning district where necessary to achieve the compatibility requirements of these regulations.

64. Maximum height reduced to one hundred twenty-five (125) feet for the entire project where property abuts any other MU-L or residential zoning district not separated by a right-of-way.

75. Plus one (1) additional foot for each foot of height over thirty-five (35) feet.

86. Where there is an intervening right-of-way of at least forty (40) feet.

9. ~~Subject to permitting agency approval.~~

447. Buildings and structures shall be located no farther than zero (0) feet from the property line, except in conjunction with providing required visibility at intersections, driveways; open spaces and public plazas; or when additional setback is necessary to provide for required "Pedestrian Zone (PZ). Building placement is a factor of roadway type and CRA district, which determines the min. width and design of the PZ. Except for the Downtown District, where the minimum PZ width is 18', the minimum PZ in all other districts is 16 ft. See Section 5.C.2. below for additional relief provisions from build-to line requirements.

448. Listed eligible historic structures are not required to meet these standards.

439. Usable open space shall be required for all developments two (2) acres in size or larger which shall be devoted to plazas or other public open space, excluding private recreation. See Chapter 4, Article III, Section 8 for additional regulations.

4410. Projects within the transit core shall have minimum densities as follows: MU-L1 - eleven (11), MU-L2 - twenty (20), MU-L3 - thirty (30), MU-4 - thirty-five (35) and MU-HC - forty (40) dwellings per acre (except that minimum density for the MU-HC district applies to projects located within the entire station area).

4511. Projects within the transit core shall have a minimum FAR as follows: MU-L3 - one and three-quarters (1.75), MU-4 (2.0) and MU-HC - two (2.0) (except that minimum FAR for the MU-HC district applies to projects to be located within the entire station area).

4612. The maximum density for projects within the Downtown Transit-Oriented Development District ~~Overlay Zone~~ (the Station Area) may be increased up to twenty-five percent (25%) over the maximum density allowed in the underlying zoning district through participation in the City's Workforce Housing Program.

*B. Martin Luther King Jr. Boulevard Overlay Zone.*

1. Intent. This overlay zone has been established to implement recommendations from the Vision 20/20 Redevelopment Plan, which identified a segment of the Martin Luther King Jr. Boulevard as an opportunity for redevelopment and revitalization. The ultimate design and site standards of this section are intended to create a traditional street corridor with pedestrian improvements, storefronts along the sidewalk, and a mixture of uses. The corridor is to contain an ambience supported by pleasant signage and building appearance, potted landscaping, store windows and public open spaces. This overlay zone is also appropriate for development of small properties to allow for consistency with the vision represented by the respective mixed use zoning district, and/or as an interim redevelopment mechanism until greater redevelopment occurs using the respective mixed use zoning district. All development within the Martin Luther King Jr. Boulevard corridor shall occur according to the provisions of the adopted plan as stated below.

2. Defined. The Martin Luther King Jr. Boulevard Overlay Zone (MLKBOZ) is hereby established as the area defined by the parcels fronting on that portion of the Boulevard located east of Seacrest Boulevard and west of Federal Highway right-of-way, along with those parcels adjacent to the north and south of these parcels that front on the Boulevard if assembled and development as a unified project.

3. Use(s) Allowed. (See "Use Matrix" - [Chapter 3, Article IV, Section 3.D.](#)).

4. Building and Site Regulations. Development within this Overlay Zone shall be in accordance with building and site regulations applicable to the underlying zoning district except as follows:

a. Parcels that have frontage along Martin Luther King Jr. Boulevard shall have the same front setback in accordance with the ~~mMixed u~~Mixed uUse-low intensity-1 zoning district (see Section 5.C. above).

b. Minimum interior and corner side setbacks shall be in accordance with the ~~mMixed u~~Mixed uUse-low intensity-1 zoning district (see Section 5.C. above).



**Sec. 10. Mobile Vendor Regulations.**

A. *Purpose and Intent.* The purpose of this section is to provide for the regulation of mobile vending activities, including assembly on public and private property, in certain commercial and mixed use zoning districts of the city, in order to promote the public interest by contributing to an active and attractive pedestrian environment. In recognition thereof, reasonable regulation of mobile vending is necessary to protect the public health, safety, and welfare and the interests of the city in the primary use of public streets, sidewalks, and parking areas, for use by vehicular and pedestrian traffic.

B. *Definitions.* See [Chapter 1, Article II](#) for specific definitions applicable to mobile vending units (MVU).

C. *Approval Required.* It shall be unlawful for any establishment or organization to engage in or carry on the business of vending food, goods, or services, upon public or private property in the city without first having secured a permit or permits as required by this section. See [Chapter 2, Article II, Section 7.C.](#) for the process and procedure to obtain approval for an MVU.

It is not the intent of these Regulations to be applied to mobile vendors temporarily approved in conjunction with a special sales event or Special Event Permit. See Section 6 above for additional regulations regarding special sales events.

D. *Districts.* The operating area of an MVU shall be entirely located in the following zoning districts: C-1, C-2, C-3, C-4, CBD, PCD, SMU, MU-~~L~~1, MU-~~L~~2, MU-~~L~~3, MU-4, MU-~~H~~C, M-1, PU, REC, PUD, and PID.



e. Zoning Districts and Affiliated Process (Table 3-29).

Zoning District	Concealed Attached WCF 1	Non-concealed Attached WCF 2	Concealed Freestanding WCF 4	Non-concealed Freestanding WCF 4	Mitigation of Existing WCF 7	Antenna Element Replacement	Co-location 8
<b>R-1</b>			CC 3		AD	AD	AD
<b>R-2</b>		AD	CC 3		AD	AD	AD
<b><u>R-3</u></b>	<u>AD</u>	<u>AD</u>	<u>CC 3</u>	-	<u>AD</u>	<u>AD</u>	<u>AD</u>
<b>R-4</b>	AD	AD	CC3		AD	AD	AD
<b>PUD</b>	AD	AD	CC 3		AD	AD	AD
<b>IPUD</b>	AD	AD	CC 3		AD	AD	AD
<b>MHPD</b>			CC 3		AD	AD	AD
<b>C-1</b>		AD	CC		AD	AD	AD
<b>C-2</b>		AD	CC		AD	AD	AD
<b>C-3</b>	AD	AD	CC		AD	AD	AD
<b>C-4</b>	AD	AD	CC		AD	AD	AD
<b>CBD</b>	AD	AD	CC		AD	AD	AD
<b>PCD</b>	AD	AD	CC		AD	AD	AD
<b>REC</b>	AD	AD	CC	CC 5,6	AD	AD	AD
<b>PU</b>	AD	AD	CC	CC 5,6	AD	AD	AD
<b>SMU</b>	AD	AD	CC		AD	AD	AD
<b>MU-L-1</b>	AD	AD	CC		AD	AD	AD
<b>MU-L-2</b>	AD	AD	CC		AD	AD	AD
<b>MU-L-3</b>	AD	AD	CC		AD	AD	AD
<b>MU-4</b>	AD	AD	CC		AD	AD	AD
<b>MU-HC</b>	AD	AD	CC		AD	AD	AD
<b>PID</b>	AD	AD	CC	CC	AD	AD	AD
<b>M-1</b>	AD	AD	CC	CC	AD	AD	AD

**Legend:**

AD - Administrative (Staff) Approval CC - City Commission (Public Hearing) Approval Blank - Not Allowed

**Footnotes:**

- 1 Concealed attached WCF shall only be allowed on building features that are a minimum of forty (40) feet in height, not to exceed fifteen (15) feet above the roofline.
- 2 Non-concealed attached WCF are allowed on utility poles and freestanding lights within a public right-of-way, subject to agreement with the agency representative with jurisdiction over the right-of-way and/or the utility company.
- 3 Concealed freestanding WCF in residential districts shall only be allowed on lots of one (1) acre or more that have a non-residential use (school, church).
- 4 A minimum separation of seven hundred fifty (750) feet is required between freestanding WCF. Requires conditional use approval. In industrial districts, except where prohibited in a mixed use pod with a residential component within a PID, the maximum height shall be limited to one hundred (100) feet if located less than one thousand (1,000) feet from a residential use, and one hundred fifty (150) feet if located in excess of one thousand (1,000) feet from a residential use.
- 5 Only when located on city-owned property of two (2) acres or more.
- 6 Restricted to a maximum height of one hundred (100) feet. A setback of three (3) times the height of WCF structure required from the property line of an adjacent residential use.
- 7 Replacement WCF with increased height requires public hearing approval.
- 8 Administrative approval unless on city-owned site and the lease requires each tenant to have a separate lease with city (each lease requires City Commission approval as a lease amendment), or the lease requires written consent letter (City Commission consent agenda).

<b>Zoning Districts:</b>		
R-1 Single-Family Residential	C-2 Neighborhood Commercial	SMU Suburban Mixed Use
R-2 Duplex Residential	C-3 Community Commercial	MU-L-1 Mixed Use <del>Low Intensity</del> 1
R-3 Multi-Family Residential	C-4 General Commercial	MU-L-2 Mixed Use <del>Low Intensity</del> 2
<u>R-4 Multi-Family Residential</u>	CBD Central Business District	MU-L-3 Mixed Use <del>Low Intensity</del> 3
PUD Planned Unit Development	PCD Planned Commercial Development	MU-4 Mixed Use 4
IPUD Infill Planned Unit Development	REC Recreation	MU-HC Mixed Use <del>High</del> Core
MHPD Mobile Home Planned Development	PU Public Usage	PID Planned Industrial Development
C-1 Office Professional		M-1 Light Industrial

f. Maximum Heights of WCF (Table 3-30).

Zoning District	Concealed Attached WCF	Non-concealed Attached WCF	Concealed Freestanding WCF	Non-concealed Freestanding WCF	Mitigation of Existing WCF	Antenna Element Replacement	Co-location
R-1			55' 3,4		7	7	7
R-2		2	55' 3,4		7	7	7
R-3	1	2	55' 3,4		7	7	7
R-4	1	2	55' 3,4		7	7	7
PUD	1	2	75' 3,4		7	7	7
IPUD	1	2	75' 3,4		7	7	7
MHPD			55' 3,4		7	7	7
C-1		2	55' 4		7	7	7
C-2		2	55' 4		7	7	7
C-3	1	2	75' 4		7	7	7
C-4	1	2	75' 4		7	7	7
CBD	1	2	130' 4		7	7	7
PCD	1	2	75' 4		7	7	7
REC	1	2	100' 4	100' 4,5,6	7	7	7
PU	1	2	100' 4	100' 4,5,6	7	7	7
SMU	1	2	70' or less 4		7	7	7
MU-L-1	1	2	70' or less 4		7	7	7
MU-L-2	1	2	70' or less 4		7	7	7
MU-L-3	1	2	70' or less 4		7	7	7
MU-4	1	2	70' or less 4		7	7	7
MU-HC	1	2	70' or less 4		7	7	7
PID	1	2	100-150' 4	100-150' 4	7	7	7
M-1	1	2	100-150' 4	100-150' 4	7	7	7

**Footnotes:**

- 1 Concealed attached WCF shall only be allowed on buildings that are a minimum of 40 feet in height, not to exceed 15 feet above the roofline.
- 2 Non-concealed attached WCF are allowed only on utility poles and freestanding lights that are more than 40 feet in height, and located within a public right-of-way (subject to agreement with the agency representative with jurisdiction over the right-of-way and/or the utility company) or on existing ball park light poles that are more than 50 feet in height. The total length of any antenna shall not exceed 15 percent of the height of the existing utility or light pole.
- 3 Freestanding WCF in residential districts shall only be allowed on lots of one (1) acre or more that have a nonresidential use (school, church, etc.). Maximum height is limited to 25 feet above the maximum building height of the zoning district.
- 4 A minimum separation of 750 feet is required between freestanding WCF. In industrial districts, except where prohibited in a mixed-use pod with a residential component within a PID, the maximum height shall be limited to 100 feet if located less than 1,000 feet from a residential use, and 150 feet if located in excess of 1,000 feet from a residential use. In all mixed-use districts height is limited to approved building height or 70 feet whichever is less.
- 5 Only when located on City-owned property of two (2) acres or more.
- 6 Restricted to a maximum height of ~~60~~ 100 feet. A setback of three (3) times the height of WCF structure required from the property line of an adjacent residential use.
- 7 Shall comply with maximum height per table based on WCF type and zoning district. Any additional height requires public hearing approval.

g. Setbacks and Separation Between WCF (Table 3-31).

Zoning District	Concealed Attached WCF	Non-concealed Attached WCF	Concealed Freestanding WCF	Non-concealed Freestanding WCF	Mitigation of Existing WCF	Antenna Element Replacement	Co-location
<b>R-1</b>			3,4		6		7
<b>R-2</b>		2	3,4		6		7
<b>R-3</b>	1	2	3,4		6		7
<b>R-4</b>	1	2	3,4		6		7
<b>PUD</b>	1	2	3,4		6		7
<b>IPUD</b>	1	2	3,4		6		7
<b>MHPD</b>			3,4		6		7
<b>C-1</b>		2	3,4		6		7
<b>C-2</b>		2	3,4		6		7
<b>C-3</b>	1	2	3,4		6		7
<b>C-4</b>	1	2	3,4		6		7
<b>CBD</b>	1	2	3,4		6		7
<b>PCD</b>	1	2	3,4		6		7
<b>REC</b>	1	2	3,4	4,5	6		7
<b>PU</b>	1	2	3,4	4,5	6		7
<b>SMU</b>	1	2	3,4		6		7
<b>MU-L-1</b>	1	2	3,4		6		7
<b>MU-L-2</b>	1	2	3,4		6		7
<b>MU-L-3</b>	1	2	3,4		6		7
<b>MU-4</b>	1	2	3,4		6		7
<b>MU-HC</b>	1	2	3,4		6		7

<b>PID</b>	1	2	3,4	4,5	6		7
<b>M-1</b>	1	2	3,4	4,5	6		7

Footnotes:

- 1 Concealed attached WCF shall only be allowed on buildings that are a minimum of forty (40) feet in height, not to exceed fifteen (15) feet above the roofline.
- 2 Non-concealed attached WCF are allowed only on utility poles and freestanding lights that are more than forty (40) feet in height, and located within a public right-of-way (subject to agreement with the agency representative with jurisdiction over the right-of-way and/or the utility company) or on existing ball park light poles that are more than fifty (50) feet in height. The total length of any antenna shall not exceed fifteen percent (15%) of the height of the existing utility or light pole.
- 3 Freestanding WCF in residential districts shall only be allowed on lots of one (1) acre or more that have a non-residential use (school, church, etc.). Maximum height is limited to twenty-five (25) feet above the maximum building height of the zoning district.
- 4 A minimum separation of seven hundred fifty (750) feet is required between freestanding WCF. In industrial districts, except where prohibited in a mixed use pod with a residential component within a PID, the maximum height shall be limited to one hundred (100) feet if located less than one thousand (1,000) feet from a residential use, and one hundred fifty (150) feet if located in excess of one thousand (1,000) feet from a residential use. In all mixed use districts height is limited to approved building height or seventy (70) feet whichever is less.
- 5 Only when located on city-owned property of two (2) acres or more.
- 6 Restricted to a maximum height of one hundred (100) feet. A setback of three (3) times the height of WCF structure required from the property line of an adjacent residential use.
- 7 Shall comply with maximum height per table based on WCF type and zoning district. Any additional height requires public hearing approval.

## Code of Ordinances, Part III. LDR Ch. 4, Art. III. Exterior Building and Site Design Standards

### Sect. 5. Design Standards for Specific Uses in the Use Matrix

The following uses, which correspond with the Notes and Restrictions of [Chapter 3, Article IV, Section 3.D](#), contain special standards related to exterior building and site design:

A. *Group Home Type 1 and Type 2*. For new construction, the facility shall have building elevations that are residential in character and similar in appearance to the surrounding neighborhood. They shall not be institutional in appearance.

B. *Auto Dealer, New*. Within the MU-L3 and MU-HC districts, the following shall apply: Overhead doors shall not be visible from any major roadway frontage.

C. *Auto Dealer, Used*. Within the MU-L3 and MU-HC districts, the following shall apply: Overhead doors shall not be visible from any major roadway frontage.

D. *Gasoline Stations*. All Gasoline Stations located on designated out-parcels to shopping centers, business centers, or other planned commercial developments shall conform in design to the approved design plan of the principal center.

E. *Automobile Rental*. Within the MU-L3 and MU-HC districts, the following shall apply: Overhead doors shall not be visible from any major roadway frontage. See Section 3.G above for additional regulations regarding overhead doors.

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H. *Storage, Self-Service*. For all Self-Service Storage facilities adjacent to or visible from any arterial right-of-way roadway, the following shall apply:

1. The exterior colors, facades, windows, roof, and building materials shall be compatible with the character of, or vision for the surrounding. Self-service Storage facilities shall incorporate design elements to achieve the effect of office structures.

2. All facades visible from arterial roadways shall provide variety and interest in the facade(s). These facades shall not exceed 50 feet in length without visual relief by means of a vertical reveal at least one (1) foot in depth and 10 feet in width, a perceptible change in wall angle, or a corner. Other design attributes shall include, roof slope and materials, windows, awnings, fencing and other aesthetic elements.

3. Within the SMU, MU-L1, MU-L2, and MU-L3 districts, the following shall apply: Buildings shall be designed to have the appearance of a multi-story retail, office, and/or residential structure through the use of similar windows, shutters, and appropriate building elements on the upper floors.

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### Sec. 6. Design Standards for Development in Urban Areas.

#### A. *General*.

1. *Purpose and Intent*. The location of buildings/structures and off-street parking areas proposed for a development can directly impact the aesthetic fabric and quality of life for surrounding properties and the community as a whole. It is the purpose of this section to provide design standards that are tailored to distinct geographic areas of the City to ensure that the location and appearance of buildings/structures and off-street parking areas are appropriate with the type, intensity, scale, and location of redevelopment and new development. The intent of this section is to promote standards that are functional, practical, equitable, and creative.

2. *Applicability*. Unless otherwise specified, these standards shall apply to new projects and major modifications to existing developments located in the following:

- a. All properties currently zoned:

- (1) Central Business District (CBD); or

(2) Any "Mixed-Use (Urban)" district. For the purpose of this section, Mixed-Use (Urban) districts shall include the Mixed Use-~~Low Intensity~~ 1 (MU-~~L~~1), Mixed Use-~~Low Intensity~~ 2 (MU-~~L~~2), Mixed Use-~~Low Intensity~~ 3 (MU-~~L~~3), Mixed Use-4 (MU-4), and Mixed Use-~~High Intensity~~Core (MU-~~HC~~) district.

b. Any commercially zoned property located:

(1) Along Boynton Beach Boulevard, east of Interstate 95 and west of the Florida East Coast (FEC) Railroad right-of-way;

(2) Within the Urban Commercial District Overlay Zone (UCDOZ); and

(3) Within the Martin Luther King Junior Boulevard Overlay Zone (MLKBOZ).

.....

G. *Sidewalks.* The following regulations shall apply to sidewalks:

1. "Urban Mixed Use" Districts. The following regulations shall apply to sidewalks in all Urban Mixed Use zoning districts as described in [Section 6.A.2.a.\(2\)](#) above:

a. Materials. Sidewalks shall, where practical, be Holland-Stone pavers, red/charcoal color mix 2 by Paver Systems, Inc., or equal, laid in a 4 S herringbone pattern to continue the consistent with the current design elements in place along Federal Highway.

b. Design. Pedestrian circulation should be carefully planned to prevent pedestrian use of vehicular ways and parking spaces.

In all cases, pedestrian access shall be provided to public walkways.

2. Mixed Use-~~High Intensity~~Core (MU-~~HC~~) District. Sidewalks constructed along arterial roadways shall be a minimum of ten (10) feet wide, measured from the back of the curb.

3. Mixed Use Developments. Sidewalk accents via pavers or stamped colored concrete shall be utilized in all central pedestrian ways of mixed-use development areas.

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## Sec. 8. Open Space and Plaza Requirements.

### A. *General.*

1. Purpose and Intent. Open air and semi-enclosed public gathering spaces can act as central organizing elements in a large development. They can also contribute to the relationship between different land uses and provide focal points and anchors for pedestrian activity.

2. Conflict. Whenever the regulations and requirements of this code are at conflict with any other lawfully enacted and adopted rules, regulations, ordinances, or laws, the most restrictive shall apply. Additionally, specific design provisions within the zoning district regulations of this subsection shall take precedence over the General Design Standards of [Section 7.B.](#) below.

3. Applicability (by Zoning District).

a. Mixed Use-4 (MU-4) and Mixed Use-~~High Intensity~~Core (MU-~~HC~~) Districts. Pursuant to [Chapter 3, Article III, Section 5.C.1](#), usable open space shall be required for all developments two (2) acres in size or larger. ~~A minimum of two percent (2%) of the site~~ Such space shall be devoted to usable open space, consisting of plazas or public open space, excluding private recreation areas.

## Sect. 2. Standards

B. Table 4-17. Residential and Lodging Uses.

Residential and Lodging Uses	Standard Number of Required Parking Spaces
Building area size is based upon gross floor area (in square feet) unless specifically expressed otherwise.	
Single-family, duplex dwelling, or mobile home:	x <sup>1, 2</sup>
Efficiency or one (1)-bedroom apartment:	1.5 <sup>1,2, 3</sup>
Within <del>mMixed</del> <del>uUse</del> <del>highCore</del> district:	1.33 <sup>3</sup>
Two (2) or more bedroom apartment:	2 <sup>1,2, 3</sup>
Within <del>mMixed</del> <del>uUse</del> <del>highCore</del> :	1.66 <sup>2,3</sup>
Dormitories:	1 per unit
Hotel & motel suite:	1.25 per unit <sup>6</sup>
Within <del>mMixed</del> <del>uUse</del> <del>highCore</del> :	1 per unit
Group home (types 1, and 2):	2 <sup>1, 2</sup>
Group home (type 3)	1 per 3 beds
Bed & breakfast:	1 <sup>2, 4</sup>
Live/work unit:	1 per 2 units <sup>5</sup>

1. A minimum of two (2) spaces are required per unit, or 1 space per bedroom, whichever is greatest. Except that dwellings with 5 or more bedrooms are required 1.5 spaces per bedroom. This requirement shall apply to new construction, reconstruction, expansion of existing homes that increase the number of bedrooms, or when the home is the subject of an application for a business tax receipt or certification of use.
2. Residential driveways can be used to satisfy, or partially satisfy the parking space requirements for single-family detached dwelling units, duplexes, and multi-family dwelling units containing garages, provided such driveways are of sufficient size to meet the parking space requirements of this subsection. A residential driveway of sufficient size shall be provided prior to the issuance of a certificate of occupancy. If garages are used towards meeting minimum parking requirements, said garages shall remain open and available for vehicle parking consistent with the design represented at time of approval. For all required parking spaces not located within an enclosed garage, the first parking space shall be the minimum size required for a handicap space, exclusive of public or private rights-of-way, and all other required spaces must be dimensioned in accordance with current city standards. All driveways shall be setback at least two (2) feet from interior side and corner side property lines, and maintained and drained so as to prevent nuisance conditions or a danger to the public and/or adjacent property owners. Any expansion to an existing driveway shall require a zoning permit from the Planning and Zoning Division in accordance with the procedures specified in [Chapter 2, Article II, Section 5.B.](#); however, any driveway expansion (or similar impervious surface) that is equal to or greater than eight hundred (800) square feet shall require the approval of a land development permit in accordance with [Chapter 2, Article III, Section 3](#). Any work, such as a driveway, proposed within the swale (right-of-way) shall require a permit from the Engineering Division in accordance with the procedures specified in [Chapter 2, Article III, Section 4](#).



3. Guest parking shall be provided at a rate of 0.15 spaces per unit for residential developments consisting of three (3) or more dwelling units.
4. Required parking shall be calculated on the basis of one (1) space per each employee, manager, or owner and one (1) parking space for each guest unit. Newly created parking may be located only in the rear and side yard.
5. In addition to the required parking for the residential unit, the city requires that one (1) parking space per two (2) live/work units be provided to meet business activity needs. Parking provided to meet this requirement shall be located on the lot, built into or under the structure, or within three hundred (300) feet of the unit in which the use is located. The distance shall be a straight line measurement from a point on the boundary line of the property of the subject unit to the closest boundary line of the property on which the parking is located. Parking provided to accommodate said space, including driveways of adequate depth in front of the unit's garage, shall not serve as meeting required parking for the unit's residential use.
6. Hotel/motel uses open to the general public, such as a restaurant or lounge, shall provide parking at a rate of fifty percent (50%) of the requirement of a standalone operation.

Code of Ordinances, Part III. LDR Ch. 3, Art. IV. Sect. 3.D Zoning Matrix

Use Matrix (Table 3-28).

P = Permitted C = Conditional A = Accessory			Residential									Commercial					Mixed-Use							Industrial		Misc.		
		R-1-AAB	R-1-AA	R-1-A	R-1	R-2	R-3	<u>R-4</u>	IPUD √	PUD	MHP	C-1	C-2	C-3	C-4	CBD	PCD	SMU	MU- <u>L1</u>	MU- <u>L2</u>	MU- <u>L3</u>	MU-4	MU- H	M-1	PID	PU	REC	
		RESIDENTIAL & LODGING																										
Accessory Dwelling Unit							P 36					P 36	P 36	P 36	P 36										P 36		P 20 36	P 20 36
Bed & Breakfast		C 37	C 37	C 37	C 37		C 37						C 37			C 37												
Dwelling, Single- family (detached)		P 34	P 34	P 34	P 34	P 34	P 19 34	<u>P</u>	P 34	P 34			P 18 19 34					P 34									A 20 34	A 20 34
Dwelling, Two-family (duplex)						P 34	P 19 34	<u>P</u>	P 34	P 34			P 18 19 34	P 34 38		C 34	P 34 38	P 34	P 34	P 34	P 34		C 34			A 20 34	A 20 34	
Dwelling, Multi-family							P 19 34	<u>P</u>	P 34	P 34			P 18 19 34	P 34 39		C 34	P 34 39	P 34	P 34	P 34	P 34	P 6 34	P 6 34		P 27 34	A 20 34	A 20 34	
Dwelling Units in Mixed Use Buildings							P 18 19 34						P 18 19 34			P 34		P 34	P 34	P 34	P 34	P 6 34	P 6 34		P 27 34	A 20 34	A 20 34	
Group Home Type 1 (2 per room up to 10 residents, limited service)		P 40	P 40	P 40	P 40	P 40	P 40																					
Group Home Type 2 (2 per room up to 14 residents, limited service)						P 14 40	C 40	<u>C</u> <u>40</u>		C 40																		
Group Home Type 3 (comprehensive service)							C 14 40	<u>C</u> <u>14</u> <u>40</u>		C 40		C 40	C 40	P 40			P 40		C 40	C 40	C 40	<u>C</u> <u>40</u>						
Hotel & Motel														P 41	P 41	P 41	P 41	C 41	C 41	C 41	C 41	P 41	P 41		P 41			

Live-Work Units																	P 42	P 42	P 42	P 42	P 42	P 42		P 27		
Manufactured Home										P 34																
Townhouse						P 19 34	P	P 34	P 34			P 18 19 34	P 34		C 34	P 34	P 34	P 34	P 34	P 34	P 34	P 34		P 27 34	A 20 34	A 20 34
	<u>COMMERCIAL</u> <u>Retail Sales</u>																									
Art, Book, Craft, Hobby, Music, Sporting Goods, & Toys						P 18						P 1	P	P	P 43	P	P 10 17	P 17	P 17	P 17	P 17	P 17		P 28 43	A 20	A 20
Auto Dealer, New																				P 14 16 44		P 14 16 44		P 44		
Auto Dealer, Used																				P 14 16 44		P 14 16 44		P 44		
Automotive Parts Store													P	P	P	P	P 17	P 17	P 17	P 17		P 17	P 23	P 27		
Beer, Wine, & Liquor Store													P 35		P 35	P 35	P 17 35	P 17 35	P 17 35	P 17 35	P 17 35	P 17 35		P 15 27 35		
Boat Dealer/Rental														C 45							A 16 45	A 16 45				
Cleaning Supply Store (Swimming Pool, Janitorial)												P 1	P	P	P	P	P 17	P 17	P 17	P 17		P 17	P 22	P 28		
Clothing & Accessories						P 18						P 1	P	P	P	P	P 10 17	P 17	P 17	P 17	P 17	P 17		P 28 30		
Convenience Store									P 2 3 8 35			P 2 3 35	P 3 35	P 3 35	P 7 35	P 35	P 17 35	P 17 35	P 17 35	P 17 35	P 1 11	P 17 35	P 22 35	P 15 27 35		
Cosmetics, Beauty supply,						P 18						P 1	P	P	P	P	P 10	P	P	P	P	P		P 28		

& Perfume																					17			30		
Electronics & Appliance Store												P 1	P	P	P	P	P 10	P 14	P 14	P 14	P 17	P	P 22	P 28 30		
Florist						P 18			P 1 8			P 1	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P 27		
Furniture & Home furnishing						P 18						P 1	P	P	P	P	P 10 17	P 17	P 17	P 17	P 17	P 17	P 22	P 2 28 30		
Gasoline Station												C 46	C 46	C 46		C 46				C 16 46		C 16 46				
Grocery Store													P		P	P	P 10 17	C 17 47	P 17 47	P 17 47	P 17	P 17 47		P 27		
Hardware Store												P 2	P	P	P 48	P	P 17	P 17 48	P 17 48	P 17 48	P 17 48	P 17 48	P 22	P 27 48		
Health & Personal Care (Eyeglass, Medical Supplies, Hearing-Aids)						P 18 68					P	P	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P 27		
Home Improvement Center													P			P	P 10 16							P 16 27 49		
Jewelry, Luggage, & Leather Goods						P 18						P 1	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17		P 28		
Marine Accessories												P 1 50	P	P	P	P	P 17	P 17 50	P 17 50	P 17 50	P 17 50	P 17 50	P 22	P 28		
Merchandise, New (Supercenter, Discount, Department, Club)													P			P	P 10 16							P 16 27 51		
Merchandise, Used (Antique Shop)						P 18 52						P 1 52	P 52	P 52	P 52	P 25	P 17 52	P 17 52	P 17 52	P 17 52	P 17 52	P 17 52		P 27 52		
Merchandise, Used (Other)													P 53	P 53		P 53								P 15 27 53		
Mobile Vending Unit (MVU)												P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54		P 54		
Multiple-Vendor Market													P 55	P 55		P 55								P 15		

																								27 55		
Novelty, Gift, Souvenir, & Miscellaneous						P 18						P 1	P	P	P	P	P 17	P 17	P 17	P 17	P 1 11	P 17		P 27	A 20	A 20 21
Nursery, Garden Ctr. & Farm Supply												P 2 3 56	P 3 56	P 3 56		P 3 56							P 3 22 56			
Office Supplies & Stationery												P 1	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17		P 28		
Pet Store & Supplies						P 18						P 1	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17		P 28		
Pharmacy & Drug Store											P 1 57	P 2 57	P 57	P 57	P 57	P 57	P 17 57	P 17 57	P 17 57	P 17 57	P 17 57	P 17 57		P 15 27 57		
Restaurant						P 18 58					A 58	P 2 58	P 58	P 58	P 58	P 58	P 17 58	P 17 58	P 17 58	P 17 58	P 17 58	P 17 58	P 58	P 27 58	A 20 58	A 20 21 58
Restaurant, Take-out						P 18			P 2 8			P 2	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 59	P 28	A 20	A 20 21
Showroom warehouse (single-product line)													P 100			P 100	P 100							P 100		
Specialty Food Store						P 18						P 2	P	P	P	P	P	P	P	P	P 2 11	P		P 27		
Tile and Carpet													P	P		P	P 10 17	P 17	P 17	P 17		P 17	P 22	P 24 28		
	COMMERCIAL Services																									
Auto Broker													P	P	P	P				P		P	P	P		
Auto/Car Wash (Polishing, Waxing, Detailing)												A 60	C 60	C 60		C 60								A 60		
Auto/Car Wash, Self-serve Bay													C	C		C										
Automobile Rental													A 61	P		C 61				P 16		P				

														3 61						61		16 61				
Automotive, Minor Repair												A 62	C 62	P 3 62		C 62							P 3 62	A 62		
Automotive, Major Repair																							P 3 13 63			
Automotive Window Tinting/Stereo Installation/Alarms												A 64	P 64	P 64		C 64							P 64	P 26		
Bar & Nightclub													C	C	C	C	C 16		C 14 16	C 14 16	C 16	C 16		C 27		
Caterer												P	P	P	P	P							P 22	C		
Check Cashing													P 65	P 65		P 65								P 27		
Coin-operated Laundry									P 1 8			P 1	P	P	P	P	P 17	P 17	P 17	P 17				P 27		
Day & Trade Labor Pool (Temporary Help)														C									P 13			
Dry Cleaner									P 2 8 66			P 2 66	P 66	P 66	P 66	P 66	P 66	P 66	P 66	P 66	P 66	P 66	P 22 66	P 27 66		
Fortune Teller, Palm Reader, or Psychic																							P 22			
Funeral Home											C	C	P 3	P 3		P 3		C 16	C 16	C 16					A 3 67	
Interior Decorator Studio						P 18						P	P	P	P	P	P 11	P 11	P 11	P 11	P 11	P 11	P 22	P		
Landscaping Debris Stockpiling																							C 103			
Locksmith												P 1	P	P	P	P							P 22	P		
Mobile Vending Unit (MVU)									P 54		P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54	P 54
Personal Care (Beauty, Hair, Nails)						P 18 68			P 8 68			P 1 68	P 68	P 68	P 68	P 68	P 17 68	P 17 68	P 17 68	P 17 68	P 17 68	P 17 68	P 22 68	P 27 68		
Pet Care (Boarding and												A 69	C 69	C 69	C 69	C 69	C 16	C 16	C				P	C 27		

Daycare)																	69	69	16 69				3 22 69	69			
Pet Care (Grooming)												P	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P 27			
Pet Care (Veterinary Services)											P	P	P	P	P	P	P 16	P 16	P 16	P 16	P 16	P 16	P 22	P 27			
Photography Studio						P 18					P	P 18	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P 27	A 20	A 20	
Postal/Mail Center											A 70	P 1 70	P 70	P 70	P 70	P 70	P 16 70	P 16 70	P 16 70	P 16 70	P 16 70	P 16 70	P 22 70	P 28 70			
Repair/Maintenance, Personal and Household Goods									P 1 8			P 1	P	P	P	P	P 17	P 17	P 17	P 17		P 17	P 22	P			
Repair, Rental, & Maint of Home/Garden Tools													P 71	P		P 71							P 12				
Repair, Rental, & Maint of Office, Home Equip												P	P	P	P	P	P 10 17	P 17	P 17	P 17		P 17	P	P			
Travel Agency						P 18 19					P 1	P 1 19	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P 27			
Tuxedo, Formal Wear, Costume Rental												P 1	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17		P 27			
Videos, Games & DVD Rental												P 1	P	P	P	P	P	P 14	P 14	P 14	P	P		P 27			
	OFFICE & HEALTH CARE																										
Bank and Financial Office											P	P 1	P	P	P	P	P 16	P 16	P 16	P 16	P 16	P 16		P 27 31			
Business or Professional Office						P 18 19			P 8		P	P 18 19	P	P	P	P	P 73	P 73	P 73	P 73	P 73	P 73	P 22	P 28 31			
Call Center											P	P	P	P	P 5	P	P 5	P 5	P 5	P 5	P 5	P 5	P 13	C 29			
Copying, Printing, and Sign Design											P	P 2	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 22	P			
Counseling											P	P 1	P	P	P	P	P 16	P 16	P 16	P 16	P 16	P 16	P 22	P 27 31			
Diet/Nutrition Center												P	P	P	P	P	P 17	P 17	P	P 17	P 17	P	P 22	P 27			

												1							17			17		31			
Hospital																								P 72			
Information and Data Processing											P	P 1	P	P	P	P							P	P 29			
Investigative Service									P 8		P	P 1	P	P	P	P	P 16	P 16	P 16	P 16	P 16	P 16	P 22	P 27 31			
Manufacturer Representative											P 1	P 1	P	P	P	P	P						P	P 24 28 31			
Medical Care or Testing (In-patient)											P 14 101 102	P 14 101 102	P 14 101 102			P 14 101 102											
Medical or Dental Imaging/Testing/ Support Services											P	P 1	P	P	P	P	P 16	P 16	P 16	P 16	P 16	P 16	P 22	P 24 27 31			
Medical or Dental Laboratory														P									P 13	P 29			
Medical or Dental Office (Out-patient)											P	P 1	P	P	P	P	P 16	P 16	P 16	P 16	P 16	P 16	P 22	P 27 31			
Real Estate Business						P 18 19					P	P 18 19	P	P	P	P	P 16	P 16	P 16	P 16	P 16	P 16		P 27 31			
Social Service Agency					C 74	C 74					P	P															
Temporary Employment Agency											P	P	P	P	P	P	P 16	P 16	P 16	P 16	P 16	P 16		P 27 31			
		ARTS, ENTERTAINMENT & RECREATIONAL																									
Adult Entertainment													C 75	C 75		C 75							P 13 75	P 75			
Artist Studio						P 18						P 18	P 76	P 76	P 76	P 76	P 76	P 76	P 76	P 76	P 76	P 76	P	P	A 20	A 20	
Arts Campus						P 18																			P 18	P 18	
Entertainment, Indoor												P 1 77	P	P	P	P	P 11	P 11 14	P 11 14	P 11 14	P 11	P 11	P 22 77	P 27		A 21	
Entertainment, Outdoor													C 78			C 78											
Gym, Fitness & Health Club						P 18 19							P	P	P	P	P 10 11	P 11 14	P 11 14	P 11 14	P 11	P 11		P 27			
Indoor Athletic						P 18						P	P	P	P	P	P	P 14	P	P 14	P	P	P	P			



Instruction/Training						19						1			1				14		1	1				
Marina, (including Yacht Club)								P 79							P 79			P 11 79	P 11 79	P 11 79	P 11 79	P 11 79				
Museum						P 18						P 18									P				P	P 18
Rentals, Recreational (bicycles, canoes, personal watercraft)													P	P	P	P	P 11	P 11 14 80	P 11 14 80	P 11 14 80	P 11	P 11				A 21
Shooting Range, Indoor													P	P		P								P 4 29		
Sightseeing & Scenic Tours											P 81	P 81	P 81	P 81	P 81	P 81	P 11 81	P 11 81	P 11 81	P 11 81	P 11 81	P 11 81				
Theater						P 18 82						P 18 82	P 82	P 82	P 82	P 82	P 11 82	P 11 14 82	P 11 14 82	P 11 14 82	P 11 82	P 11 82			P 20 82	P 18 82
		PUBLIC & CIVIC USES																								
Cemetery											A 3 83	A 3 83	A 3 83	A 3 83		A 3 83		A 3 83	A 3 83	A 3 83					P	
Church	C 33 84	C 33 84	C 33 84	C 33 84	C 84	C 84			P		P	P					P 15	P 15	P 15	P 15						
Civic & Fraternal Club/ Organization											P 3	P 3					C 15	C 14 15	C 14 15	C 14 15						
Government, Municipal Office/ Emergency/ Civic Facilities	P 85	P 85	P 85	P 85	P 85	P 85		P 85	P 85		P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 85	P 25	P	P
Government, Municipal Utility/ Support Facilities																									P	
Government, Non-Municipal Office Facilities											P 1	P 1	P 1 5	P 1	P 1 5	P 1 5	P 5 86	P 86	P 86	P 5 86	P 5 86	P 5 86	P 86	P 24 25 28 31 86	P	
Government, Non-Municipal Utility/ Support Facilities																									P	
Government, Post Office													C	C		C	C			C	C	C			P	

	EDUCATIONAL																									
College, Seminary, University											P	P	C			C		P 15	P 15	P 15					P	
Day Care	C 33 87	C 33 87	C 33 87	C 33 87	C 87	C 87			P 8 87		C	C	C	C	C	C 87	P 11	P 11 14	P 11 14	P 11 14	P 11	P 11	P 22			
School, Industrial & Trade														C									P 22	P 26		
School, Primary and Secondary	C 33	C 33	C 33	C 33	C	C			P															P 25	P	
School, Professional & Technical						P 18					P	P 18	P	P	P	P	P 15	P 15	P 15	P 15		P 15		P 24 27 31		
Tutoring and Testing Centers											P	P	P	P	C	P	P 11	P 11	P 11	P 11	C 11	C 11	P 22	P 24 27 31		
	INDUSTRIAL Manufacturing, Fabrication & Processing																									
Bakery, Commercial														C 9									P 9	P 26		
Beverage Mfg														C 9									P 9	P 26		
Converted Paper Product Processing																							P 13	P 26		
Dairy Products Mfg														C 9									P 9	P 26		
Electrical Equipment, Appliance & Component Assembly																							P 13	P 26		
Food Processing														C 9									P 9	P 26		
Footwear & Other Leather Products																							P 23	P 26		
Frozen Food														C 9									P 9	P 26		
Furniture Products																							P 23	P 26		
Glass Products																							P 23	P 26		
Ice Cream & Frozen Dessert														C 9									P 9	P 26		

Jewelry Mfg																							P 23	P 26			
Medical Equipment & Supplies																							P 23	P 26			
Metal, Fabricated Products																							P 23	P 26			
Motor Vehicle Seating & Interior Trim																							P 23	P 26			
Ornamental, China, Fine Earthenware, & Pottery																							P 23	P 26			
Paint, Coating & Adhesive																							P 23	P 26			
Pharmaceutical & Medicine																							P 23	P 26			
Plastic Products																							P 23	P 26			
Rubber Products																							P 23	P 26			
Soap & Toiletry																							P 23	P 26			
Sporting Goods and Toys																							P 23	P 26			
Stone cutting & finishing																							P 23 88	P 26 88			
Textile Products																							P 23	P 26			
Wood Products																							P 23	P 26			
	INDUSTRIAL Storage, Distribution & Wholesale Trade																										
Packing & Shipping, Trucking, and Moving																							P 13	P 29			
Storage, Boats/ Motor/Recreational Vehicles															A 89				A 89	A 89		A 89	P 13 89				
Storage, Self-Service																	C 5 11 90	C 5 11 90	C 5 11 90	C 5 11 90			P 90				
Warehouse, Internet Sales														P									P	P 26			
Warehousing														C 12									P 23	P 26			
Wholesale Trade														C 12									P 23	P 26			

	INDUSTRIAL Services																										
Boat Repair																							P 13 91				
Carpet and Upholstery Cleaning Services														P 92									P 22	P 26			
Contractor														P 93									P 23 93	C 29 93			
Dry Cleaning Plant																							P 13	P 26			
Exterminating and Pest Control																							P 3 13	P 26			
Glass and Mirror														P									P 23	P 26			
Janitorial and General Cleaning														P									P 13	P 26			
Lawn Maintenance & Landscaping Service														P 94									P 13 94				
Publishing & Commercial Printing																							P 23	P 26			
Radio & TV Broadcasting											P 95	P 95	P 95	P 95	P 95	P 95							P 95	P 29 95			
Recording Studio													P	P	P	P							P	P 29			
Rental/Leasing, Industrial & Commercial Equipment																							P 13 32				
Repair/Maint enance, Industrial & Commercial Equipment																							P 13 32				
Research & Development, Scientific/ Technological																							P 96	P 29 96			
Security Services													P	P		P							P 13	P 29			
Sewer/Septic & Waste Mgmt Cleaning																							P 3 13 97	C 4 26 97			
Taxi, Limo, Charter Bus												P 1 98	P 98	P 98	C 98	P 98							P 3 13 98				
Testing Laboratory																							P 13	C 26			

Towing, Motor Vehicle																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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1. General Note. Gross floor area shall not exceed five thousand (5,000) square feet.

1. General Note. Gross floor area shall not exceed five thousand (5,000) square feet.
2. General Note. The gross floor area shall not exceed ten thousand (10,000) square feet.
3. General Note. Conditional use approval shall be required if located within one hundred (100) feet from a residential zoning district or mixed use zoning district.
4. General Note. As a principal or accessory use, it is allowed if there is a minimum separation of three hundred (300) feet between such use and a residential zoning district. The distance shall be measured in a straight line from the property line of the subject use to the property line of the residential zoning district.
5. General Note. This use shall be prohibited on the first floor.
6. General Note. For those projects with frontage on an arterial road, this use is allowed as a permitted use if the ground floor fronting the arterial is devoted to office or retail use; otherwise, conditional use approval shall be required.
7. General Note. Shall exclude drive-through facilities.
8. General Note. Non-residential uses located in a PUD must serve the needs of the PUD and not the general needs of a surrounding area. Areas designated for commercial activities shall not generally front on exterior or perimeter streets, and shall be located centrally within the project. The only exception to these rules is when a residential mixed-use project would promote new urbanism design standards and helps to further sustainable initiatives. Such developments shall also be designed to further any applicable recommendations within the corresponding redevelopment plan.
9. General Note.
  - a. All districts. The maximum size of a tasting room shall be less than 50% of the gross floor area for that establishment. No use shall be carried out so as to allow the emission of objectionable or offensive odors or fumes in such concentration as to be readily perceptible at any point at or beyond the boundary of the zoning district. See Chapter 4, Article V, Section 2.E for additional regulations pertaining to off-street parking requirements for tasting rooms.
  - b. C-4 district. If proposed on a site that fronts on an arterial or collector roadway, the establishment shall be required to have an accessory commercial component (i.e., tasting room or retail showroom) to the operation. The size of the tasting room/retail showroom shall be at least ten percent (10%) of the gross floor area or one thousand (1,000) square feet, whichever is greater. This minimum size requirement is not applicable to those establishments which do not front on an arterial or collector roadway. See subparagraph d. below for additional provisions pertaining to beverage manufacturing establishments.
  - c. M-1 District.
    - (1) An accessory commercial component (i.e., tasting room or retail showroom) shall be required for any establishment located on an arterial roadway. In all other instances, an accessory commercial component is optional.
    - (2) No drive-up, drive-through, or drive-in facilities shall be allowed.
    - (3) See subparagraph d. below for additional provisions pertaining to beverage manufacturing establishments.
  - d. Beverage Manufacturing.

(1) A tasting room, retail showroom, and/or facility tours shall not be open to the public after 10:00 p.m., except Fridays and Saturdays, whereby it may remain open until 11:00 p.m.

(2) This type of establishment may be eligible for a live entertainment permit; however, no amplified music shall be allowed.

(3) No permanent food preparation is allowed on premises.

10. General Note. Buildings greater than eighty thousand (80,000) square feet shall require conditional use approval. Maximum footprint is one hundred twenty-four thousand (124,000) square feet. Building elevations shall be enhanced with appropriate design elements to break up wall expanses (i.e. articulation, windows, columns, varied rooflines, etc.).

11. General Note. This use shall be integrated into a mixed use building or development.

12. General Note. This use is allowed, but it shall not be located on a lot that fronts on an arterial roadway.

13. General Note. This use is allowed, but it shall not be located on a lot that fronts on an arterial or collector roadway.

14. General Note. The subject use is only allowed on a lot that fronts on an arterial or collector street as defined in Part III, Chapter 1, Article II of the LDR under definitions for "Street-Arterial" and "Street-Collector". Except for uses providing Medical Care or Testing (In-patient) shall be limited to lots that front on an arterial roadway.

15. General Note. This use shall be integrated into a mixed-use building or development. It must not 1) occupy more than fifty percent (50%) of the gross floor area of any given building; and 2) exceed twenty percent (20%) of the gross floor area of the mixed use development.

16. General Note. This use shall be integrated into a mixed-use building or development. It must not 1) occupy more than fifty percent (50%) of the gross floor area of any given building or 2) exceed thirty percent (30%) of the gross floor area of the mixed use development.

17. General Note.

a. All Mixed-Use Districts. This use shall be integrated into a mixed-use building or development. It must not 1) occupy more than fifty percent (50%) of the gross floor area of any given building or 2) exceed thirty percent (30%) of the gross floor area of the mixed use development.

b. MU-~~L1~~ district, MU-~~L2~~ district, and MU-~~L3~~ and MU-4 district. The subject use is only allowed on lots fronting on arterial or collector roadways.

18. Ocean Avenue Overlay Zone.

a. This use is allowed in this zoning district only when proposed on a lot located within the Ocean Avenue Overlay Zone (OAOZ).

b. Any proposed non-residential use that would abut a side property line of a residential use located on Northeast 1st Avenue or Southeast 1st Avenue requires conditional use approval.

c. Any allowable use is considered permitted by right, provided that it is proposed on property with frontage on Ocean Avenue; otherwise conditional use approval shall be required. Additionally, no existing uses shall be deemed non-conforming.

d. Professional and technical schools allowed in the OAOZ are limited to those that teach the culinary and visual arts.

19. General Note. This use shall be prohibited on the ground level of buildings located on lots that front on Ocean Avenue located within the Ocean Avenue Overlay Zone.
20. General Note. This use is allowed as an accessory use to any lawful Arts Campus located within the Ocean Avenue Overlay Zone.
21. General Note. This use is allowed as an accessory use to any city-owned and operated park facility.
22. General Note. This non-industrial use is allowed within the M-1 district, provided that it 1) is located within a multiple-tenant development on a lot that fronts on an arterial roadway; 2) does not exceed five thousand (5,000) square feet; 3) excludes a drive-up, drive-through, or drive-in facility; and 4) complies with all off-street parking requirements of Chapter 4, Article V. In addition, the sale of used merchandise is only allowed as accessory to the sale of new merchandise.
23. General Note. This use is allowed on an arterial or collector roadway within the M-1 district provided that it has accessory commercial component to the operation. This establishment will be required to meet the following criteria:
- a. Location. The accessory commercial component shall be located within a building situated on a lot that fronts on an arterial or collector roadway; and
  - b. Interior. An indoor showroom of at least two hundred fifty (250) square feet for retail sales shall be required for establishments twenty-five thousand (25,000) square feet or less. An indoor showroom area of at least one percent (1%) of the gross floor area shall be required for establishments greater than twenty-five thousand (25,000) square feet.
24. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Commercial (C) land use option.
25. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Governmental & Institutional (G&I) land use option.
26. General Note. This use is allowed within the PID, except that if proposed in Quantum Park, it shall be restricted to a lot that has an Industrial (I) land use option.
27. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Mixed Use (MU) land use option fronting on an arterial roadway or on a MU lot with a development order that is not solely for residential development.
28. General Note. This non-industrial use is allowed within the PID district provided it is located 1) on Lot 3B of the Boynton Commerce Center PID; or 2) on a lot with a Mixed Use (MU) land use option fronting on an arterial roadway or on a MU lot with a development order that is not solely for residential development.
29. General Note. This use is allowed within the PID, except on lots that have either a Governmental & Institutional (G&I) or Mixed Use (MU) land use option.
30. General Note. If proposed on Lot 3B of the Boynton Commerce Center PID, it shall be required to have an on-site manufacturing component to the operation.
31. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has an Office (O) land use option. No drive-through facility shall be allowed in connection with this use.
32. General Note.
- a. Landscaping. All exterior (temporary) storage of equipment shall be adequately screened. Additional buffering may be required as recommended by the Director of Planning & Zoning to ensure compatibility.



b. M-1 district. Outdoor storage of equipment shall require conditional use approval if located within two hundred (200) feet of a residential zoning district. No exterior storage of equipment in a wrecked condition shall be permitted.

33. Non-Residential Uses in Single-Family Residential Districts. The following applies to facilities to be located within zoning districts limited to single-family homes (R-1-AAB district, R-1-AA district, R-1-A district, and R-1 district):

a. Location. Along the following roadway types as designated in the City of Boynton Beach Comprehensive Plan: arterials and collectors.

b. Minimum Lot size. One (1) acre for all non-residential uses, except for day care establishments, which shall be regulated in accordance with Section 3.D.87 below.

c. Frontage. Except for day care establishments, a minimum frontage of one hundred fifty (150) feet for all non-residential uses.

d. Landscaping. A minimum buffer width of five (5) feet and a landscaping barrier shall be required for all parking and vehicle use areas, and outdoor recreation areas that abut single-family residential zoning districts.

e. Design. Building design shall be consistent with surrounding residential styles.

f. Separation. Distances between residential properties and outdoor play areas shall be maximized.

34. Home Occupation.

a. Home occupations shall be permitted subject to these specific regulations designed for the protection of residential neighborhoods, where all of the activity takes place within a structure, and where the principal use is for residential purposes. In order for any home occupation to be permitted or continue to be permitted, the following performance standards shall be agreed to in writing by the applicant and be maintained for the duration of the occupational license:

(1) Compatibility. The residential character and integrity of the neighborhood must not be disturbed and the occupational activity at the home shall not be noticeable from off the premises.

(2) Size. A home occupation shall only be conducted within twenty percent (20%) of the living area of the dwelling including interior halls, closets and storage areas, but excluding garages, screened porches, accessory buildings or any similar space not suited or intended as living quarters.

(3) On-site Restrictions. The home occupation shall be conducted at the licensed address only by residents of that dwelling unit and shall only be the type of occupation which does not involve client business visits to the home, and is typified by business transactions conducted by telephone, mail, or off premises of the licensed address. (The giving of individual instruction to one (1) person at a time, such as an art or piano teacher, shall be deemed a home occupation).

(4) Performance Standards. No equipment or process shall be used in a home occupation which creates fumes, glare, noise, odors, vibration, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

(5) Traffic. No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home occupation shall be met by off-street parking which complies with Chapter 4, Article VI.

(6) Storage. All storage of materials or supplies used in the home occupation shall be done within the living area of the dwelling unit, within the space limitations specified in subsection 2 above and shall not be

visible from adjacent residential units. Contractors, tradespersons and the like shall not use their home garage or yard areas for storage of materials and supplies used in business activities.

(7) Signage. No sign or display shall be visible other than a non-illuminated sign, not exceeding two (2) square feet in area, placed on the exterior wall of the residence as close as practical to the front entrance.

(8) Parking. A panel, pick-up truck, van, or similar type of truck, not to exceed a one (1) ton chassis configuration, may be parked in a residential zoning district. However, such vehicle must be used by a resident of the premises, and no more than one (1) such truck shall be located on each plot.

(9) Miscellaneous. A home occupation shall be subject to all business tax provisions defined in Part II of the City Code of Ordinances.

35. Alcoholic Beverages. Subject to the provisions of City Code of Ordinances, Part II, Chapter 3, Alcoholic Beverages.

36. Accessory Dwelling Unit.

a. All districts. An accessory dwelling unit is allowed as an accessory use to any lawful non-residential principal use within a non-residential building. Such unit shall have a minimum living area of seven hundred fifty (750) square feet and limited to occupancy by the property owner or business owner/operator.

b. M-1 district. This use is allowed as an accessory to any lawful self-service storage facility and which meets the prerequisites contained therein.

37. Bed & Breakfast.

a. Generally. A bed & breakfast is a private owner occupied residence having more than three (3) and less than ten (10) guest units, which are subordinate and incidental to the main residential use of the building. Prior to the establishment and operation of a bed & breakfast, all required business licenses and health permits shall be obtained in compliance with all building, sign, sanitary and fire codes. Prior to the issuance of a business tax certificate, which shall be renewed annually, the city shall conduct an inspection of the property to determine compliance with the current requirements of the city's regulations, state building codes, and conditions of approval.

b. Interior.

(1) Common Area. Within each bed & breakfast establishment, a common area must be provided for a central dining area and for at least one (1) sitting/reading/discussion room.

(2) Number of Rooms. The number of bedrooms and bathrooms are to remain unchanged unless modifications are necessary to comply with building, fire, and/or health codes.

c. Miscellaneous.

(1) Cooking. Except as hereinafter provided, there shall be no cooking facilities or food storage in any guest unit. Breakfast shall be the only meal provided for paying overnight guests. The breakfast meal shall not be served after 11:00 a.m.

(2) Maximum Stay. The maximum stay for each guest shall be fourteen (14) consecutive days and not more than fourteen (14) days during any forty-five (45) day period. The owner and/or manager shall maintain a guest book, which accurately identifies all guests for each night's lodging. This register of guests shall be available for city inspection during reasonable business hours. Check-in and check-out shall take place between 8:00 a.m. and 8:00 p.m. only.

(3) Owner. The owner of the bed & breakfast establishment must reside on the premises.

(4) Commercial. Commercial social activities and events and the sale of merchandise to non-guests are prohibited in the bed & breakfast establishment.

(5) Kitchenettes. Existing kitchenettes within one (1) or more guest units are considered within the scope of this section and will not have to be removed.

38. Dwelling, Two-Family (Duplex).

a. C-3 district and PCD district. A two-family dwelling (duplex) shall comply with the R-2 district regulations. See Chapter 3, Article III, Section 2.E.

39. Dwelling, Multi-Family.

a. C-3 district and PCD district. A multi-family dwelling shall comply with the R-3 district regulations. See Chapter 3, Article III, Section 2.F.

40. Group Home

a. Group Home Type 1

Maximum persons per unit. Two (2) persons per bedroom, not to exceed ten (10) persons including a resident caretaker or overseer.

b. Group Home Type 1 and 2

(1) Common Area. At least ten percent (10%) of the total floor area shall be devoted to a common area, exclusive of halls, corridors, stairs, and elevator shafts, wherein a variety of recreational or therapeutic activities may occur.

(2) Rooms. Residents' rooms or suites shall, in no case, have kitchen facilities available for the preparation of food.

(3) Design. Pursuant to Chapter 4, Article III, Section 3.G.1, the appearance of the group home shall be residential in character and similar in appearance to the surrounding neighborhood.

(4) Parking. See the Chapter 4, Article V for applicable parking requirements.

c. Group Home Types 2.

(1) Two (2) persons per bedroom, not to exceed 14 persons including a resident caretaker or overseer.

(2) Conditional use approval is not required within a Planning Unit Development (PUD) if approved on the master plan or modified master plan.

d. Group Home Types 3.

(1) PUD or Mixed Use Zoning District. Conditional use approval is not required within a planned development zoning district (i.e. PUD or MU Zoning District) if approved on the master plan or modified master plan.

(2) MU-1, MU-2, and MU-3 and MU-4. Projects require a minimum of 60% of the dwelling units to be for independent living with full kitchen and bath facilities, and not require licensing by the State of Florida Department of Health.

41. Hotel & Motel (includes Boutique, Extended-stay, Apartment, Timeshare Apartment).

- a. C-3 District. Timeshare hotel shall comply with R-3 district regulations. Boutique hotels are not listed as permitted uses.
- b. C-4 District. Boutique hotels and timeshare hotels are not listed as permitted uses.
- c. CBD District. Apartment hotels require conditional use approval.
- d. PCD District. Timeshare apartments shall comply with R-3 district regulations. Boutique hotels are not listed as permitted uses.
- e. SMU District. Hotels require conditional use approval. Apartment hotels, boutique hotels, and timeshare apartments are not listed as permitted uses. Motels are prohibited uses.
- f. MU-~~L~~1 District, MU-~~L~~2 District, and MU-~~L~~3 District and MU-4 District. Timeshare hotels are not listed as permitted uses. Boutique hotels and motels are prohibited uses.
- g. MU-4 District and MU-~~H~~C District. Boutique hotels require conditional use approval and must be integrated into a commercial or mixed use development and not exceed thirty percent (30%) of the gross floor area of the entire development. Apartment hotels and timeshare apartments are not listed as permitted uses. Motels are prohibited uses.
- h. PID district. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Hotel (H) land use option.

#### 42. Live-Work Units.

a. SMU District. This subsection provides for the use of residential structures to accommodate live/work opportunities. Live-work units shall be specifically designated on the site plan, and comply with the following standards and requirements. These provisions are not applicable to dwellings or occupations that meet the definition of home occupation. All respective site plan pages shall identify all proposed live-work units and buildings. Live-work units shall be tallied in the site plan tabular data.

(1) Location. To minimize impacts to the greater neighborhood, units planned for live-work units shall be located at the perimeter of the residential project or along the project's principal roadway, and/or where possible, adjacent to perimeter/external rights-of-way.

(2) Use(s): Non-residential uses that are permitted in live-work units are generally limited to professional service, business service, or tutoring services. A listing of common uses permissible in live-work units, subject to issuance of occupational license are located in subsection (16) below. No work activity shall be permitted that by virtue of intensity or number of employees has the potential to create impacts by reason of traffic, parking issues, hazardous materials, or excess waste. The following list identifies the permitted uses within designated live-work units, subject to processing through the city's business tax office:

Addressing service/mailing list compiler

Arbitrator, mediator services

Cleaning services, maid, housekeeping, janitorial

Commercial artist/design studio

Commercial photography

Computer programming service

Computer software development

Data processing

Direct mail advertising services  
Editing, proofreading, typing service  
Paralegal  
Party supplies, rental/leasing (office only, no storage on-site)  
Private investigator  
Recording service  
Secretarial service  
Boat broker (office only)  
Alteration, dressmaking shop, tailor  
Abstract and/or title company  
Accountant/income tax services  
Adjusters, insurance  
Advertising office  
Appraiser  
Architect  
Attorney  
Auctioneer (office only)  
Author  
Broker  
Business analyst  
Calculating and statistical service  
Court reporting/stenographers  
Credit reporting  
Engineer's office  
Importer/exporter (office only)  
Insurance agency/bond office  
Interior decorating  
Loan company office  
Market research office  
Model agency  
Notary public office

Public relations office

Real estate sales/management office

Travel agency

Tutoring or instruction (academics, music, art)

Art studio with ancillary sales

(3) Floor Area. The minimum floor area of a live-work unit shall be one thousand (1,000) square feet. No more than seven hundred fifty (750) square feet of the live-work unit shall be reserved for living space, including kitchen, bathroom, sleeping, and storage areas. The remaining gross floor area of each unit shall be reserved and regularly used for sleeping space.

(4) Construction. Each live-work unit shall be a separate unit from other uses in the building. The ground floor of all live-work units shall meet the Florida Building Code requirements for mixed occupancy buildings. Each unit, including the garage, shall be separated by walls from other live-work units or other uses in the building.

(5) Accessibility. Buildings designated as live-work units shall provide universal accessibility to the front and to the interior space of the non-residential area of the live-work unit from the public sidewalk adjacent to the street.

(6) Miscellaneous. No more than two (2) on-site employees, in addition to the resident(s) of the live-work unit, may undertake business activities from said unit. At least one (1) resident of an individual live-work unit shall maintain a current occupational license for a business located in that unit. Acknowledgment, in the form of an affidavit, of the employee limitation shall be made by the unit resident, at the time of application for an occupational license. The work area shall not be rented separately from the living space.

b. MU-~~L~~1 District, MU-~~L~~2 District, MU-~~L~~3 District, MU-4 District and MU-~~H~~C District. The following restrictions apply to projects within zoning districts that contain master plans approved for live-work units:

(1) Floor Area. The minimum floor area of a live-work unit shall be one thousand (1,000) square feet. No more than seven hundred fifty (750) square feet of the live-work unit shall be reserved for living space, including kitchen, bathroom, sleeping, and storage areas. The remaining gross floor area of each unit shall be reserved and regularly used for sleeping space.

(2) Use(s). The work activity in a building where live-work units are allowed shall be any use permitted by right in the zoning district, except that in order to protect the health and safety of persons who reside in a live-work unit, no work activity shall be permitted that by virtue of size, intensity, number of employees or the nature of the operation, has the potential to create significant impacts by reason of dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous by way of materials, process, product or wastes.

(3) Construction. Each live-work unit shall be a separate unit from other uses in the building.

(4) Accessibility. Access to each live-work unit shall be provided from common access areas, common halls or corridors, or directly from the exterior of the building.

(5) Separation. Each live-work unit shall be a separate unit from other uses in the building. Access to each live-work unit shall be provided from common access areas, common halls, or corridors, or directly from the exterior of the building.

(6) Miscellaneous. At least one (1) resident of an individual live-work unit shall maintain a current business tax receipt for a business located in that unit. No portion of a live-work unit may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a

person not working in the same unit. No live-work unit shall singly be changed to exclusively commercial or exclusively residential use. No conversion of all live-work units in a single structure to exclusively residential use shall be permitted where the work portion of the units is the only commercial use in a project, nor shall conversion to exclusively commercial use be permitted where the live portion of the units is the only residential use in a project.

43. Art, Book, Craft, Hobby, Music, Sporting Good, & Toy Store.

- a. CBD District. Bait and tackle shops are permitted as an accessory use to marinas, including yacht clubs.
- b. PID district. This use is also allowed as an accessory use to an artist studio.

44. Auto Dealer, (New & Used).

a. C-4 district. Allowed only as a conditional use accessory to the repair of motor vehicles. No outdoor storage of vehicles, for sale shall be permitted.

- b. MU-~~L~~3 district and MU-~~H~~C district.

(1) General. Indoor storage/display only and shall not exceed ten thousand (10,000) square feet. This use excludes automotive, minor repair, and auto car/wash. Conditional use approval shall be required if all or a portion of the inventory is located within a parking garage/structure.

(2) Access. Shall not be directly from any major roadway.

(3) Storage. No outside storage of materials, parts, and vehicles.

(4) Design. Pursuant to Chapter 4, Article III, Section 3.A.7, overhead doors shall not be visible from any major roadway frontage.

(5) Loudspeakers. No exterior loudspeakers or paging equipment shall be permitted on-site.

c. M-1 district. Allowed only as a conditional use accessory to the repair of motor vehicles. No outdoor storage of vehicles for sale shall be permitted.

d. PID district. This non-industrial use is allowed within the PID district as a conditional use. Also, within the Quantum Park PID such uses are limited to lots with an Industrial (I) use option or Industrial/R (with retail sales) option. Vehicle inventories must be stored/displayed indoors. A pre-existing business located on Quantum Park lots 77 through 80 is exempt from the requirements relative to conditional use approval, outdoor storage or display of vehicle inventories, and locating on lots with the "I" and "I/Retail" use options.

45. Boat Dealer/Rental.

a. C-3 District. Boat dealer/rental, as a principal use, shall exclude the repair or service of vessels on the premises. No outdoor storage of boats shall be permitted.

b. C-4 District. Conditional use approval shall be required if merchandise is to be stored outdoors. Outdoor storage areas shall be adequately screened from abutting properties and rights-of-way, with the exception that a single merchandise item may be visible from abutting rights-of-way. The display must be in combination with project signage, and the setback, landscaping and design of this site feature shall minimize the visual impact on the adjacent roadway. If any vehicle use areas are not separated by an intervening building and visible from an arterial roadway, right-of-way landscaping shall be in accordance with the City's Urban Landscape Code except that the width shall be at least 10 feet, it shall include a berm, and enhanced with additional plants selected and maintenance to facilitate, varying growth heights to provide some screening of the space between the hedge material and tree canopies. The landscaping required to represent "adequate" screening, as well as the appropriate design of the merchandise display feature and right-of-way landscaping shall be determined as part of the conditional use review process.

c. PCD District. Boat dealer/rental, as a principal use, shall exclude the repair or service of vessels on the premises. No outdoor storage of boats shall be permitted. Inventories must be stored/displayed indoors.

d. MU-4 District and MU-HC District. Boat dealer/rental is allowed as an accessory use to a marina but conditional use approval is required. No exterior loudspeakers or paging equipment shall be permitted on-site. Storage/display allowed only in wet docks or indoor not to exceed ten thousand (10,000) square feet. The sales, rental, service, repairs, and storage of marine trailers are prohibited.

e. M-1 District. Allowed only as a conditional use accessory to the repair of boats. Outdoor storage areas shall be adequately screened from abutting properties and rights-of-way.

f. PID District. Required conditional use approval. Also, within the Quantum Park PID such uses are limited to lots with an Industrial (I) use option or Industrial /R (with retail sales) option. Inventories must be stored/displayed indoors.

#### 46. Gasoline Station.

##### a. All Districts.

(1) Location. Gasoline stations, except where otherwise allowed by these regulations, are only allowed on properties located at three-way or four-way intersections involving arterial and collector road of rights-of-way as designated by the Comprehensive Plan, excluding local streets and alleys. Interchanges with I-95 are included as eligible intersections. Eligible properties at an intersection with I-95 include the first parcel directly west or east of the toe embankment of the I-95 interchange. This may also be defined as the first parcel with frontage on and access from the arterial road that intersects with the I-95 right-of-way. A maximum of two (2) gasoline stations shall be allowed at each intersection. A convenience store with retail gasoline sales is considered to be a gasoline station and is therefore, restricted to these location requirements.

(2) Lot Size. Minimum lot size: thirty thousand (30,000) square feet.

(3) Frontage. Minimum street frontage: two hundred twenty-five (225) feet on each frontage measured from the intersecting right-of-way lines of the public streets.

(4) Access.

(a) Only one (1) access driveway is allowed from each major street frontage. Driveways shall be located a minimum of fifty (50) feet from the intersection unless county or state standards require a greater distance;

(b) Driveways shall be a minimum of thirty (30) feet and a maximum of forty-five (45) feet in width; and

(c) Driveways shall not be located less than thirty (30) feet from any interior property line.

(5) Setbacks.

(a) No canopy shall be located less than twenty (20) feet from any property line; and

(b) No gasoline pump island shall be located less than thirty (30) feet from any property line.

(6) Storage. No outside storage of materials, parts, and no overnight storage of vehicles outside.

(7) Design. Pursuant to Chapter 4, Article III, Section 3.G.4., all gasoline stations located on designated out-parcels to shopping centers, business centers, or other planned commercial developments shall conform in design to the approved design plan of the principal center.

(8) Landscaping. See landscaping standards in Chapter 4.



(9) Lighting. See lighting standards in Chapter 4.

(10) Except for where otherwise approved on a master sign program, gasoline stations shall only be permitted to advertise on signage located within the property boundaries.

(11) Gasoline stations shall be permitted uses if located greater than 200 feet from a boundary of a residential zoning district. Distances for the purpose of this subsection shall be measured from the closest gasoline pump island or canopy of the gasoline station to the closest boundary of the residential or mixed-use zoning district.

(12) A station existing prior to amendment of these regulations that is located on a lot that does not conform to the property development regulations of the zoning district, as defined in Section 11 of this chapter, may be enlarged, expanded, reconstructed or restored without limitation based on percent of property value, as long as the magnitude of the non-conformity is not worsened by the improvement.

b. C-2 District, C-3 District, and C-4 District.

(1) Use(s) Allowed: A convenience store; auto/car wash, automotive, minor repair; and automotive window tinting/stereo installation/alarms are allowed as accessory uses to gasoline stations.

(2) Setbacks. Except for properties located within the Urban Commercial District Overlay Zone, the following building setbacks shall apply to all structures on the property including the primary structure, or any accessory structures such as car washes or above-ground storage facilities.

(a) Building front (and side corner) - 35 feet;

(b) Building side - 20 feet;

(c) Building rear - 20 feet;

(d) Automated car wash. The entrance to an automatic car wash shall be setback no less than seventy-five (75) feet from the street in order to provide for an area of vehicular queuing (stacking). An accessory auto/car wash shall be fully automatic and recycle all water used in the car washing process.

(3) Exceptions to requirement for location at intersections as stated above under section a.(1). When a gas station is accessory to a principal retail use and when all requirements applicable to the PCD District are satisfied.

c. PCD District.

(1) Use(s) Allowed: A convenience store; auto/car wash, automotive, minor repair; and automotive window tinting/stereo installation/alarms are allowed as accessory uses to gasoline stations.

(2) Setbacks. The following building setbacks shall apply to all structures on the property including the primary structure, or any accessory structures such as car washes or above-ground storage facilities.

(a) Building front (and side corner) - 35 feet;

(b) Building side - 20 feet;

(c) Building rear - 20 feet;

(d) Automated car wash. The entrance to an automatic car wash shall be setback no less than seventy-five (75) feet from the street in order to provide for an area of vehicular queuing (stacking). An accessory auto/car wash shall be fully automatic and recycle all water used in the car washing process.

(3) Separation. No gasoline pump island shall be located less than two hundred (200) feet from any public right-of-way.

(4) Exceptions to requirement for location at intersections as stated above under section a.(1). Uses within the PCD District shall not be required to comply with the location standard described above in subsection a.(1).

(5) Pre-existing uses. Gasoline stations that were in existence prior to the adoption of these regulations shall not be deemed non-conforming to the corresponding site standards if located in compliance with the location (intersection) standard stated above in section a.

(6) Relief from Standards. Waivers from the following standards may be granted in accordance with Chapter 2, Article II by the City Commission for existing projects annexed into the city, when the regulation cannot be fully complied with, but where the intent of the LDR is met:

- (a) Section 3.D.46.a.(5)(a) above;
- (b) Section 3.D.46.a.(5)(b) above;
- (c) Section 3.D.46.c.(3)(a) above; or
- (d) Section 3.D.46.c.(3)(b) above.

The applicant shall provide justification of the waiver and submit a mitigation plan off-setting the impact.

d. MU-~~L~~3 District and MU-~~H~~C District.

- (1) Use(s) Allowed. A convenience store is allowed as an accessory use to a gasoline station.
- (2) Setbacks.

(a) Building setbacks shall meet those required by the applicable zoning district.

(b) Canopy structure over the fuel pumps shall be located either to the side or rear of its associated principal building.

e. PID District. This non-industrial use shall be allowed within the PID district provided it is located on a lot with a Mixed Use (MU) land use option and at an intersection that would satisfy the location requirements of this note.

(1) Use(s) Allowed. A convenience store; auto/car wash, automotive, minor repair; and automotive window tinting/stereo installation/alarms are allowed as accessory uses to gasoline stations.

(2) Setbacks. Except for properties located within the Urban Commercial District Overlay Zone, the following building setbacks shall apply to all structures on the property including the primary structure, or any accessory structures such as car washes or above-ground storage facilities.

- (a) Building front (and side corner) - 35 feet;
- (b) Building side - 20 feet;
- (c) Building rear - 20 feet;

(d) Automated car wash. The entrance to an automatic car wash shall be setback no less than seventy-five (75) feet from the street in order to provide for an area of vehicular queuing (stacking). An accessory auto/car wash shall be fully automatic and recycle all water used in the car washing process.

47. Grocery Store.

a. MU-~~L~~1 District, MU-~~L~~2 District, MU-~~L~~3 District, MU-4 District and MU-~~H~~C District. Gross floor area of grocery store must be a minimum of fifteen thousand (15,000) square feet and a maximum of eighty thousand (80,000) square feet.

48. Hardware Store.

a. CBD District. Excluding lumber or building materials dealers, lawn & garden shops, glass, electrical, plumbing, heating supplies, and the like.

b. MU-~~L~~1 District, MU-~~L~~2 District, MU-~~L~~3 District, MU-4 District, MU-~~H~~C District, and PID District. Indoor storage/ display only and shall not exceed ten thousand (10,000) square feet.

c. PID District. This use excludes an on-site lumber yard and any other exterior (outside) activity or storage.

49. Home Improvement Center. This use excludes an on-site lumber yard and any other exterior (outside) activity or storage.

50. Marine Accessories.

a. C-2 District. Excluding any installation on premises, and excluding machine shop service.

b. MU-~~L~~1 District, MU-~~L~~2 District, MU-~~L~~3 District, MU-4 District and MU-~~H~~C District. Indoor storage/display only and shall not exceed ten thousand (10,000) square feet. The sales, rental, service, repairs, and storage of marine trailers are prohibited. Marine customizing, detailing, service, parts, or repair is also prohibited.

51. Merchandise New. This use excludes an on-site lumber yard and any other exterior (outside) activity or storage.

52. Merchandise, Used (Antique & Consignment Shops and Bookstores). Gross floor area shall not exceed twenty five thousand (25,000) square feet, except if proposed within the Community Redevelopment Area, the maximum size is twenty five hundred (2,500) square feet. The maximum size may be increased up to ten thousand (10,000) square feet if approved as a conditional use. This size restriction shall prevail if it conflicts with the size limit set by another applicable note. An auction house is allowed but only as an accessory use qualifying under this paragraph.

53. Merchandise, Used (Other). This establishment shall be limited to a maximum of five thousand (5,000) square feet of gross floor area except if proposed within the Community Redevelopment Area, the maximum size is twenty five hundred (2,500) square feet, and must be located a minimum distance of two thousand, four hundred (2,400) feet from another merchandise, used (other) or multiple-vendor market establishment, as measured by direct distance between property lines. The floor area of an existing merchandise, used (other) establishment shall not be expanded in instances where located less than the minimum separation requirement. All new applications to operate such uses or applications for building permits to expand such uses shall be accompanied by an affidavit certifying compliance with this restriction. Exterior storage and display in connection with such uses shall be prohibited.

54. Mobile Vending Unit (MVU). See Chapter 3, Article V, Section 10 for additional regulations regarding an MVU.

55. Multiple-Vendor Market. A multiple-vendor market shall be limited to five thousand (5,000) square feet of gross floor area and must be located a minimum distance of two thousand, four hundred (2,400) feet from another multiple-vendor market or merchandise used (other) establishment, as measured by direct distance between property lines. The floor area of an existing multiple-vendor market establishment shall not be expanded in instances where located less than the minimum separation requirement. All new applications to operate such uses or applications for building permits to expand such uses shall be accompanied by an affidavit certifying compliance with this restriction. Exterior storage and display in connection with such uses shall be prohibited.

56. Nursery, Garden Center, & Farm Supply. The exterior display of live plants is exempt from the three hundred (300)-foot distance requirement of Chapter 3, Article V, Section 5.D. and such plants may remain outdoors after normal business hours provided that their placement complies with the location criteria of Chapter 3, Article V, Section 5.C.

57. Pharmacy & Drug Store.

a. All Districts. No more than fifteen percent (15%) of the total number of prescriptions sold within a thirty (30) day period can be derived from the sale of Schedule II controlled substances as listed in F.S. § 893.03. All pharmacies and drug stores shall be staffed by a state licensed pharmacist who shall be present during all hours the pharmacy, or pharmacy function of the drug store, is open for business. This restriction on prescription sales shall not apply to a pharmacy operating accessory to a facility licensed pursuant to F.S. Chapter 395 (e.g., hospital).

b. MU-4 and MU-~~HC~~ District. Use shall be subject to the following distance separation requirements from similar uses, measured in a straight line, using the shortest distance between property lines shall be the following:

(1) Seven hundred fifty (750) feet: For uses with less than five thousand (5,000) square feet of gross floor area;

(2) One thousand, five hundred (1,500) feet: For uses with a gross floor area equal to or greater than five thousand (5,000) gross square feet.

58. Restaurant.

a. All Districts. See Chapter 3, Article V, Supplemental Regulations regarding the sidewalk café permit.

b. C-1 District. A restaurant is allowed as accessory use to a business or professional office and/or a medical or dental office but subject to the following conditions:

(1) Signage. No external signage for the restaurant use shall be allowed;

(2) Hours of operation shall be limited to coincide with the hours of operation of the principal use.

c. M-1 district. This non-industrial use is allowed within the M-1 district, provided that it 1) is located within a multiple-tenant development on a lot that fronts on an arterial or collector roadway; 2) does not exceed two thousand, five hundred (2,500) square feet; 3) excludes a drive-up, drive-through, or drive-in facility; and 4) complies with all off-street parking requirements of Chapter 4, Article V. In addition, the sale of used merchandise is only allowed as accessory to the sale of new merchandise.

59. Restaurant (Take-Out).

a. M-1 district. This non-industrial use is allowed within the M-1 district, provided that it 1) is located within a multiple-tenant development on a lot that fronts on an arterial or collector roadway; 2) does not exceed two thousand, five hundred (2,500) square feet; 3) excludes a drive-up, drive-through, or drive-in facility; and 4) complies with all off-street parking requirements of Chapter 4, Article V. In addition, the sale of used merchandise is only allowed as accessory to the sale of new merchandise.

60. Auto/Car Washes (Polishing, Waxing, Detailing).

a. C-2 District, C-3 District, C-4 District, and PCD District. Only a fully automated-style auto/car wash facility is allowed as an accessory use to a gasoline station. However, conditional use approval is required for this component of the establishment.

b. PID District. Only allowed as an accessory use to an auto dealer, new or used.

61. Automobile Rental.

a. C-3 District. Allowed as an accessory use to automotive, minor repair. Conditional use approval is required. In addition, the following criteria must be met:

(1) Location. On sites greater than seventy-five (75) acres and only within a separate building in a shopping center, automobile rental is allowed subject to the following additional conditions:

(a) The customer service area shall be located within the building being used for an automotive, minor repair;

(b) No more than twelve (12) automobiles shall be stored on-site for the purpose of rental, and such automobiles shall be stored in marked stalls;

(c) No fueling or refueling of automobiles shall be permitted on-site.

b. C-4 District. Automotive, minor repair is allowed as an accessory use to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public.

c. PCD District. Uses listed as conditional uses would be considered permitted uses if the following conditions are met:

(1) If shown on the originally approved master plan;

(2) Uses will not be subject to the minimum acreage requirements of the C-3 zoning district if the site meets the minimum acreage requirement for rezoning to PCD; and

(3) All portions of any building dedicated to such use are separated from residentially zoned property by a distance of two hundred (200) feet.

d. MU-L3 District and MU-HC District. The indoor storage/display of fleet vehicles are permitted but shall not exceed ten thousand (10,000) square feet. Conditional use approval shall be required if all or a portion of the inventory is located within a parking garage/structure.

(1) Access. Shall not be directly from any major roadway.

(2) Storage. No outside storage of materials, parts, and vehicles.

(3) Design. Pursuant to Chapter 4, Article III, Section 3.A.7., overhead doors shall not be visible from any major roadway frontage.

## 62. Automotive, Minor Repair.

a. C-2 District. Automotive, minor repair is allowed as an accessory use to a gasoline station. Conditional use approval is required for this component of the establishment.

b. C-3 District.

(1) As an Accessory Use. Automotive, minor repair is allowed as an accessory use to a gas station and also to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public.

(2) As a Principal Use. Automotive, minor repair is allowed as a principal use, provided that it is located on a lot that is at least five (5) acres. The following restrictions shall also apply, where applicable:

(a) On sites of greater than five (5) acres and less than seventy-five (75) acres, all such uses shall be located in either a principal building of a shopping center or in a subordinate, stand-alone building and/or outparcel within a commercial master plan, provided that the subordinate stand-alone building and/or outparcel

within a commercial master plan is not located between the principal building and an adjoining right-of-way or between the principal building and abutting residentially zoned property.

(b) On sites of greater than seventy-five (75) acres all such uses will be allowed to be located in a separate building in a shopping center. For the purpose of this section, motor vehicles shall mean only motorcycles, mopeds, passenger cars (a motor vehicle with motive power, except a multipurpose passenger vehicle or motorcycle, designed for carrying ten (10) persons or less), or multipurpose passenger vehicles (motor vehicle with motive power designed to carry ten (10) persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation). All repair and service of vehicles shall be done within an enclosed building.

c. C-4 District. This use is allowed within the C-4 district but it shall not be located on a lot that borders an arterial roadway. All repair functions must occur within enclosed buildings and exterior storage of vehicles in a damaged or disassembled condition must be adequately screened from rights-of-way and adjacent properties.

d. PCD District. Automotive, minor repair is allowed as an accessory use to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public. Automotive, minor repair is allowed as a principal use but conditional use approval is required. Uses listed as conditional uses would be considered permitted uses if the following conditions are met:

(1) If shown on the originally approved master plan;

(2) Uses will not be subject to the minimum acreage requirements of the C-3 zoning district if the site meets the minimum acreage requirement for rezoning to PCD; and

(3) All portions of any building dedicated to such use are separated from residentially zoned property by a distance of two hundred (200) feet.

e. M-1 District. Excluding the keeping of vehicles in violation of City of Boynton Beach Code of Ordinances, and excluding gasoline stations selling motor fuels at retail. Any exterior storage of motor vehicles or boats in a wrecked condition shall be permitted only in connection with a lawful principal use, and shall be adequately screened.

f. PID District. Only allowed as an accessory use to a retail auto dealer, new or used.

63. Automotive, Major Repair. Excluding the keeping of vehicles in violation of the City of Boynton Beach Code of Ordinances, and excluding gasoline stations selling motor fuels at retail. Any exterior storage of motor vehicles or boats in a wrecked condition shall be permitted only in connection with a lawful principal use and shall be adequately screened.

64. Automotive Window Tinting/Stereo Installation/Alarms.

a. C-2 District. Automotive window tinting/stereo installation/alarms is allowed as an accessory use to a gasoline station; merchandise, new (supercenter, discount, department, club); or an electronics & appliance store. Conditional use approval is required for this component of the establishment.

b. C-3 district.

(1) As an Accessory Use. Automotive window tinting/stereo installation/alarms is allowed as an accessory use to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public.

(2) As a Principal Use. Automotive window tinting/stereo installation/alarms is allowed as a principal use, provided that it is located on a lot that is at least five (5) acres. The following restrictions shall also apply, where applicable:

(a) On sites of greater than five (5) acres and less than seventy-five (75) acres, all such uses shall be located in either a principal building of a shopping center or in a subordinate, stand-alone building and/or outparcel within a commercial master plan, provided that the subordinate stand-alone building and/or outparcel within a commercial master plan is not located between the principal building and an adjoining right-of-way or between the principal building and abutting residentially zoned property.

(b) On sites of greater than seventy-five (75) acres all such uses will be allowed to be located in a separate building in a shopping center. For the purpose of this section, motor vehicles shall mean only motorcycles, mopeds, passenger cars (a motor vehicle with motive power, except a multipurpose passenger vehicle or motorcycle, designed for

carrying ten (10) persons or less), or multipurpose passenger vehicles (motor vehicle with motive power designed to carry ten (10) persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation). All repair and service of vehicles shall be done within an enclosed building.

c. C-4 District. Automotive window tinting/stereo installation/alarms is allowed as an accessory use to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public.

d. PCD District. Automotive window tinting/stereo installation/alarms is allowed as an accessory use to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public. Automotive window tinting/stereo installation/alarms is allowed as a principal use but conditional use approval is required. Uses listed as conditional uses would be considered permitted uses if the following conditions are met:

(1) If shown on the originally approved master plan;

(2) Uses will not be subject to the minimum acreage requirements of the C-3 zoning district if the site meets the minimum acreage requirement for rezoning to PCD; and

(3) All portions of any building dedicated to such use are separated from residentially zoned property by a distance of two hundred (200) feet.

e. M-1 District. Excluding the keeping of vehicles in violation of the City of Boynton Beach Code of Ordinances, and excluding gasoline stations selling motor fuels at retail. Any exterior storage of motor vehicles or boats in a wrecked condition shall be permitted only in connection with a lawful principal use and shall be adequately screened.

#### 65. Check Cashing.

a. C-3 District, C-4 District, and PCD District. Check cashing shall be limited to five thousand (5,000) square feet of gross floor area and must be located a minimum distance of two thousand, four hundred (2,400) feet from another such establishment, as measured by direct distance between property lines. The floor area of an existing check cashing establishment shall not be expanded in instances where located less than the minimum separation requirement. All new applications to operate such uses or applications for building permits to expand such uses shall be accompanied by an affidavit certifying compliance with this restriction.

#### 66. Dry Cleaner.

a. All Districts. Cleaning services are limited to retail customers and includes the alteration and/or repair of clothing.

b. SMU District, MU-L1 District, MU-L2 District, MU-L3 District, MU-4 District and MU-HC District. On-site drop-off and pick-up is allowed as a permitted use; however, any cleaning or laundering activities conducted on the premises requires conditional use approval, and the floor area of such establishment cannot exceed two thousand (2,000) square feet.



67. Funeral Home. A funeral home is allowed as an accessory use to a cemetery.

68. Personal Care (Beauty, Hair, Nails).

a. R-3 District, PUD District, C-2 District, C-3 District, C-4 District, CBD District, PCD District, all “Mixed Use” Districts and PID District. In these districts, body piercing and tattooing are allowed, but only as accessory to a lawful principal use. In the M-1 district however, such businesses are allowed as a principal use, but only in accordance with Section 3.D.4. above.

69. Pet Care (Boarding and Daycare).

a. All Districts. Conditional use applications must include provisions for proper care and mitigation of potential impacts on adjacent properties. Pet care (boarding and daycare) is allowed as an accessory use to either a pet care (grooming) or pet care (veterinary services) establishment, but it requires conditional use approval if it exceeds twenty-five percent (25%) of the floor area or two thousand, five hundred (2,500) square feet, whichever is less.

b. C-2 District, C-3 District, C-4 District, CBD District, SMU District, MU-L1 District, MU-L2 District, and PID District. No external kenneling is allowed in these districts, either as a principal or accessory use.

c. PCD District. No external kenneling is allowed, either as a principal or accessory use. Uses listed as conditional uses would be considered permitted uses if the following conditions are met:

(1) If shown on the originally approved master plan;

(2) Uses will not be subject to the minimum acreage requirements of the C-3 zoning district if the site meets the minimum acreage requirement for rezoning to PCD; and

(3) All portions of any building dedicated to such use are separated from residentially zoned property by a distance of six hundred (600) feet.

d. M-1 District. External kenneling shall only be allowed for those establishments located in excess of six hundred (600) feet from residentially zoned property. Such uses shall also comply with the requirements of City Code of Ordinances Part II, Chapter 4, Section 4-4, except that the maximum enclosure size and area standards within 4-4(b)2.a. shall not apply.

70. Postal/Mail Center.

a. All Districts. Storage of delivery trucks is prohibited.

b. C-1 District. Allowed as an accessory use to a business or professional office or a medical or dental office. Gross floor area shall not exceed two thousand, five hundred (2,500) square feet.

c. MU-4 District and MU-HC District. This use shall be limited to a maximum gross floor area of two thousand, five hundred (2,500) square feet.

71. Repair, Rental, & Maintenance of Home/Garden Tools.

a. C-3 District. Excluding exterior display or storage of merchandise.

b. PCD District. Excluding exterior display or storage of merchandise. The repair and service of merchandise shall be permitted as either an accessory or principal use, for any merchandise, which is typically sold in the PCD district.

72. Hospital. A helipad (also known as a helistop) may be allowed as an accessory use to a hospital establishment, but it shall require conditional use approval.

73. Business or Professional Office.



a. “Mixed Use” Districts. This use shall be integrated into a mixed use building or development. It must not 1) occupy more than fifty percent (50%) of the gross floor area of any given building or 2) exceed thirty percent (30%) of the gross floor area of the mixed use development. However, this requirement does not include those developments that contain such uses in excess of one hundred thousand (100,000) square feet.

74. Social Service Agency.

a. R-2 District and R-3 District.

(1) Location. Along the following roadway types as designated in the City of Boynton Beach Comprehensive Plan: Arterials and collectors.

(2) Size. The maximum building size shall be limited to two thousand (2,000) square feet (per lot); however, for properties located within the boundaries of the Federal Highway Corridor Redevelopment Plan, the maximum building size may be larger, but not to exceed five thousand (5,000) square feet.

(3) Design. Building design shall be consistent with surrounding residential styles.

(4) Landscaping. A minimum buffer width of five (5) feet and a landscaping barrier shall be required for all parking and vehicle use areas, and outdoor recreation areas that abut single-family residential zoning districts.

75. Adult Entertainment.

a. Finding of Fact. The city acknowledges that nude and exotic dancing and entertainment is an expression protected under the First Amendment of the Constitution of the United States. Such expression communicates a message to the intended audience but shall not be obscene, as defined by the courts, nor involve children. The Supreme Court has upheld local regulations that are not intended to preclude such protected expression, but rather to prevent the harmful side effects known as “secondary effects.” Based on various reports, studies, and judicial opinions generated throughout the country, including within the State of Florida, the City of Boynton Beach finds it in the interest of health, safety, peace, property values, and general welfare of the people and businesses of the City of Boynton Beach to regulate said businesses to control the secondary effects associated with them. Secondary effects have been proven to include, in part, increased criminal activities, moral degradation, depreciation of property value, and harm to the economic welfare of the community as a whole.

By limiting the location and concentration of such uses, by limiting the proximity of such uses to places of residence and public gathering, and by restricting the sale of alcohol within or nearby said establishments, the secondary effects referenced above will be avoided or minimized. Also contributing to the control of secondary effects are restrictions on operational characteristics, including the interaction between nude or partially nude entertainers, and patrons, customers, other employees and entertainers, given the threat they represent to the health of others through the spread of communicable and social disease. Requirements regarding buffers and stage designs are intended to protect public health while preserving the forms of expression intended by the protected nude and exotic entertainment.

b. Terms and Definitions. See Chapter 1, Article II for all terms and definitions (e.g., alcoholic beverage establishment; nudity; partial nudity) pertaining to adult entertainment establishments.

c. All Districts. In addition to the requirements of the underlying zoning district, other applicable general regulations, county licensing requirements, and City Code of Ordinances Part II, Section 3-6, the following requirements shall apply to adult entertainment establishments:

(1) No adult entertainment establishment shall be located closer than seven hundred fifty (750) feet from any other adult entertainment establishment measured from lot boundary to lot boundary along a straight airline route, except when the property containing the adult entertainment establishment is separated from the above use by the I-95 right-of-way and CSX rights-of-way, or the Boynton (C-16) Canal right-of-way.

(2) No adult entertainment establishment shall be located closer than seven hundred fifty (750) feet from any church use (house of worship); residential zoning district (including a mixed use district containing a residential component or a mixed use pod of a planned industrial development); public usage (PU) district; recreation district except where the subject property is a preserved natural area not accessible to the general public; or schools measured from lot boundary to lot boundary along a straight airline route, except when the property containing the adult entertainment establishment is separated from the above uses by the I-95 and CSX Railroad rights-of-way, or the Boynton (C-16) Canal right-of-way.

76. Artist Studio.

a. C-3 District, C-4 District, CBD District, PCD District, and all “Mixed Use” Districts. The fabrication, bending, welding, assembly, or processing of any heavy metal, wood, plastic, or similar products shall only be allowed for establishments located within the M-1 district.

77. Entertainment, Indoor.

a. C-2 District. Limited to amusement arcades and shall be only allowed in a shopping center located on an arterial roadway.

b. M-1 District. Limited to indoor playground/play centers and amusement arcades only.

78. Entertainment, Outdoor.

a. C-3 District and PCD District. Must be at least one thousand (1,000) feet from a residential use.

79. Marina, Including Yacht Club.

a. All Districts. Marinas, including yacht clubs, are limited to the following uses: mooring and docking of private pleasure craft; sale of fuels and lubricants; occupancy of private craft as living quarters provided that such craft are connected to public sewer facilities; operation of drift and charter fishing boats and sightseeing boats; bait and tackle shops.

b. IPUD District. Private marinas, as a principal use, requires the following:

(1) Minimum lot area: Four (4) acres.

(2) Minimum lot frontage: One hundred fifty (150) feet and minimum average width of two hundred (200) feet.

(3) Maximum height: Forty-five (45) feet.

(4) Principal land uses may include boat and yacht clubs, and private or public marinas (see Chapter 1, Article II, Definitions) contingent upon being located within an area identified with the “Preferred” siting designation by the 2007 Palm Beach County Manatee Protection Plan. However, major repairs and boatels, or residing on boats, shall be prohibited in the IPUD district. Additionally, all sale or minor repair of boats, or components thereof, shall only occur within a fully enclosed structure except as otherwise allowed by paragraph (6) below. The above noted principal uses, when combined with residential uses, in which the residential component occupies twenty-five percent (25%) or more of the total land area, shall be considered permitted uses, otherwise such marine uses shall require conditional use approval.

(5) Boatels and the residing on boats shall be prohibited within the IPUD district, except that temporary stays shall be allowed for a maximum of three (3) nights within a twelve (12)-month period.

(6) The following uses shall be allowed as accessory to one (1) of the principal marine uses described above: boat brokerages, ship's stores, tackle shops, maritime museums or other related educational uses, restaurants, boat ramps, and other launching facilities.

(7) Marine-oriented and water dependent uses shall meet all the requirements of Section 3.C.5. above, except for subparagraph (a) in that a marina may be the sole principal use of a project and is not required as a component of a mixed use development containing dwelling units.

(8) No outdoor dry storing or stacking of boats or other related items shall be allowed, except that outdoor displays are allowed for sales purposes as long as the boats are restricted to ground level display, are not visible from abutting rights-of-way or residential properties, and are not placed within landscape areas or required parking spaces.

(9) Wash down and other post-use servicing shall be done within the dry storage building or within an enclosed structure (e.g., three-sided and roofed) designed and oriented to minimize external impacts.

(10) Water used for flushing and other cleaning activities shall be properly pretreated prior to discharge into the stormwater system, and conservation measures shall be considered to facilitate reclamation/recycling.

(11) No outdoor speakers shall be allowed other than for low volume music that is not audible off-site.

(12) In addition to adhering to the city's sound regulations, no equipment, machines, or tools shall be used between the hours of 8:00 a.m. and 6:00 p.m. that generates noise unique to a residential neighborhood.

(13) See Chapter 4, Article III, Section 3.G.6. for additional design regulations for commercial buildings and boat storage facilities.

(14) Landscaping above and beyond the regulations cited elsewhere in this Code shall be required for all non-residential buildings in excess of forty thousand (40,000) square feet, in order to reduce the perceived scale and massing of such buildings.

(15) The width of the foundation planting areas visible from streets or residential properties shall be fifty percent (50%) of the façade height. The applicant may submit an alternate planting plan that depicts the required screening/softening of the large building façades, however in no instance shall the planting area be less than twelve (12) feet in width.

(16) The height of the plant material shall be in relation to the height of the adjacent façade or wall. Further, the height of fifty percent (50%) of the required trees or palms shall be a minimum of two-thirds (2/3) of the height of the building. One (1) canopy tree or a cluster of three (3) palm trees shall be installed within the foundation planting area every twenty (20) feet on center along each façade visible from streets or residential properties. Canopy and palm trees shall be distributed along the entire façade where foundation landscaping areas are required, with understory plant material arranged in the areas between the low growing shrubs and tree or palm canopies. The applicant may submit an alternate planting plan that depicts the rearrangement of plant material in order not to interfere with required building enhances discussed herein.

(17) A perimeter landscape barrier shall be required between incompatible uses and/or zoning districts; or where there are differences in density, intensity, or building heights or mass; or for those certain uses requiring additional screening in order to shield outdoor storage or operations. The barrier shall consist of a decorative buffer wall of at least six (6) feet in height, in addition to a variety of densely planted trees, hedges and shrubs. In areas where sufficient width is provided or staff determines additional buffering is warranted, a berm may be required in addition to the above regulations.

(18) The applicant shall demonstrate through site design and buffering how sound associated with the non-residential components of the project will be mitigated.

80. Rentals, Recreational (Bicycles, Canoes, Personal Watercraft).

a. MU-L1 District, MU-L2 District, and MU-L3 District. Indoor storage/display only and shall not exceed ten thousand (10,000) square feet.

81. Sightseeing & Scenic Tours.

a. All Districts. Vehicles used in support of the operation that are of a size in excess of a standard parking stall shall be stored in a zoning district where outdoor storage of vehicles is allowed.

b. CBD District, MU-~~L~~1 District, MU-~~L~~2 District, MU-~~L~~3 District, MU-4 District and MU-~~H~~C District. Sightseeing boats are allowed in conjunction with a marina, including yacht club.

82. Theater. All outdoor style theaters (i.e. band shell, amphitheater) require conditional use approval.

83. Cemetery.

a. C-1 District, C-2 District, C-3 District, C-4 District, PCD District, MU-~~L~~1 District, MU-~~L~~2 District, and MU-~~L~~3 District. On parcels ten (10) acres or greater, a cemetery may be allowed as an accessory use to a funeral home establishment.

84. Church.

a. R-1-AAB District, R-1-AA District, R-1-A District, and R-1 District. Expansions and improvements to, and redevelopment of pre-existing places of worship that do not meet the minimum lot standards of the zoning district, or the other requirements of Section 3.D.33 above shall be allowed in accordance with the following requirements:

(1) Improvements shall only be allowed if the subject property was under proper ownership prior to the adoption of these regulations. Ownership shall be based on the records of the County Property Appraiser's Office.

(2) Rights-of-way for primary access shall be adequate and improved in accordance with (*Engineering Design Handbook and Construction Standards*);

(3) The size of building improvements shall be allowed up to a maximum of 100% of the pre- existing area.

(4) Expansions that would increase operational space or capacity, shall require that all existing parking areas and related landscaping meet the requirements of the city's land development regulations.

(5) Parking. Projects eligible for parking space reductions of the MLK Overlay District, shall be required to meet a minimum of seventy-five percent (75%) of the spaces required under Chapter 4, Article V, Section 3.D.

(6) Non-conforming and blighted conditions. Expansions that increase operational space or capacity shall require improvements to all existing facilities to raise them to a similar appearance level as the proposed improvement and additions. Sidewalks shall be added where partially or totally absent along the boundary of the subject use. This requirement shall apply to all parcels used to support the principal use, including those lots that abut the principal lot or that are separated from the principal lot by other properties or rights-of-way.

(7) Design. Additions or new facilities shall be designed to be compatible with its surroundings and/or adopted community redevelopment plan to further the historic and architectural character of the neighborhood.

(8) No newly proposed physical improvements other than a wall/fence or landscaping shall be placed closer than thirty (30) feet from a parcel containing or zoned for a single-family residence.

(9) Any outdoor play areas shall be located a minimum of thirty (30) feet from a parcel containing or zoned for single-family residence.

(10) The foregoing conditions shall also apply to any repairs or reconstruction required due to damage from fire, a major storm event, or other natural occurrence.

b. R-2 District and R-3 District.

(1) Separation. Distances between residential properties and outdoor play areas shall be maximized.

(2) Landscaping. A minimum buffer width of five (5) feet and a landscaping barrier shall be required for all parking and vehicle use areas, and outdoor recreation areas that abut single-family residential zoning districts.

85. Government, Municipal Office/Emergency/Civic Facilities.

a. All Districts. Conditional use approval shall be required for gross floor area in excess of five thousand (5,000) square feet.

86. Government, Non-Municipal Office Facilities.

a. All "Mixed Use," M-1 District, and PID District. This use shall be integrated into a multiple-tenant building. It must not 1) occupy more than fifty percent (50%) of the gross floor area of any given building; or 2) exceed thirty percent (30%) of the gross floor area of the mixed use development, where applicable.

b. M-1 District. This non-industrial use is allowed within the M-1 district, provided that it 1) excludes a drive-up, drive-through, or drive-in facility; and 2) complies with all off-street parking requirements of Chapter 4, Article V.

87. Day Care.

a. R-1-AAB District, R-1-AA District, R-1-A District, R-1 District, and PUD District. The following applies to facilities to be located within zoning districts limited to single-family homes:

(1) Design. Building design shall be consistent with surrounding residential styles in accordance with Chapter 4, Article III, Section 5.G.

(2) Lot Size. A minimum of one-half (0.5) acre.

(3) Separation. Minimum separation requirement between day cares shall be two thousand, four hundred (2,400) feet (this distance separation requirement should not apply to day care uses limited to specific groups such as church members, and should not be intended to place restrictive limits on the expansion/improvement of those uses existing prior to codification).

b. R-2 District and R-3 District.

(1) Location. Along the following roadway types as designated in the City of Boynton Beach Comprehensive Plan: arterials and collectors;

(a) Lot size. A minimum of one-half (0.5) acre;

(b) Landscaping. A minimum buffer width of five (5) feet and a landscaping barrier shall be required for all parking and vehicle use areas, and outdoor recreation areas that abut residential zoning districts. Distances between outdoor play areas shall be maximized;

(c) Design. Building design shall be consistent with surrounding residential styles in accordance with Chapter 4, Article III, Section 5.G.

c. PCD District. Uses listed as conditional uses would be considered permitted uses if the following conditions are met:

(1) If shown on the originally approved master plan;

(2) Uses will not be subject to the minimum acreage requirements of the C-3 zoning district if the site meets the minimum acreage requirement for rezoning to PCD; and

(3) All portions of any building dedicated to such use are separated from residentially zoned property by a distance of two hundred (200) feet.

88. Stone Cutting & Finishing. Conditional use approval shall be required if located within two hundred (200) feet of a residential zoning district or a Mixed Use Pod of a PID.

89. Storage, Boats/Motor/Recreational Vehicles.

a. CBD District, MU-L2 District, MU-L3 District, and MU-HC District. The wet storage of boats is allowed as an accessory use to a marina, including yacht club. The dry storage of boats shall be prohibited.

b. M-1 District. No exterior storage of boats, motor, or recreational vehicles in a wrecked condition shall be permitted.

(1) Landscaping. All exterior (temporary) storage of fleet vehicles shall be adequately screened. Additional buffering may be required as recommended by the Director of Planning and Zoning to ensure compatibility.

(2) Lighting. If a facility abuts a residential zone, outdoor lighting fixtures shall be no more than twenty (20) feet in height and shall be shielded away from residential property.

90. Storage, Self-Service.

a. All Districts. All self-storage facility uses shall comply with the following:

(1) Rental Facility Office. A maximum of one thousand (1,000) square feet of the rental office may be devoted to the rental and/or sale of retail items used for moving and storage and including, but not limited to carton, tape and packing materials.

(2) Security Quarters. A single residential unit for security purposes, not to exceed one thousand, two hundred (1,200) square feet may be established on the site of a self-service storage facility provided that said facilities are at least thirty thousand (30,000) square feet. This dwelling unit shall be considered a limited exception to the general prohibition of residential uses in industrial zones. The security quarters may continue only so long as the self-service storage facility remains active. The security quarters shall be for the exclusive use of, and shall be occupied only by a guard, custodian, caretaker, owner, manager, or employee of the owner of the facility, and respective family.

(3) Use of Bays. The use of storage bays shall be limited to dead storage of household goods, personal property, or records for commercial businesses. Storage bays shall not be used to manufacture, fabricate or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity. Individual storage bays or private postal boxes within a self-service storage facility shall not be considered a premises for the purpose of assigning a legal address in order to obtain approval or other governmental permit or license to conduct business. Other prohibited uses include storage, sale, salvage, transfer, or disposal of junk, scrap, garbage, offal, refuse, or other waste materials. Further:

(a) The maximum size of a storage bay shall be limited to four hundred fifty (450) square feet.

(b) Storage bay doors shall not face any abutting property that is residentially zoned or any public or private right-of-way.

(c) Lighting. If a facility abuts a residential zone, outdoor lighting fixtures shall be no more than twenty (20) feet in height and shall be shielded away from residential property.

(d) Loudspeakers. No exterior loudspeakers or paging equipment shall be permitted on-site.

(e) Design. For all self-service storage facilities adjacent to or visible from any right-of-way, the following shall apply:

(i) The exterior colors, façades, windows, roof and building materials of all structures located on-site shall be compatible with the character of or vision for the surrounding area. Self-service storage facilities shall incorporate design elements to achieve the effect of office structures.

(ii) All façades viewable from rights-of-way shall provide variety and interest. These façades shall not exceed fifty (50) feet in length without visual relief by means of a vertical reveal at least one (1) foot in depth and ten (10) feet in width, a perceptible change in wall angle, or a corner. Other design attributes shall include, roof slope and materials, windows, awnings, fencing and other aesthetic elements.

(f) Refuse. Dumpsters and trash receptacles shall be screened from view of adjacent lots and streets.

(g) Exterior storage.

(i) Vehicles shall not be stored within the area set aside for minimum building setbacks or in areas designated for landscaping buffering purposes.

(ii) Pleasure boats stored on-site shall be placed and maintained upon wheeled trailers. No dry stacking shall be permitted on-site.

(iii) The outside storage area shall be constructed with a dust-free surface.

b. Multi-Access Self-Storage Facilities. In addition to the general standards above, multi-access self-service storage facilities shall comply with the following regulations:

(1) Lot Size. The minimum lot size for a multi-access self-storage facility shall be two (2) acres.

(2) Circulation. The following on-site circulation standards shall apply:

(a) Interior: Interior loading areas shall be provided in the form of aiseways adjacent to the storage bays. These aiseways shall be used both for circulation and temporary customer parking while using storage units. The minimum width of these aiseways shall be twenty-five (25) feet if only one-way traffic is permitted, and thirty (30) feet if two-way traffic is permitted. A minimum width of twelve (12) feet between aiseways will be required when utilized for outdoor storage.

(b) Flow: The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Markings shall consist of standard directional signage and painted lane markings with arrows.

(c) Access: Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning of aiseways.

(3) Height. Limited access and combination multi-access and limited-access self-service storage facilities shall conform to the maximum height for that district. The maximum height for multi-access self-service storage facilities shall not exceed twenty-five (25) feet. These heights will include any screening required to conceal air-conditioning or any other mechanical equipment.

c. Limited Access Self-Storage Facilities. In addition to the general standards above, limited-access self-storage facilities shall comply with the following regulations:

(1) Lot Size. The minimum lot size for a limited access self-storage facility shall be one (1) acre.

(2) Loading.

(a) Each entry point used to access hallways leading to the storage bays shall accommodate a minimum of two (2) loading berths and related maneuvering area.

(b) The loading areas shall not interfere with the primary circulation system on-site.

(3) Circulation. The following on-site circulation standard shall apply:

(a) Interior. If a minimum twenty (20) feet accessway is provided adjacent to the building and serves no other use except the self-service storage facility, then the loading area may be established parallel and adjacent to the building. It will be required to satisfy current regulations for driveway accessibility dependent on one-way or two-way traffic.

(i) One-way: 25 feet; and

(ii) Two-way: 30 feet.

d. SMU District, MU-~~L~~1 District, MU-~~L~~2 District, and MU-~~L~~3 District. Only limited-access self-service storage facilities are allowed within mixed use districts. Multi-access self-service storage facilities are prohibited.

(1) Location. Permitted only on lots fronting on major arterial roadways. Retail uses unrelated to the storage business are relegated to the ground-floor. Street frontages of the ground floor area shall be devoted to one (1) or more principal retail and office uses, not related to the self-storage use, to a depth of at least twenty (20) feet.

(2) Driveways. Access to the self-service storage use portion of the structure shall not be from/to an arterial roadway and must be screened from public rights-of-way.

(3) Design. Buildings shall be designed to have the appearance of a multi-story retail, office, and/or residential structure through the use of windows, shutters, and appropriate building elements on the upper floors.

e. M-1 District.

(1) Buffers. All perimeter buffers adjacent to residentially-zoned property shall contain a continuous wall or hedge and trees, installed no less than twenty-five (25) feet on-center.

(2) Exterior Storage. In connection with a self-service storage facility, open storage of boats, motor, or recreational vehicles of the type customarily maintained by private individuals for their personal use and commercial vehicles shall be permitted provided the following:

(a) The outdoor storage area shall not exceed forty percent (40%) of the area of the site.

(b) Outdoor storage areas shall be entirely screened from public and private rights-of-way and non-industrial properties. Screening materials shall be comprised of a buffer wall, eight (8) feet in height, or by the project's principal and/or accessory building(s) or a combination thereof. Trees, installed no less than twenty-five (25) feet on-center, in conjunction with shrubs and/or other foundation plantings, shall be placed on the outside of the buffer wall, within a landscaping strip of at least five (5) feet in width. The shrubs and foundation plantings shall be at least four (4) feet in height at the time of installation. However, their inclusion may be waived by the Director of Planning and Zoning if determined to be unnecessary.

91. Boat Repair.

a. Landscaping. All exterior (temporary) storage shall be adequately screened. Additional buffering may be required as recommended by the Director of Planning and Zoning to ensure compatibility.

b. C-4 District. Shall not be located on a lot that borders an arterial roadway unless accessory to a Boat Dealer. No repair shall be allowed outside an enclosed structure, and exterior storage of boats and equipment must be adequately screened from adjacent rights-of-way and properties.



c. M-1 District. The exterior storage of boats or equipment must be adequately screened from adjacent rights-of-way and properties. The dry stacking of any boats shall be prohibited.

d. PID District. Only allowed as an accessory use to a retail boat dealer.

92. Carpet and Upholstery Cleaning Services. Permitted off-site only.

93. Contractor.

a. Refuse. Dumpsters and trash receptacles shall be screened from view of adjacent lots and streets.

b. C-4 District.

(1) Location. This use is allowed within the C-4 district but it shall not be located on a lot that fronts on an arterial roadway.

(2) Use(s) Allowed.

(a) Office and showroom only as a permitted use.

(b) Contractors' outdoor storage and workshop shall require conditional use approval if located within two hundred (200) feet of a residential zoning district.

c. M-1 District. Contractors' outdoor storage and workshop shall require conditional use approval if located within two hundred (200) feet of a residential zoning district.

94. Lawn Maintenance & Landscaping Service.

a. Refuse. Dumpsters and trash receptacles shall be screened from view of adjacent lots and streets.

b. C-4 District.

(1) Location. This use is allowed within the C-4 district but it shall not be located on a lot that fronts on an arterial roadway.

(2) Use(s) Allowed.

(a) Office and showroom only as a permitted use.

(b) Outdoor storage and workshop shall require conditional use approval if located within two hundred (200) feet of a residential zoning district.

95. Radio & TV Broadcasting. Refer to the wireless communication facilities section in Chapter 3, Article V (Supplemental Regulations) of the Land Development Regulations.

96. Research & Development, Scientific/Technological. Excluding treatment, storage, or processing of human or animal bodies or body parts. Medical or scientific research which involves the use, treatment, storage, or processing of human or animal bodies or body parts would require conditional use approval.

97. Sewer/Septic & Waste Mgmt. Cleaning. This use excludes the storage, treatment, transfer, dumping, or disposal of waste on-premises.

98. Taxi, Limo, Charter Bus.

a. C-2 District, C-3 District, C-4 District, CBD District, and PCD District. Office only; fleet vehicles shall be stored in a zoning district where storage, boats/motor/recreational vehicles is allowed.

b. M-1 district. No exterior (temporary) storage of fleet vehicles in a wrecked condition shall be permitted. In addition, the following shall apply:

(1) Landscaping. All exterior (temporary) storage of fleet vehicles shall be adequately screened. Additional buffering may be required as recommended by the Director of Planning and Zoning to ensure compatibility.

(2) Lighting. If a facility abuts a residential zone, outdoor lighting fixtures shall be no more than twenty (20) feet in height and shall be shielded away from residential property.

(3) Loudspeakers. No exterior loudspeakers or paging equipment shall be permitted on-site.

99. Community Garden.

a. All Districts.

(1) Setbacks. The cultivation area shall be setback or designed (planted) a minimum distance so as to not violate any cross-visibility requirements and safe-sight standards required near vehicular use areas.

(2) Design. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.

(3) Parking. Community gardens shall be exempt from the off-street parking requirements of Chapter 4, Article V, Minimum Off-Street Parking Requirements. No vehicles, including harvesting machinery shall be stored on the subject property or within the abutting right-of-way, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a land development permit. See Chapter 2, Article III, Section 3 for the regulations pertaining to the land development permit.

(4) Hours of Operation. No activity shall be conducted on-site between the hours of 9:00 p.m. and 7:00 a.m.

(5) Exterior Lighting. No temporary or permanent exterior lighting shall be used beyond the lawful hours of operation.

(6) Walls and Fences. Walls and fences shall be allowed and regulated in accordance with Chapter 3, Article V, Section 2.

(7) Open Burning. The open burning of neighborhood gardens shall be prohibited. See City Code of Ordinances Part II, Chapter 9, Article II, Section 9-18 for the restrictions on open burning.

(8) Signage. Pursuant to Chapter 4, Article IV, Section 1.E., a non-illuminated sign with non-commercial copy is allowed, provided that it does not exceed three (3) square feet in area. If proposed as a freestanding structure, the sign shall not be greater than four (4) feet in height and must be located at least ten (10) feet from any property line.

(9) Grading and Ground Elevation. The subject site shall not be excavated, graded, dredged, or filled to the extent that it would change existing drainage patterns or cause rainwater to outfall onto abutting properties or rights-of-way.

b. Residential Districts.

(1) IPUD District, PUD District, and MHP District. A community garden shall only be allowed on lands considered common area by the homeowners or property owners' association or upon lots that are owned by such association.

(2) Lot Size. The maximum lot size shall not exceed one-half (0.5) acre.

(3) Freestanding Structures and Site Amenities. No freestanding structures or site amenities allowed under Chapter 3, Article V, Section 3 (e.g., sheds and storage containers, generators and fuel tanks, compost bins and tumblers, agricultural structures) shall be allowed.

(4) Seed and Fertilizer. No seed or fertilizer shall be stored on-site.

(5) Approval Process. A community garden shall require the approval of a zoning permit in accordance with Chapter 2, Article II, Section 5.B.

c. All Commercial and Mixed Use Districts.

(1) Lot Size. The maximum lot size shall not exceed one (1) acre.

(2) Separation. A community garden shall be separated from another community garden by a minimum of one thousand (1,000) feet.

(3) Freestanding Structures and Site Amenities. Freestanding structures and site amenities, including but not limited to sheds and storage containers, generators and fuel tanks, compost bins and tumblers, or agricultural structures are allowed, provided that they are installed, placed, erected, or constructed in accordance with the respective provisions of Chapter 3, Article V, Section 3.

(4) Lot Coverage. The ground area of all freestanding structures and site amenities allowed under Chapter 3, Article V, Section 3 that are installed, placed, erected, or constructed shall count towards lot coverage; and all of these, including principal structures, shall not exceed the maximum allowed by the respective zoning district.

(5) Approval Process. A community garden shall require the approval of a zoning permit in accordance with Chapter 2, Article II, Section 5.B. However, those containing storage and/or agricultural structures greater than one hundred (100) square feet as provided for in the Supplemental Regulations (Chapter 3, Article V, Section 3) shall require approval of conditional use and site plan applications in accordance with Chapter 2, Article II, Section 2.

(6) Retail Sales. The on-site sale of fruits, vegetables, nuts, or herbs harvested on-site is allowed, but only in connection with the approval of a special event permit. Any temporary farm stand used during the special event period shall be no larger than seventy-two (72) square feet and seven (7) feet in height. No fruits, vegetables, nuts, or herbs harvested off-site or any products produced off-site shall be brought to the subject property and sold on-site.

—100. Warehouse, showroom (single product line).

a. All Districts (for recreational vehicles only).

(1) Minimum property size for the particular use shall be ten (10) acres.

(2) Must be located in a multi-tenant building.

(3) Interior display of recreational vehicles is required. Ancillary display outside an enclosed building shall not exceed one and one-half (1-1/2) times the number of units displayed indoors.

(4) If ancillary outdoor display is proposed, the property shall not be located on an arterial or collector roadway.

(5) Only one row of recreational vehicles may be displayed between the building and any road right-of-way. No recreational vehicle may be displayed within ninety (90) feet of any road right-of-way.

(6) No ancillary outdoor display shall occur within required parking spaces.

(7) Location of ancillary outdoor display shall not obstruct or impede vehicular movements or pedestrian access.

(8) Landscaping shall be in conformance with either “perimeter landscape buffer” or “landscape strip abutting right-of-way” requirements, whichever is applicable.

(9) No maintenance shall occur on site.

101. Medical Care or Testing (In-patient). Other requirements and site standards:

a. Conditional use approval shall be required if there exists less than a fifty (50) foot setback between the subject use and an abutting residential or mixed use zoning district. This separation is intended to enable proper site design regarding secured access, private outdoor patron amenities, buffering, and the like.

b. Site security shall be ensured through a minimum of surveillance cameras, limited and controlled access points, and operational procedures to restrict unauthorized and/or unarranged accessing or exiting of the facility and/or property. This subsection may be proven unnecessary based on the use or operation, surrounding land uses and/or site design. Justification shall be provided to staff in conjunction with site plan review or when applying for Certificate of Use approval.

c. Privacy and access control shall be ensured through a minimum of perimeter fencing and landscape buffering intended to support the objective to control access and increase privacy of areas intended for client or patient use. This subsection may be proven unnecessary based on the use or operation, surrounding land uses and/or site design. Justification shall be provided to staff in conjunction with site plan review or when applying for Certificate of Use approval.

d. In addition to the locational restriction of footnote No. 14 (arterial roadway frontage), allowed locations within the CRA shall exclude Planning Areas #2, #3, and #4 as defined within the Federal Highway Corridor Community Redevelopment Plan Update adopted in 2006, and the Boynton Beach Boulevard corridor. The intent of this standard is to reserve certain areas within the CRA to those uses that contribute to, and enhance, the entries into the downtown, the fabric of the streetscape, harmonious land use relationships, downtown retail and commerce, and other urban development efforts that establish a sense of place along the key routes leading to, and within, the downtown pursuant to an adopted redevelopment plan.

102. Pre-existing. Such pre-existing uses which are no longer allowed uses pursuant to amendments to the Zoning Matrix shall not be construed as non-conforming uses. However, major modifications to such uses shall be in accordance with the conditional use approval process if required pursuant to the Zoning Matrix, and adhere to the site design and operational restrictions of the applicable footnotes.

103. Landscape Debris Stockpiling.

a. The commercial stockpiling of landscaping debris is allowed as a conditional use in the M-1 zoning district subject to the following conditions:

1) Prior to commencing the operation of a landscaping debris storage site, a property owner must first obtain a Business Tax Receipt and Certificate of Use from the city.

2) A site plan notated to show operational components of the storage facility (i.e. access, storage area, setback, etc).

3) No stockpiling of landscaping debris shall be permitted on properties of less than 0.5 acres.

4) A minimum 20-foot wide stabilized all weather access road around the perimeter of the stockpile.

5) All stored landscaping debris shall be setback at least 30 feet from any residential property line and 25 feet from all other property lines.

6) All storm water drainage shall be maintained on the site by appropriate infrastructure and improvements as approved by the City Engineer or his or her designees.

7) No chipping of stockpiled debris is permitted on the site.

8) The perimeter of a storage site shall be screened with a wall or fence that obstructs the view of the storage area from adjacent properties, except where such use abuts a residential zoning district screening shall also include landscape elements that meet the intent of the Landscape Barrier as defined in Chapter 4, Article II of the Land Development Regulations.

9) The hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and Saturday from 8:00 a.m. to 2:00 p.m. or as established during the conditional use approval process.

10) Access to operations shall be only from a public right-of-way. In no case, shall a delivery or removal of the stored landscaping debris utilize a private road or alley serving residential uses for access.

11) The delivery, removal and storage shall utilize dust control measures.

12) Debris piles shall not be placed on surfaces intended or designed for open space, or for parking or vehicle circulation.

13) Storage areas shall include fire protection monitoring, alert and suppression systems as approved by the City Fire Marshal. The following are minimum requirements which must be demonstrated to obtain Fire Marshal approval:

a) No pile shall be higher than 10 feet. During any declared drought the height shall be limited to six feet.

b) All piles shall be covered with a “breathable blanket” or site provided with a sprinkler system approved by the City Fire Marshal.

c) All piles shall be secured behind a fence or other approved barrier that will be locked at all times when not in use.

d) Because of the health hazards from the rotting vegetation and the vermin that may live there and the fire hazard these piles shall be a minimum of 25 feet from any commercial building and 40 feet from any residence.

e) A working garden hose shall be at the ready at all times to put out small spot fires.

f) Each pile shall be churned at least once per week and so noted on a roster to be maintained onsite and made available to a Fire Department representative on request.

b. These provisions shall be in effect until August 22, 2018 as a pilot program and shall sunset unless extended or made a permanent part of these regulations by a subsequent ordinance of the city.

(Ord. 10-025, passed 12-7-10; Am. Ord. 11-002, passed 3-1-11; Am. Ord. 11-018, passed 7-5-11; Am. Ord. 11-023, passed 10-4-11; Am. Ord. 11-028, passed 10-18-11; Am. Ord. 12-006, passed 4-17-12; Am. Ord. 12-010, passed 6-19-12; Am. Ord. 13-020, passed 7-2-13; Am. Ord. 13-025, passed 10-1-13; Am. Ord. 13-029, passed 11-19-13; Am. Ord. 15-002, passed 3-17-15; Am. Ord. 15-003, passed 3-17-15; Am. Ord. 15-019, passed 8-18-15; Am. Ord. 15-030, passed 11-3-15; Am. Ord. 16-010, passed 7-5-16; Am. Ord. 16-011, passed 7-5-16; Am. Ord. 16-023, passed 1-3-17; Am. Ord. 17-005, passed 2-21-17)



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

(1) **PROPOSED ORDINANCE NO. 17-024 - FIRST READING** - Approve The Villages at East Ocean Avenue - North Future Land Use Map Amendment (LUAR 17-002) from Local Retail Commercial (LRC) to Mixed Use High (MXH). Applicant: Arthur B. D'Almeida

(2) **PROPOSED ORDINANCE NO. 17-025 - FIRST READING** - Approve The Villages at East Ocean Avenue - North Rezoning (LUAR 17-002) from C-2 Neighborhood Commercial and C-3 Community Commercial to MU-C, Mixed Use Core District with a proposed site plan for 336 multi-family units and 12,257 square feet of commercial space. Applicant: Arthur B. D'Almeida

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**EXPLANATION OF REQUEST:**

The proposed Villages at East Ocean Avenue is a mixed use development on 5.14 acres which extend between the FEC Railroad to the east and 3<sup>rd</sup> Street on the west, with Ocean Avenue being a dividing line between the project's North and South components. The North component covers the area north of Ocean Avenue to Boynton Beach Boulevard, while the South part of the development extends from Ocean Avenue to the alley south of SE 1<sup>st</sup> Avenue. The land use amendments, rezonings and site plans for the North and South sections are processed concurrently (see the respective staff reports).

The subject request pertains to the North section of the Villages project. The project area consists of 11 parcels, 6 of which are currently vacant. This section is proposed to be redeveloped under the highest density Future Land Use (FLU) category of Mixed Use High, with Mixed Use Core zoning. The project will also avail itself of the 25% Downtown Transit-Oriented Development District's density bonus, bringing its maximum density to 100 dwelling units per acre.

The request, if approved, would implement the CRA Plan's future land use (FLU) recommendation for the area. The Villages' North area is split between the Cultural and Boynton Beach Boulevard districts; each district's section carries the same FLU recommendation of Mixed Use High (MXH).

The Planning & Development Board reviewed this item on August 22, 2017 and forwards it with a recommendation for approval.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** The project will not require capacity adjustment to the City services.

**FISCAL IMPACT:** The project, if approved and constructed, would ultimately lead to an increase in the City's tax base.

**ALTERNATIVES:** Staff does not recommend any alternatives.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** NA

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION: NA**

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**Is this a grant? No**

**Grant Amount:**

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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Ordinance	Ordinance approving Villages at East Ocean Avenue North Land Use amendment
<input type="checkbox"/> Ordinance	Ordinance approving rezoning at The Villages of East Ocean Avenue - North
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Location Map	Exhibit A. Location Map
<input type="checkbox"/> Exhibit	Exhibit B. Villages proposed FLU
<input type="checkbox"/> Exhibit	Exhibit C. Villages proposed zoning
<input type="checkbox"/> Exhibit	Exhibit D. CRA FLU recommendation

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**WHEREAS**, the City Commission of the City of Boynton Beach, Florida has adopted a Comprehensive Future Land Use Plan and as part of said Plan a Future Land Use Element pursuant to Ordinance No. 89-38 and in accordance with the Local Government Comprehensive Planning Act; and

**WHEREAS**, after two (2) public hearings the City Commission acting in its dual capacity as Local Planning Agency and City Commission finds that the amendment hereinafter set forth is consistent with the City's adopted Comprehensive Plan and deems it in the best interest of the inhabitants of said City to amend the Future Land Use Element (designation) of the Comprehensive Plan as hereinafter provided.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
CITY OF BOYNTON BEACH, FLORIDA, THAT:**

Section 1: The foregoing WHEREAS clauses are true and correct and incorporated herein by this reference.

Section 2: Ordinance No. 89-38 of the City is hereby amended to reflect the following:

That the Future Land Use of the following described land described in Exhibit “A” is



amended from Local Retail Commercial (LRC) to: **MIXED USE HIGH (MXH).**

Section 3: This Ordinance shall take effect on adoption, subject to the review, challenge, or appeal provisions provided by the Florida Local Government Comprehensive Planning and Land Development Regulation Act. No party shall be vested of any right by virtue of the adoption of this Ordinance until all statutory required review is complete and all legal challenges, including appeals, are exhausted. In the event that the effective date is established by state law or special act, the provisions of state act shall control.

FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

SECOND, FINAL READING and PASSAGE this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF BOYNTON BEACH, FLORIDA

YES NO

Mayor – Steven B. Grant

\_\_\_\_\_

Vice Mayor – Justin Katz

\_\_\_\_\_

Commissioner – Mack McCray

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Commissioner – Christina L. Romelus

\_\_\_\_\_

Commissioner – Joe Casello

\_\_\_\_\_

VOTE

ATTEST:

Judith A. Pyle, CMC  
City Clerk

(Corporate Seal)

## EXHIBIT A

## NORTH PROPERTY LEGAL DESCRIPTION

08-43-45-28-03-002-0070 (ORB 25999 PAGE 1961)

LOT 7, BLOCK 2, ORIGINAL TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THOSE LANDS CONVEYED TO THE STATE OF FLORIDA IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1324, PAGE 13.

TOGETHER WITH ALL IMPROVEMENTS, TENEMENTS, HEREDITAMENTS, AND APPURTENANCES THERETO BELONGING OR IN ANYWISE APPERTAINING AND TOGETHER WITH ALL RIGHTS AND EASEMENTS OF RECORD.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD, WITHOUT REIMPOSING SAME, AND TAXES FOR THE CURRENT AND SUBSEQUENT YEARS.

08-43-45-28-03-002-0050 (ORB 14860 PAGE 1691)

LOTS 5 AND 6, BLOCK 2, OF TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO CONDITIONS, RESTRICTIONS, LIMITATIONS, RESERVATIONS, AGREEMENTS, DECLARATIONS, DEDICATIONS AND EASEMENTS OF RECORD, APPLICABLE ZONING LAWS AND TAXES FOR THE YEAR 2003 AND ALL SUBSEQUENT YEARS.

08-43-45-28-03-002-0030 (ORB 23738 PAGE 1529)

LOTS 3 AND 4, BLOCK 2, BOYNTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE(s) 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

08-43-45-28-03-002-0020 (ORB 21484 PAGE 1820)

LOT 2, BLOCK 2, OF TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

08-43-45-28-03-002-0080 (ORB 26000 PAGE 1)

LOTS 8, 9 AND 10, BLOCK 2 OF THE TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH ALL IMPROVEMENTS, TENEMENTS, HEREDITAMENTS, AND APPURTENANCES THERETO BELONGING OR IN ANYWISE APPERTAINING AND TOGETHER WITH ALL RIGHTS AND EASEMENTS OF RECORD.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD, WITHOUT REIMPOSING SAME, AND TAXES FOR THE CURRENT AND SUBSEQUENT YEARS.

08-43-45-28-03-002-0110 (ORB 21535 PAGE 575)

LOTS 11, 12, AND 13, BLOCK 2, BOYNTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

ORB 26546 PAGE 1:

08-43-45-28-03-005-0040

PARCEL 1:

LOTS 4 THROUGH 6, BLOCK 5, TOWN OF BOYNTON, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1, PAGE 23, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

08-43-45-28-03-005-0091

PARCEL 2:

THE EAST 30 FEET OF LOT 9, BLOCK 5, TOWN OF BOYNTON, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1, PAGE 23, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

08-43-45-28-03-005-0100

PARCEL 3:

LOTS 10 AND 11, BLOCK 5, TOWN OF BOYNTON, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1, PAGE 23 AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

08-43-45-28-03-005-0020 (ORB 26484 PAGE 125)

THAT CERTAIN REAL PROPERTY LOCATED IN SECTION 28, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 2 AND 3, BLOCK 5, TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH ALL IMPROVEMENTS, TENEMENTS, HEREDITAMENTS, AND APPURTENANCES THERETO BELONGING OR IN ANYWISE APPERTAINING AND TOGETHER WITH ALL RIGHTS AND EASEMENTS OF RECORD.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD, WITHOUT THE INTENT TO REIMPOSE SAME, AND TAXES FOR THE CURRENT AND SUBSEQUENT YEARS.

08-43-45-28-03-005-0080 (ORB 27636 PAGE 849)

LOTS 8 AND 9, LESS THE EAST 30 FEET, BLOCK 5, TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 23. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH ALL IMPROVEMENTS, TENEMENTS, HEREDITAMENTS, AND APPURTENANCES THERETO BELONGING OR IN ANYWISE APPERTAINING AND TOGETHER WITH ALL RIGHTS AND EASEMENTS OF RECORD.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD, WITHOUT THE INTENT TO REIMPOSE SAME, AND TAXES FOR THE CURRENT AND SUBSEQUENT YEARS.

THE PERSONAL REPRESENTATIVES RELEASE ALL LIENS OR RIGHTS TO LIENS PURSUANT TO SEC. 733.608, FLA. STAT.

ORDINANCE NO. 17-

AN ORDINANCE OF THE CITY OF BOYNTON BEACH, FLORIDA, AMENDING ORDINANCE 02-013 TO REZONE A PARCEL OF LAND DESCRIBED HEREIN AND COMMONLY REFERRED TO AS THE VILLAGES AT EAST OCEAN AVENUE – NORTH FROM NEIGHBORHOOD COMMERCIAL (C-2) AND COMMUNITY COMMERCIAL (C-3) TO MIXED USE CORE WITH THE MAXIMUM DENSITY OF 80 DWELLING UNITS/ACRE (MU-C); PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of Boynton Beach, Florida has adopted Ordinance No. 02-013, in which a Revised Zoning Map was adopted for said City; and

**WHEREAS**, the City of Boynton Beach, owner of the property has made application to rezone a parcel of land, said land being more particularly described hereinafter, from Neighborhood Commercial (C-2) and Community Commercial (C-3) to Mixed Use Core with the maximum density of 80 dwelling units/acre (MU-C); and

**WHEREAS**, the City Commission conducted public hearings as required by law and heard testimony and received evidence which the Commission finds supports a rezoning for the property hereinafter described; and

**WHEREAS**, the City Commission finds that the proposed rezoning is consistent with an amendment to the Land Use which was contemporaneously considered and approved at the public hearing heretofore referenced; and

**WHEREAS**, the City Commission deems it in the best interests of the inhabitants of said City to amend the aforesaid Revised Zoning Map as hereinafter set forth.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

33           Section 1.     The foregoing Whereas clauses are true and correct and incorporated  
34 herein by this reference.

35           Section 2.     The land described in Exhibit “A” be and the same is hereby rezoned  
36 from Neighborhood Commercial (C-2) and Community Commercial (C-3) to Mixed Use  
37 Core with the maximum density of 80 dwelling units/acre (MU-C). A location map is  
38 attached hereto as Exhibit “B” and made a part of this Ordinance by reference.

39           Section 3.     That the aforesaid Revised Zoning Map of the City shall be amended  
40 accordingly.

41           Section 4.     All ordinances or parts of ordinances in conflict herewith are hereby  
42 repealed.

43           Section 5.     Should any section or provision of this Ordinance or any portion thereof  
44 be declared by a court of competent jurisdiction to be invalid, such decision shall not affect  
45 the remainder of this Ordinance.

46           Section 6.     This ordinance shall become effective immediately upon passage.

47     FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2017.

48

49

50 SECOND, FINAL READING and PASSAGE this \_\_\_\_ day of \_\_\_\_\_, 2017.

51 CITY OF BOYNTON BEACH, FLORIDA

52

53 YES NO

54

55 Mayor – Steven B. Grant \_\_\_\_\_

56

57 Vice Mayor – Justin Katz \_\_\_\_\_

58

59 Commissioner – Mack McCray \_\_\_\_\_

60

61 Commissioner – Christina L. Romelus \_\_\_\_\_

62

63 Commissioner – Joe Casello \_\_\_\_\_

64

65 VOTE \_\_\_\_\_

66

67 ATTEST:

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69

70

71 \_\_\_\_\_

72 Judith A. Pyle, CMC

73 City Clerk

74

75

76 (Corporate Seal)

77





EXHIBIT A

NORTH PROPERTY LEGAL DESCRIPTION

08-43-45-28-03-002-0070 (ORB 25999 PAGE 1961)

LOT 7, BLOCK 2, ORIGINAL TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THOSE LANDS CONVEYED TO THE STATE OF FLORIDA IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1324, PAGE 13.

TOGETHER WITH ALL IMPROVEMENTS, TENEMENTS, HEREDITAMENTS, AND APPURTENANCES THERETO BELONGING OR IN ANYWISE APPERTAINING AND TOGETHER WITH ALL RIGHTS AND EASEMENTS OF RECORD.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD, WITHOUT REIMPOSING SAME, AND TAXES FOR THE CURRENT AND SUBSEQUENT YEARS.

08-43-45-28-03-002-0050 (ORB 14860 PAGE 1691)

LOTS 5 AND 6, BLOCK 2, OF TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO CONDITIONS, RESTRICTIONS, LIMITATIONS, RESERVATIONS, AGREEMENTS, DECLARATIONS, DEDICATIONS AND EASEMENTS OF RECORD, APPLICABLE ZONING LAWS AND TAXES FOR THE YEAR 2003 AND ALL SUBSEQUENT YEARS.

08-43-45-28-03-002-0030 (ORB 23738 PAGE 1529)

LOTS 3 AND 4, BLOCK 2, BOYNTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE(s) 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

08-43-45-28-03-002-0020 (ORB 21484 PAGE 1820)

LOT 2, BLOCK 2, OF TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

08-43-45-28-03-002-0080 (ORB 26000 PAGE 1)

LOTS 8, 9 AND 10, BLOCK 2 OF THE TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH ALL IMPROVEMENTS, TENEMENTS, HEREDITAMENTS, AND APPURTENANCES THERETO BELONGING OR IN ANYWISE APPERTAINING AND TOGETHER WITH ALL RIGHTS AND EASEMENTS OF RECORD.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD, WITHOUT REIMPOSING SAME, AND TAXES FOR THE CURRENT AND SUBSEQUENT YEARS.

08-43-45-28-03-002-0110 (ORB 21535 PAGE 575)

LOTS 11, 12, AND 13, BLOCK 2, BOYNTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

ORB 26546 PAGE 1:

08-43-45-28-03-005-0040

PARCEL 1:

LOTS 4 THROUGH 6, BLOCK 5, TOWN OF BOYNTON, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1, PAGE 23, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

08-43-45-28-03-005-0091

PARCEL 2:

THE EAST 30 FEET OF LOT 9, BLOCK 5, TOWN OF BOYNTON, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1, PAGE 23, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

08-43-45-28-03-005-0100

PARCEL 3:

LOTS 10 AND 11, BLOCK 5, TOWN OF BOYNTON, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1, PAGE 23 AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

08-43-45-28-03-005-0020 (ORB 26484 PAGE 125)

THAT CERTAIN REAL PROPERTY LOCATED IN SECTION 28, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 2 AND 3, BLOCK 5, TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH ALL IMPROVEMENTS, TENEMENTS, HEREDITAMENTS, AND APPURTENANCES THERETO BELONGING OR IN ANYWISE APPERTAINING AND TOGETHER WITH ALL RIGHTS AND EASEMENTS OF RECORD.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD, WITHOUT THE INTENT TO REIMPOSE SAME, AND TAXES FOR THE CURRENT AND SUBSEQUENT YEARS.

08-43-45-28-03-005-0080 (ORB 27636 PAGE 849)

LOTS 8 AND 9, LESS THE EAST 30 FEET, BLOCK 5, TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 23. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.


TOGETHER WITH ALL IMPROVEMENTS, TENEMENTS, HEREDITAMENTS, AND APPURTENANCES THERETO BELONGING OR IN ANYWISE APPERTAINING AND TOGETHER WITH ALL RIGHTS AND EASEMENTS OF RECORD.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD, WITHOUT THE INTENT TO REIMPOSE SAME, AND TAXES FOR THE CURRENT AND SUBSEQUENT YEARS.

THE PERSONAL REPRESENTATIVES RELEASE ALL LIENS OR RIGHTS TO LIENS PURSUANT TO SEC. 733.608, FLA. STAT.

**DEVELOPMENT DEPARTMENT  
PLANNING AND ZONING DIVISION  
MEMORANDUM NO. PZ 17-047  
STAFF REPORT**

TO: Chair and Members  
Planning and Development Board

THRU: Michael Rumpf   
Planning and Zoning Director

FROM: Hanna Matras , Senior Planner

DATE: August 11, 2017

PROJECT: The Villages at East Ocean Avenue-North  
LUAR 17-002

REQUEST: Approve The Villages at East Ocean-North Future Land Use Map Amendment from Local Retail Commercial (LRC) to Mixed Use High (MXH) and rezoning from C-2 Neighborhood Commercial and C-3 Community Commercial to MU-C, Mixed Use Core District with a proposed site plan for 336 multi-family units and 12,257 square feet of commercial space.

---

**PROJECT DESCRIPTION**

Property Owner/Applicant : Arthur B. D'Almeida

Agent: Bradley D. Miller, Miller Land Planning Inc.

Location: Area extending west from FEC Railway tracks to NE 3<sup>rd</sup> Street, bounded by E. Ocean Avenue on the south and E. Boynton Beach Boulevard on the north (Exhibit "A")

Existing Land Use/  
Zoning: Local Retail Commercial (LRC)/ C-2 Neighborhood Commercial and C-3 Community Commercial

Proposed Land Use/  
Zoning: Mixed Use High (MXH)/ MU-C Mixed Use Core with the maximum density of 80 dwelling units/acre (Exhibits "B" and "C")

Acreage: 3.379 acres

**Adjacent Uses:**

- North: Right-of-way for Boynton Beach Boulevard; farther north, developed commercial properties classified Local Retail Commercial (LRC) future land use and zoned C-3 Community Commercial;
- South: Right-of-way for Ocean Avenue; farther south, proposed Villages of East Ocean Avenue South with Mixed Use Medium future land use and MU-2 Mixed Use 2 zoning (currently, developed commercial property classified Local Retail Commercial (LRC) future land use and zoned C-2 Neighborhood Commercial);
- East: Right-of-way for FEC Railroad; farther east, right-of-way for NE 4<sup>th</sup> Street and then developed commercial property, parking, City-owned green and a vacant property, all classified Mixed Use High (MXH) future land use and zoned CBD Central Business District;
- West: Right-of-way for NE 3<sup>rd</sup> Street, and farther west, developed condominium and commercial properties classified Local Retail Commercial (LRC) and High Density Residential (HDR) future land use and zoned C-3 Community Commercial and R-3 Multifamily.

**BACKGROUND**

The proposed Villages of East Ocean Avenue is a mixed use development on 5.14 acres which extend between the FEC Railroad to the east and 3<sup>rd</sup> Street on the west, with Ocean Avenue being a dividing line between the project's North and South components. The North component covers the area north of Ocean Avenue to Boynton Beach Boulevard, while the South part of the development extends from Ocean Avenue to the alley south of SE 1<sup>st</sup> Avenue. The land use amendments, rezonings and site plans for the North and South sections are processed concurrently (see the respective staff reports).

The proposed development is located within the Community Redevelopment Area and carries three transportation-related designations: the Downtown Transit-Oriented Development (DTOD) District, Transportation Concurrency Exception Area (TCEA) and Coastal Residential Exception. The DTOD district covers a one-half mile radius around the station of the planned Tri-Rail Coastal Link commuter service on the FEC Rail line, to be located just south of Boynton Beach Boulevard. The district's regulations support increased intensity of development through a 25% density bonus. The TCEA, in addition to the Coastal Residential Exception applicable east of I-95, exempts all projects within a predetermined threshold from the Palm Beach County traffic concurrency ordinance, further supporting redevelopment in the City's downtown and surrounding neighborhoods.

The subject request pertains to the North section of the Villages project. The property consist of 11 parcels, 6 of which are currently vacant (the Boynton Center No. 5 condominium property on the corner of Ocean Avenue and 3<sup>rd</sup> Street is not included in the project). This section is proposed to be redeveloped under the highest density Future Land Use (FLU) category of Mixed Use High, with Mixed Use Core zoning. The project will also avail itself of the 25% DTOD district's density bonus, bringing its density to 100 dwelling units per acre.

### **REVIEW BASED ON CRITERIA**

The following criteria used to review Comprehensive Plan Map amendments and rezonings are listed in the Land Development Regulations, Chapter 2, Article II, Section 2.B and Section 2.D.3:

- a. Demonstration of Need.** *A demonstration of need may be based upon changing conditions that represent a demand for the proposed land use classification and zoning district. Appropriate data and analysis that adequately substantiates the need for the proposed land use amendment and rezoning must be provided within the application.*

The need for the requested Future Land Use Map amendment (FLUM)/rezoning of the subject site is closely aligned with the City's long standing vision and desire to expand housing in and around the downtown to foster pedestrian activity needed for creation of a vibrant city center. The City has supported this vision by allowing the highest residential densities in the area; more so in recent years, as the plan for a new Tri-Rail Coastal Link commuter service with a downtown station provided a heightened rationale for intensification of future redevelopment in proximate locations. The increased development intensity and related regulations for the Downtown Transit-Oriented Development (DTOD) District, established in 2014, are consistent with recommendations of the Florida Department of Transportation (FDOT), included the department's 2012 Florida TOD Guidebook.

The proposed project is adjacent to the planned Coastal Link station. Note that the FDOT model for the Boynton Beach DTOD District is a Community Center station with stipulated densities between 11 and 16 dwelling units per acre, much higher than 7.0 dwelling units per acre, the current gross density within the District. The proposed rezoning will bring the density closer to the number at which planned commuter service can operate efficiently.

In addition, the subject request reflects an ongoing high demand for rental apartments. Despite rising vacancy rates, international real estate companies Marcus & Millichap and CBRE 2017 multifamily forecasts for Palm Beach county predict another year of rent gains, fuelled by continuous job growth and in-migration.

- b. Consistency.** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be consistent with the purpose and intent of, and promote, the applicable Comprehensive Plan policies, Redevelopment Plans, and Land Development Regulations.*

Consistency with the Comprehensive Plan and Redevelopment Plan

The proposed future land use amendment and rezoning are consistent with several applicable policies of the Comprehensive Plan, such as:

*Policy 1.18.1 The City shall implement the Transit-Oriented Development (TOD) approach, as described in the 2012 Florida Department of Transportation's TOD Guidebook, to manage future growth within a ½ mile radius around the intersection of Ocean Avenue and the Florida East Coast rail corridor, which is the anticipated location of the Downtown Boynton Beach Station for the planned commuter Tri-Rail Coastal Link service on the FEC Corridor. This area will be referred as the Downtown TOD District hereforth. The inner ¼-mile core of this District shall be designed to accommodate the greatest density and intensity of development.*

*Policy 1.18.2 The City shall aim to transform the Downtown TOD District area into an active, mixed-use, pedestrian-friendly activity zone, supporting new housing to increase potential ridership, intensifying land development activity, and adding amenities and destination uses for future transit riders. The City shall strive to achieve this goal through facilitating compact, high density and intensity development of a varied mix of land uses.*

Note that the subject property is located within the inner one-quarter-mile core of the DTOD District.

The request, if approved, would implement the FLU proposed for the area by the 2016 CRA Community Redevelopment Plan. The Villages' North area is split between the Cultural and Boynton Beach Boulevard districts; each district's section carries the same FLU recommendation of Mixed Use High (MXH), as demonstrated by Exhibit "D." The proposed Mixed Use Core zoning corresponds to the Mixed Use High future land use category of the new future land use/zoning structure of the CRA Plan. It is the higher intensity district of the two districts corresponding to the MXH future land use. The subject property location in close proximity to the planned Coastal Link station represents a clear preference for the highest possible density in support of the commuter service.

Consistency with Land Development Regulations (LDR)

The application for the master/site plan complies with the recommendations of the CRA

Plan. The development regulations for the requested Mixed Use Core (MU-C) zoning district are subject of the code review under concurrent consideration.

**c. Land Use Pattern.** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be contrary to the established land use pattern, or would create an isolated zoning district or an isolated land use classification unrelated to adjacent and nearby classifications, or would constitute a grant of special privilege to an individual property owner as contrasted with the protection of the public welfare. This factor is not intended to exclude FLUM reclassifications and rezonings that would result in more desirable and sustainable growth for the community.*

These actions aim to continue implementation of changes that **would result in more desirable and sustainable growth for the community** in an area that abuts a railroad corridor and consists of underutilized commercial property and old storage bays that are non-conforming by current zoning regulations. For lands in or near the City's downtown, the CRA Plan recommends significantly more intense development and higher residential density — particularly within the Downtown Transit Oriented Development District, which already allows for an additional 25% density bonus over all zoning districts with the permitted density beginning at 20 dwelling units per acre. Denser development is needed to sustain the level of activity necessary for a lively downtown and success of the planned Coastal Link commuter service.

**d. Sustainability.** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would support the integration of a mix of land uses consistent with the Smart Growth or sustainability initiatives, with an emphasis on 1) complementary land uses; 2) access to alternative modes of transportation; and 3) interconnectivity within the project and between adjacent properties.*

See the response to criterion "c" above. The proposed amendment/rezoning constitutes a major contribution to sustainable, high density redevelopment integrating a mix of land uses in the City's downtown area within the DTOD District. The project would follow the recommendations of the CRA Plan, which consistently incorporates sustainability features in all aspects of redevelopment, including intensity, urban design and connectivity. (See the master/site plan report under concurrent consideration.)

**e. Availability of Public Services / Infrastructure.** *All requests for Future Land Use Map amendments shall be reviewed for long-term capacity availability at the maximum intensity permitted under the requested land use classification.*

**Water and Sewer.** Long-term capacity availability for potable water and sewer for the subject request has been confirmed by the Utilities Department.

**Solid Waste.** The Palm Beach County Solid Waste Authority determined that sufficient



disposal capacity will be available at the existing landfill through approximately the year 2046.

**Drainage.** Drainage will be reviewed in detail as part of the site plan, land development, and building permit review processes.

**Traffic.** The property is under the Coastal Residential exception and TCEA designations and is therefore exempted from the concurrency requirements of the Palm Beach County Traffic Performance Standards Ordinance. The monitoring of the maximum allowable residential uses and square footage of commercial, industrial and other non-residential uses as well as applicable use ratios under the TCEA Planned 2025 Land Use Table indicate that the current (cumulative) numbers remain significantly off the allowable thresholds.

**Schools.** The School Capacity Availability Determination application will be submitted with a site plan/master plan package.

***f. Compatibility.** The application shall consider the following factors to determine compatibility:*

*(1) Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties; and*

*(2) Whether the proposed Future Land Use Map amendment (FLUM) and rezoning is of a scale which is reasonably related to the needs of the neighborhood and the City as a whole.*

As already discussed in response to criteria “c” and “d,” the proposed FLUM and rezoning follows the recommendations of the CRA Plan for the area, and thus will be compatible with the future use of the surrounding properties. The Plan’s vision is to transform the area into a high intensity, walkable, bustling urban environment, with a further impetus to be provided by the planned Coastal Link commuter service. As shown on Exhibit “D,” the FLU recommendation for the remaining portion of the Cultural District is the Mixed Use Medium future land use category with a maximum density of 50 dwelling units per acre. Between NW 1<sup>st</sup> Street and NE 3<sup>rd</sup> Street, the Boynton Beach Boulevard District carries the same recommendation of Mixed Use Medium; east of NE 3<sup>rd</sup> Street and in proximity of the future Coastal Link station, it transitions into Mixed Use High. The 25% density bonus (incorporated into the project) will further intensify redevelopment in both districts.

Property values in the area are expected to rise significantly as the implementation of the CRA plan continues with the proposed FLUM amendment/rezoning and the planned redevelopment of the civic campus into a mixed use Town Square project.

The scale of the proposed action will transform the neighborhood while answering the City's need to create a vibrant downtown.

***g. Direct Economic Development Benefits.*** For rezoning/FLUM amendments involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:

- (1) Further implementation of the Economic Development (ED) Program;*
- (2) Contribute to the enhancement and diversification of the City's tax base;*
- (3) Respond to the current market demand or community needs or provide services or retail choices not locally available;*
- (4) Create new employment opportunities for the residents, with pay at or above the county average hourly wage;*
- (5) Represent innovative methods/technologies, especially those promoting sustainability;*
- (6) Be complementary to existing uses, thus fostering synergy effects; and*
- (7) Alleviate blight/economic obsolescence of the subject area.*

The proposed project would be yet another major catalyst and synergy contributor in support of a successful, lively downtown (see review criteria "g1" and "g6"), bringing more development to the area and attracting more residents and visitors to the City. As already noted in this report, the requests reflect the ongoing economic recovery and the current market demand, adhering to criterion "g3", and would, if approved, effect a significant enhancement of the City's tax base (criterion "g2"). Direct impact on job generation would be negligible, with indirect (multiplier) effects having a more significant potential through increased demand for retail and restaurant uses.

***h. Commercial and Industrial Land Supply.*** The review shall consider whether the proposed rezoning/FLUM amendment would reduce the amount of land available for commercial/industrial development. If such determination is made, the approval can be recommended under the following conditions:

- (1) The size, shape, and/or location of the property makes it unsuitable for commercial/industrial development; or*
- (2) The proposed rezoning/FLUM amendment provides substantiated evidence of satisfying at least four of the Direct Economic Development Benefits listed in subparagraph "g" above; and*
- (3) The proposed rezoning/FLUM amendment would result in comparable or higher employment numbers, building size and valuation than the potential of existing land use designation and/or rezoning.*

The proposed rezoning does not reduce the amount of land available for commercial

development. The MXC future land use classification is already in place; however, although we encourage more commercial uses in mixed use developments and would have liked the project to have a more substantial commercial component, developers have a great deal of flexibility to respond to the market.

*i. **Alternative Sites.** Whether there are adequate sites elsewhere in the City for the proposed use in zoning districts where such use is already allowed.*

As explained earlier in this report, the proposed FLU amendment and rezoning constitute implementation of the CRA Plan recommendation for the subject site.

*j. **Master Plan and Site Plan Compliance with Land Development Regulations.** When master plan and site plan review are required pursuant to Section 2.D.1.e above, both shall comply with the requirements of the respective zoning district regulations of Chapter 3, Article III and the site development standards of Chapter 4.*

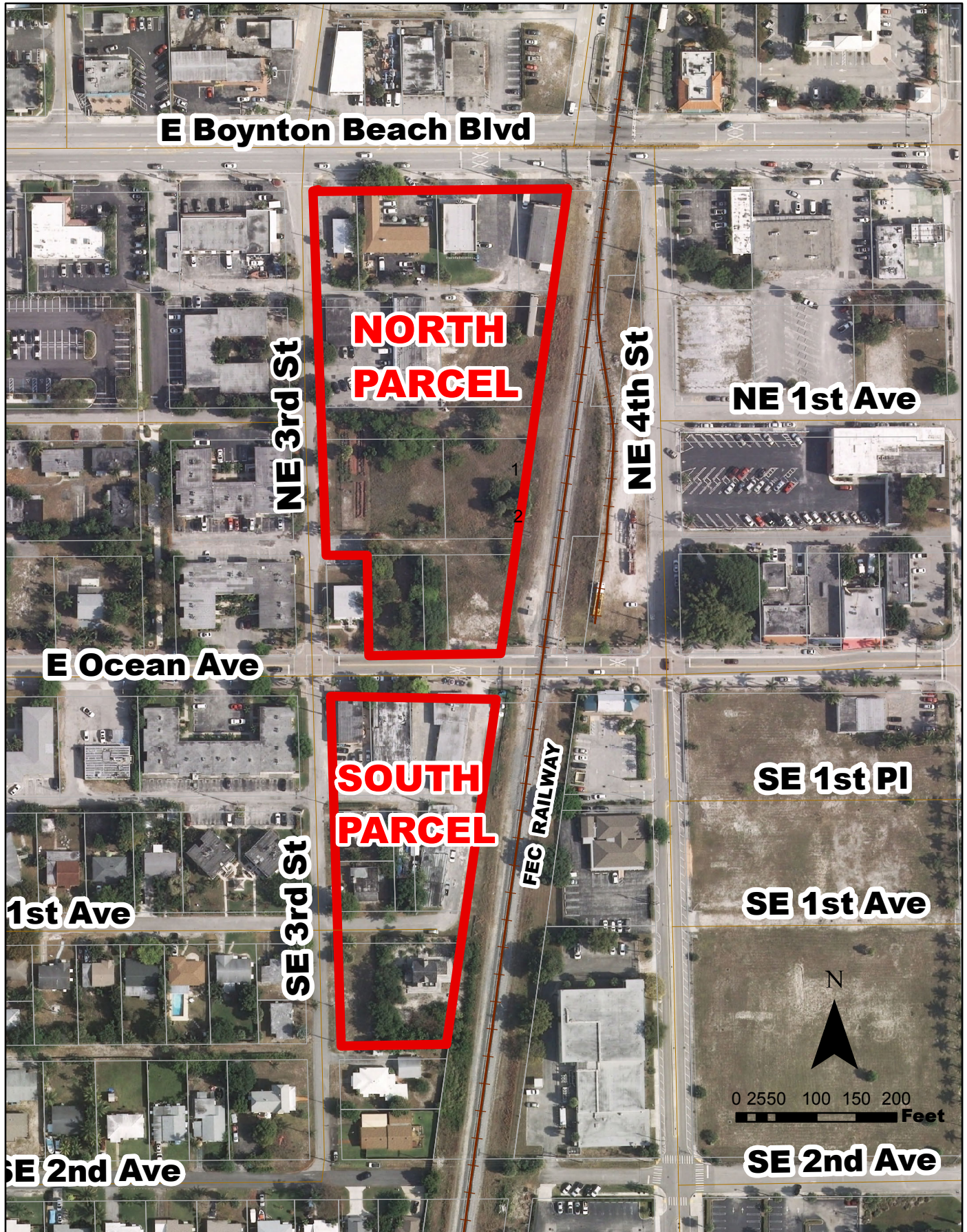
For the master plan/site plan review, see the corresponding staff report. The application for the master/site plan complies with the recommendations of the CRA Plan. The development regulations for the requested Mixed Use Core (MU-C) zoning district are subject of the code review under concurrent consideration.

### **CONCLUSION/RECOMMENDATION**

As indicated herein, staff has reviewed the proposed FLU amendment and rezoning and determined that it constitutes the implementation of the CRA Community Redevelopment Plan and the policies of the Comprehensive Plan. Therefore, staff recommends approvals of the subject requests.

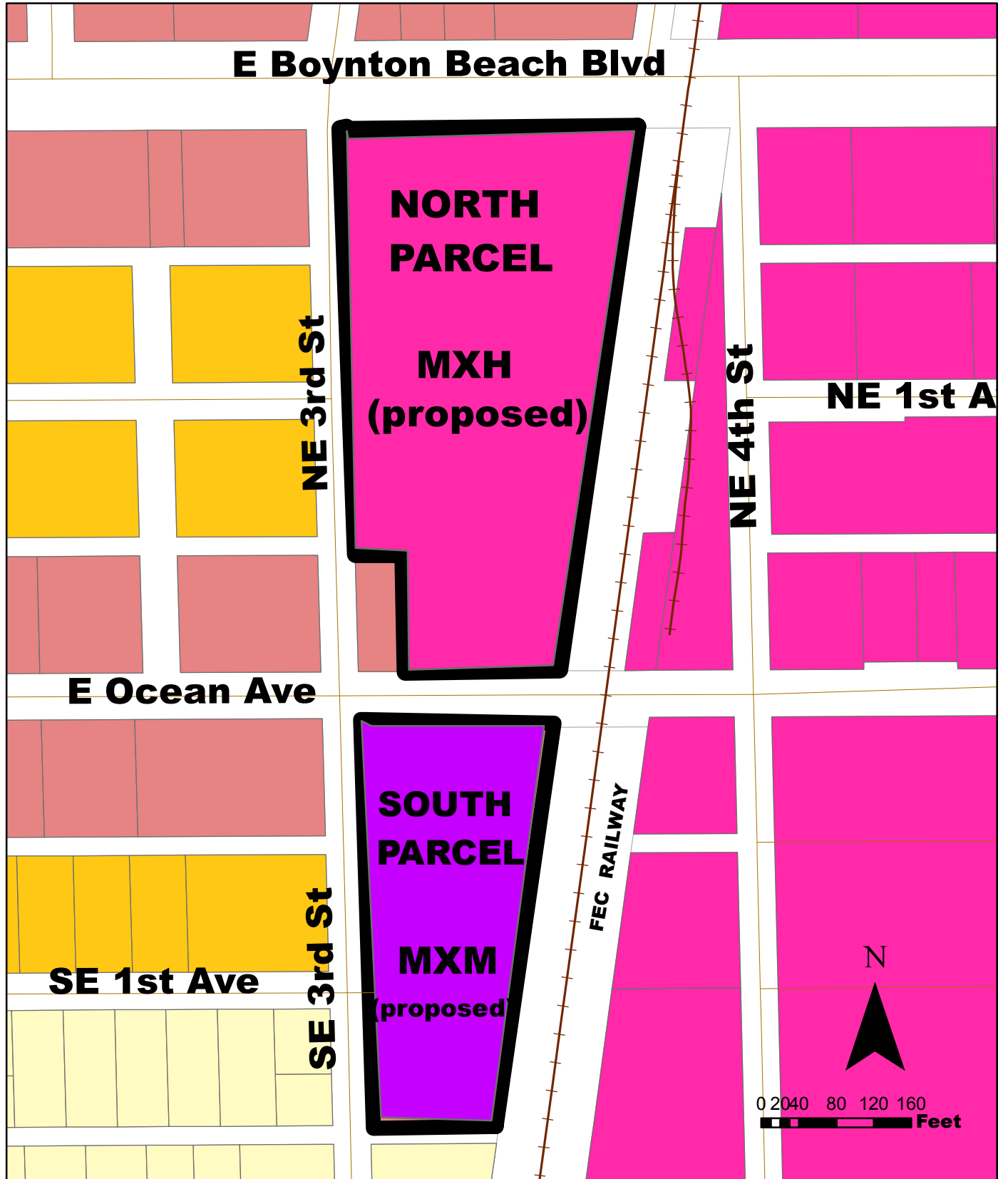


# LOCATION MAP











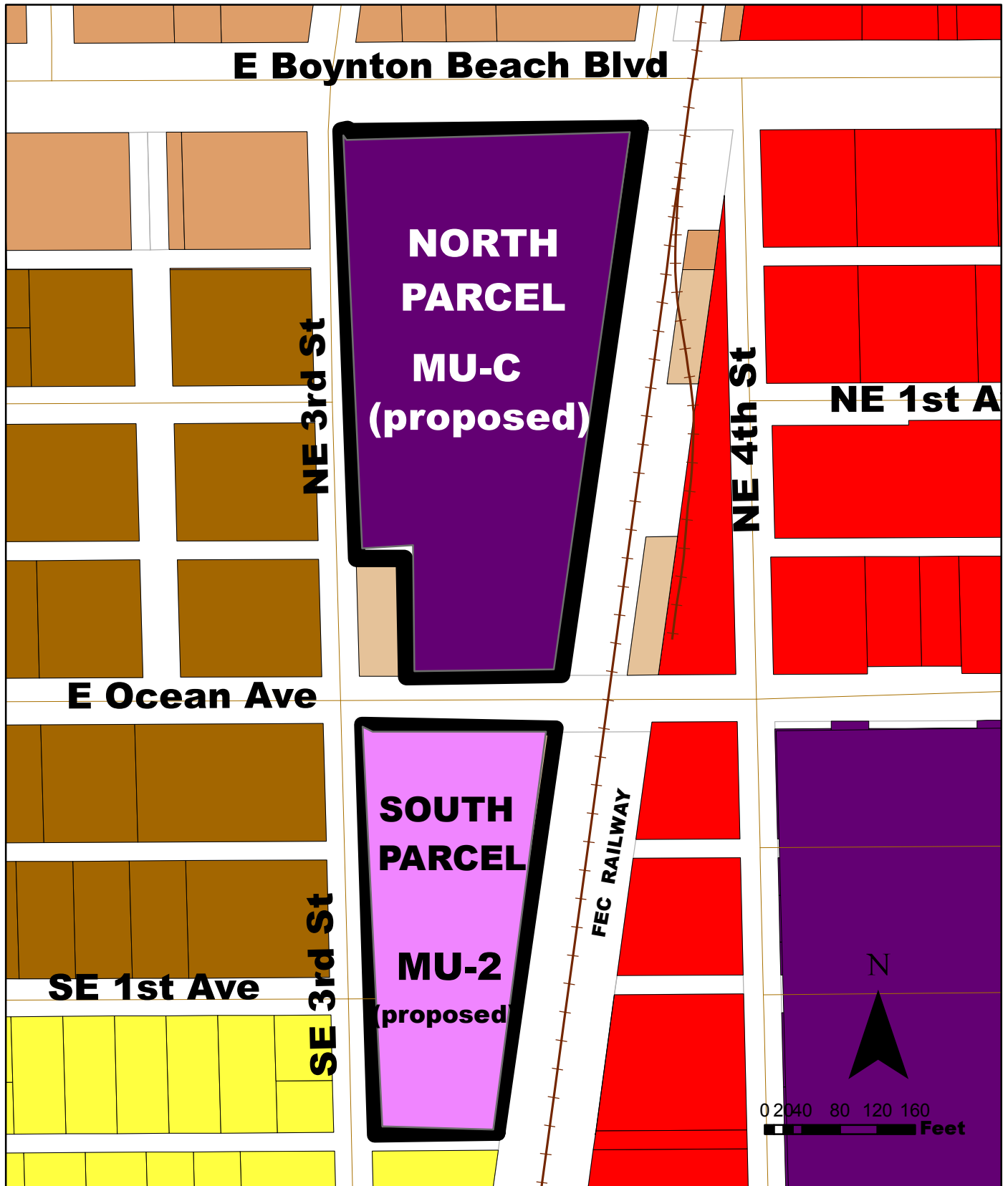
# VILLAGES AT OCEAN AVENUE (LUAR 17-002/003): FLU










## Legend

 LOW DENSITY RESIDENTIAL (LDR), 7.5 D.U./Acre	 LOCAL RETAIL COMMERCIAL (LRC)
 MEDIUM DENSITY RESIDENTIAL (MEDR), 11 D.U./Acre	 MIXED USE MEDIUM (MXM), 50 D.U./Acre
 HIGH DENSITY RESIDENTIAL (HDR), 15 D.U./Acre	 MIXED USE HIGH (MXH), 80 D.U./Acre

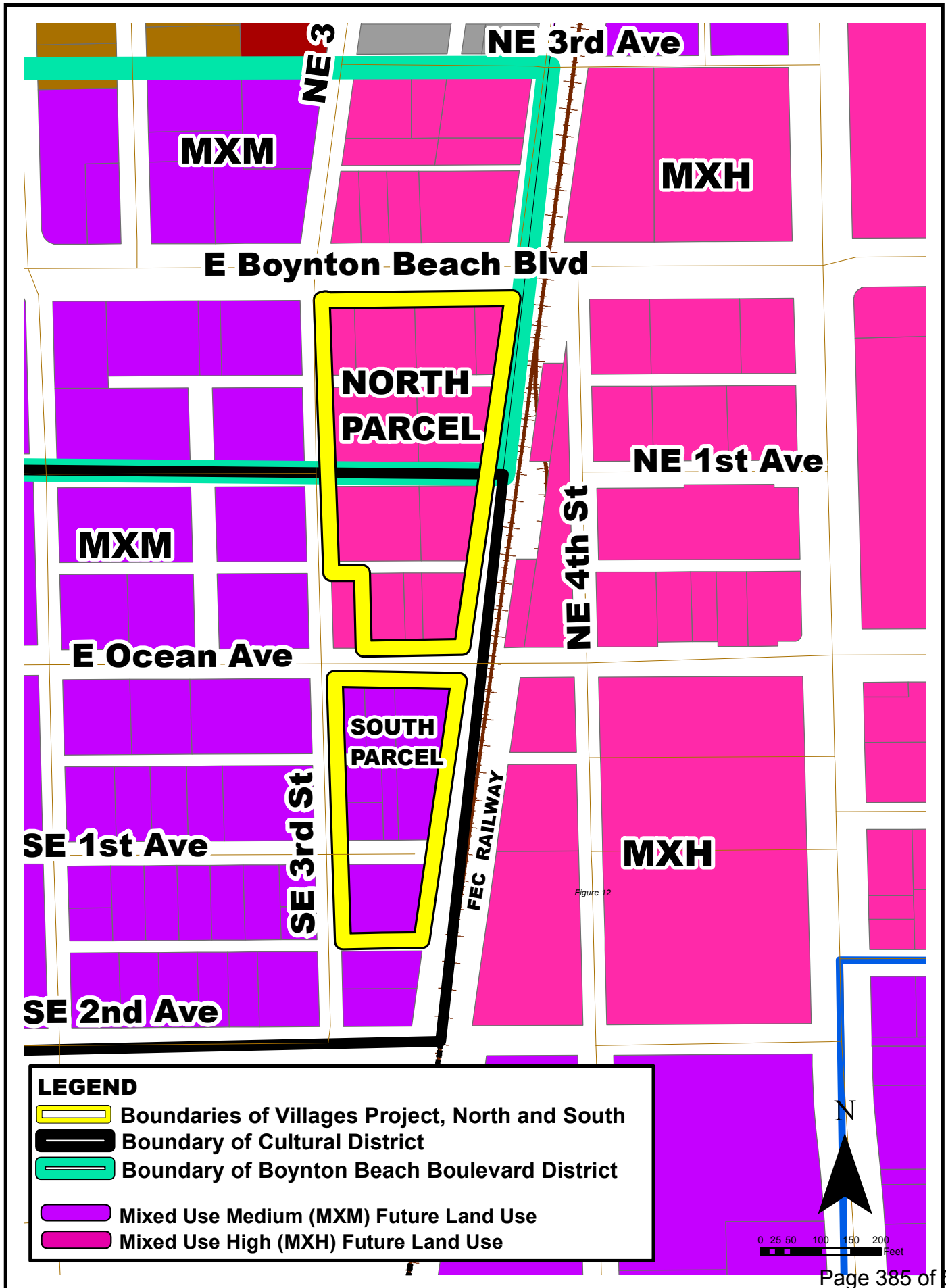
# VILLAGES AT OCEAN AVENUE (LUAR 17-002/003): ZONING



## Legend: Zoning Districts

	R1A Single Family		C3 Community Commercial
	R3 Multi Family		CBD Central Business District
	C2 Neighborhood Commercial		MU-2 Mixed Use 2
			MU-C Mixed Use Core

# CRA PLAN'S FLU RECOMMENDATIONS





## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION: PROPOSED ORDINANCE NO. 17-026 - FIRST**

**READING** - Approve request for abandonment of a portion of rights-of-way (ABAN 17-002 through ABAN 17-006) consisting mostly of unimproved streets and alleys between NE/SE 3rd Street and the FEC Railroad, from Boynton Beach Boulevard south to SE 1st Avenue, in conjunction with request for major site plan modification approval of the Villages at East Ocean mixed use project. Applicant: Arthur B. D'Almeida.

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**EXPLANATION OF REQUEST:**

Bradley Miller, agent for Arthur B. D'Almeida, is requesting to abandon the following segments:

- Parcel No. 1: The 20 foot wide alley immediately south of Boynton Beach Boulevard, easterly from NE 3<sup>rd</sup> Street and terminating at the FEC Railroad right-of-way;
- Parcel No. 2: The 40 foot wide unimproved right-of-way of NE 1<sup>st</sup> Avenue, easterly from NE 3<sup>rd</sup> Street terminating at the FEC Railroad right-of-way;
- Parcel No. 3: The 20 foot wide alley immediately north of Ocean Avenue, beginning at the west property line of Lot 8 of Block 5, Plat of Boynton, easterly and terminating at the FEC Railroad right-of-way. This request exempts out that portion of the alley immediately north of Lot 7 of Block 5, containing an existing condominium building and access to the parking adjacent thereto, which are not part of the Villages at East Ocean proposed development project;
- Parcel No. 4: The 20 foot wide alley immediately south of Ocean Avenue, easterly from SE 3<sup>rd</sup> Street and terminating at the FEC Railroad right-of-way;
- Parcel No. 5: The 40 foot wide improved right-of-way of SE 1<sup>st</sup> Avenue, easterly from SE 3<sup>rd</sup> Street terminating at the FEC Railroad right-of-way;

All of the rights-of-way to be abandoned would all be completely surrounded within, and redeveloped as part of the 5.14-acre Villages at East Ocean mixed use project. Existing utilities within these rights-of-way will be relocated at the developer's expense.

The Planning & Development Board reviewed this item on August 22, 2017, a condition of approval report is attached.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** N/A

**FISCAL IMPACT:** N/A

**ALTERNATIVES:** None recommended.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** NA

**CLIMATE ACTION:** No



Is this a grant? No

Grant Amount:

---

**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Ordinance	Ordinance abandoning portions of rights of way for Villages of East Ocean Avenue project
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Location Map	Location Map
<input type="checkbox"/> Drawings	Legal Descriptions & Sketches
<input type="checkbox"/> Letter	Applicant's Justification
<input type="checkbox"/> Memo	Utilities Report Memo
<input type="checkbox"/> Conditions of Approval	Conditions of Approval
<input type="checkbox"/> Development Order	Development Order

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**WHEREAS**, Ocean One Boynton LLC., Applicant is requesting the City abandon a portion of rights of way consisting of mostly unimproved streets and alleys between NE/SE 3<sup>rd</sup> Street and the FEC Railroad from Boynton Beach Boulevard south to SE 1<sup>st</sup> Avenue, subject to staff comments; and

**WHEREAS**, staff has determined that the subject portions of the rights-of-way requested to be abandoned do not adversely impact traffic, or affect other adjacent property owners and therefore no longer serve a public purpose, and the City Commission adopts that finding.

**Section 1.** The foregoing Whereas clauses are true and correct and incorporated herein by this reference.

**Section 2.** The City Commission of the City of Boynton Beach, Florida, does hereby abandon a portion of rights of way consisting of mostly unimproved streets and alleys between NE/SE 3<sup>rd</sup> Street and the FEC Railroad from Boynton Beach Boulevard south to SE 1<sup>st</sup> Avenue, subject to staff comments. The property being abandoned is more particularly described as follows:

C:\Program Files (x86)\inevia.com\docConverterPro\temp\NVDC\BC6ECCA6-9074-43BB-8C89-DE03B6254420\Boynton Beach.6595.1.Villages\_at\_East\_Ocean\_Abandonment - Ordinance.doc

44 The 20' Alley lying in Block 2 of the Plat of Boynton, recorded in Plat Book 1, page  
45 23, of the Public Records of Palm Beach County, Florida, bounded on the West by the  
46 East Right-of-Way of N.E. 3<sup>RD</sup> Street (Palm Street) and on the East by the West Right-  
47 of-Way of the Florida East Coast Railroad.

48 Containing 5,779 square feet, more or less.

49 PARCEL NO. 2

50 That portion of N.E. 1<sup>st</sup> Avenue (Poinciana St.) lying between Blocks 2 and 5 of the  
51 Plat of Boynton, recorded in Plat Book 1, page 23, of the Public Records of Palm  
52 Beach County, Florida, bounded on the West by the East Right-of-Way of N.E. 3<sup>RD</sup>  
53 Street (Palm Street) and on the East by the West Right-of-Way of the Florida East  
54 Coast Railroad.

55 Containing 10,549 square feet, more or less

56 PARCEL NO. 3

57 That portion of 20' Alley lying in Block 5 of the Plat of Boynton, recorded in Plat  
58 Book 1, page 23, of the Public Records of Palm Beach County, Florida, bounded on  
59 the West by the Northerly extension of the West line of Lot 8, Block 5, and on the East  
60 by the West Right-of-Way of the Florida East Coast Railroad.

61 Containing 3,770 square feet, more or less.

62 PARCEL NO. 4

63 The 20' Alley lying in Block 8 of the Plat of Boynton, recorded in Plat Book 1, page  
64 23, of the Public Records of Palm Beach County, Florida, bounded on the West by the  
65 East Right-of-Way of N.E. 3<sup>RD</sup> Street (Palm Street) and on the East by the West Right-  
66 of-Way of the Florida East Coast Railroad.

67 Containing 3,726 square feet, more or less.

68 PARCEL NO. 5

69 That portion of S.E. 1<sup>st</sup> Avenue (Jessamine St.) lying between Blocks 8 and 11 of the  
70 Plat of Boynton, recorded in Plat Book 1, page 23, of the Public Records of Palm  
71 Beach County, Florida, bounded on the West by the East Right-of-Way of N.E. 3<sup>RD</sup>  
72 Street (Palm Street) and on the East by the West Right-of-Way of the Florida East  
73 Coast Railroad.

74 Containing 6,441 square feet, more or less  
75  
76

77 **Section 3.** The City Manager is hereby authorized and directed to execute the  
78 attached Disclaimer and cause the same to be filed, with this Ordinance, in the Public  
79 Records of Palm Beach County, Florida.

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**Section 4.** This Ordinance shall take effect immediately upon passage.

FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2017.

SECOND, FINAL READING AND PASSAGE this \_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF BOYNTON BEACH, FLORIDA

YES NO

Mayor – Steven B. Grant \_\_\_\_\_

Vice Mayor – Justin Katz \_\_\_\_\_

Commissioner – Mack McCray \_\_\_\_\_

Commissioner – Christina L. Romelus \_\_\_\_\_

Commissioner – Joe Casello \_\_\_\_\_

VOTE \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Judith A. Pyle, CMC  
City Clerk

(Corporate Seal)

## DISCLAIMER

**KNOW ALL MEN BY THESE PRESENTS** that The City Commission of the City of Boynton Beach, Florida, does hereby abandon a portion of rights of way consisting of mostly unimproved streets and alleys between NE/SE 3<sup>rd</sup> Street and the FEC Railroad from Boynton Beach Boulevard south to SE 1<sup>st</sup> Avenue, subject to staff comments. The property being abandoned is more particularly described as follows:

### PARCEL NO. 1

The 20' Alley lying in Block 2 of the Plat of Boynton, recorded in Plat Book 1, page 23, of the Public Records of Palm Beach County, Florida, bounded on the West by the East Right-of-Way of N.E. 3<sup>RD</sup> Street (Palm Street) and on the East by the West Right-of-Way of the Florida East Coast Railroad.

Containing 5,779 square feet, more or less.

### PARCEL NO. 2

That portion of N.E. 1<sup>st</sup> Avenue (Poinciana St.) lying between Blocks 2 and 5 of the Plat of Boynton, recorded in Plat Book 1, page 23, of the Public Records of Palm Beach County, Florida, bounded on the West by the East Right-of-Way of N.E. 3<sup>RD</sup> Street (Palm Street) and on the East by the West Right-of-Way of the Florida East Coast Railroad.

Containing 10,549 square feet, more or less

### PARCEL NO. 3

That portion of 20' Alley lying in Block 5 of the Plat of Boynton, recorded in Plat Book 1, page 23, of the Public Records of Palm Beach County, Florida, bounded on the West by the Northerly extension of the West line of Lot 8, Block 5, and on the East by the West Right-of-Way of the Florida East Coast Railroad.

Containing 3,770 square feet, more or less.

### PARCEL NO. 4

The 20' Alley lying in Block 8 of the Plat of Boynton, recorded in Plat Book 1, page 23, of the Public Records of Palm Beach County, Florida, bounded on the West by the East Right-of-Way of N.E. 3<sup>RD</sup> Street (Palm Street) and on the East by the West Right-of-Way of the Florida East Coast Railroad.

Containing 3,726 square feet, more or less.

### PARCEL NO. 5

That portion of S.E. 1<sup>st</sup> Avenue (Jessamine St.) lying between Blocks 8 and 11 of the Plat of Boynton, recorded in Plat Book 1, page 23, of the Public Records of Palm Beach County, Florida, bounded on the West by the East Right-of-Way of N.E. 3<sup>RD</sup> Street (Palm Street) and on the East by the West Right-of-Way of the Florida East Coast Railroad.

Containing 6,441 square feet, more or less

**IN WITNESS WHEREOF**, the duly authorized officers of the City of Boynton Beach, Florida, have hereunto set their hands and affixed the seal of the City this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

CITY OF BOYNTON BEACH, FLORIDA

\_\_\_\_\_  
Judith A. Pyle, CMC  
City Clerk

\_\_\_\_\_  
Lori LaVerriere, City Manager

STATE OF FLORIDA                    )  
  )ss:  
COUNTY OF PALM BEACH        )

**BEFORE ME**, the undersigned authority, personally appeared Lori LaVerriere and Judith A. Pyle, CMC, City Manager and City Clerk respectively, of the City of Boynton Beach, Florida, known to me to be the persons described in and who executed the foregoing instrument, and acknowledged the execution thereof to be their free hand and deed as such officers, for the uses and purposes mentioned therein; that they affixed thereto the official seal of said corporation; and that said instrument is the act and deed of said corporation.

**WITNESS** my hand and official seal in the said State and County this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
NOTARY PUBLIC, State of Florida  
My Commission Expires:

**DEVELOPMENT DEPARTMENT  
PLANNING AND ZONING DIVISION  
MEMORANDUM NO. PZ 17-035**

**TO:** Chair and Members  
Planning & Development Board

**THRU:** Michael W. Rumpf  
Planning and Zoning Director

**FROM:** Ed Breese  
Principal Planner

**DATE:** August 8, 2017

**SUBJECT:** Request for abandonment of a portion of rights-of-way (ABAN 17-002 through ABAN 17-006) consisting mostly of unimproved streets and alleys between NE/SE 3<sup>rd</sup> Street and the FEC Railroad, from Boynton Beach Boulevard south to SE 1<sup>st</sup> Avenue, in conjunction with request for major site plan modification approval of the Villages at East Ocean mixed use project.

---

**NATURE OF REQUEST**

Bradley Miller, agent for Arthur B. D’Almeida, is requesting to abandon portions of rights-of-way consisting mostly of unimproved streets and alleys between NE/SE 3<sup>rd</sup> Street and the FEC Railroad, from Boynton Beach Boulevard south to SE 1<sup>st</sup> Avenue, in conjunction with request for major site plan modification approval of the Villages at East Ocean mixed use project (see Exhibit “A” – Location Map).

More specifically, the applicant is requesting to abandon the following segments:

- Parcel No.1: The 20 foot wide alley immediately south of Boynton Beach Boulevard, easterly from NE 3<sup>rd</sup> Street and terminating at the FEC Railroad right-of-way;
- Parcel No. 2: The 40 foot wide unimproved right-of-way of NE 1<sup>st</sup> Avenue, easterly from NE 3<sup>rd</sup> Street and terminating at the FEC Railroad right-of-way;
- Parcel No. 3: The 20 foot wide alley immediately north of Ocean Avenue, beginning at the west property line of Lot 8 of Block 5, Plat of Boynton, easterly and terminating at the FEC Railroad right-of-way. This request exempts out that portion of the alley immediately north of Lot 7 of Block 5, containing an existing condominium building and access to the parking adjacent thereto, which are not part of the Villages at East Ocean proposed development project;
- Parcel No. 4: The 20 foot wide alley immediately south of Ocean Avenue, easterly from SE 3<sup>rd</sup> Street and terminating at the FEC Railroad right-of-way;
- Parcel No. 5: The 40 foot wide improved right-of-way of SE 1<sup>st</sup> Avenue, easterly from SE 3<sup>rd</sup> Street and terminating at the FEC Railroad right-of-way;

The rights-of-way to be abandoned would all be completely surrounded within, and redeveloped as part of, the 5.14-acre mixed use project. Each individual abandonment request has been depicted and described in Exhibit “B” – Legal Descriptions & Sketches.

## **BACKGROUND**

The applicant is requesting to abandon portions of rights-of-way currently surrounded by properties under the developer's control. In order to develop a unified mixed use project extending 3.5 City blocks, from Boynton Beach Boulevard south to SE 1<sup>st</sup> Avenue, certain rights-of-way require abandoning. This same process was followed during the development of the 500 Ocean mixed use project, which encompassed 2 full City blocks. As noted above, each of the right-of-way segments requested to be abandoned terminate at the FEC Railroad and essentially serve only the traffic needs of the parcels abutting them, which are all under the control of the developer. Existing utilities within these rights-of-way will be relocated at the developer's expense.

The applicant has submitted a justification statement for the requests (see Exhibit "C" – Applicant's Justification), which indicates that the rights-of-way are no longer needed for access purposes, as all parcels abutting the segments to be abandoned are under the applicant's control. The justification statement further notes that any utilities and drainage existing in any of the segments are planned to be relocated as part of the redevelopment plan for the site.

## **ANALYSIS**

Owners of properties within 400 feet of the subject site were mailed a notice of these requests and respective hearing dates. The applicant has certified that they posted signage and mailed notices in accordance with Ordinance No. 04-007. A summary of the responses follows:

### **CITY DEPARTMENTS/DIVISIONS**

Engineering	-	No objection w/ provision of necessary easements.
Public Works/Utilities	-	No objection, subject to compliance with all of the conditions of approval noted in the August 7, 2017 memo from Milot Emile, Associate Engineer in Utilities (see Exhibit D).
Planning and Zoning	-	No objection.

### **PUBLIC UTILITY COMPANIES**

Florida Power and Light	-	No objection w/ provision of necessary easements and relocation of utilities at developer's cost, if necessary.
AT & T	-	No objection w/ provision of necessary easements and relocation of utilities at developer's cost, if necessary.
Florida Public Utilities	-	No objection w/ provision of necessary easements and relocation of utilities at developer's cost, if necessary.
Comcast	-	No objection w/ provision of necessary easements and relocation of utilities at developer's cost, if necessary.



### **RECOMMENDATION**

Staff has determined that the subject portions of the rights-of-way requested to be abandoned do not adversely impact traffic, do not adversely affect other adjacent property owners, and therefore no longer serve a public purpose, subject to the conditions of approval for the necessary utility relocations/improvements noted by staff during their review. Based on the above analysis, staff recommends APPROVAL of the applicant's request to abandon these portions of the rights-of-way, subject to the attached conditions. Any conditions requested by the Planning and Development Board or required by the Commission will be placed in Exhibit "E" - Conditions of Approval.

S:\Planning\SHARED\WP\PROJECTS\Villages at E. Ocean\ABAN 17-002 through 17-006\Staff Report.doc

# LOCATION MAP





**PARCEL No.1**

THE 20' ALLEY LYING IN BLOCK 2 OF THE PLAT OF BOYNTON, RECORDED IN PLAT BOOK 1, PAGE 23 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY OF N.E. 3RD STREET (PALM STREET) AND ON THE EAST BY THE WEST RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILROAD.

CONTAINING 5,779 SQUARE FEET, MORE OR LESS.

**PARCEL No.2**

THAT PORTION OF N.E. 1ST AVENUE (POINCIANA ST.) LYING BETWEEN BLOCKS 2 AND 5 OF THE PLAT OF BOYNTON, RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY OF N.E. 3RD STREET (PALM STREET) AND ON THE EAST BY THE WEST RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILROAD.

CONTAINING 10,549 SQUARE FEET, MORE OR LESS.

**PARCEL No.3**

THAT PORTION OF 20' ALLEY LYING IN BLOCK 5 OF THE PLAT OF BOYNTON, RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 8, BLOCK 5, AND ON THE EAST BY THE WEST RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILROAD.

CONTAINING 3,770 SQUARE FEET, MORE OR LESS.

**PARCEL No.4**

THE 20' ALLEY LYING IN BLOCK 8 OF THE PLAT OF BOYNTON, RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY OF N.E. 3RD STREET (PALM STREET) AND ON THE EAST BY THE WEST RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILROAD.

CONTAINING 3,726 SQUARE FEET, MORE OR LESS.


**PARCEL No.5**

THAT PORTION OF S.E. 1ST AVENUE (JESSAMINE ST.) LYING BETWEEN BLOCKS 8 AND 11 OF THE PLAT OF BOYNTON, RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY OF N.E. 3RD STREET (PALM STREET) AND ON THE EAST BY THE WEST RIGHT-OF-WAY OF THE FLORIDA EAST COAST RAILROAD.

CONTAINING 6,441 SQUARE FEET, MORE OR LESS.

BEARING BASIS: S01°22'57"E (ASSUMED) ALONG THE CENTERLINE OF N.E.3rd STREET.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.

  
JOHN E. PHILLIPS, III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA NO. 4826  
DATE: 5/18/17



E-Mail: info@brown-phillips.com

**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

**VILLAGES OF EAST OCEAN AVENUE**

PROJ. No. 15-065

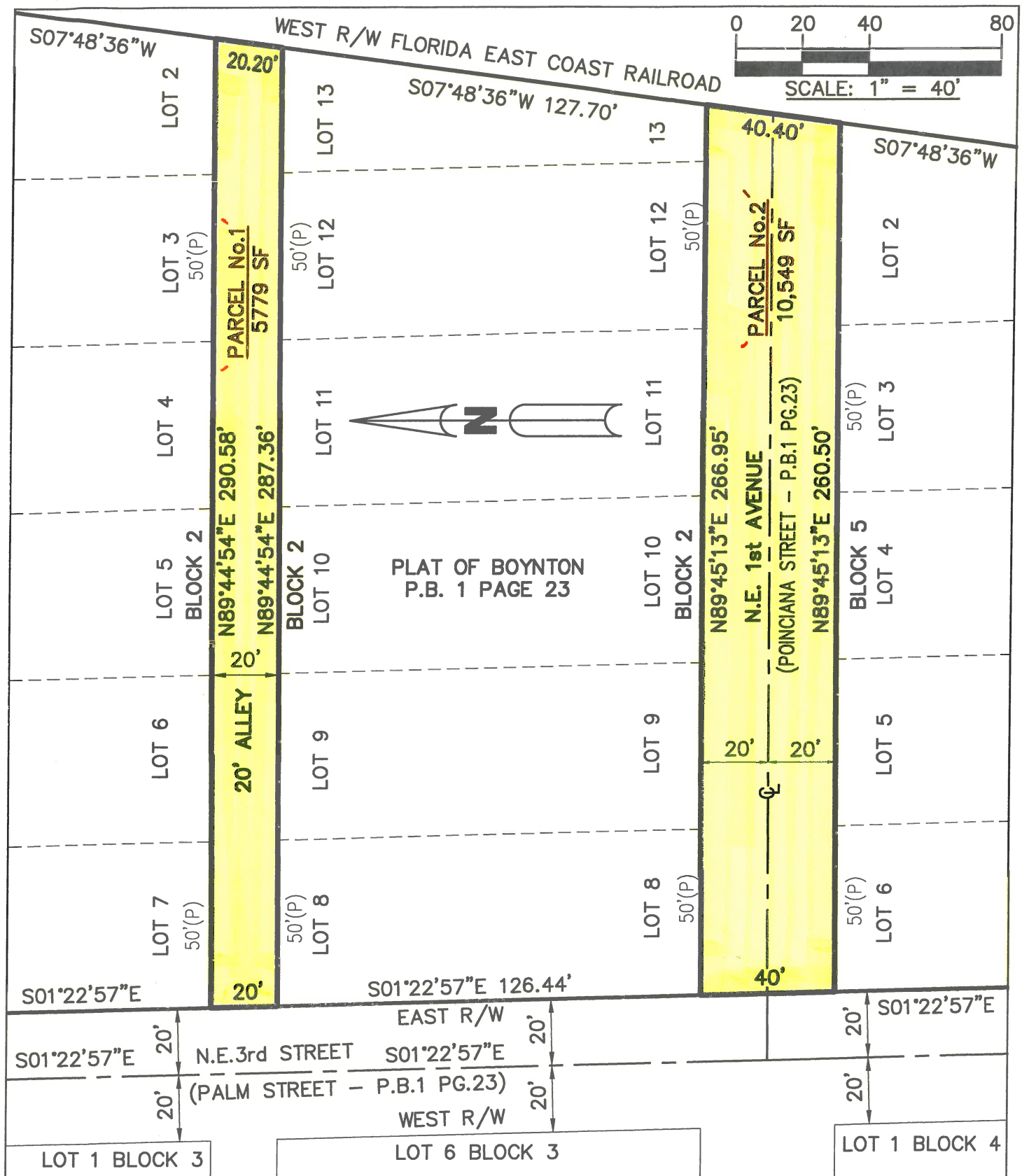
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LEGAL DESCRIPTION  
R/W ABANDONMENT

SCALE: 1"=40'

DATE: 5/18/17

SHEET 1 OF 4



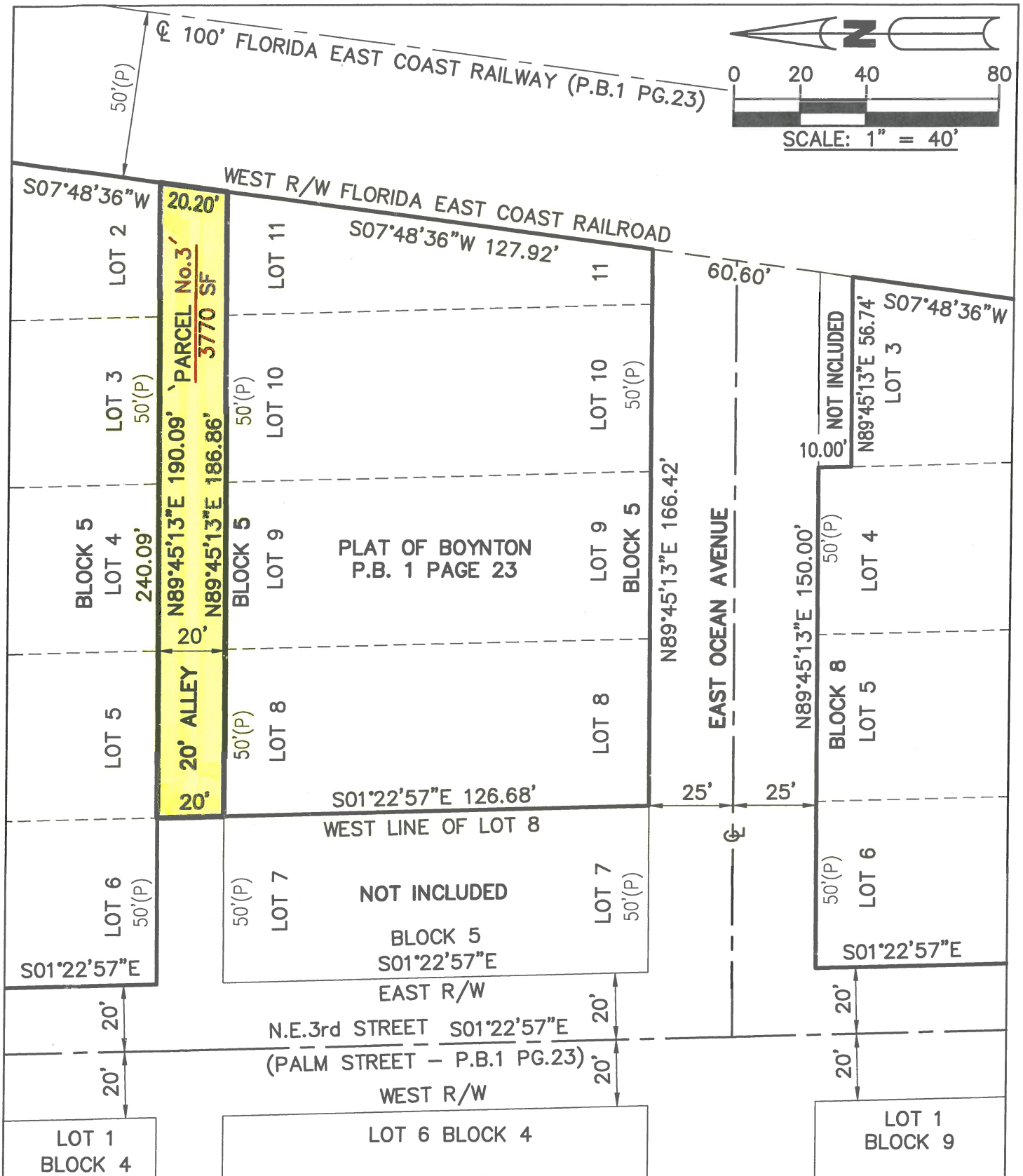
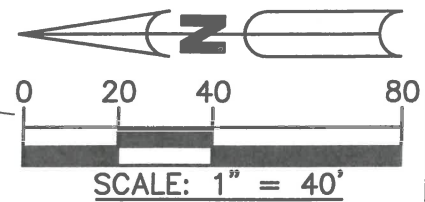
**B** BROWN & PHILLIPS, INC.  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX


## VILLAGES OF EAST OCEAN AVENUE

(This sketch is not a survey)

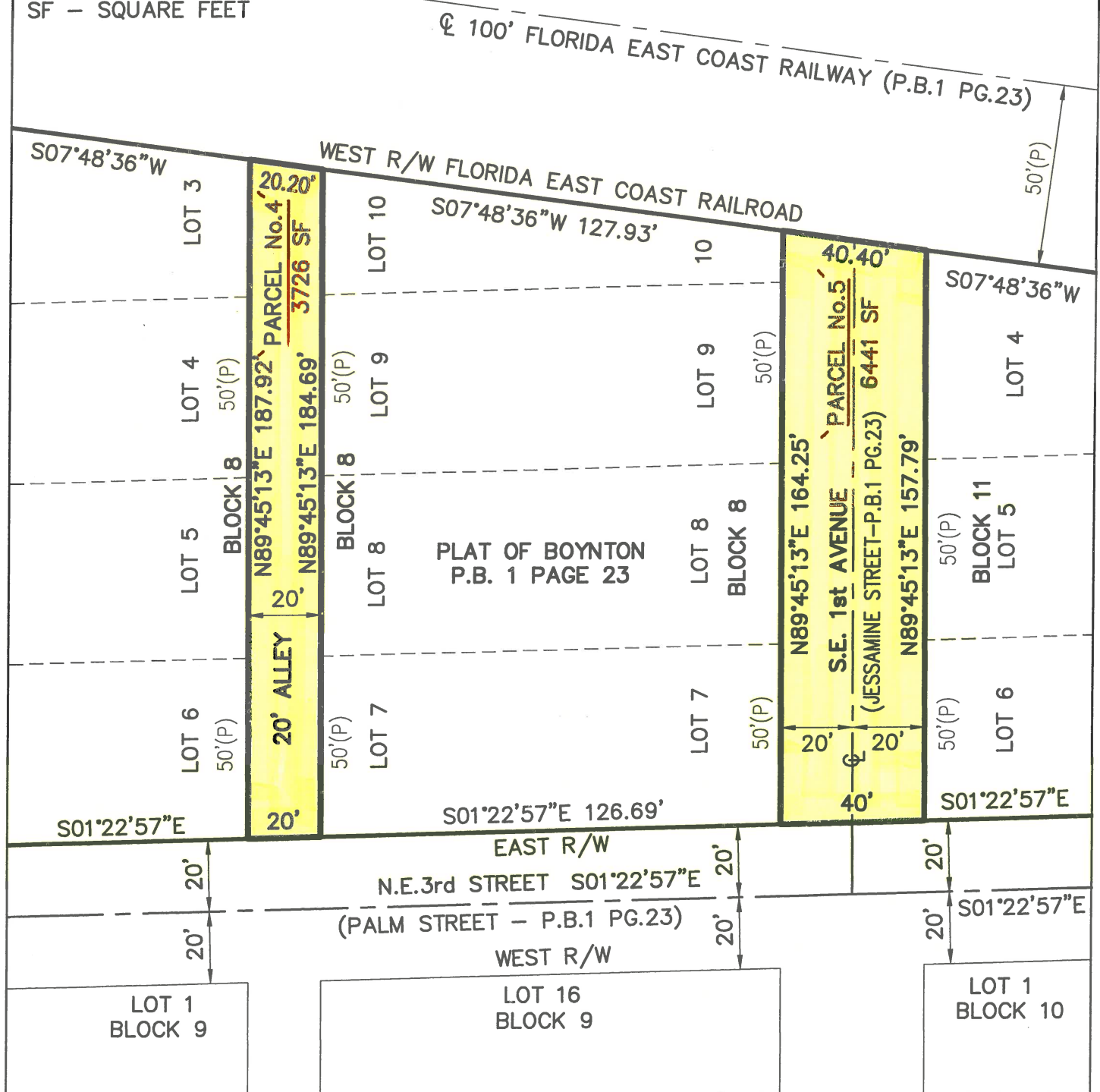
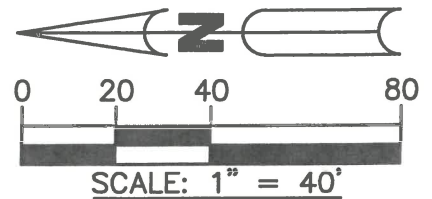
PROJ. No. 15-065
SKETCH TO ACCOMPANY LEGAL DESCRIPTION R/W ABANDONMENT

DRAWN: MB
SCALE: 1"=40'
DATE: 5/18/17
SHEET 2 OF 4



 <b>BROWN &amp; PHILLIPS, INC.</b> PROFESSIONAL SURVEYING SERVICES CERTIFICATE OF AUTHORIZATION # LB 6473 1860 OLD OKEECHOBEE ROAD., SUITE 509, WEST PALM BEACH, FLORIDA 33409 TELEPHONE (561)-615-3988, 615-3991 FAX	E-Mail: info@brown-phillips.com <b>VILLAGES OF EAST OCEAN AVENUE</b> (This sketch is not a survey)	
	PROJ. No. 15-065 SKETCH TO ACCOMPANY LEGAL DESCRIPTION R/W ABANDONMENT	DRAWN: MB
		SCALE: 1"=40'
		DATE: 5/18/17 SHEET 3 OF 4

(P) - DISTANCE PER  
PLAT BOOK 1 PAGE 23  
P.B. - PLAT BOOK  
C - CENTERLINE  
R/W - RIGHT-OF-WAY  
SF - SQUARE FEET



**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
1860 OLD OKEECHOBEE ROAD., SUITE 509,  
WEST PALM BEACH, FLORIDA 33409  
TELEPHONE (561)-615-3988, 615-3991 FAX

(This sketch is not a survey)

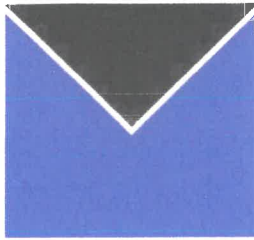
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DATE: 5/18/17

SHEET 4 OF 4





MILLER  
LAND  
PLANNING, INC.

RECEIVED

JUN 21 2017

Development Department

508 E. Boynton Beach Blvd.  
Boynton Beach, FL 33435

Phone ■ (561)736-8838

Fax ■ (561)736-8079

Web ■ millerlandplanning.com

## THE VILLAGES AT EAST OCEAN AVENUE

### Overall Project Summary

Original: March 1, 2017  
Revisions: June 19, 2017

#### Abandonment Criteria - LDR Chapter 2, Article II, Section 2.G.3.

**Review Criteria.** The vacation and abandonment of a right-of-way, special purpose easement, or other non-fee interest of the city shall be based on a demonstration that the above interest no longer serves a public purpose and there is no encumbrance which would prohibit the clear transfer of ownership of such land. The following review criteria shall be used to justify an application:

- a. **Access.** Does the subject land provide a legal means of access to a lot of record, subdivision, or development? Would the vacation and abandonment cause or result in a permanent stoppage, interruption, or an unacceptable level of service for the subject lot or on neighboring lots, subdivisions, or developments with respect to police, fire, or other emergency services; or solid waste removal?
- b. **Utilities.** Does the subject land contain, support, or allow potable water, sanitary sewer, or any other utility (e.g. cable, telephone, electricity, gas, etc.), which would be permanently stopped or interrupted, or cause an unacceptable level of service to the subject lot or neighboring lots, subdivisions, or developments?
- c. **Drainage and Wastewater Management.** Does the subject land contain, support, or allow a legal means of drainage or wastewater management for such lot or on neighboring lots, subdivisions, or developments, which would cause or result in a stoppage, interruption, or unacceptable level of service?
- d. **Conservation.** Does the subject land contain, support, or allow the means for the conservation or preservation of flora or fauna?

**Response:** The property on both side of the right of way being proposed for abandonment are owned by the applicant and therefore are no longer needed for access. Any utilities and drainage that may be within the alleys or right of way is planned to be relocated as indicated on the preliminary engineering plans. Waste management will also continue to serve the property as shown in the proposed plans. There is no native significant flora or fauna to be preserved and any that can be relocated has been identified on the landscape plans. The Villages at East Ocean Avenue meets the criteria for the proposed abandonment application.

## Boynton Beach Utilities



124 E. Woolbright Road  
 Boynton Beach, Florida 33435  
 Office: (561) 742-6400  
 Fax: (561) 742-6298  
 Website: [www.boynton-beach.org](http://www.boynton-beach.org)

August 07, 2017

**RE: Review of "The Villages at East Ocean" Request to abandon Water & Sanitary Sewer mains within the development area**

Notes: Additional Utility easements from Developer/Owner will be required as Development progress.

1. Right-of-way Abandonment  
 Alley North of NE 1<sup>st</sup> Avenue  
 In Block 2 Boynton Beach

Boynton Beach Utilities currently has sewer service connections to the properties along Boynton Beach Boulevard. If these properties are under the control of or owned by the developer, we have no objection on removing the existing 8-inch sewer main and services located within the 20 feet wide alley north of NE 1<sup>st</sup> Avenue. The developer/or owner shall completely remove the upstream manhole, expose and remove the entire length of pipeline up to the downstream manhole, located on NE 3<sup>rd</sup> Street, unless otherwise noted. The pipe penetration at the downstream manhole shall be plugged. This downstream manhole is particularly susceptible to structural degradation and shall be rehabilitated, as specified in our construction standard and specifications.

2. Right-of-way Abandonment  
 NE 1<sup>st</sup> Avenue  
 Boynton Beach

Boynton Beach Utilities has no objection on removing the existing 8-inch sewer main located within the NE 1<sup>st</sup> Avenue right of way. The developer/or owner shall completely remove the upstream (offsite) manhole, expose and remove the entire length of pipeline up to the downstream manhole, unless otherwise noted. The pipe penetration at the downstream manhole shall be plugged. This downstream manhole is particularly susceptible to structural degradation and shall be rehabilitated, as specified in our construction standard and specifications.

3. Right-of-way Abandonment  
 Alley South of NE 1<sup>st</sup> Avenue  
 Boynton Beach

Boynton Beach Utilities has no objection on removing a section of the existing 8-inch sewer main on the 20 feet wide alley south of NE 1<sup>st</sup>. The remaining of 8-inch sewer main will require a 20-foot wide utility easement if the entire City alley is to be abandoned. The developer/or owner shall completely remove the upstream manhole, expose and remove the section of pipeline where they intend to construct a new manhole. It has yet to be determined if the remaining existing pipeline will



need to be replaced. The downstream manhole located on NE 3<sup>rd</sup> Street is particularly susceptible to structural degradation and shall be rehabilitated, as specified in our construction standard and specifications.

Line stops shall be used in place of plugs for the existing 4-inch water main. The water main shall be abandoned between the east and west limits of the property and the pipeline shall be completely removed. Boynton Beach Utilities will limit the tapping of our 24-inch water main on NE 3<sup>rd</sup> Street; therefore, the existing two-story building needs to be fed from other service lines.

4. Right-of-way Abandonment  
Alley South of E. Ocean Blvd  
Boynton Beach

Boynton Beach Utilities has no objection on removing the existing 8-inch sewer main on the 20 feet alley south of Ocean Blvd. The developer/or owner shall completely remove the upstream manhole, expose and remove the sewer pipeline up to the downstream manhole on SE 3<sup>rd</sup> Street, unless otherwise noted. The pipe penetration at the downstream manhole shall be plugged. The existing downstream manhole is particularly susceptible to structural degradation and shall be rehabilitated, as specified in our construction standard and specifications.

The existing 8-inch water main is asbestos cement pipe (AC) and shall be replaced at the developer/or owner cost. As we specified in the Dart Comments, "Two independent sources of water, as well as a looped system, must be provided during all phases of construction - **No Exceptions Taken.**" To loop the system, Boynton Beach Utilities will work with the applicant during permitting of the underground work to determine the best place to make the connection.

The 20 feet wide alley will be dedicated as easement that the City deems necessary for public services and said dedication shall provide that developer/or owner shall hold City harmless for any of its acts perform within or abutting said easements if any loss or damage is caused to abutting property.

5. Right-of-way Abandonment  
South of SE 1<sup>st</sup> Avenue  
Boynton Beach

Boynton Beach Utilities has an existing 12-inch diameter reclaimed water main in the right of way. We will require an easement for this main along with any proposed mains designed and installed by the developer/owner.

Notes: All on-site remaining manholes and sewer mains, as well as manholes and sewer mains on NE/SE 3<sup>rd</sup> street, along the project's property line, shall be rehabilitated, as specified in our construction standard and specifications.

Please let me know if need any additional information.  
Sincerely,

## BOYNTON BEACH UTILITIES

Milot Emile, E.I.  
Associate Engineer

xc: File:\memile\development project\the villages @ east ocean\correspondence

# EXHIBIT "E"

## CONDITIONS OF APPROVAL

Project Name: Villages at East Ocean  
 File number: ABAN 17-002 through 17-006  
 Reference: 4<sup>th</sup> review plans identified as a Major Site Plan Modification with a July 14, 2017 Planning and Zoning Department date stamp marking.

DEPARTMENTS	INCLUDE	REJECT
<b>ENGINEERING / PUBLIC WORKS / FORESTRY / UTILITIES</b>		
Comments:		
1. Relocation of utilities, utility improvements and dedication of new utility easements as specified in the City's Utility Department's memo of August 7, 2017 (Exhibit "D") shall be performed at the developer's expense prior to the issuance of a building permit.	X	
<b>FIRE</b>		
Comments: None.		
<b>POLICE</b>		
Comments: None.		
<b>BUILDING DIVISION</b>		
Comments: None.		
<b>PARKS AND RECREATION</b>		
Comments: None.		
<b>PLANNING AND ZONING</b>		
Comments:		
2. Any conditions of approval from the various utility companies requiring new or revised easements and developer relocation of their facilities will be required to be addressed prior to issuance of a building permit.	X	
3. Approval is subject to approval of the concurrent applications for Rezoning, Major Site Plan Modification and Community Design Appeals.	X	

DEPARTMENTS	INCLUDE	REJECT
<b>COMMUNITY REDEVELOPMENT AGENCY</b>		
Comments: None.		
<b>PLANNING &amp; DEVELOPMENT BOARD CONDITIONS</b>		
Comments: None.		
<b>CITY COMMISSION CONDITIONS</b>		
Comments: To be determined.		

S:\Planning\SHARED\WP\PROJECTS\Villages at E. Ocean\Abandonments\ABAN 17-002 through 17-006\COA.doc

**DEVELOPMENT ORDER OF THE CITY COMMISSION OF THE  
CITY OF BOYNTON BEACH, FLORIDA**

PROJECT NAME: Villages at East Ocean (ABAN 17-002 through 17-006)

APPLICANT: Bradley Miller, Miller Land Planning, Inc.

APPLICANT'S ADDRESS: 508 E. Boynton Beach Blvd., Boynton Beach, FL 33435

DATE OF HEARING RATIFICATION BEFORE CITY COMMISSION: September 19, 2017

APPROVAL SOUGHT: Request for abandonment of a portions of rights-of-way (ABAN 17-002 through ABAN 17-006) consisting mostly of unimproved streets and alleys between NE/SE 3<sup>rd</sup> Street and the FEC Railroad, from Boynton Beach Boulevard south to SE 1<sup>st</sup> Avenue, in conjunction with request for major site plan modification approval of the Villages at East Ocean mixed use project.

LOCATION OF PROPERTY: 405 E. Ocean Avenue

DRAWING(S): SEE EXHIBIT "B" ATTACHED HERETO.

\_\_\_\_\_ THIS MATTER was presented to the City Commission of the City of Boynton Beach, Florida on the date of hearing stated above. The City Commission having considered the approval sought by the applicant and heard testimony from the applicant, members of city administrative staff and the public finds as follows:

1. Application for the approval sought was made by the Applicant in a manner consistent with the requirements of the City's Land Development Regulations.
2. The Applicant  
    \_\_\_ HAS  
    \_\_\_ HAS NOT  
  
    established by substantial competent evidence a basis for the approval requested.
3. The conditions for development requested by the Applicant, administrative staff, or suggested by the public and supported by substantial competent evidence are as set forth on Exhibit "C" with notation "Included."
4. The Applicant's request is hereby  
    \_\_\_ GRANTED subject to the conditions referenced in paragraph 3 above.  
    \_\_\_ DENIED
5. This Order shall take effect immediately upon issuance by the City Clerk.
6. All further development on the property shall be made in accordance with the terms and conditions of this order.
7. Other: \_\_\_\_\_  
    \_\_\_\_\_  
    \_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
City Clerk



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** Approve The Villages at East Ocean Avenue - North Major Site Plan Modification (MSPM 17-003) request for a mixed-use development consisting of an eight (8)-story building with 336 dwelling units, commercial space, and associated recreational amenities and parking on a 3.379 acre site. Applicant: Arthur D'Almeida. **(Should be tabled to September 19, 2017 to correspond with 2nd reading of the Land Use Amendment application.)**

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### **EXPLANATION OF REQUEST:**

The Villages at East Ocean Avenue is a proposed mixed use development on 5.14 acres split into two different master plans with Ocean Avenue being the dividing line —the south portion extends from Ocean Avenue to the alley south of SE 1st Avenue, while the north part covers the area from Ocean Avenue north to Boynton Beach Boulevard.

Mr. Bradley Miller, agent for the owner, is requesting approval of several concurrent applications for the development of The Villages at East Ocean Avenue project (See the respective staff reports). The requests include two (2) Future Land Use Map Amendments and Rezonings, two (2) Major Site Plan Modifications, and a series of Right-Of-Way Abandonments. This request is for a Major Site Plan Modification for the north parcel for approval to construct an 8-story, mixed-use development consisting of 336 multi-family residential units, 12,257 square feet of commercial space and a supporting parking garage with 644 parking spaces.

The Planning and Development Board recommended approval of the subject request on August 22, 2017. The Board added a comment to the Conditions of Approval requesting that the applicant and staff review the commercial space proposed along Boynton Beach Boulevard to consider the possibility of live-work units in its place. However, live-work uses at this location would be in conflict with the LDR which requires the first floor of a mixed-use project to contain commercial space where there is frontage along an arterial road and Ocean Avenue. Furthermore, the CRA Plan recommends that "active commercial uses are required" on certain street frontages. Staff recognizes that not all locations are equally viable for commercial uses, limiting such locations to those roads with higher traffic volumes or planned pedestrian activity. Therefore, Boynton Beach Boulevard and Ocean Avenue are targeted for commercial uses that "activate the street" and contribute to the commercial space needed to serve the budding Downtown District and serve the additional residential units being built. Live-work units have been proposed, and supported by staff, along SE 3rd Street.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** N/A

### **FISCAL IMPACT:**

If approved and developed, the project would increase application and processing revenues and ultimately, the City's tax base.

**ALTERNATIVES:** None recommended

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** N/A

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:** N/A

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**Is this a grant?** No

**Grant Amount:**


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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Location Map	Exhibit A - Location Map
<input type="checkbox"/> Drawings	Exhibit B - Project Plans
<input type="checkbox"/> Conditions of Approval	Exhibit C - Conditions of Approval
<input type="checkbox"/> Development Order	Development Order

**DEVELOPMENT DEPARTMENT  
PLANNING AND ZONING DIVISION  
MEMORANDUM NO. PZ 17-043  
STAFF REPORT**

**TO:** Chair and Members  
Planning and Development Board

**THRU:** Michael W. Rumpf   
Director of Planning and Zoning

**FROM:** Amanda Bassiely   
Senior Planner – Urban Designer

**DATE:** August 11, 2017

**PROJECT NAME:** The Villages at East Ocean Avenue - North (MSPM 17-003)

**REQUEST:** Major Site Plan Modification approval for a mixed-use development consisting an eight (8)-story building with 336 dwelling units, commercial space, and associated recreational amenities and parking on a 3.379 acre site.

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**PROJECT DESCRIPTION**

**Property Owner:** 206 Boynton LLC, Boynton Beach Property Holdings LLC,  
416 Boynton LLC, 422 Boynton LLC, First Avenue Boynton LLC,  
East Ocean Avenue LLC

**Applicant:** Aurther B. D'Almeida, Managing Member

**Agent:** Bradley D. Miller, Miller Land Planning

**Location:** South side of Boynton Beach Boulevard to Ocean Avenue between the  
F.E.C. Railroad and NE 3<sup>rd</sup> Street (see Exhibit "A" - Site Location Map).

**Existing Land Use:** LRC (Local Retail Commercial)

**Proposed Land Use:** MXH (Mixed Use High)

**Existing Zoning:** C-2 (Neighborhood Commercial) and C-3 (Community Commercial)

**Proposed Zoning:** MU-C (Mixed Use Core)

**Proposed Use:** Mixed use development with 336 dwelling units, commercial space,  
recreational amenities, parking, and other related site improvments.

**Acreage:** 3.379 acres



**Adjacent Uses:**

- North: Right-of-way for Boynton Beach Boulevard and farther north is developed commercial properties with a Land Use designation of Local Retail Commercial (LRC) and zoning designation of Community Commercial (C-3);
- South: Right-of-way for East Ocean Avenue and farther south is the planned site of the southern portion of the subject project, Villages at East Ocean – South, with a proposed Land Use classification of Mixed Use Medium (MXM) and a zoning designation of MU-2 (Mixed Use 2);
- East: Right-of-way for the Florida East Coast (FEC) Railroad and NE 4<sup>th</sup> Street and farther east are developed commercial properties with a Land Use classification of Mixed Use (pending reclassification to MXH) and zoning designation of CBD (Central Business District); and
- West: Right-of-way for NE 3<sup>rd</sup> Street and farther west are developed commercial and multi-family properties with a Land Use classification of High Density Residential (HDR) and a zoning designation of C-3 (Community Commercial) and R-3 (Multi-Family)

**PROPERTY OWNER NOTIFICATION**

Owners of properties within 400 feet of the subject request were mailed a notice of this request and its respective hearing dates. The applicant certifies that they posted signage and mailed notices in accordance with Ordinance No. 04-007.

**BACKGROUND**

**Proposal:** The Villages of East Ocean Avenue is a proposed mixed use development on 5.14 acres split into two different master plans with Ocean Avenue being the dividing line —the south portion extends from the Ocean Avenue to the alley south of SE 1st Avenue, while the north part covers the area from Ocean Avenue to Boynton Beach Boulevard.

Mr. Bradley Miller, agent for the owner, is requesting approval of several concurrent applications for the development of The Villages at East Ocean Avenue project. (See the respective staff reports). The requests include two (2) Future Land Use Amendments and Rezoning, two (2) Major Site Plan Modifications, and a series of Right-Of-Way Abandonments. This request is for a Major Site Plan Modification for the north parcel for approval to construct an 8-story, mixed-use development consisting of 336 multi-family residential units, 12,257 square feet of commercial space and a supporting parking garage with 644 parking spaces.

## **ANALYSIS**

- Traffic:** A traffic study was sent to the Palm Beach County Traffic Division for review. The project is located within the boundaries of the City of Boynton Beach TCEA (Traffic Concurrency Exception Area) and therefore meets the Palm Beach County Traffic Performance Standards. The entire project (both the north and south parcels) generate 1,635 new daily trips with 192 AM peak trips and 130 PM peak trips.
- School:** The School District of Palm Beach County has confirmed that area schools have adequate capacity to accommodate the potential public school students who will reside in the proposed dwelling units with their families.
- Utilities:** The City's water capacity, as increased through the purchase of up to five (5) million gallons of potable water per day from Palm Beach County Utilities, would meet the projected potable water demand for this project. Sufficient sanitary sewer and wastewater treatment capacity is also currently available to serve the project. The applicant will be making several upgrades to utility lines in the vicinity of the project as part of the site development.
- Police/Fire:** The Police Department has reviewed the site plan and all review comments have been acknowledged by the applicant and will be addressed at the time of permitting. The Fire Department notes that they will be able to provide an adequate level of service for this project with current or expected infrastructure and/or staffing levels. Further plan review by Police and Fire will occur during the building permit process.
- Drainage:** Conceptual drainage information was provided for the City's review. The Engineering Division has found the conceptual information to be adequate and is recommending that the review of specific drainage solutions be deferred until time of permit review.
- Access:** The property's main vehicular access point is on NE 3<sup>rd</sup> Street. This access leads directly into the garage which serves the development. Sidewalks are provided along the street rights-of-way. The sidewalks proposed are a minimum of eight (8) feet in width and are lined with street trees for shade. The sidewalks along Ocean Avenue and Boynton Beach Boulevard also abut an active area that may be used for outdoor dining and commercial uses. There is limited pedestrian access from Boynton Beach Boulevard into private amenities for the residences.
- There are three (3) separate plazas proposed to encourage pedestrian interaction, with the first located at the center of the Ocean Avenue frontage. A second plaza is proposed on NE 3<sup>rd</sup> Street at the main entrance of the residential building and the third on Boynton Beach Boulevard at the entry of the amenities area. The project also proposes a publicly accessible greenway along the eastern property line. The greenway connects Boynton Beach Boulevard to Ocean Avenue.

**Parking:**

Off-street parking for the MU-C zoning district requires 1.33 parking spaces for one-bedroom units and 1.66 parking spaces for two (2) or more bedroom units. The project proposes 336 units (a mixture of one and two bedrooms), which would require 513 parking spaces. Additionally, the code requires the provision of guest parking at a rate of 0.15 spaces per unit, which adds another 51 parking spaces to the total. The commercial space, which would allow a mix of retail, office and restaurant uses, requires one (1) parking space per 200 square feet of gross floor area. The site plan proposes 12,257 square feet of retail, thereby requiring an additional 84 parking spaces. Under this standard methodology for calculating required off-street parking spaces, a grand total of 648 parking spaces would be required. Per Chapter 4, Article V, Sec.3,(A), a 5% reduction of non-residential space may be applied, reducing the total number of required parking space to 643.

The site plan proposes 644 parking spaces, an excess of 1 space. Regular parking space dimensions would conform to code requirements for the CRA of 9 feet by 18 feet for 90 degree parking and 9 feet by 25 feet for parallel spaces. The thirteen (13) handicap spaces would be dimensioned 12 feet in width by 18 feet long.

The applicant is proposing a seven (7)-story parking garage that would accommodate up to 625 vehicles. A resident gate would be placed in the garage with a turnaround space for non-residents. The developer will be required to comply with the City's residential parking requirements to ensure that the designated resident parking spaces are reserved for, and made available to the residents, so that there is no reason for residents to utilize guest and retail parking spaces. This requirement shall be monitored and enforced by the developer. There are an additional 19 on-street parking spaces; six (6) on Ocean Avenue; ten (10) on NE 3<sup>rd</sup> Street; and three (3) on Boynton Beach Boulevard.

**Landscaping:**

The Plant List (Sheets L3 & L4) indicates that the project would add a total of 119 canopy and palm trees, 1,946 accent and shrub specimens, and 4,851 small shrubs/groundcover plants. All plant materials to be used in the landscape design are required to be Florida number one grade and must be identified as having "low" or "medium" watering needs in the South Florida Water Management's "Waterwise" publication. The proposed tree species would include the following: Cathedral Live Oak, Crape Myrtle, Green Buttonwood, Foxtail Palms, Silver Date Palms, and Canary Island Date Palms along with a variety of other tree types.

Projects proposed in the Mixed Use Core (MU-C) zoning district are subject to the "Streetscape Design" portion of the landscape code regulations. These code provisions recognize the desire for reduced building setbacks, thus creating an urban setting. The purpose of the "Streetscape Design" concept is to create a landscape design that encompasses both the private and public domain, to blend the two areas into one unified landscape scheme and optimize the pedestrian experience. This is accomplished through hardscape and landscape choices, covered walkways (arcades, awnings, tree canopy), and streetscape amenities (benches/seatwalls, lighting, accent

lighting, accent plantings). The landscape design proposed by the applicant depicts the use of street trees and covered arcades to create the streetscape theme, with the lower landscape material placed at points along the building foundation and between the street and sidewalk, in an effort to provide maximum clear pedestrian pathways.

**Building and Site:** The proposed site area totals 3.377 acres. The dwelling units are located above the retail spaces fronting Boynton Beach Boulevard and Ocean Avenue, wrapping the ground floor amenity deck, and wrapping a parking garage. The retail portion of the project totals 12,537 square feet and fronts the main roadways and the public plaza. As noted previously, the parking garage has seven (7) levels of parking, with dedicated resident parking.

Of the 336 residential units, three are loft, seven are studio, 135 are one (1) bedroom, 181 are two (2) bedroom, and 10 are (3) bedroom units. The units range in size from 693 square feet to 1,530 square feet. Each unit also has a balcony or terrace that either faces out towards the street or in towards the courtyard.

Relative to the floor area ratio (FAR) regulations within the code, the Mixed Use Core (MU-C) zoning district has a maximum FAR of 4.0. The project is also located within the "Transit Core" (1/4 mile radius of the planned station), which requires that new development have a minimum density of 40 dwelling units per acre (99.5 du/ac proposed) and a minimum FAR of 2.0 (2.92 proposed).

**Building Height:** Overall, the building design has the most intensity along the frontage of Boynton Beach Boulevard, decreasing in intensity as the project approaches Ocean Avenue. The maximum building height allowed in the MUC (Mixed Use Core) zoning district is 150 feet. The proposed building elevations depict the typical roof deck height of the mixed-use building at ninety (90) feet, with an overall height of approximately ninety-five (95). Along Ocean Avenue, the building height is reduced in height to approximately thirty-five feet (35'), per the CRA plan.

**Setbacks:** The MU-C zoning district requires no building setbacks, but rather a zero (0) build-to line. However, the CRA plan recommends the building be setback to allow for an enhanced public realm that includes street trees, sidewalks, plazas, and active areas such as outdoor seating and retail uses. The building setback is measured from the property line to the exterior surface of the building or supporting columns. Along Boynton Beach Boulevard, the proposed building setback along the length of the building is between eight feet and twenty-seven feet. Along NE 3<sup>rd</sup> Street, the building setback is approximately 16 feet except for the areas of the plaza / building entry, which is setback to approximately 57 feet. The building along Ocean Avenue has a setback of approximately 15 feet and includes a courtyard area where the setback is 31 feet from the property line. The eastern property line abuts the FEC Railroad right-of-way where the setback varies between 13 feet and 18 feet.

**Amenities:**

As noted above, there are three (3) separate plazas proposed to encourage pedestrian interaction, with the first located at the center of the Ocean Avenue frontage. A second plaza is proposed on NE 3<sup>rd</sup> Street at the main entrance of the residential building and the third on Boynton Beach Boulevard at the entry of the amenities area. The plazas are connected with pedestrian zones that front along the rights-of-way. The pedestrian zones include a street tree area, sidewalks, active areas and covered walkways. The project also proposes a publicly accessible greenway along the eastern property line.

The project has been designed with a large interior courtyard for resident use, containing the community pool, spa, outdoor dining areas, and lush tropical landscaping. The amenities located within the building include a clubhouse, fitness center, and secured bike storage. The developer will also be working with Palm Tran of Palm Beach County to relocate and create a new transit shelter, designed utilizing some of the architectural characteristics of the mixed use project.

**Design:**

The intended architectural style for the project is “Coastal Village”, which is a variation of Florida Vernacular Architecture. This architectural style fosters a sense of place and identity for the district. The Coastal Village architectural style blends tropical motifs such as climate-sensitive roof forms with contemporary design elements such as vertical orientation, sparsely used ornamentation, vertically-oriented windows, and materials such as concrete and steel structural frames, standing seam metal roofs and use of colors. The project materials and finishes are consistent with this architectural style.

The mixed-use projects are designed to create a pedestrian-friendly environment by placing the buildings along pedestrian zones and articulating the building mass avoiding a repetitive, continuous, monotonous building block. The building mass fronting SE 3rd Street on both the north and south parcels is articulated and scaled down as one moves from north to south. This approach maintains the highest building mass and density closer to Boynton beach Boulevard and a lower scale on both sides of Ocean Avenue, terminating with a small townhouse building at the south end. The buildings facing Boynton Beach Boulevard are stepped back ten feet at a height of 45 feet in order to move the mass of the building farther from the pedestrian environment.

**Lighting:**

The photometric plans (Sheets PH-1 & PH-2) include 32 freestanding pole light fixtures, with pole height ranging from 12 feet to a maximum of 15 feet. The poles are designed to match the poles and light fixture already approved along the Casa Costa, 500 Ocean and Boynton Promenade projects. The poles and fixtures would be constructed of cast aluminum, black in color and the light fixtures would have a flat lens to ensure the on-site illumination would not “spill over” onto adjacent properties and rights-of-way as required by code. There are no spot readings in excess of the maximum 5.9 foot-candles allowed. Also proposed are a series of pedestrian-scale, lit bollards.

**Signage:**

Locations have been identified to ensure proper wayfinding for public

parking. Site and building signage have not been finalized and a Sign Program must be approved prior to requesting any sign permits for the site (see Exhibit "C" – Conditions of Approval).

**Public Art:**

The project is subject to the Art in Public Places requirement, and the applicant has been in discussions with the Public Arts Administrator regarding the art and its placement. The project proposes Public Art throughout the site including utilizing the building walls, site fountains, public courtyards and walkways.

**RECOMMENDATION**

Staff has reviewed this request for a Major Site Plan Modification and recommends APPROVAL, subject to approval of the accompanying applications and satisfying all comments indicated in Exhibit "C" – Conditions of Approval. Any additional conditions recommended by the Board or required by the City Commission shall be documented accordingly in the Conditions of Approval.

S:\Planning\SHARED\WP\PROJECTS\Villages at East Ocean\Villages North (MSPM 17-003)\StaffReport\Staff Report - MSPM 17-003.doc



# LOCATION MAP

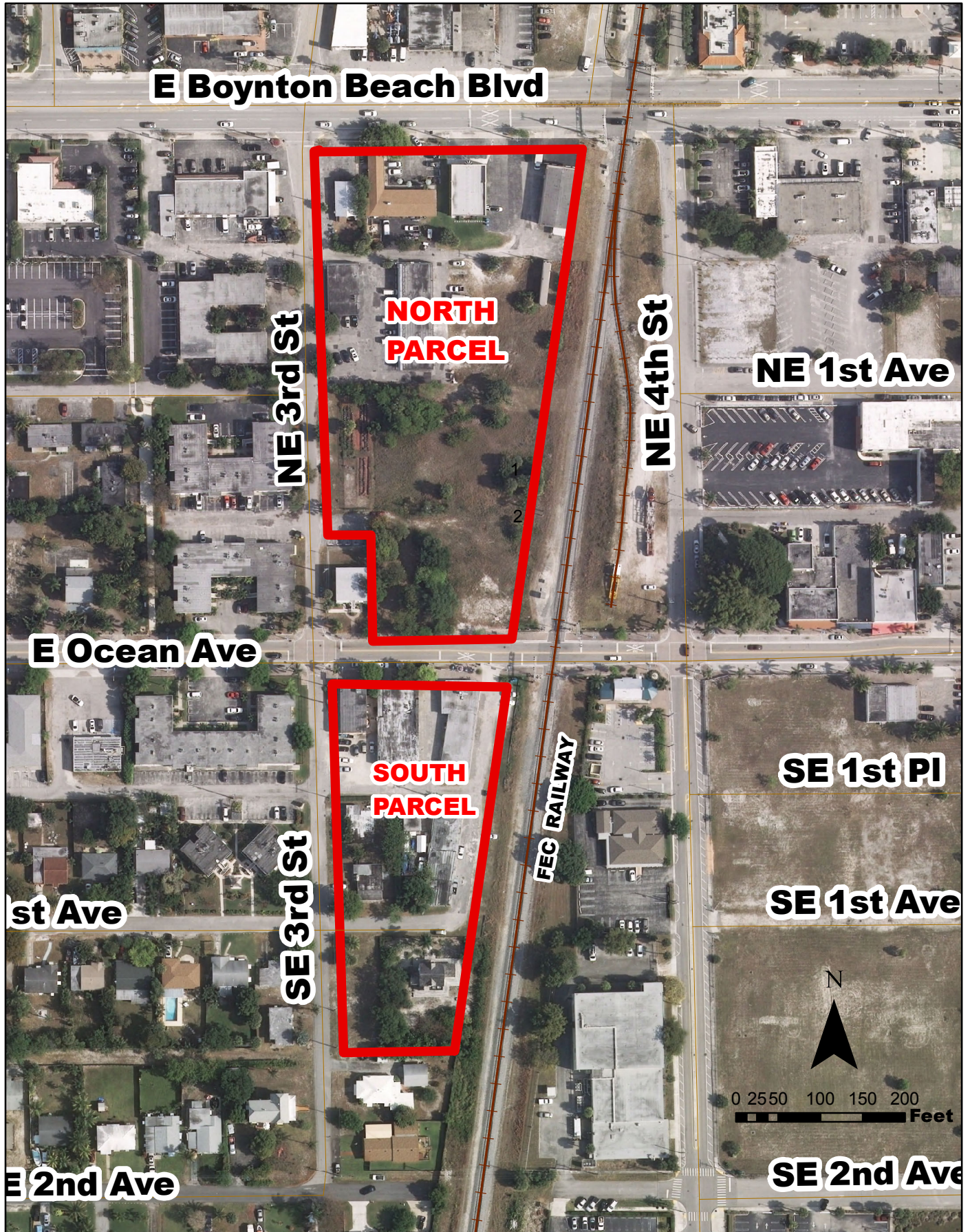
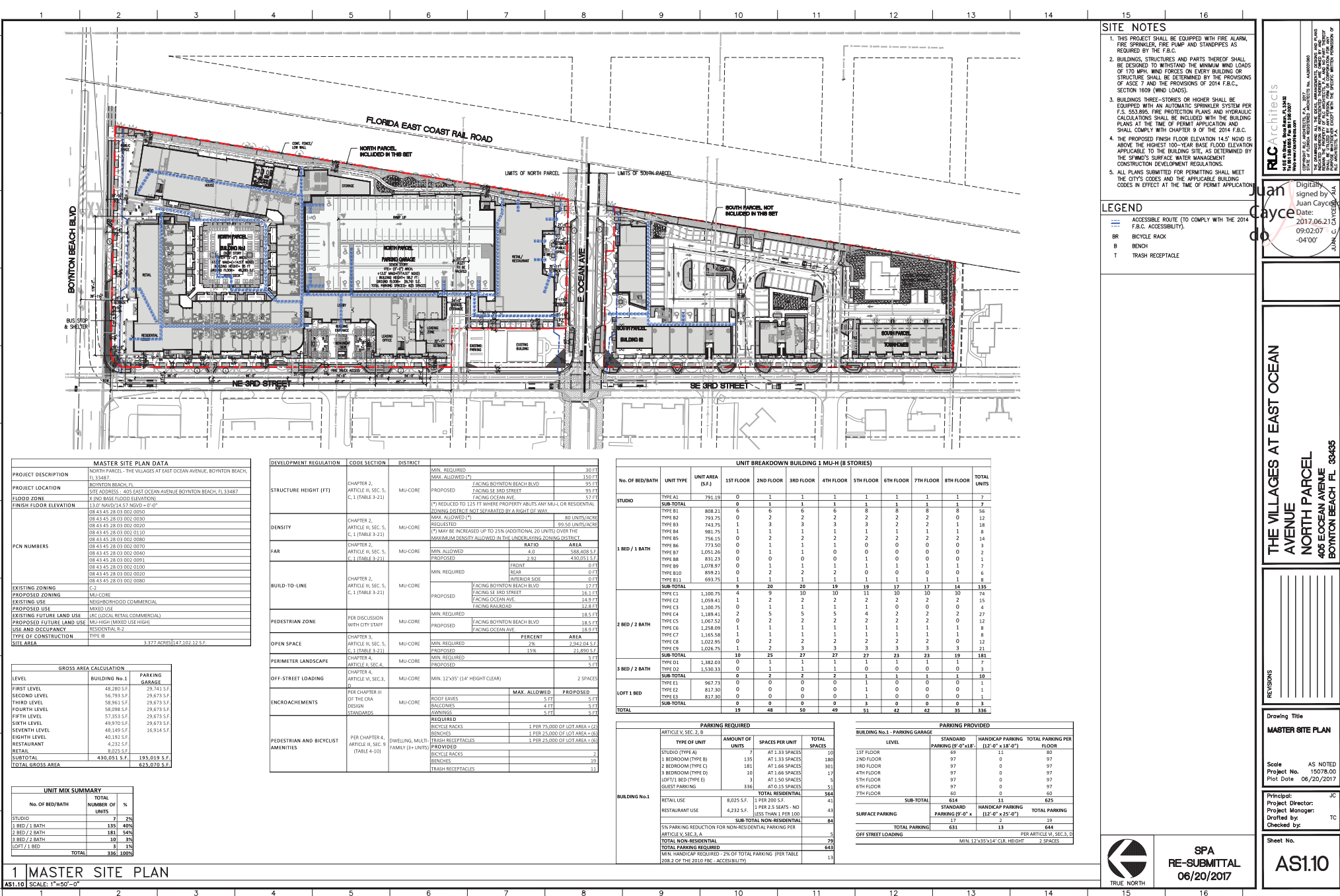




EXHIBIT "B": PROJECT PLANS



- SITE NOTES**
- THIS PROJECT SHALL BE EQUIPPED WITH FIRE ALARM, FIRE SPRINKLER, FIRE PUMP AND STANDPIPES AS REQUIRED BY THE F.B.C.
  - BUILDINGS, STRUCTURES AND PARTS THEREOF SHALL BE DESIGNED TO WITHSTAND THE MINIMUM WIND LOADS OF 170 MPH WIND FORCES ON EVERY BUILDING OR STRUCTURE SHALL BE DETERMINED BY THE PROVISIONS OF ASCE 7 AND THE PROVISIONS OF 2014 F.B.C., SECTION 1609 (WIND LOADS).
  - BUILDINGS THREE-STORIES OR HIGHER SHALL BE EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM PER F.S. 553.895. FIRE PROTECTION PLANS AND HYDRAULIC CALCULATIONS SHALL BE INCLUDED WITH THE BUILDING PLANS AT THE TIME OF PERMIT APPLICATION AND SHALL COMPLY WITH CHAPTER 9 OF THE 2014 F.B.C.
  - THE PROPOSED FINISH FLOOR ELEVATION 14.5' NVD IS ABOVE THE HIGHEST 100-YEAR BASE FLOOD ELEVATION APPLICABLE TO THE BUILDING SITE, AS DETERMINED BY THE SPIMD'S SURFACE WATER MANAGEMENT CONSTRUCTION DEVELOPMENT REGULATIONS.
  - ALL PLANS SUBMITTED FOR PERMITTING SHALL MEET THE CITY'S CODES AND THE APPLICABLE BUILDING CODES IN EFFECT AT THE TIME OF PERMIT APPLICATION.

- LEGEND**
- ACCESSIBLE ROUTE (TO COMPLY WITH THE 2014 F.B.C. ACCESSIBILITY).
  - BR BICYCLE RACK
  - B BENCH
  - T TRASH RECEPTACLE

**THE VILLAGES AT EAST OCEAN AVENUE NORTH PARCEL**  
405 E OCEAN AVENUE  
BOYNTON BEACH FL 33485

**REVISIONS**

NO.	DATE	DESCRIPTION
1	06/20/2017	ISSUED FOR PERMITTING

**Drawing Title**  
MASTER SITE PLAN

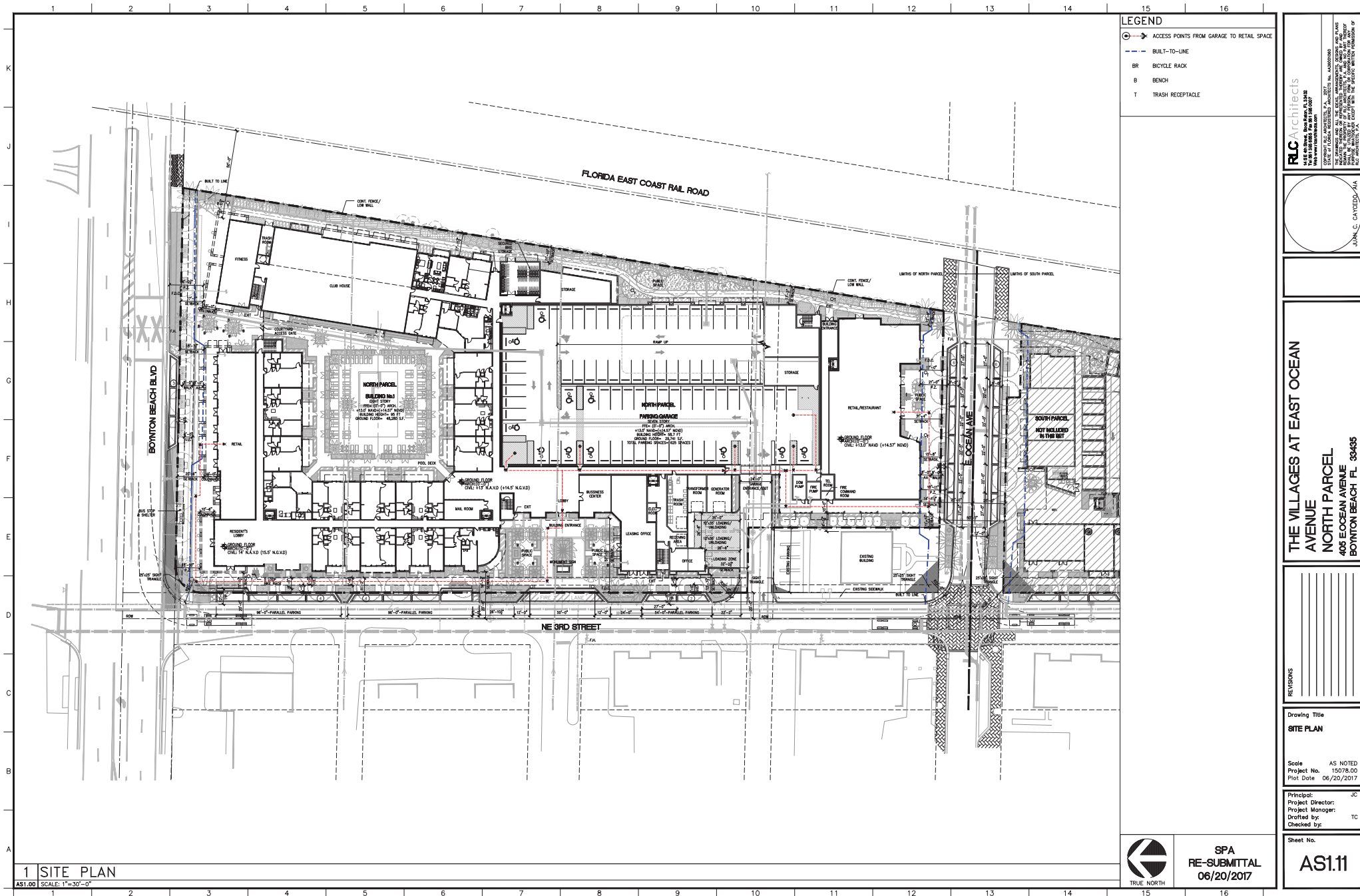
**Scale**  
AS NOTED  
Project No. 15078.00  
Plot Date: 06/20/2017

**Principal:** JC  
**Project Director:** JC  
**Project Manager:** TC  
**Checked by:**

**Sheet No.**  
AS1.10

**SPA RE-SUBMITTAL**  
06/20/2017



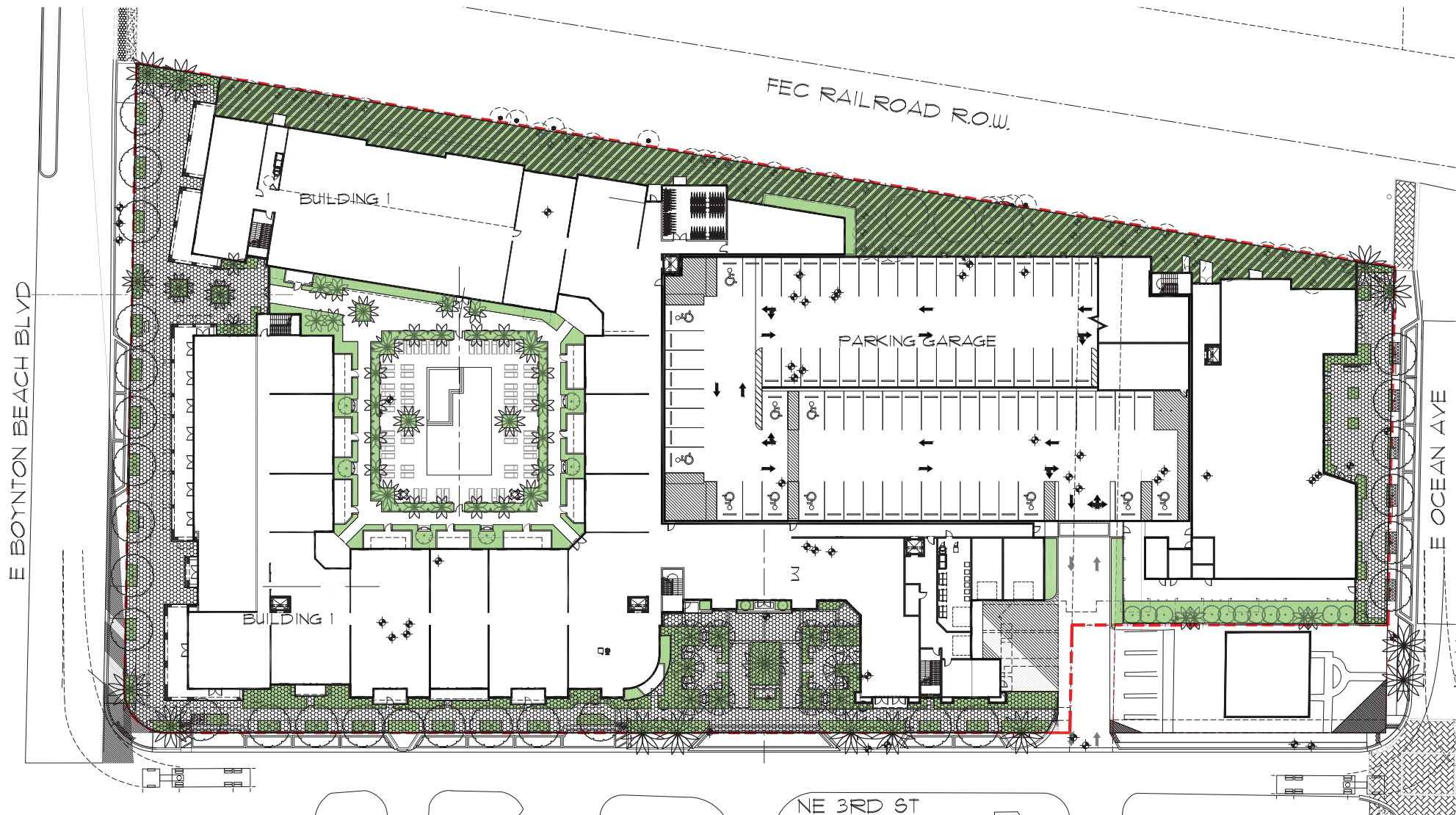












North Parcel Site Area: 147,108 sf

Pervious Area: 21,473 sf (15%)

Impervious Area: 125,635 (85%)

North Parcel Public Space Required: 1% = 1,471 sf  
 Site Area (147,108 sf) x 0.01 = 1,471 sf  
 North Parcel Public Space Provided: 9,700 sf

North Parcel Open Space Required: 2% = 2,942 sf  
 Site Area (147,108 sf) x 0.02 = 2,942 sf  
 North Parcel Open Space Provided: 21,780 sf

NE 3RD ST



pervious, impervious, public,  
open space

project number:  
12515

date: 2-28-17  
 scale: 1" = 20'  
 drawn by: js

revisions:

Δ 5-16-17  
 Δ 6-20-17

sheet:

**L-6**

6 of 8 sheets

project:  
**villages**  
**east ocean ave.**  
**north parcel**

boynton beach  
florida

**dave bodker**  
 landscape architecture / planning inc.  
 601 n. congress ave., suite 105-a  
 delray beach, florida 33445  
 561-276-6311  
 #LA0000999

# EXHIBIT "C"

## Conditions of Approval

Project Name: Villages at East Ocean (North)  
 File number: MSPM 17-003  
 Reference: 4<sup>th</sup> review of plans identified as a Major Site Plan Modification with a July 14, 2017 Planning and Zoning Department date stamp marking.

DEPARTMENTS	INCLUDE	REJECT
<b>ENGINEERING / PUBLIC WORKS / FORESTRY / UTILITIES</b>		
Comments:		
1. Civil plans, including drainage calculations, in accordance with the 2010 LDR, Chapter 4, Article VIII, Section 3.G. will be required at the time of permitting.	X	
2. Coordinate with Stormwater Utilities to ensure that the consultant models the stormwater discharge to the ultimate outfall.	X	
3. Prior to permit application, please contact the Public Works Department (561-742-6200) regarding the removal of refuse during the construction phase per the CODE, Section 10-26 (a).	X	
4. Section 26-34(A) of the code mandates the payment of water and/or sewer capital facilities charges when a project is to receive services from the city's systems, and as an option, a capacity reservation fee may be obtained at an additional cost and will only be valid for a period of one (1) year after the fee has been paid. Capacity reservation fees shall be paid upon the request for the Utilities Department's signature on the Health Department application forms or within seven (7) days of site plan approval, whichever occurs first. All fees will be determined based on the final meter size(s), or expected demand.	X	
5. The existing drainage infrastructure to remain within the project limits and along the project frontage shall be Tele-inspected before and after construction. Prior to the post construction tele-inspection, the same lines shall be cleaned.	X	
6. Please provide an Addressing Plan, prior to permit issuance.	X	
7. Provide irrigation plans with the landscape plan, prior to permit issuance.	X	
8. Applicant shall work with the Utilities Department to determine the project wastewater flow discharge, which will be entered into the	X	

<b>DEPARTMENTS</b>		<b>INCLUDE</b>	<b>REJECT</b>
City's hydraulic model to determine if a lift station is required.			
9.	Please address storm water treatment for first inch of rainfall, as well as conception detail and conveyance. Please note SFWMD requirements may be more restrictive. Calculations for exfiltration shall be submitted at time of permitting.	X	
10.	The attendance at a mandatory Pre-Construction Conference is required prior to the start of any utilities work on site.	X	
<b>FIRE</b>			
Comments: None. All previous comments addressed at DART Meeting.			
<b>POLICE</b>			
Comments: None. All previous comments addressed at DART Meeting.			
<b>BUILDING DIVISION</b>			
Comments: Building comments will be addressed at time of permitting.			
<b>PARKS AND RECREATION</b>			
Comments:			
11.	Per City Ordinance, the Park Impact Fee for the North Parcel is \$199,920 (336 apartments X \$595.00).	X	
<b>PLANNING AND ZONING</b>			

DEPARTMENTS	INCLUDE	REJECT
Comments:		
12. Sheet AS100 has the incorrect boundary for the project area proposed to be rezoned. Please revise boundary to exclude properties not owned by the applicant.	X	
13. Sheet AS1.10 data Sheet AS1.10 data is incomplete. Please add FAR calculations and revise parking calculations to accurately reflect the plan.	X	
14. In order to promote interconnectivity, as required per code, to support the 5% parking reduction for the non-residential uses, the applicant shall remove any fencing and gates at the north and south termination of the pedestrian path adjacent to the railroad, in order to allow free public access from Ocean Ave to Boynton Beach Blvd along the east side of the project and to the public space noted on the plans.	X	
15. Please provide a detail drawing of the design of the bus shelter, matching the architectural design, materials and colors of the building.	X	
16. Please depict the access points from the garage to the retail spaces. Enhance public access points so they are clearly discernable for the public.	X	
17. Revise elevations to consistently match the submitted color chip, "Adventure Orange".	X	
18. Please provide calculations and dimensions of ground floor building facades which indicate that 50% (all mixed use buildings) and 30% (for all residential buildings) of the area is occupied by transparent windows or door openings. Note that the maximum sill height of 2' and minimum head height of 6'8" is required.	X	
19. Please provide details of any proposed building signs. A Sign Program will be required for the project. No sign permits will be issued until the program is approved.	X	
20. All applicable drawings should depict the improvements within the right-of-way along the west side of the abutting condominium building, including roadway, sidewalk, light poles, landscaping, etc., in order to continue the proposed streetscape design from	X	



<b>DEPARTMENTS</b>		<b>INCLUDE</b>	<b>REJECT</b>
Boynton Beach Boulevard south to Ocean Avenue.			
21.	Any approvals are subject to the approval of the associated right-of-way abandonment applications.	X	
<b>HISTORIC PRESERVATION</b>			
Comments: Comments have been acknowledged and will be addressed during site construction.			
<b>COMMUNITY REDEVELOPMENT AGENCY</b>			
Comments:			
22.	Clearly identify the location of the required parking spaces associated with the proposed retail/restaurant and guests. Sheets AS 1.10 parking table, AS 1.11 and A1.01.	X	
23.	As part of the applicant's design and construction of the NE 3 <sup>rd</sup> Street r-o-w improvements, continue the pedestrian improvements all the way to the corner of NE 3rd Street and E. Ocean Avenue. Sheets AS1.11 and A1.01.	X	
24.	Overhead utilities must be undergrounded. An easement may need to be retained in order to continue the undergrounding of utilities along 3 <sup>rd</sup> Street to continue south of Ocean Ave.	X	
<b>PLANNING &amp; DEVELOPMENT BOARD CONDITIONS</b>			
25.	The applicant and staff shall discuss the possibility of live/work units as an option for the commercial space along Boynton Beach Boulevard.	X	
<b>CITY COMMISSION CONDITIONS</b>			
Comments: To be determined.			

**DEVELOPMENT ORDER OF THE CITY COMMISSION OF THE  
CITY OF BOYNTON BEACH, FLORIDA**

PROJECT NAME: Villages at East Ocean- North (MSPM17-003)

APPLICANT: Arthur B. D'Almeida

APPLICANT'S ADDRESS: 105 East Palmetto Park Road, Boca Raton, FL, 33432

DATE OF HEARING RATIFICATION BEFORE CITY COMMISSION: September 19, 2017

APPROVAL SOUGHT: Request for a Major Site Plan Modification approval for a mixed-use development consisting of 336 dwelling units, commercial space, and associated recreational amenities and parking on a 3.379 acre site.

LOCATION OF PROPERTY: South side of Boynton Beach Boulevard to Ocean Avenue between the F.E.C. Railroad and NE 3<sup>rd</sup> Street

DRAWING(S): SEE EXHIBIT "B" ATTACHED HERETO.

\_\_\_\_\_ THIS MATTER was presented to the City Commission of the City of Boynton Beach, Florida on the date of hearing stated above. The City Commission having considered the approval sought by the applicant and heard testimony from the applicant, members of city administrative staff and the public finds as follows:

1. Application for the approval sought was made by the Applicant in a manner consistent with the requirements of the City's Land Development Regulations.
2. The Applicant  
    \_\_\_ HAS  
    \_\_\_ HAS NOT  
  
established by substantial competent evidence a basis for the approval requested.
3. The conditions for development requested by the Applicant, administrative staff, or suggested by the public and supported by substantial competent evidence are as set forth on Exhibit "C" with notation "Included."
4. The Applicant's request is hereby  
    \_\_\_ GRANTED subject to the conditions referenced in paragraph 3 above.  
    \_\_\_ DENIED
5. This Order shall take effect immediately upon issuance by the City Clerk.
6. All further development on the property shall be made in accordance with the terms and conditions of this order.
7. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
City Clerk



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

(1) **PROPOSED ORDINANCE NO: 17-027 - FIRST READING** - Approve The Villages at East Ocean - South Future Land Use Map Amendment (LUAR 17-003) from Local Retail Commercial (LRC) to Mixed Use Medium (MXM). Applicant: Arthur B. D'Almeida

(2) **PROPOSED ORDINANCE NO: 17-028 - FIRST READING** - Approve The Villages at East Ocean - South Rezoning (LUAR 17-003) from C-2 Neighborhood Commercial to MU-2, Mixed Use 2 District with a proposed site plan for 35 multi-family units and 3,500 square feet of commercial space. Applicant: Arthur B. D'Almeida

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**EXPLANATION OF REQUEST:**

The proposed Villages at East Ocean Avenue is a mixed use development on 5.14 acres which extend between the FEC Railroad to the east and 3<sup>rd</sup> Street on the west, with Ocean Avenue being a dividing line between the project's North and South components. The North component covers the area north of Ocean Avenue to Boynton Beach Boulevard, while the South part of the development extends from Ocean Avenue to the alley south of SE 1<sup>st</sup> Avenue. The Future Land Use Map amendments, rezonings and site plans for the North and South sections are processed concurrently (see the respective staff reports).

The subject request pertains to the South section of the Villages project. The property consist of 7 parcels, currently developed with commercial and single-family uses. This section is proposed to be redeveloped under the Mixed Use Medium (MXM) future land use category and Mixed Use 2 zoning.

The request, if approved, would implement the CRA Plan's future land use recommendation for the area.

The Planning & Development Board reviewed this item on August 22, 2017 and forwards it with a recommendation for approval.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** The project will not require capacity adjustment to the City services.

**FISCAL IMPACT:** If approved and developed, the project would encourage development and at higher densities which would increase application and processing revenues and ultimately, the City's tax base.

**ALTERNATIVES:** Staff does not recommend any alternatives.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** NA

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION: NA**

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**Is this a grant? No**

**Grant Amount:**

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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Ordinance	Ordinance approving Villages at East Ocean Avenue South land use amendments
<input type="checkbox"/> Ordinance	Ordinance approving Villages at East Ocean Avenue - South rezoning
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Location Map	Exhibit A. Location Map
<input type="checkbox"/> Exhibit	Exhibit B. Villages proposed FLU
<input type="checkbox"/> Exhibit	Exhibit C. Villages proposed zoning
<input type="checkbox"/> Exhibit	Exhibit D. CRA FLU recommendations

ORDINANCE NO. 17-

AN ORDINANCE OF THE CITY OF BOYNTON BEACH, FLORIDA,  
AMENDING ORDINANCE 89-38 BY AMENDING THE FUTURE  
LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FOR  
PROPERTY COMMONLY KNOWN AS THE VILLAGES AT EAST  
OCEAN AVENUE - SOUTH AND DESCRIBED HEREIN, OWNED BY  
ARTHUR B. D'ALMEIDA; CHANGING THE LAND USE  
DESIGNATION FROM LOCAL RETAIL COMMERCIAL (LRG) TO  
MIXED USE MEDIUM (MXM); PROVIDING FOR CONFLICTS,  
SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of Boynton Beach, Florida has adopted  
a Comprehensive Future Land Use Plan and as part of said Plan a Future Land Use Element  
pursuant to Ordinance No. 89-38 and in accordance with the Local Government  
Comprehensive Planning Act; and

**WHEREAS**, the procedure for amendment of a Future Land Use Element of a  
Comprehensive Plan as set forth in Chapter 163, Florida Statutes, has been followed; and

**WHEREAS**, after two (2) public hearings the City Commission acting in its dual  
capacity as Local Planning Agency and City Commission finds that the amendment  
hereinafter set forth is consistent with the City's adopted Comprehensive Plan and deems it in  
the best interest of the inhabitants of said City to amend the Future Land Use Element  
(designation) of the Comprehensive Plan as hereinafter provided.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
CITY OF BOYNTON BEACH, FLORIDA, THAT:**

Section 1: The foregoing WHEREAS clauses are true and correct and incorporated  
herein by this reference.

Section 2: Ordinance No. 89-38 of the City is hereby amended to reflect the  
following:

That the Future Land Use of the following described land described in Exhibit "A" is

amended from Local Retail Commercial (LRC) to: **MIXED USE MEDIUM (MXM).**

Section 3: This Ordinance shall take effect on adoption, subject to the review, challenge, or appeal provisions provided by the Florida Local Government Comprehensive Planning and Land Development Regulation Act. No party shall be vested of any right by virtue of the adoption of this Ordinance until all statutory required review is complete and all legal challenges, including appeals, are exhausted. In the event that the effective date is established by state law or special act, the provisions of state act shall control.

FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

SECOND, FINAL READING and PASSAGE this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF BOYNTON BEACH, FLORIDA

YES NO

Mayor – Steven B. Grant

Vice Mayor – Justin Katz

Commissioner – Mack McCray

Commissioner – Christina L. Romelus

Commissioner – Joe Casello

VOTE

ATTEST:

Judith A. Pyle, CMC  
City Clerk

(Corporate Seal)

## EXHIBIT A

## SOUTH PROPERTY LEGAL DESCRIPTION

ORB 27497 PAGE 1800

## PARCEL 1:

LOT 5, BLOCK 8, TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 23.

PCN: 08-43-45-28-03-008-0050

## PARCEL 2:

LOT 3, LESS THE NORTH 10 FEET THEREOF, AND ALL OF LOTS 4, 9 AND 10, BLOCK 8, TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 23.

PCN: 08-43-45-28-03-008-0030

## PARCEL 3:

THE EAST ½ OF LOT 8, BLOCK 8, TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 23.

PCN: 08-43-45-28-008-0081

## PARCEL 4:

LOT 6, BLOCK 8, ORIGINAL TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PCN: 08-43-45-28-03-008-0060

## PARCEL 5:

THE NORTH 60 FEET OF LOT 7 AND THE NORTH 60 FEET OF THE WEST HALF (W ½) OF LOT 8, BLOCK 8, TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM

BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 23. SAID LANDS SITUATE LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

PCN: 08-43-45-28-03-008-0071

PARCEL 6:

LOTS 4, 5 AND 6, BLOCK 11, TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PCN: 08-43-45-28-03-011-0040

PARCEL 7:

LOT 7, LESS THE NORTH 60 FEET THEREOF AND THE WEST HALF OF LOT 8, LESS THE NORTH 60 FEET THEREOF, BLOCK 8, TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 23. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

PCN: 08-43-45-28-03-008-0072

TOGETHER WITH ALL IMPROVEMENTS, TENEMENTS, HEREDITAMENTS, AND APPURTENANCES THERETO BELONGING OR IN ANYWISE APPERTAINING AND TOGETHER WITH ALL RIGHTS AND EASEMENTS OF RECORD.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENT OF RECORD, WITHOUT THE INTENT TO REIMPOSE SAME, AND TAXES FOR THE CURRENT AND SUBSEQUENT YEARS.



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33 herein by this reference.

34         Section 2.     The land described in Exhibit “A” be and the same is hereby rezoned  
35 from Neighborhood Commercial (C-2) to Mixed Use 2 with the maximum density of 40  
36 dwelling units/acre (MU-2). A location map is attached hereto as Exhibit “B” and made a  
37 part of this Ordinance by reference.

38         Section 3.   That the aforesaid Revised Zoning Map of the City shall be amended  
39 accordingly.

40         Section 4.   All ordinances or parts of ordinances in conflict herewith are hereby  
41 repealed.

42         Section 5.   Should any section or provision of this Ordinance or any portion thereof  
43 be declared by a court of competent jurisdiction to be invalid, such decision shall not affect  
44 the remainder of this Ordinance.

45         Section 6.   This ordinance shall become effective immediately upon passage.

46         FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2017.

47         SECOND, FINAL READING and PASSAGE this \_\_\_\_ day of \_\_\_\_\_, 2017.

48                                 CITY OF BOYNTON BEACH, FLORIDA

	YES	NO
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ATTEST:

68 Judith A. Pyle, CMC  
69 City Clerk  
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73 (Corporate Seal)  
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EXHIBIT A

SOUTH PROPERTY LEGAL DESCRIPTION

ORB 27497 PAGE 1800

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PCN: 08-43-45-28-008-0081

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PCN: 08-43-45-28-03-008-0060

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PCN: 08-43-45-28-03-008-0071

PARCEL 6:

LOTS 4, 5 AND 6, BLOCK 11, TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PCN: 08-43-45-28-03-011-0040

PARCEL 7:

LOT 7, LESS THE NORTH 60 FEET THEREOF AND THE WEST HALF OF LOT 8, LESS THE NORTH 60 FEET THEREOF, BLOCK 8, TOWN OF BOYNTON, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 23. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.


PCN: 08-43-45-28-03-008-0072


TOGETHER WITH ALL IMPROVEMENTS, TENEMENTS, HEREDITAMENTS, AND APPURTENANCES THERETO BELONGING OR IN ANYWISE APPERTAINING AND TOGETHER WITH ALL RIGHTS AND EASEMENTS OF RECORD.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENT OF RECORD, WITHOUT THE INTENT TO REIMPOSE SAME, AND TAXES FOR THE CURRENT AND SUBSEQUENT YEARS.

**DEVELOPMENT DEPARTMENT  
PLANNING AND ZONING DIVISION  
MEMORANDUM NO. PZ 17-48  
STAFF REPORT**

**TO:** Chair and Members  
Planning and Development Board

**THRU:** Michael Rumpf   
Planning and Zoning Director

**FROM:** Hanna Matras,  Senior Planner

**DATE:** August 15, 2017

**PROJECT:** The Villages at East Ocean Avenue-South  
LUAR 17-003

**REQUEST:** Approve The Villages at East Ocean-South Future Land Use Map Amendment from Local Retail Commercial (LRC) to Mixed Use Medium (MXM) and rezoning from C-2 Neighborhood Commercial to MU-2, Mixed Use 2 District with a proposed site plan for 35 multi-family units and 3,500 square feet of commercial space.

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**PROJECT DESCRIPTION**

Property Owner/Applicant : Arthur B. D'Almeida

Agent: Bradley D. Miller, Miller Land Planning Inc.

Location: Area extending from the south side of E. Ocean Avenue to the alley south of SE 1<sup>st</sup> Avenue, bounded by the FEC Railway on the east and SE 3<sup>rd</sup> Street on the west (Exhibit "A")

Existing Land Use/  
Zoning: Local Retail Commercial (LRC)/ C-2 Neighborhood Commercial

Proposed Land Use/  
Zoning: Mixed Use Medium (MXM)/ MU-2 Mixed Use 2 with the maximum density of 40 dwelling units/acre

Acreage: 1.764 acres

**Adjacent Uses:**

- North:** Right-of-way for Ocean Avenue; farther north, proposed Villages of East Ocean Avenue North with Mixed Use High future land use and Mixed Use Core zoning (currently, developed residential and commercial properties and vacant land, classified Local Retail Commercial (LRC) future land use and zoned C-3 Community Commercial);
- South:** Alley (previously abandoned); farther south a developed single-family home, classified Low Density Residential (LDR) and zoned R1-A, Single Family Residential;
- East:** Right-of-way for FEC Railroad; further east, developed commercial properties, classified Mixed Use High (MXH) future land use and zoned CBD Central Business District; and
- West:** Right-of-way for NE 3<sup>rd</sup> Street, and farther west, developed single-and multifamily properties classified Local Retail Commercial (LRC), High and Low Density Residential (HDR and LDR)) and zoned R-3 Multifamily and R-1A Single Family Residential.

**BACKGROUND**

The proposed Villages of East Ocean Avenue is a mixed use development on 5.14 acres which extend between the FEC Railroad to the east and 3<sup>rd</sup> Street on the west, with Ocean Avenue being a dividing line between the project's North and South components. The North component covers the area north of Ocean Avenue to Boynton Beach Boulevard, while the South part of the development extends from Ocean Avenue to the alley south of SE 1<sup>st</sup> Avenue. The land use amendments, rezonings and site plans for the North and South sections are processed concurrently (see the respective staff reports).

The proposed development is located within the Community Redevelopment Area and carries three transportation-related designations: the Downtown Transit-Oriented Development (DTOD) District, Transportation Concurrency Exception Area (TCEA) and Coastal Residential Exception. The DTOD district covers a one-half mile radius around the station of the planned Tri-Rail Coastal Link commuter service on the FEC Rail line, to be located just south of Boynton Beach Boulevard. The district's regulations support increased intensity of development through a 25% density bonus. The TCEA, in addition to the Coastal Residential Exception applicable east of I-95, exempts all projects within a predetermined threshold from the Palm Beach County traffic concurrency ordinance, further supporting redevelopment in the City's downtown and surrounding neighborhoods.



The subject request pertains to the South section of the Villages project. The property consist of 7 parcels, currently developed with commercial and single family uses (the latter nonconforming under the commercial C-2 zoning). This section is proposed to be redeveloped under the Mixed Use Medium (MXM) future land use category and Mixed Use 2 zoning. The project's proposed density is approximately 20 dwelling units per acre, one-half of the maximum base permitted density under the MU-2 district.

### **REVIEW BASED ON CRITERIA**

The following criteria used to review Comprehensive Plan Map amendments and rezonings are listed in the Land Development Regulations, Chapter 2, Article II, Section 2.B and Section 2.D.3:

- a. Demonstration of Need.** *A demonstration of need may be based upon changing conditions that represent a demand for the proposed land use classification and zoning district. Appropriate data and analysis that adequately substantiates the need for the proposed land use amendment and rezoning must be provided within the application.*

The need for the requested Future Land Use Map amendment (FLUM)/rezoning of the subject site is closely aligned with the City's long standing vision and desire to expand housing in and around the downtown to foster pedestrian activity needed for creation of a vibrant city center. The City has supported this vision by allowing the highest residential densities in the area; more so in recent years, as the plan for a new Tri-Rail Coastal Link commuter service with a downtown station provided a heightened rationale for intensification of future redevelopment in proximate locations. The increased development intensity and related regulations for the Downtown Transit-Oriented Development (DTOD) District, established in 2014, are consistent with recommendations of the Florida Department of Transportation (FDOT), included the department's 2012 Florida TOD Guidebook.

The proposed project is adjacent to the planned Coastal Link station. However, the FDOT model for the Boynton Beach DTOD District is a Community Center station with stipulated densities between 11 and 16 dwelling units per acre, much higher than 7.0 dwelling units per acre, the current gross density within the District. The proposed rezoning will bring the density closer to the number at which planned commuter service can operate efficiently.

In addition, the subject request reflects an ongoing high market demand for rental housing. Within its 35-unit residential component, the South section of the Villages would offer different type of units, including live/work, lofts and townhomes.

- b. Consistency.** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be consistent with the purpose and intent of, and promote, the*

*applicable Comprehensive Plan policies, Redevelopment Plans, and Land Development Regulations.*

*Consistency with the Comprehensive Plan and Redevelopment Plan*

The proposed future land use amendment and rezoning are consistent with several applicable policies of the Comprehensive Plan, such as:

*Policy 1.18.1 The City shall implement the Transit-Oriented Development (TOD) approach, as described in the 2012 Florida Department of Transportation's TOD Guidebook, to manage future growth within a ½ mile radius around the intersection of Ocean Avenue and the Florida East Coast rail corridor, which is the anticipated location of the Downtown Boynton Beach Station for the planned commuter Tri-Rail Coastal Link service on the FEC Corridor. This area will be referred as the Downtown TOD District hereforth. The inner ¼-mile core of this District shall be designed to accommodate the greatest density and intensity of development.*

*Policy 1.18.2 The City shall aim to transform the Downtown TOD District area into an active, mixed-use, pedestrian-friendly activity zone, supporting new housing to increase potential ridership, intensifying land development activity, and adding amenities and destination uses for future transit riders. The City shall strive to achieve this goal through facilitating compact, high density and intensity development of a varied mix of land uses.*

The request, if approved, would implement the FLU of Mixed Use Medium proposed for the area by the 2016 CRA Community Redevelopment Plan.

*Consistency with Land Development Regulations (LDR)*

The application for the master/site plan complies with the recommendations of the CRA Plan. The development regulations for the requested Mixed Use 2 (MU-2) zoning district are subject of the code review under concurrent consideration.

*c. **Land Use Pattern.** Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be contrary to the established land use pattern, or would create an isolated zoning district or an isolated land use classification unrelated to adjacent and nearby classifications, or would constitute a grant of special privilege to an individual property owner as contrasted with the protection of the public welfare. This factor is not intended to exclude FLUM reclassifications and rezonings that would result in more desirable and sustainable growth for the community.*

These actions aim to continue implementation of changes that **would result in more**

**desirable and sustainable growth for the community** in an area that abuts a railroad corridor and consists of underutilized commercial property and old storage bays that are non-conforming by current zoning regulations. For lands in or near the City's downtown, the CRA Plan recommends significantly more intense development and higher residential density — particularly within the Downtown Transit Oriented Development District, which already allows for an additional 25% density bonus over all zoning districts with the permitted density beginning at 20 dwelling units per acre. Denser development is needed to sustain the level of activity necessary for a lively downtown and success of the planned Coastal Link commuter service.

**d. Sustainability.** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would support the integration of a mix of land uses consistent with the Smart Growth or sustainability initiatives, with an emphasis on 1) complementary land uses; 2) access to alternative modes of transportation; and 3) interconnectivity within the project and between adjacent properties.*

See the response to criterion "c" above. The proposed amendment/rezoning constitutes a major contribution to sustainable, high density redevelopment integrating a mix of land uses in the City's downtown area within the DTOD District. The project would follow the recommendations of the CRA Plan, which consistently incorporates sustainability features in all aspects of redevelopment, including intensity, urban design and connectivity. (See the master/site plan report under concurrent consideration.)

**e. Availability of Public Services / Infrastructure.** *All requests for Future Land Use Map amendments shall be reviewed for long-term capacity availability at the maximum intensity permitted under the requested land use classification.*

**Water and Sewer.** Long-term capacity availability for potable water and sewer for the subject request has been confirmed by the Utilities Department.

**Solid Waste.** The Palm Beach County Solid Waste Authority determined that sufficient disposal capacity will be available at the existing landfill through approximately the year 2046.

**Drainage.** Drainage will be reviewed in detail as part of the site plan, land development, and building permit review processes.

**Traffic.** The property is under the Coastal Residential exception and TCEA designations and is therefore exempted from the concurrency requirements of the Palm Beach County Traffic Performance Standards Ordinance. The monitoring of the maximum allowable residential uses and square footage of commercial, industrial and other non-residential uses as well as applicable use ratios under the TCEA Planned 2025 Land Use Table indicate that the current (cumulative) numbers remain significantly off the allowable thresholds.

**Schools.** The School Capacity Availability Determination application will be submitted with a site plan/master plan package.

***f. Compatibility.** The application shall consider the following factors to determine compatibility:*

*(1) Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties; and*

*(2) Whether the proposed Future Land Use Map amendment (FLUM) and rezoning is of a scale which is reasonably related to the needs of the neighborhood and the City as a whole.*

As already discussed in response to criteria "c" and "d," the proposed FLUM and rezoning follows the recommendations of the CRA Plan for the area, and thus will be compatible with the future use of the surrounding properties. The Plan's vision is to transform the area into a high intensity, walkable, bustling urban environment, with a further impetus to be provided by the planned Costal Link commuter service. The FLU recommendation for the remaining portion of the Cultural District is the Mixed Use Medium with a maximum density of 50 dwelling units per acre (see Exhibit "D").

Property values in the area are expected to rise significantly as the implementation of the CRA Plan continues with the proposed FLU amendment/rezoning and the planned redevelopment of the civic campus into a mixed use Town Square project.

The scale of the proposed action will transform the neighborhood while answering the City's need to create a vibrant downtown.

***g. Direct Economic Development Benefits.** For rezoning/FLUM amendments involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:*

- (1) Further implementation of the Economic Development (ED) Program;*
- (2) Contribute to the enhancement and diversification of the City's tax base;*
- (3) Respond to the current market demand or community needs or provide services or retail choices not locally available;*
- (4) Create new employment opportunities for the residents, with pay at or above the county average hourly wage;*
- (5) Represent innovative methods/technologies, especially those promoting sustainability;*
- (6) Be complementary to existing uses, thus fostering synergy effects; and*
- (7) Alleviate blight/economic obsolescence of the subject area.*

The proposed project would be yet another major catalyst and synergy contributor in support of a successful, lively downtown ("g1" and "g6"), bringing more development to the area and attracting more residents and visitors to the City. As already noted in this report, the request reflect the ongoing economic recovery and the current market demand, adhering to criterion "g3", and would, if approved, effect a significant enhancement of the City's tax base (criterion "g2"). Direct impact on job generation would be negligible, with indirect (multiplier) effects having a more significant potential through increased demand for retail and restaurant uses.

***h. Commercial and Industrial Land Supply. The review shall consider whether the proposed rezoning/FLUM amendment would reduce the amount of land available for commercial/industrial development. If such determination is made, the approval can be recommended under the following conditions:***

*(1) The size, shape, and/or location of the property makes it unsuitable for commercial/industrial development; or*

*(2) The proposed rezoning/FLUM amendment provides substantiated evidence of satisfying at least four of the Direct Economic Development Benefits listed in subparagraph "g" above; and*

*(3) The proposed rezoning/FLUM amendment would result in comparable or higher employment numbers, building size and valuation than the potential of existing land use designation and/or rezoning.*

Even though the proposed land use amendment/ rezoning would replace the current commercial zoning with a mixed use zoning, the latter allows considerably more intense commercial development. Moreover, high density residential development permitted under the new districts would increase population and thus the demand for commercial uses downtown and in the surrounding neighborhoods.

***i. Alternative Sites. Whether there are adequate sites elsewhere in the City for the proposed use in zoning districts where such use is already allowed.***

As explained earlier in this report, the proposed FLUM amendment and rezoning constitute implementation of the CRA Plan recommendation for the subject site.

***j. Master Plan and Site Plan Compliance with Land Development Regulations. When master plan and site plan review are required pursuant to Section 2.D.1.e above, both shall comply with the requirements of the respective zoning district regulations of Chapter 3, Article III and the site development standards of Chapter 4.***

For the master plan/site plan review, see the corresponding staff report. The application for the master/site plan complies with the recommendations of the CRA Plan. The development regulations for the requested Mixed Use 2 (MU-C) zoning district are subject of the code review under concurrent consideration.

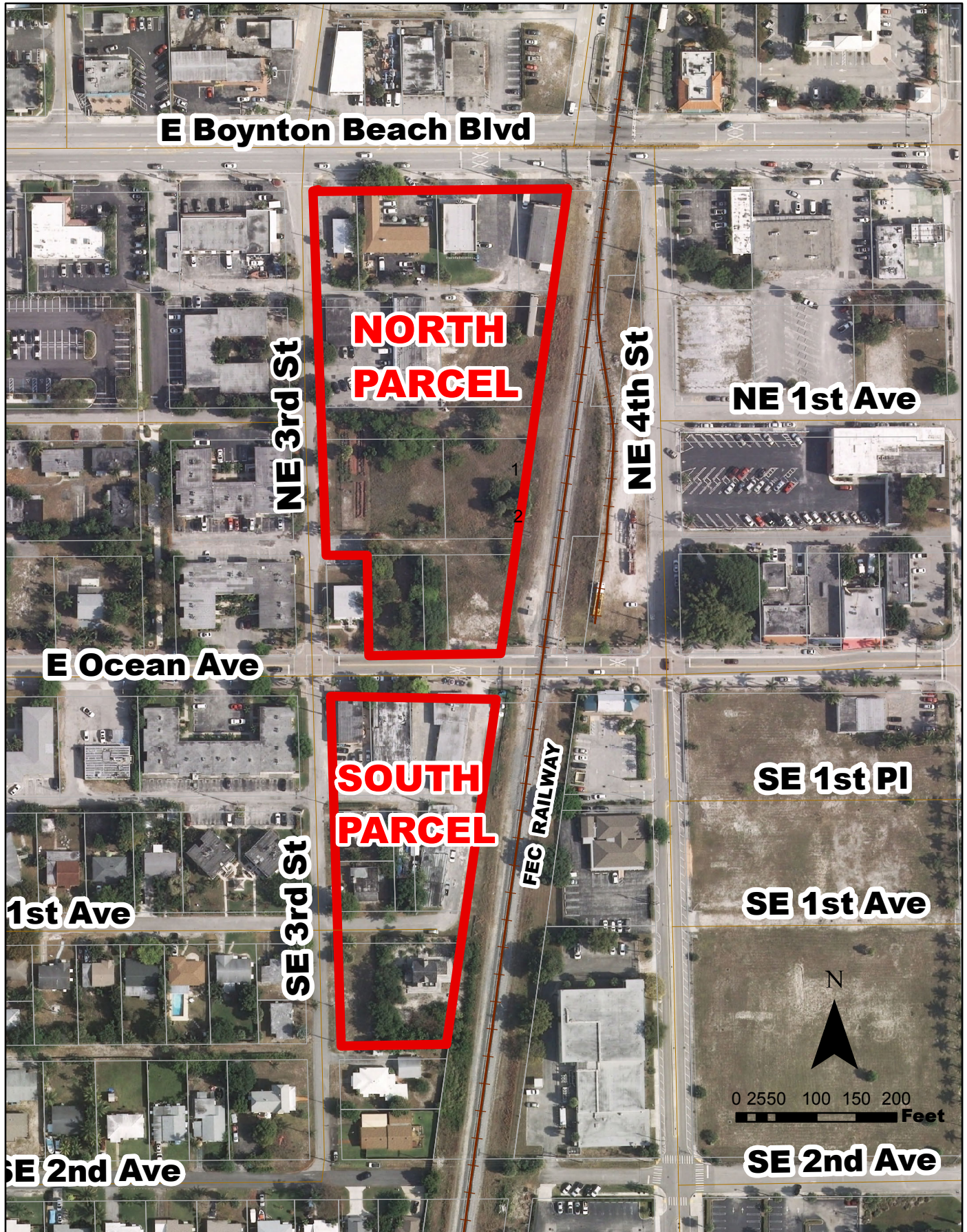
### **CONCLUSION/RECOMMENDATION**

As indicated herein, staff has reviewed the proposed FLUM amendment and rezoning and determined that it constitutes the implementation of the CRA Community Redevelopment Plan and the policies of the Comprehensive Plan. Therefore, staff recommends approvals of the subject requests.

S:\Planning\SHARED\WP\PROJECTS\Villages at East Ocean\Villages LUARs\Villages South LUAR 17-003\LUAR 17-003 Villages South Staff Report.doc

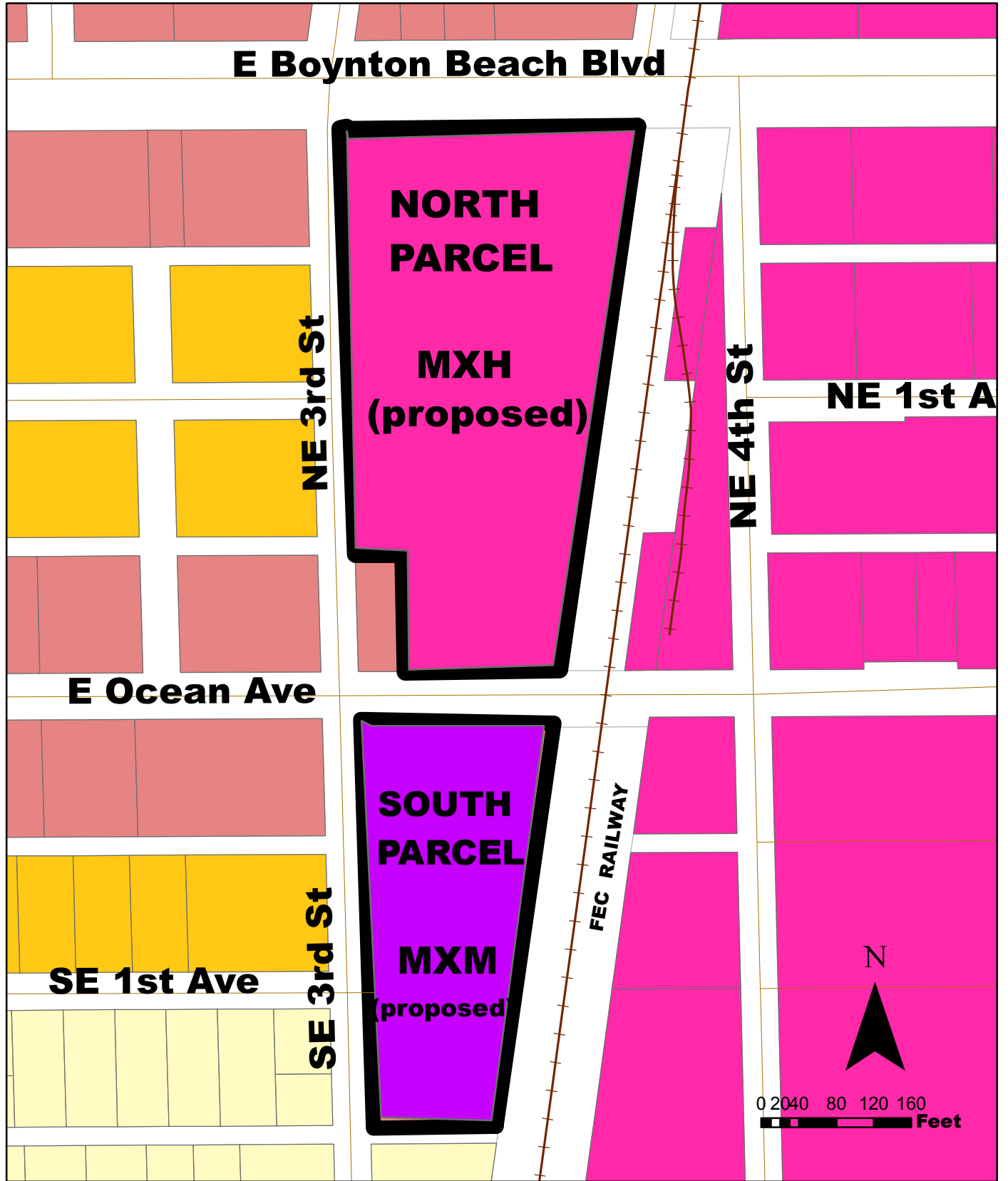


# LOCATION MAP










# VILLAGES AT OCEAN AVENUE (LUAR 17-002/003): FLU

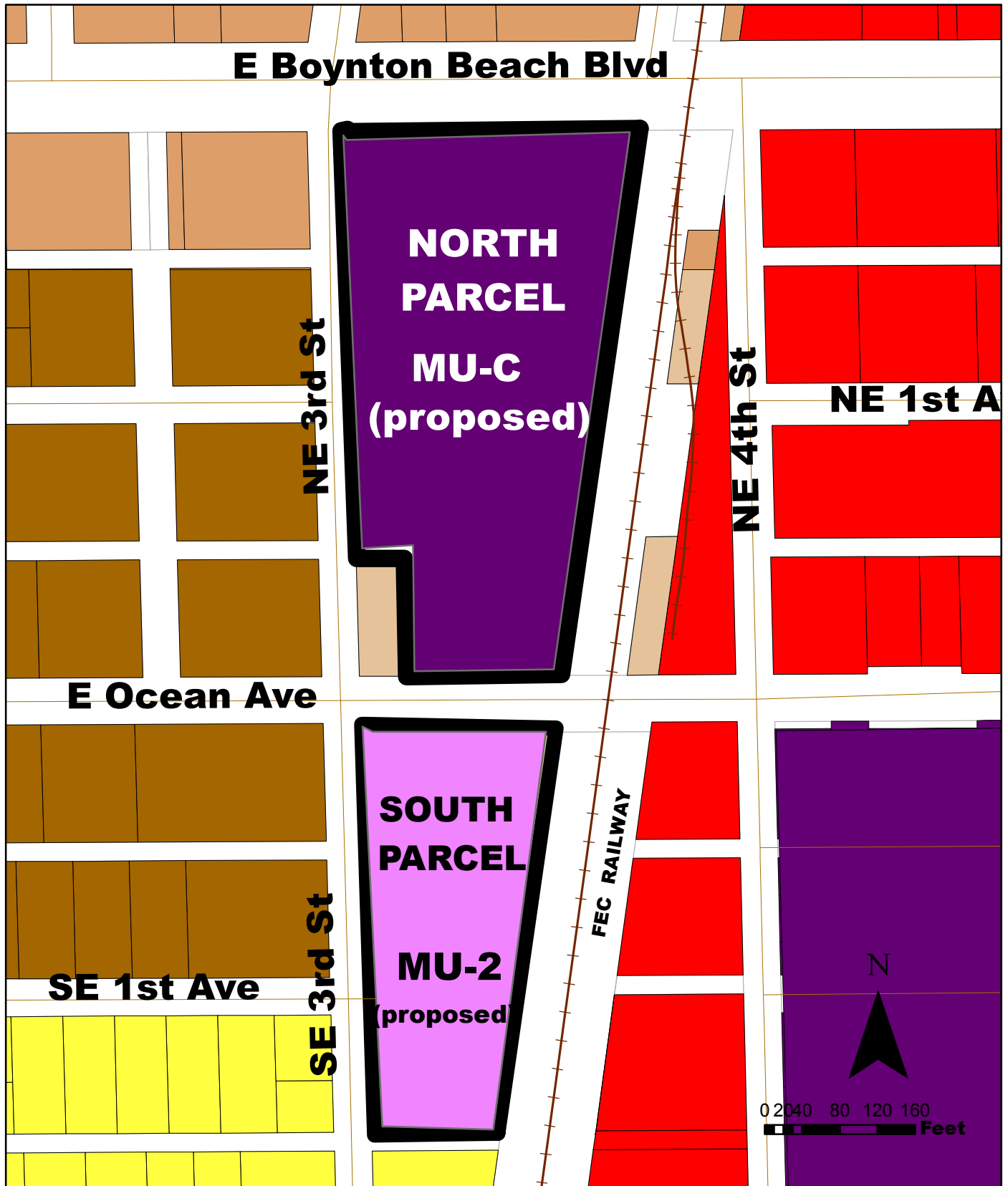


## Legend








 LOW DENSITY RESIDENTIAL (LDR), 7.5 D.U./Acre	 LOCAL RETAIL COMMERCIAL (LRC)
 MEDIUM DENSITY RESIDENTIAL (MEDR), 11 D.U./Acre	 MIXED USE MEDIUM (MXM), 50 D.U./Acre
 HIGH DENSITY RESIDENTIAL (HDR), 15 D.U./Acre	 MIXED USE HIGH (MXH), 80 D.U./Acre



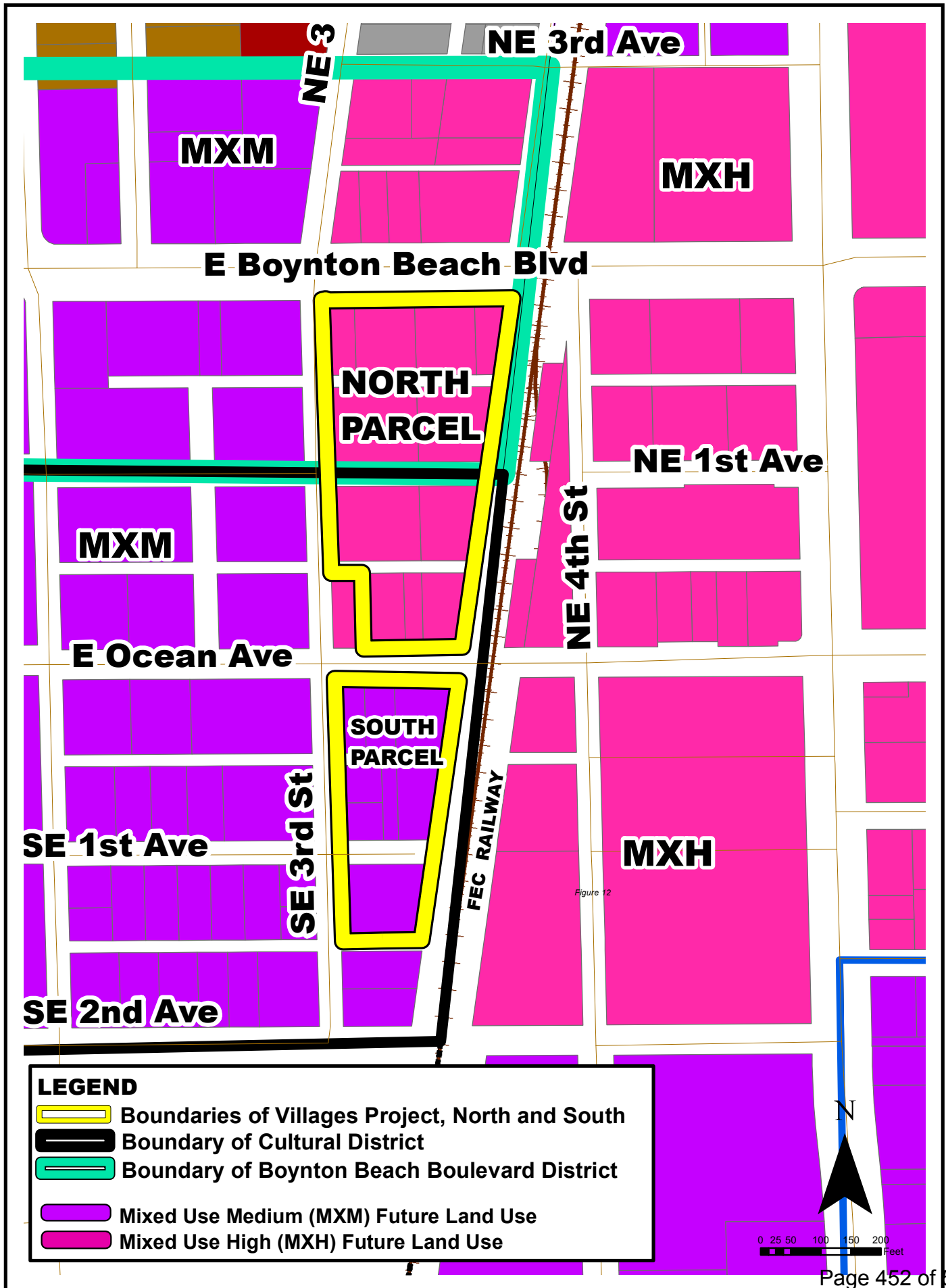
# VILLAGES AT OCEAN AVENUE (LUAR 17-002/003): ZONING



## Legend: Zoning Districts

	R1A Single Family		C3 Community Commercial
	R3 Multi Family		CBD Central Business District
	C2 Neighborhood Commercial		MU-2 Mixed Use 2
			MU-C Mixed Use Core

# CRA PLAN'S FLU RECOMMENDATIONS





## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** Approve The Village at East Ocean Avenue - South Major Site Plan Modification (MSPM 17-004) for a mixed-use development consisting of 35 dwelling units, commercial space, and associated recreational amenities and parking on a 1.764 acre site. Applicant: Arthur D'Almeida **(Should be tabled to September 19, 2017 to correspond with 2nd reading of the Land Use Amendment application.)**

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**EXPLANATION OF REQUEST:**

The Villages at East Ocean Avenue is a proposed mixed use development on 5.14 acres split into two different master plans with Ocean Avenue being the dividing line —the south portion extends from the Ocean Avenue to the alley south of SE 1st Avenue, while the north part covers the area from Ocean Avenue to Boynton Beach Boulevard.

Mr. Bradley Miller, agent for the owner, is requesting approval of several concurrent applications for the development of The Villages at East Ocean Avenue project. (See the respective staff reports). The requests include two (2) Future Land Use Map Amendments and Rezonings, two (2) Major Site Plan Modifications, and a series of Right-Of-Way Abandonments. This request is for a Major Site Plan Modification for the south parcel for approval to construct a mixed-use development consisting of 35 multi-family residential units, 3,500 square feet of commercial space and corresponding parking.

The Planning & Development Board reviewed this item on August 22, 2017 and conditions of approval are attached.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** N/A

**FISCAL IMPACT:** If approved and developed, the project would increase application and processing revenues and ultimately, the City's tax base.

**ALTERNATIVES:** N/A

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** N/A

**CLIMATE ACTION:**

**CLIMATE ACTION DISCUSSION:** N/A

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**Is this a grant?**

**Grant Amount:**

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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Location Map	Exhibit A - Location Map
<input type="checkbox"/> Drawings	Exhibit B - Project Plans
<input type="checkbox"/> Conditions of Approval	Exhibit C - Conditions of Approval
<input type="checkbox"/> Development Order	Development Order

**DEVELOPMENT DEPARTMENT  
PLANNING AND ZONING DIVISION  
MEMORANDUM NO. PZ 17-044  
STAFF REPORT**

**TO:** Chair and Members  
Planning and Development Board

**THRU:** Michael W. Rumpf *MWR*  
Director of Planning and Zoning

**FROM:** Amanda Bassiely *AB*  
Senior Planner – Urban Designer

**DATE:** August 11, 2017

**PROJECT NAME:** The Villages at East Ocean Avenue - South (MSPM 17-004)

**REQUEST:** Major Site Plan Modification approval for a mixed-use development consisting of 35 dwelling units, commercial space, and associated recreational amenities and parking on a 1.764 acre site.

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**PROJECT DESCRIPTION**

**Property Owner:** 206 Boynton LLC, Boynton Beach Property Holdings LLC,  
416 Boynton LLC, 422 Boynton LLC, First Avenue Boynton LLC,  
East Ocean Avenue LLC

**Applicant:** Arthur B. D'Almeida, Managing Member

**Agent:** Bradley D. Miller, Miller Land Planning

**Location:** South side of Ocean Avenue to the alley south of SE 1st Avenue  
between the F.E.C. Railroad and SE 3<sup>rd</sup> Street (see Exhibit "A" - Site  
Location Map).

**Existing Land Use:** LRC (Local Retail Commercial)

**Proposed Land Use:** MXM (Mixed Use Medium)

**Existing Zoning:** C-2 (Neighborhood Commercial)

**Proposed Zoning:** MU-2 (Mixed Use 2)

**Proposed Use:** 35 dwelling units, 3,500 square feet of commercial space, and  
associated recreational amenities and parking on a 1.764 acre site.

**Acreage:** 1.764 acres

**Adjacent Uses:**

- North: Right-of-way for Ocean Avenue and farther north is a proposed mixed use development of the Villages at East Ocean Avenue (north parcel) which is proposed to have a Land Use classification of Mixed Uses High (MXH) and a zoning designation of MU-C (Mixed Use Core);
- South: Developed single-family properties with a Land Use classification of Low Density Residential (LDR) and zoned R1A (Single Family);
- East: Right-of-way for the Florida East Coast Railroad and NE 4<sup>th</sup> Street and farther east are developed commercial properties with a Land Use classification of Mixed Use (MX) and a zoning designation of CBD (Central Business District); and
- West: Right-of-way for NE 3<sup>rd</sup> Street and farther west are developed multi-family properties zoned R-3 (Multi-Family)

**PROPERTY OWNER NOTIFICATION**

Owners of properties within 400 feet of the subject request were mailed a notice of this request and its respective hearing dates. The applicant certifies that they posted signage and mailed notices in accordance with Ordinance No. 04-007.

**BACKGROUND**

**Proposal:**

The Villages of East Ocean Avenue is a proposed mixed use development on 5.14 acres split into two different master plans with Ocean Avenue being the dividing line —the south portion extends from the Ocean Avenue to the alley south of SE 1st Avenue, while the north part covers the area from Ocean Avenue to Boynton Beach Boulevard.

Mr. Bradley Miller, agent for the owner, is requesting approval of several concurrent applications for the development of The Villages at East Ocean Avenue project. (See the respective staff reports). The requests include two (2) Future Land Use Amendments and Rezoning, two (2) Major Site Plan Modifications, and a series of Right-Of-Way Abandonments. This request is for a Major Site Plan Modification for the south parcel for approval to construct a mixed-use development consisting of 35 multi-family residential units, 3,500 square feet of commercial space and a supporting parking.

## **ANALYSIS**

- Traffic:** A traffic study was sent to the Palm Beach County Traffic Division for review. The project is located within the boundaries of the City of Boynton Beach TCEA (Traffic Concurrency Exception Area) and therefore meets the Palm Beach County Traffic Performance Standards. The entire project (both the north and south parcels) generate 1,635 new daily trips with 192 AM peak trips and 130 PM peak trips.
- School:** The School District of Palm Beach County has confirmed that area schools have adequate capacity to accommodate the potential public school students who will reside in the proposed dwelling units with their families.
- Utilities:** The City's water capacity, as increased through the purchase of up to five (5) million gallons of potable water per day from Palm Beach County Utilities, would meet the projected potable water demand for this project. Sufficient sanitary sewer and wastewater treatment capacity is also currently available to serve the project. The applicant will be making several upgrades to utility lines in the vicinity of the project as part of the site development.
- Police/Fire:** The Police Department has reviewed the site plan and all review comments have been acknowledged by the applicant and will be addressed at the time of permitting. The Fire Department notes that they will be able to provide an adequate level of service for this project with current or expected infrastructure and/or staffing levels. Further plan review by Police and Fire will occur during the building permit process.
- Drainage:** Conceptual drainage information was provided for the City's review. The Engineering Division has found the conceptual information to be adequate and is recommending that the review of specific drainage solutions be deferred until time of permit review.
- Access:** The property has two vehicular access points on SE 3<sup>rd</sup> Street. Both access points lead directly into the parking areas which serve the residential units. Sidewalks are provided along the street rights-of-way. The sidewalks proposed are a minimum of eight (8) feet in width and are lined with street trees for shade. The sidewalks along Ocean Avenue abut an active area that may be used for outdoor dining for commercial uses.
- There is a central plaza located on the Ocean Avenue frontage to encourage pedestrian interaction. The development also proposes two green areas, one in the center of the parking area, which may be used as a dog park and a second adjacent to the historical structure at the southern end of the project.
- Parking:** Off-street parking for the MU-2 zoning district requires 1.5 parking spaces for one-bedroom units and two parking spaces for two (2) or more bedroom units. The project proposes 35 units (a mixture of studio, loft, one and two

bedroom units), which would require 54 parking spaces. Additionally, the code requires the provision of guest parking at a rate of 0.15 spaces per unit, which adds another 6 required parking spaces to the total. The commercial space, which would allow a mix of retail, office and restaurant uses, requires one (1) parking space per 200 square feet of gross floor area. The site plan proposes 3,500 square feet of retail, thereby requiring an additional 18 parking spaces. The existing historic structure has not been assigned a use and does not seem to be accounted for in the parking calculations. Staff requests this deficiency, if one exists, be rectified (See Exhibit C – Conditions of Approval).

The site plan contains 88 required parking spaces. Regular parking space dimensions would conform to code requirements for the CRA of 9 feet by 18 feet for 90 degree parking and 9 feet by 25 feet for parallel spaces. The four (4) handicap spaces would be dimensioned 12 feet wide by 18 feet long.

The applicant is proposing a surface parking lot that is located behind the residential units. The parking area is completely screened from both SE 3<sup>rd</sup> Street and Ocean Avenue. The parking lot would accommodate up to 61 vehicles. The developer will be required to comply with the City's residential parking requirements to ensure that the designated resident parking spaces are reserved for, and made available to the residents so there is no reason for residents to utilize guest and retail parking spaces. There are an additional 17 on-street parking spaces; six (6) on Ocean Avenue and eleven (11) on SE 3<sup>rd</sup> Street. Lastly, the 5 townhomes each have a two-car garage (totaling 10 parking spaces).

#### **Landscaping:**

The Plant List (Sheets L3 & L4) indicates that the project would add a total of 49 canopy trees, 26 palm trees, 952 accent and shrub specimens, and 4,760 small shrubs/groundcover plants. All plant materials to be used in the landscape design are required to be Florida number one grade and must be identified as having "low" or "medium" watering needs in the South Florida Water Management's "Waterwise" publication. The proposed tree species include the following: Cathedral Live Oak, Crape Myrtle, Green Buttonwood, Sabel Palms, Silver Date Palms, and along with a variety of other tree types.

The CRA Plan recommends the Ocean Avenue streetscape include reduced building setbacks and encourage building placement abutting the street, thus creating an urban setting. The concept creates a landscape design that encompasses both the private and public domain, to blend the two areas into one unified landscape scheme to optimize the pedestrian experience. This is accomplished through hardscape and landscape choices, covered walkways (arcades, awnings, tree canopy), and streetscape amenities (benches/seatwalls, lighting, accent plantings). The landscape design proposed by the applicant depicts the use of street trees and covered arcades to create the streetscape theme, with the lower landscape material placed at points along the building foundation and between the street and sidewalk, in an effort to maximize clear pedestrian pathways.



**Building and Site:** The proposed site area totals 1.764 acres. The dwelling units are located above the retail spaces fronting Ocean Avenue and along SE 3<sup>rd</sup> Street. The retail portion of the project totals 3,500 square feet and fronts the main roadways and the public plaza. The parking area, as noted previously, has 61 parking spaces, with dedicated resident parking.

Of the 35 residential units, nine (9) are studios, six (6) are one (1) bedroom, four (4) are livework units, eleven (11) are two (2) bedroom, and five (5) are (3) bedroom units. The units range in size from a 954 square foot to a 3,044 square foot.

Relative to the floor area ratio (FAR) regulations within the code, the Mixed Use 2 (MU-2) zoning district has a maximum FAR of 2.0 (0.91 FAR proposed). The project is also located within the "Transit Core" (1/4 mile radius of the station), which requires that new development have a minimum density of 20 dwelling units per acre (20 du/ac are proposed).

**Building Height:** Overall, the building design has the most intensity along the frontage of Boynton Beach Boulevard, decreasing in intensity as the project approaches Ocean Avenue. The maximum building height allowed in the MU-2 (Mixed Use-2) zoning district is 65 feet. The proposed building elevations depict the typical roof deck height of approximately fifty-four (54) feet; with an overall height of approximately sixty-four (64) feet. Along Ocean Avenue, the building height is reduced in height to approximately thirty-five feet (35'), per the CRA plan.

**Setbacks:** The MU-2 zoning district requires no building setbacks, but rather a zero (0) build-to line. However, the CRA plan recommends the building be setback to allow for an enhanced public realm that includes street trees, sidewalks, plazas, and active areas such as outdoor seating for retail uses. The building setback is measured from the property line to the exterior surface of the building or supporting columns. Along Ocean Avenue and SE 3<sup>rd</sup> Street the building has a setback of approximately 16 feet and approximately 18 feet along the FEC right-of-way.

**Amenities:** As noted above, there is a central plaza located on the Ocean Avenue frontage to encourage pedestrian interaction. The development also proposes two green areas, one in the center of the parking area, which may be used as a dog park and a second adjacent to historical structure at the southern end of the project.

**Design:** The intended architectural style for the project is "Coastal Village", which is a variation of Florida Vernacular Architecture. This architectural style fosters a sense of place and identity for the district. The Coastal Village architectural style blends tropical motifs such as climate-sensitive roof forms with contemporary design elements such as vertical orientation, sparsely used ornamentation, vertically-oriented windows, and materials such as concrete and steel structural frames, standing seam metal roofs and use of colors. The project materials and finishes are consistent with this architectural style.

The mixed-use projects are designed to create a pedestrian-friendly environment by placing the buildings along pedestrian zones and articulating the building mass avoiding a repetitive, continuous, monotonous building block. The building mass fronting SE 3rd Street on both the north and south parcels is articulated and scaled down as one moves from north to south. This approach maintains the highest building mass and density closer to Boynton beach Boulevard and a lower scale on both sides of Ocean Avenue, terminating with a small townhouse building at the south end. The buildings facing Boynton Beach Boulevard are stepped back ten feet at a height of 45 feet in order to move the mass of the building farther from the pedestrian environment.

**Lighting:**

The photometric plans (Sheets PH-1 & PH-2) include 33 freestanding pole light fixtures, with pole height ranging from 12 feet to a maximum of 15 feet. The poles are designed to match the poles and light fixture already approved along the Casa Costa, 500 Ocean and Boynton Promenade projects. The poles and fixtures would be constructed of cast aluminum, black in color and the light fixtures would have a flat lens to ensure the on-site illumination would not "spill over" onto adjacent properties and rights-of-way as required by code. There are no spot readings in excess of the maximum 5.9 foot-candles allowed.

**Signage:**

Locations have been identified to ensure proper wayfinding for public parking. Site and building signage have not been finalized and a Sign Program must be approved for the site prior to requesting any sign permits for the site (see Exhibit "C" – Conditions of Approval).

**Public Art:**

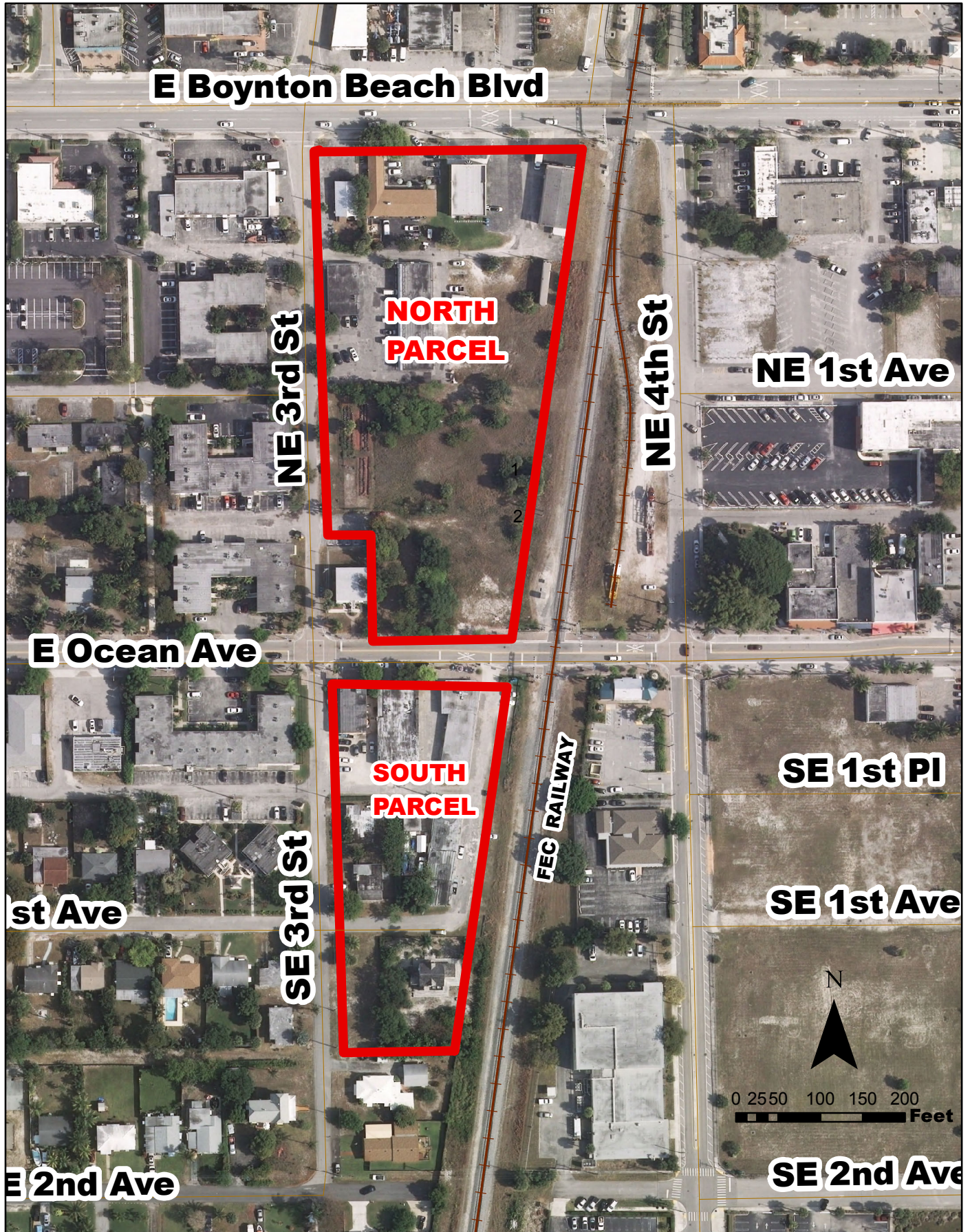
The project is subject to the Art in Public Places requirement, and the applicant has been in discussions with the Public Arts Administrator regarding the art and its placement. The project proposes Public Art throughout the site including utilizing the building walls, site fountains, public courtyards and walkways.

**RECOMMENDATION**

Staff has reviewed this request for a Major Site Plan Modification and recommends APPROVAL, subject to approval of the accompanying applications and satisfying all comments indicated in Exhibit "C" – Conditions of Approval. Any additional conditions recommended by the Board or required by the City Commission shall be documented accordingly in the Conditions of Approval.

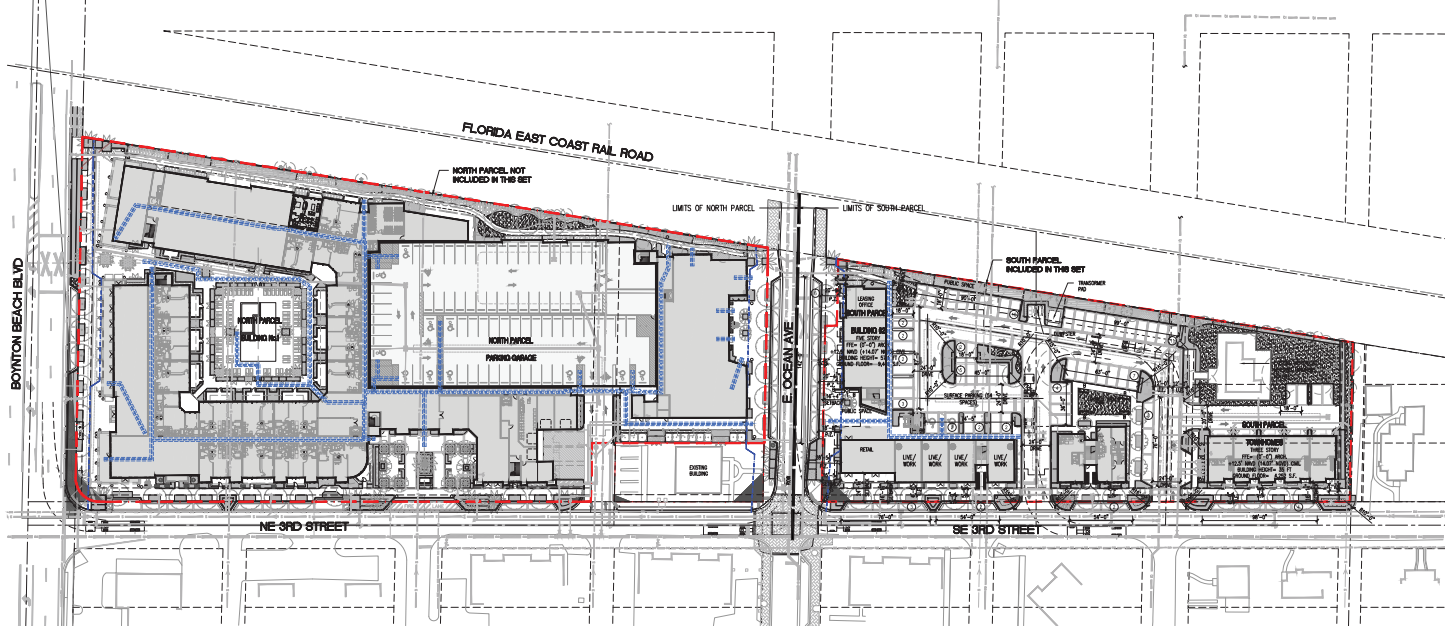


# LOCATION MAP





# EXHIBIT "B": PROJECT PLANS



MASTER SITE PLAN DATA	
PROJECT DESCRIPTION	SOUTH PARCEL - THE VILLAGES AT EAST OCEAN AVENUE, BOYNTON BEACH, FL 33487
PROJECT LOCATION	BOYNTON BEACH, FL
SITE ADDRESS	405 EAST OCEAN AVENUE BOYNTON BEACH, FL 33487
FLOOD ZONE	X 100 BASE FLOOD ELEVATION
FINISH FLOOR ELEVATION	13.9' ABOVE 1987 MVD - 4'-0"
PCN NUMBERS	08 43 45 28 03 008 0050 08 43 45 28 03 008 0051 08 43 45 28 03 008 0052 08 43 45 28 03 008 0053 08 43 45 28 03 008 0054 08 43 45 28 03 008 0055 08 43 45 28 03 011 0040
EXISTING ZONING	C-2
PROPOSED ZONING	NU-2
EXISTING USE	NEIGHBORHOOD COMMERCIAL
PROPOSED USE	MIXED USE
EXISTING FUTURE LAND USE	URC (LOCAL RETAIL COMMERCIAL)
PROPOSED FUTURE LAND USE	MU-MED (MIXED USE MEDIUM DENSITY)
USE AND OCCUPANCY	RESIDENTIAL R-2
TYPE OF CONSTRUCTION	TYPE B
SITE AREA	1.764 ACRES (76,899.84 S.F.)

GROSS AREA CALCULATION			
LEVEL	BUILDING No.2	TOWNHOMES	ANDREWS HOUSE
FIRST LEVEL	9,466 S.F.	4,252 S.F.	1,600 S.F.
SECOND LEVEL	17,257 S.F.	4,386 S.F.	
THIRD LEVEL	14,426 S.F.	4,857 S.F.	
FOURTH LEVEL	6,649 S.F.		
FIFTH LEVEL	4,135 S.F.		
RETAIL	3,500 S.F.		
SUBTOTAL	55,432 S.F.	13,095 S.F.	1,600 S.F.
TOTAL GROSS AREA			70,127 S.F.

UNIT MIX SUMMARY				
No. OF BED/BATH	TOTAL NUMBER OF UNITS	BUILDING No.2	TOWNHOUSE	%
STUDIO	9	0	9	25.71%
1 BED / 1 BATH	2	0	2	5.71%
2 BED / 2 BATH	8	0	8	22.86%
3 BED / 2 BATH	0	5	5	0.00%
LIVE / WORK / 1 BED	4	0	4	11.43%
LOFT / 1 BED	3	0	3	8.57%
LOFT / 2 BED	4	0	4	11.43%
TOTAL	30	5	35	100%

DEVELOPMENT REGULATION	CODE SECTION	DISTRICT	MIN. REQUIRED	PROPOSED
STRUCTURE HEIGHT (FT)	CHAPTER 2, ARTICLE II, SEC. 5, C.1 (TABLE 3-2.1)	MU-2	MIN. ALLOWED (*) 30 FT PROPOSED: FACING OCEAN AVE 42.7 FT FACING SE 3RD STREET 57.1 FT TOWNHOMES 38 FT (*) FOR PROPOSED ADJUTING THE MU-2 DISTRICT, THE AREA FOR INCREASE IN HEIGHT SHALL EXTEND A DISTANCE OF 100 FT.	30 FT 75 FT 100 FT 62.7 FT 57.1 FT 38 FT
DENSITY	CHAPTER 2, ARTICLE II, SEC. 5, C.1 (TABLE 3-2.1)	MU-2	MIN. ALLOWED (*) 40 UNITS/ACRE REQUESTED: 19.84 UNITS/ACRE (*) MAY BE INCREASED UP TO 25% (ADDITIONAL 20 UNITS) OVER THE MAXIMUM DENSITY ALLOWED IN THE UNDERLYING ZONING DISTRICT.	40 UNITS/ACRE 19.84 UNITS/ACRE
FAR	CHAPTER 2, ARTICLE II, SEC. 5, C.1 (TABLE 3-2.1)	MU-2	MIN. ALLOWED RATIO 0.91 PROPOSED: 0.91	268,939 S.F. 70,127 S.F.
BUILD-TO-LINE	CHAPTER 2, ARTICLE II, SEC. 5, C.1 (TABLE 3-2.1)	MU-2	MIN. REQUIRED PROPOSED: FACING OCEAN AVE 16.1 FT FACING SE 3RD STREET 18.7 FT FACING RAILROAD 18.7 FT	0 FT 0 FT 0 FT 16.1 FT 18.7 FT 18.7 FT
PEDESTRIAN ZONE	PER DISCUSSION WITH CITY STAFF	MU-2	MIN. REQUIRED PROPOSED: FACING OCEAN AVE 18.6 FT	18.5 FT 18.6 FT
OPEN SPACE	CHAPTER 3, ARTICLE IV, SEC. 5, C.1 (TABLE 3-2.1)	MU-2	MIN. REQUIRED PROPOSED: PERCENT 26%	AREA 15,390.80 S.F. 20,088 S.F.
PERIMETER LANDSCAPE	CHAPTER 4, ARTICLE IV, SEC. 4	MU-2	MIN. REQUIRED PROPOSED: 5 FT	5 FT 5 FT
ENCROACHMENTS	PER CHAPTER III OF THE CRA DESIGN STANDARDS	MU-2	MAX. ALLOWED ROOF EAVES 5 FT BALCONIES 5 FT AWNINGS 5 FT	5 FT 5 FT 5 FT
PEDESTRIAN AND BICYCLIST AMENITIES	PER CHAPTER 4, ARTICLE II, SEC. 9 (TABLE 4-10)		REQUIRED BICYCLE RACKS 1 PER 75,000 OF LOT AREA (+11) BENCHES 1 PER 25,000 OF LOT AREA (+14) TRASH RECEPTACLES 1 PER 25,000 OF LOT AREA (+14) PROPOSED: 1 BENCHES 6 TRASH RECEPTACLES 5	1 6 5

UNIT BREAKDOWN BUILDING 2 MU-L3 (5 STORIES)									
No. OF BED/BATH	UNIT TYPE	UNIT AREA (S.F.)	1ST FLOOR	2ND FLOOR	3RD FLOOR	4TH FLOOR	5TH FLOOR	TOTAL UNITS	
STUDIO	TYPE A1	954.50	1	2	6	0	0	9	
	SUB-TOTAL		1	2	6	0	0	9	
1 BED / 1 BATH	TYPE B1	1,124.00	0	1	1	0	0	2	
	SUB-TOTAL		0	1	1	0	0	2	
2 BED / 2 BATH	TYPE C1	1,140.00	0	1	1	1	0	3	
	TYPE C2	1,140.00	1	1	1	0	0	3	
	TYPE C3	1,235.94	0	1	1	0	0	2	
	SUB-TOTAL		1	3	3	1	0	8	
LIVE/WORK / 1 BED	TYPE E1	1,772.37	4	0	0	0	0	4	
	SUB-TOTAL		4	0	0	0	0	4	
LOFT 2 BED	TYPE F1	1,380.41	0	3	0	0	0	3	
	SUB-TOTAL		0	3	0	0	0	3	
LOFT 1 BED	TYPE G1	1,963.41	0	0	0	4	0	4	
	SUB-TOTAL		0	0	0	4	0	4	
	TOTAL		5	6	10	5	0	30	

TOWNHOMES MU-L3 (3 STORIES)				
No. OF BED/BATH	UNIT TYPE	UNIT AREA (S.F.)	TOTAL	TOTAL UNITS
3 BED / 2 BATH	TYPE D2A	3,005.43	3	3
	TYPE D2B	3,044.04	3	3
	TYPE D2C	3,044.04	3	3
	TOTAL		9	9

PARKING REQUIRED				
ARTICLE V, SEC. 2, B	TYPE OF UNIT	AMOUNT OF UNITS	SPACES PER UNIT	TOTAL
	STUDIO (TYPE A)	9	AT 1.5 SPACES	14
	1 BEDROOM (TYPE B)	2	AT 1.5 SPACES	3
	2 BEDROOM (TYPE C)	8	AT 2.0 SPACES	16
	LIVE/WORK (TYPE E)	4	1 PER 2 UNITS	8
	LOFT/1 BED (TYPE F)	3	AT 1.5 SPACES	5
	LOFT/2 BED (TYPE G)	4	AT 2.0 SPACES	8
	GUEST PARKING	30	AT 0.15 SPACES	5
	SUB-TOTAL RESIDENTIAL			59
	RETAIL USE	3,500 S.F.	1 PER 200 S.F.	18
	SUB-TOTAL NON-RESIDENTIAL			18
	TOTAL PARKING REQUIRED THIS BUILDING			77
	MIN. HANDICAP REQUIRED - 76 TO 100 (PER TABLE 208.2 OF THE 2010 IBC - ACCESSIBILITY)			38
TOWNHOMES				
ARTICLE V, SEC. 2, B	TYPE OF UNIT	AMOUNT OF UNITS	SPACES PER UNIT	TOTAL
	3 BEDROOM (TYPE D)	9	AT 2.0 SPACES	18
	TOTAL PARKING REQUIRED THIS BUILDING			18

PARKING PROVIDED			
BUILDING No.2	STANDARD PARKING (9'-0" x 18'-0")	HANDICAP PARKING (12'-0" x 18'-0")	TOTAL
SURFACE PARKING	54	2	56
PARALLEL PARKING	22	0	22
	TOTAL		78
TOWNHOMES	COVERED PARKING (PRIVATE GARAGE - 2 PER UNIT)		18

- ### SITE NOTES
- THIS PROJECT SHALL BE EQUIPPED WITH FIRE ALARM, FIRE SPRINKLER, FIRE PUMP AND STANDPIPES AS REQUIRED BY THE F.B.C.
  - BUILDINGS, STRUCTURES AND PARTS THEREOF SHALL BE DESIGNED TO WITHSTAND THE MINIMUM WIND LOADS OF 170 MPH WIND FORCES ON EVERY BUILDING OR STRUCTURE SHALL BE DETERMINED BY THE PROVISIONS OF ASCE 7 AND THE PROVISIONS OF 2014 F.B.C., SECTION 1609 (WIND LOADS).
  - BUILDINGS THREE-STORIES OR HIGHER SHALL BE EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM PER F.S. 553.895. FIRE PROTECTION PLANS AND HYDRAULIC CALCULATIONS SHALL BE INCLUDED WITH THE BUILDING PLANS AT THE TIME OF PERMIT APPLICATION AND SHALL COMPLY WITH CHAPTER 9 OF THE 2014 F.B.C.
  - THE PROPOSED FINISH FLOOR ELEVATION 14.5' NVD IS ABOVE THE HIGHEST 100-YEAR BASE FLOOD ELEVATION APPLICABLE TO THE BUILDING SITE, AS DETERMINED BY THE SPIMD'S SURFACE WATER MANAGEMENT CONSTRUCTION DEVELOPMENT REGULATIONS.
  - ALL PLANS SUBMITTED FOR PERMITTING SHALL MEET THE CITY'S CODES AND THE APPLICABLE BUILDING CODES IN EFFECT AT THE TIME OF APPLICATION.

- ### LEGEND
- ACCESSIBLE ROUTE (TO COMPLY WITH THE 2014 F.B.C. ACCESSIBILITY).
  - BR BICYCLE RACK
  - B BENCH
  - T TRASH RECEPTACLE

1 MASTER SITE PLAN

AS1.10 SCALE: 1"=50'-0"

SPA  
RE-SUBMITTAL  
06/20/2017



**RLC Architects**  
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 Fort Lauderdale, FL 33304  
 Phone: (954) 571-1000  
 Fax: (954) 571-1001  
 Email: info@rlcarchitects.com  
 www.rlcarchitects.com

Digitally signed by  
**Juan Caycedo**  
 Date: 2017.06.28 19:40:00 -04'00'  
 JUAN CAYCEDO

THE VILLAGES AT EAST OCEAN AVENUE (SOUTH PARCEL)  
 405 E OCEAN AVENUE  
 BOYNTON BEACH FL 33485

Revisions: \_\_\_\_\_  
 Drawing Title: MASTER SITE PLAN  
 Scale: AS NOTED  
 Project No.: 15078-00  
 Plot Date: 06/20/2017  
 Principal: JC  
 Project Director: \_\_\_\_\_  
 Project Manager: TC  
 Drafted by: \_\_\_\_\_  
 Checked by: \_\_\_\_\_  
 Sheet No.: AS1.10

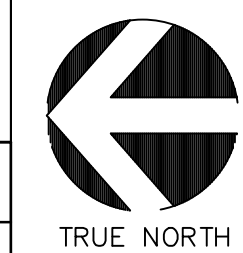




- LEGEND**
- BUILT-TO-LINE
  - BR BICYCLE RACK
  - B BENCH
  - T TRASH RECEPTACLE

1 SITE PLAN

AS1.00 SCALE: 1"=30'-0"



SPA  
RE-SUBMITTAL  
06/20/2017

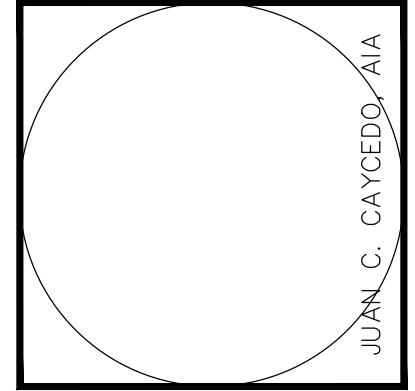
REVISIONS

Drawing Title	
SITE PLAN	
Scale	AS NOTED
Project No.	15078.00
Plot Date	06/20/2017
Principal:	JC
Project Director:	
Project Manager:	
Drafted by:	TC
Checked by:	

Sheet No.  
**AS1.11**

THE VILLAGES AT EAST OCEAN  
AVENUE  
(SOUTH PARCEL)  
405 E OCEAN AVENUE  
BOYNTON BEACH FL 33435

**RLC Architects**  
14 SE 4th Street, Boca Raton, FL 33432  
Tel 561 393 8555 Fax 561 395 0007  
Web www.rlcarchitects.com  
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4 TOWNHOMES WEST ELEVATION

A3.10 SCALE: 1/8"=1'-0"



3 BUILDING No.2-EAST ELEVATION

A3.10 SCALE: 1/8"=1'-0"



1 TOWNHOMES NORTH ELEVATION

A3.10 SCALE: 1/8"=1'-0"



2 TOWNHOMES SOUTH ELEVATION

A3.10 SCALE: 1/8"=1'-0"

ELEVATION NOTES

1. EXTERIOR WALL OPENINGS SHALL COMPLY WITH THE 2014 F.B.C., TABLES 602 & 705.8, OR THE 2014 F.B.C. RESIDENTIAL VOLUME, TABLE R302.1
2. GLAZING TO HAVE A TRANSMITTANCE OF 75 AND REFLECTANCE OF 15%.

KEYED NOTES

- |     |   |
|-----|---|
| 001 | STANDING SEAM METAL ROOF                |
| 002 | WOOD LATTICE                            |
| 003 | WOOD BRACKETS                           |
| 004 | GLASS CANOPY                            |
| 005 | 3/4" STUCCO WITH LIGHT FINISH (PAINTED) |
| 006 | METAL RAILING                           |
| 007 | WINDOW WITH IMPACT RESISTANT GLAZING    |
| 008 | DOOR WITH IMPACT RESISTANT GLAZING      |
| 009 | STONE CLADDING                          |

PAINT LEGEND

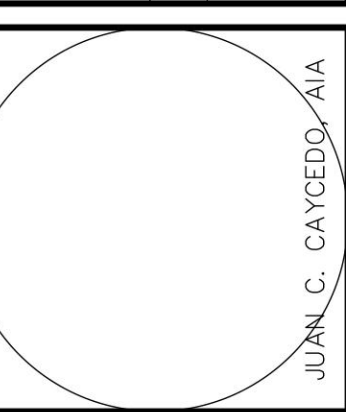
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|--|---|
|  | PT-1<br>SHERWIN WILLIAMS<br>SW 6890<br>OSAGE ORANGE |
|  | PT-2<br>SHERWIN WILLIAMS<br>SW 9031<br>PRIMAVERA    |
|  | PT-3<br>SHERWIN WILLIAMS<br>SW 7016<br>MINDFUL GRAY |
|  | PT-4<br>SHERWIN WILLIAMS<br>SW 7615<br>SEA SERPENT  |

PERCENTAGE OF OPENINGS  
AT GROUND FL.

FACADE SIDE FACING PUBLIC STREET	TOTAL AREA	OPENING AREA	% OF VARIATION
WEST	1,089 S.F.	417 S.F.	38.29%

SPA  
RE-SUBMITTAL  
06/20/2017

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THE VILLAGES AT EAST OCEAN  
AVENUE  
(SOUTH PARCEL)  
405 E OCEAN AVENUE  
BOYNTON BEACH, FL 33435

REVISIONS

Drawing Title  
TOWNHOMES  
EXTERIOR BUILDING  
ELEVATIONS

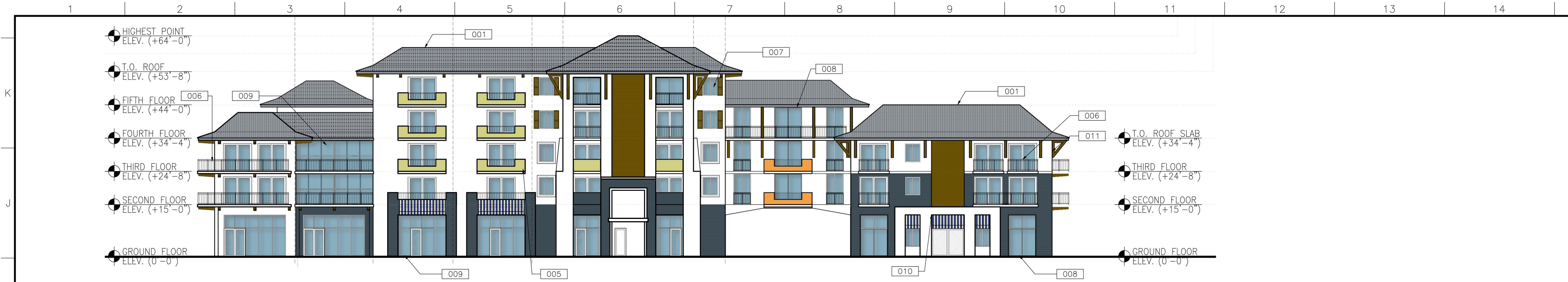
Scale AS NOTED  
Project No. 15078.00  
Plot Date 06/20/2017

Principal: JCC  
Project Director:  
Project Manager:  
Drafted by: RLC  
Checked by: JCC

Sheet No.

A3.10





4 BUILDING No.2-WEST ELEVATION

A3.00 SCALE: 1/16"=1'-0"



3 BUILDING No.2-EAST ELEVATION

A3.00 SCALE: 1/16"=1'-0"



2 BUILDING No.2-NORTH ELEVATION

A3.00 SCALE: 1/16"=1'-0"



1 BUILDING No.2-SOUTH ELEVATION

A3.00 SCALE: 1/16"=1'-0"

ELEVATION NOTES

1. EXTERIOR WALL OPENINGS SHALL COMPLY WITH THE 2014 F.B.C., TABLES 602 & 705.8, OR THE 2014 F.B.C. RESIDENTIAL VOLUME, TABLE R302.1
2. GLAZING TO HAVE A TRANSMITTANCE OF 75 AND REFLECTANCE OF 15%.

KEYED NOTES

- |     |   |
|-----|---|
| 001 | STANDING SEAM METAL ROOF                              |
| 002 | DECORATIVE METAL SCREEN                               |
| 003 | WOOD BRACKETS   |
| 004 | WOOD TRELLIS  |
| 005 | CONCRETE PARAPET                                      |
| 006 | METAL RAILING   |
| 007 | STOREFRONT GLASS WINDOW WITH IMPACT RESISTANT GLAZING |
| 008 | STOREFRONT GLASS DOOR WITH IMPACT RESISTANT GLAZING   |
| 009 | FIXED STOREFRONT WINDOW WITH IMPACT RESISTANT GLAZING |
| 010 | AWNING  |
| 011 | 3" STUCCO WITH LIGHT FINISH (PAINTED)                 |
| 012 | STUCCO SIMULATED WOOD SIDING                          |
| 013 | WINDOW SHUTTERS                                       |

PAINT LEGEND

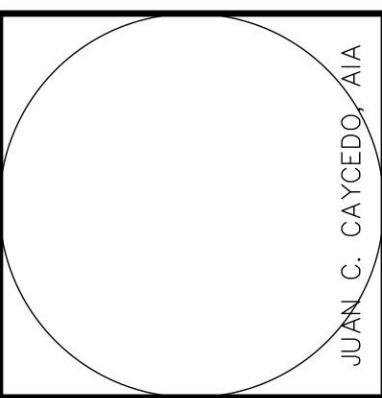
- |  |   |
|--|---|
|  | PT-1<br>SHERWIN WILLIAMS<br>SW 6890<br>OSAGE ORANGE |
|  | PT-2<br>SHERWIN WILLIAMS<br>SW 9031<br>PRIMAVERA    |
|  | PT-3<br>SHERWIN WILLIAMS<br>SW 7016<br>MINDFUL GRAY |
|  | PT-4<br>SHERWIN WILLIAMS<br>SW 7615<br>SEA SERPENT  |

PERCENTAGE OF OPENINGS AT GROUND FL.

FACADE	SIDE	FACING PUBLIC STREET	TOTAL AREA	OPENING AREA	% OF VARIATION
NORTH			2,513 S.F.	1,398 S.F.	55.63%
WEST			3,655 S.F.	1,937 S.F.	53.00%

**RLC Architects**  
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THE VILLAGES AT EAST OCEAN  
AVENUE  
(SOUTH PARCEL)  
405 E OCEAN AVENUE  
BOYNTON BEACH, FL 33435

REVISIONS

Drawing Title  
**BUILDING No.2  
EXTERIOR BUILDING  
ELEVATIONS**

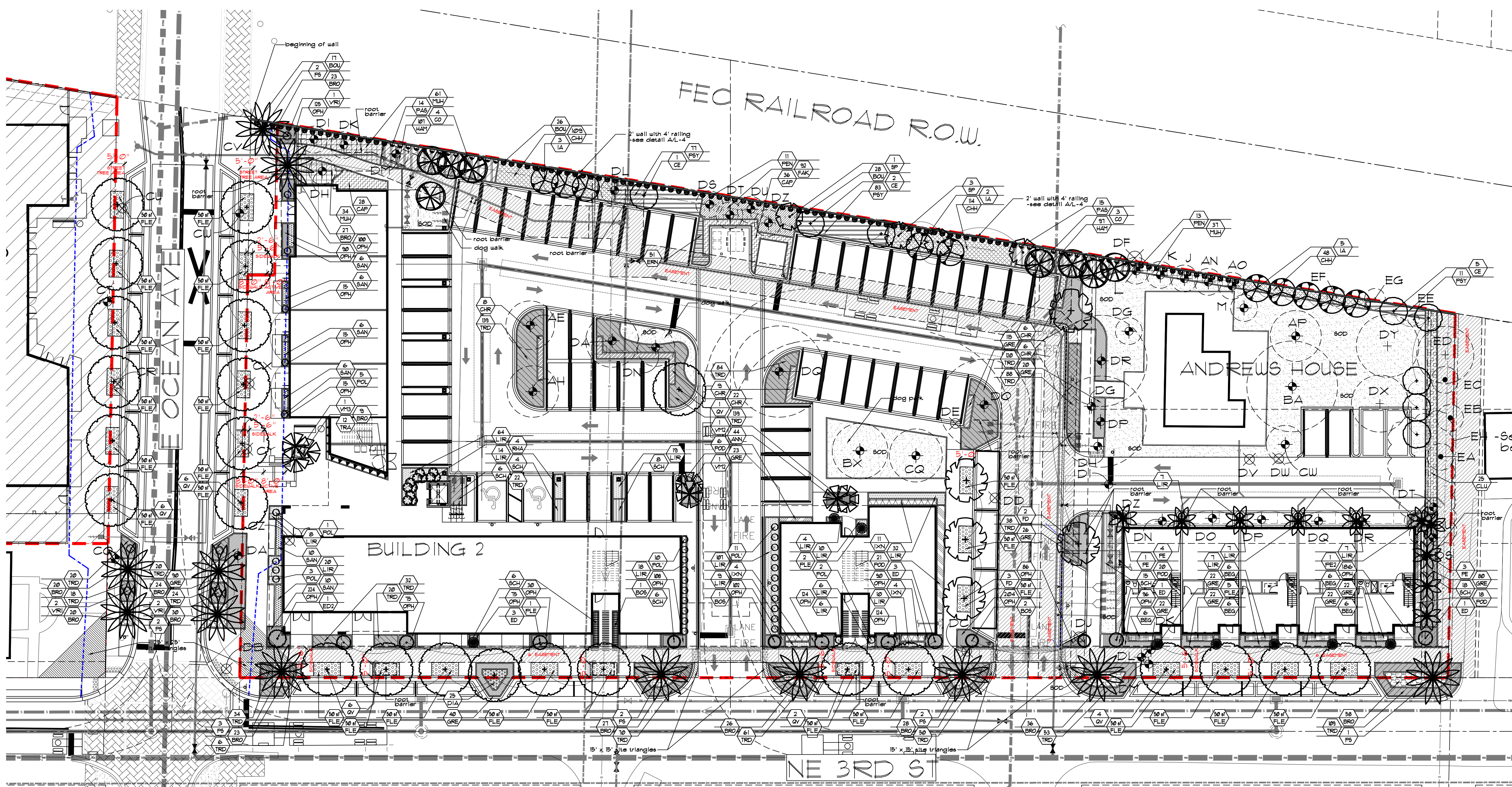
Scale AS NOTED  
Project No. 15078.00  
Plot Date 06/20/2017

Principal: JC.  
Project Director:  
Project Manager:  
Drafted by: D.L.C.  
Checked by: JCC

Sheet No.  
**A3.00**

SPA  
RE-SUBMITTAL  
06/20/2017





**SOUTH PARCEL  
CODE COMPLIANCE DATA**

- ARTICLE II - LANDSCAPE DESIGN & BUFFER STANDARDS  
Sec. 4 - Standards
- A. CITY-WIDE STANDARDS - SOUTH OF OCEAN AVENUE
1. Native & drought tolerant species  
a. Plant material to be used is limited to "low" and "medium" plants in Water Use  
2. Prohibited species as classified cal. 1 by FLEPPC cannot be used.
3. All plants to be Florida #  
a. Trees: 4" cal. & 6" above ground.  
b. Plants must have 6" of clear wood.  
c. Signature trees: 1" cal. at time of planting.  
d. Number of species:  
(a) min of 6 species required, 8 provided  
(b) If signature trees are 4" cal. they may count towards min. # of species.  
(c) 3 plants in clusters with varying heights count as 1 tree.
- b. Shrubs & Hedges  
-24" H. x 24" apr. up to 10' spacing  
(may be 18" H. on berm to produce 36" H.)
- II. Landscape within ROW  
a. Permits must be obtained  
1) Soil may be used but must be kept to 6" or below in height.  
2) All trees must have 8' clearance.  
3) All landscape (ROW) must conform to FDOT and Palm Beach County Standards.  
4) Property owner will maintain all landscaping within ROW.  
b. Crown visibility  
(a) plants to be maintained below 30' and above 8'
12. Landscaping within off street parking lots  
a. Required landscaping  
1) 25' of or parking islands per parking space  
b) 1 x 25'  
175' if required  
154' if provided
- b. Trees in Islands  
10 trees required  
10 trees provided
- B. URBAN LANDSCAPE CODE
- Buildings abutting roadway ROW - SE 3rd Street  
(a) Tree spacing 1 tree/25' o.c.  
140/25'  
(b) Colorful plants provided  
18 trees required  
18 trees provided
- Buildings abutting roadway ROW - SE 1st Ave  
(a) Tree spacing 1 tree/25' o.c.  
138/25'  
(b) Colorful plants provided  
6 trees required  
6 trees provided
- Buildings abutting roadway ROW - Ocean Ave.  
(a) Tree spacing 1 tree/25' o.c.  
107/25'  
(b) Colorful plants provided  
9 trees required  
9 trees provided
- Along East Coast Railroad  
(a) Tree spacing 1 tree/25' o.c.  
430/25'  
(b) Colorful plants provided  
25 trees required  
25 trees provided



project:

**villages**  
east ocean ave.  
south parcel

boynnton beach  
florida

**SOUTH PARCEL  
PLANT LIST- TREES**

SYM	BOTANICAL/COMMON NAME	SPECIFICATIONS	QTY	NATIVE	WATER NEED	CALIPER
CE	Conocarpus erectus Green Buttonwood	16" o.d. H. x 7" - 8" apr. 4" cal.	8	N	low	40"
CO	Chrysophyllum oliviforme Satin Leaf	16" H. x 7" apr. 4" cal.	1	Y	low	28"
FD	Ficus decapinnata Japanese Fan Tree	16" - 18" H. x 7" - 8" apr. 4" cal.	5	N	medium	24"
LA	Lian attenuata East Florida Holly	16" - 18" H. x 6" apr. 4" cal.	10	Y	medium	44"
QV	Quercus virginiana Cathedral Live Oak	18" H. x 9" - 10" apr. 8" cl. 4" cal.	15	Y	low	16" 22"

Note: Calipers to be measured at 6" above grade.

**PLANT LIST- PALMS**

SYM	BOTANICAL/COMMON NAME	SPECIFICATIONS	QTY	NATIVE	WATER NEED	CALIPER
FE	Phoenix palm Solitaire Palm	16" H. 9' clear wood single trunk, 4" cal.	8	N	medium	28"
PE	Phoenix palm Solitaire Palm	20" o.d. H. 12' clear wood double trunk, 8" cal.	1	N	medium	32"
PS	Phoenix palm Silver Date Palm	16" o.d. H. 16' clear wood, 12" cal.	10	N	low	130"
SP	Sabal palm Sabal Palm	18" o.d. H. 12' clear wood, 10" cal.	4	Y	low	40"
VH	Veitchia montgomeryana Double Montgomery Palm	20" o.d. H. double trunk 14" H. clear wood, 10" cal.	2	N	medium	20"
VH	Veitchia montgomeryana Triple Montgomery Palm	24" o.d. H. triple trunk 18" H. clear wood, 10" cal.	1	N	medium	25" 28" 466"

Note: All plants must have a minimum of 6" clear wood

**PLANT LIST- SHRUBS**

SYM	BOTANICAL/COMMON NAME	SPECIFICATIONS	QTY	NATIVE	WATER NEED
BOU	Bougainvillea spp. Purple Bougainvillea	30" H. x 24" apr. espallier to railing	11	N	low
BOB	Bougainvillea spp. Purple Bougainvillea standard	6" H. x 3' apr. 1" cal. standard	4	N	low
CAP	Capparis cynophallophora Jamaican Cap	24" H. x 24" apr. 24" o.c.	64	Y	low
CH	Chrysanthemum leucanthemum Coccoloba Hedge	24" H. x 24" apr. 24" o.c.	51	Y	medium
CLU	Clusia guianensis Small Leaf Clusia	6" H. x 3' apr. 3" o.c.	25	N	low
ED	Elaeagnus argentea Japanese Blueberry	8" H. x 4' apr. full to base, corolla	8	N	medium
ED2	Elaeagnus argentea Japanese Blueberry	10" H. x 5' apr. full to base, corolla	1	N	medium
FAC	Ficus religiosa Fakeloches Grass	18" H. x 18" apr. 24" o.c.	92	Y	low
HAT	Hamelia patens Firebush	18" H. x 18" apr. 24" o.c.	204	Y	low
DN	Dodonaea viscidiflora Nora Nora Green	18" H. x 18" apr. 24" o.c.	15	N	medium

**PLANT LIST- SHRUBS**

SYM	BOTANICAL/COMMON NAME	SPECIFICATIONS	QTY	NATIVE	WATER NEED
PAB	Passiflora incarnata Passiflora Vine	30" H. x 24" apr. espallier to railing	20	Y	low
PEN	Passiflora incarnata Wild Allamanda	30" H. x 24" apr. espallier to railing	24	Y	medium
PLE	Passiflora incarnata Wild Allamanda	5' H. x 3' apr. 3 ppp	8	N	medium
POD	Podocarpus neriifolia Podocarpus Hedge	6" H. x 30" apr. 30" o.c.	68	N	medium
POL	Polycarpha latifolia Buffalo Apple	6" H. x 3' apr. 3 ppp	11	N	medium
POL	Polycarpha latifolia Buffalo Apple	9" H. x 2' apr. 3 ppp	21	N	medium
PSY	Psychotria nervosa Wild Coffee	24" H. x 24" apr. 24" o.c.	11	Y	medium
RHA	Rhipsalis sp. Lady Palm	9" H. x 3' apr. 5 canes min.	4	N	medium
SCH	Schefflera arboricola 'Trinitas' Trinitas	18" H. x 18" apr. 24" o.c.	63	N	low
TRA	Trachycarpus fortunei Confederate Jasmine	6' H. x 3' apr. espallier to Jacobs cable	12	N	medium
VRI	Vriesea splendens Imperial Bromeliad	3' H. x 3' apr.	3	N	medium

**PLANT LIST- GROUND COVER**

SYM	BOTANICAL/COMMON NAME	SPECIFICATIONS	QTY	NATIVE	WATER NEED
ANN	Anemone pulsatilla Anemone to be selected by Landscape Architect	4" H. x 18" apr. 12" o.c.	44	N	medium
BEG	Begonia 'Angeling' Angeling Begonia	18" H. x 18" apr. 18" o.c.	30	N	low
BRO	Bromelia Bromeliad	12" apr. 18" o.c.	31	N	low
CHI	Chytobolus horizontalis Horizontal Coccoloba	30" H. x 16" apr. 24" o.c.	21	Y	medium
DIA	Dianella aemula Variegated Blueberry Flax Lily	18" H. x 18" apr. 18" o.c.	25	N	low
ERN	Eriodendron biflorum Golden Broom Creeper	6" apr. 12" o.c.	51	Y	low
GRE	Microcarpa green island Green Island	10" H. x 10" apr. 18" o.c.	504	N	medium
LIR	Liriodendron 'Evergreen glens' Evergreen Glens Liriodendron	10" H. x 10" apr. 18" o.c.	385	N	low
NJH	Nerium oleander Nerium oleander	18" H. x 18" apr. 24" o.c.	132	Y	low
OPH	Ophiopogon japonicus Pond Grass	4" H. x 4" apr. 6" o.c.	1884	N	medium
SAN	Sarcocolla trifasciata 'Laurentii' Laurentii	18" H. x 18" apr. 18" o.c.	44	N	low
TRD	Trachycarpus fortunei Dwarf Palm	4" H. x 10" apr. 18" o.c.	1025	Y	medium
SOD	Stenandrium secundatum St. Augustine Florist	Full, fresh sod	6243 sq. ft.	N	high
FLE	Flaxpave		1302 sq. ft.		

**PLANT LIST- NORTH SIDE OF OCEAN AVE.- TREES**

SYM	BOTANICAL/COMMON NAME	SPECIFICATIONS	QTY	NATIVE	WATER NEED	CALIPER
QV	Quercus virginiana Cathedral Live Oak	18" H. x 9" - 10" apr. 8" cl. 4" cal.	6	Y	low	24"

Note: Calipers to be measured at 6" above grade.

**PLANT LIST- NORTH SIDE OF OCEAN AVE.- PALMS**

SYM	BOTANICAL/COMMON NAME	SPECIFICATIONS	QTY	NATIVE	WATER NEED	CALIPER
PS	Phoenix palm Silver Date Palm	16" o.d. H. 16' clear wood, 12" cal.	2	N	low	24"

Note: Calipers to be measured at 6" above grade.

**PLANT LIST- NORTH SIDE OF OCEAN AVE.- SHRUBS**

SYM	BOTANICAL/COMMON NAME	SPECIFICATIONS	QTY	NATIVE	WATER NEED
VRI	Vriesea splendens Imperial Bromeliad	3' H. x 3' apr.	2	N	medium

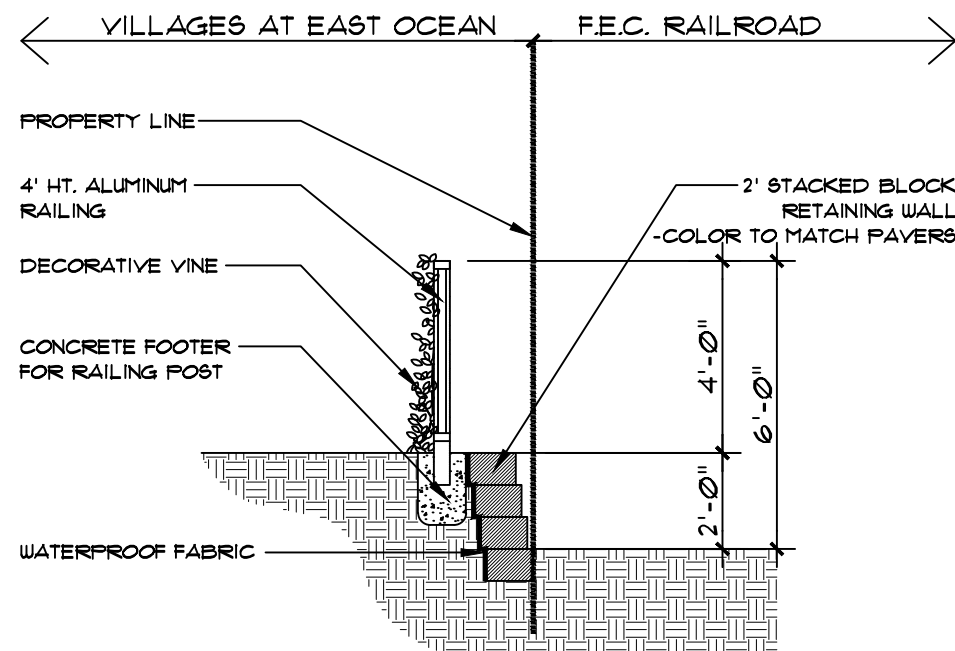
**PLANT LIST- NORTH SIDE OF OCEAN AVE.- GROUND COVER**

SYM	BOTANICAL/COMMON NAME	SPECIFICATIONS	QTY	NATIVE	WATER NEED
BRO	Bromelia Bromeliad	12" apr. 18" o.c.	40	N	low
TRD	Trachycarpus fortunei Dwarf Palm	4" H. x 10" apr. 18" o.c.	38	Y	medium
FLE	Flaxpave		300		

NOTE: THIS PLANT LIST TO BE USED IF THE NORTH PARCEL IS DEVELOPED FIRST

**LEGEND**

- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO REMAIN
- EXISTING PALMS TO REMAIN
- EXISTING TREES TO BE RELOCATED
- NEW LOCATION OF RELOCATED TREES






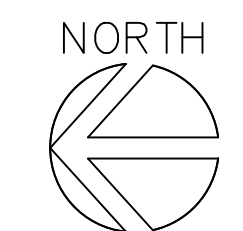
DECORATIVE WALL AND RAILING- EAST PROPERTY LINE

L-4





South Parcel Site Area: 76,844 sf	
	Pervious Area: 17,986 sf (23%)
Impervious Area: 58,858 (77%)	
	South Parcel Public Space Required: 1% = 768 sf
Site Area (76,844 sf) x 0.01 = 768 sf	
South Parcel Public Space Provided: 830 sf	
	South Parcel Open Space Required: 2% = 1,536 sf
Site Area (76,844 sf) x 0.02 = 1,536 sf	
South Parcel Open Space Provided: 9,105 sf	



project:  
**villages**®  
east ocean ave.  
south parcel  
boynton beach  
florida

**dave bodker**  
landscape architecture/planning inc.  
601 n. congress ave., suite 105-a  
delray beach, florida 33445  
561-276-6311  
#LA0000999

sheet title:  
**pervious, impervious, public,  
open space**

project number:  
12515  
date: 2-28-17  
scale: 1" = 20'  
drawn by: jcs

revisions:  
Δ 5-16-17  
Δ 6-20-17  
Δ  
Δ  
Δ

sheet:

**L-5**

# EXHIBIT "C"

## Conditions of Approval

Project Name: Villages at East Ocean (South)  
 File number: MSPM 17-004  
 Reference: 4<sup>th</sup> review of plans identified as a Major Site Plan Modification with a July 14, 2017 Planning and Zoning Department date stamp marking.

DEPARTMENTS	INCLUDE	REJECT
<b>ENGINEERING / PUBLIC WORKS / FORESTRY / UTILITIES</b>		
Comments:		
1. Full drainage plans, including drainage calculations, in accordance with the 2010 LDR, Chapter 4, Article VIII, Section 3.G. will be required at the time of permitting.	X	
2. Please coordinate with Stormwater Utilities to ensure modeling of the stormwater discharge to the ultimate outfall.	X	
3. Prior to permit application, please contact the Public Works Department (561-742-6200) regarding the removal of refuse during the construction phase per the CODE, Section 10-26 (a).	X	
4. The CODE, Section 26-34(A) mandates the payment of water and/or sewer capital facilities charges when a project is to receive services from the city's systems, and as an option, a capacity reservation fee may be obtained at an additional cost and will only be valid for a period of one (1) year after the fee has been paid. Capacity reservation fees shall be paid upon the request for the Utilities Department's signature on the Health Department application forms or within seven (7) days of site plan approval, whichever occurs first. All fees will be determined based on the final meter size(s), or expected demand.	X	
5. The existing drainage to remain within the project limits and along the project frontage shall be Tele-inspected before and after construction. Prior to the post construction tele-inspection, the same lines shall be cleaned.	X	
6. Profile sections shall be required along each property line. This comment can be addressed in the Land Development submittal.	X	
7. Provide an Addressing Plan, prior to permit issuance.	X	

<b>DEPARTMENTS</b>		<b>INCLUDE</b>	<b>REJECT</b>
8.	Provide irrigation plans with the landscape plan, prior to permit issuance.	X	
9.	Applicant shall work with the Utility Department to determine the project wastewater flow discharge, which will be entered into the City's hydraulic model to determine if a lift station is required.	X	
10.	Please address storm water treatment for first inch of rainfall, as well as conception detail and conveyance. Please note SFWMD requirements may be more restrictive. Calculations for exfiltration shall be submitted at time of permitting.	X	
11.	The attendance at a mandatory Pre-Construction Conference is required prior to the start of any utilities work on site.	X	
<b>FIRE</b>			
Comments: None. All previous comments addressed at DART Meeting.			
<b>POLICE</b>			
Comments: None. All previous comments addressed at DART Meeting.			
<b>BUILDING DIVISION</b>			
Comments: Building comments will be addressed at time of permitting.			
<b>PARKS AND RECREATION</b>			
Comments:			
12.	Per City Ordinance, the Park Impact Fee for the South Parcel is \$22,225 (30 apartments X \$595 + 5 townhomes X \$875).	X	

DEPARTMENTS	INCLUDE	REJECT
<b>PLANNING AND ZONING</b>		
Comments:		
13. Sheet AS1.10 data is incomplete. Please add FAR calculations and revise parking calculations to accurately reflect the plan.	X	
14. Please provide calculations and dimensions of ground floor building facades which indicate that 50% (all mixed use buildings) and 30% (for all residential buildings) of the area is occupied by transparent windows or door openings.	X	
15. Please provide details of any proposed building signs. A Sign Program will be required for the project. No sign permits will be issued until the program is approved.	X	
16. Any approvals are subject to the approval of the associated right-of-way abandonment applications.	X	
17. Revise elevations to consistently match the submitted color chip, "Adventure Orange".	X	
18. Existing historic structure on the property does not seem to have an assigned use or associated parking. Please mark the plans and include the tabular data to ensure parking is provided.	X	
19. Provide square footages by use on the plan to ensure parking tabular data is accounting for all proposed areas.	X	
<b>HISTORIC PRESERVATION</b>		
Comments: None.		
<b>COMMUNITY REDEVELOPMENT AGENCY</b>		
Comments:		

DEPARTMENTS	INCLUDE	REJECT
20. Clearly identify the location of the required parking spaces associated with the proposed retail/restaurant and guests. Sheets AS 1.10 parking table, AS 1.11 and A1.01.	X	
21. Overhead utilities must be undergrounded. An easement may need to be retained in order to continue the undergrounding of utilities along 3 <sup>rd</sup> Street to continue south of Ocean Ave.	X	
<b>PLANNING &amp; DEVELOPMENT BOARD CONDITIONS</b>		
Comments: None.		
<b>CITY COMMISSION CONDITIONS</b>		
Comments: To be determined.		

S:\Planning\SHARED\WP\PROJECTS\Villages at East Ocean\Villages South (MSPM 17-004)\StaffReport\ExhibitC COA.doc



**DEVELOPMENT ORDER OF THE CITY COMMISSION OF THE  
CITY OF BOYNTON BEACH, FLORIDA**

PROJECT NAME: Villages at East Ocean- South (MSPM17-004)

APPLICANT: Arthur B. D'Almeida

APPLICANT'S ADDRESS: 105 East Palmetto Park Road, Boca Raton, FL, 33432

DATE OF HEARING RATIFICATION BEFORE CITY COMMISSION: September 19, 2017

APPROVAL SOUGHT: Major Site Plan Modification approval for a mixed-use development consisting of 35 dwelling units, commercial space, and associated recreational amenities and parking on a 1.764 acre site.

LOCATION OF PROPERTY: South side of Ocean Avenue to the alley south of SE 1st Avenue between the F.E.C. Railroad and SE 3<sup>rd</sup> Street

DRAWING(S): SEE EXHIBIT "B" ATTACHED HERETO.

\_\_\_\_\_ THIS MATTER was presented to the City Commission of the City of Boynton Beach, Florida on the date of hearing stated above. The City Commission having considered the approval sought by the applicant and heard testimony from the applicant, members of city administrative staff and the public finds as follows:

1. Application for the approval sought was made by the Applicant in a manner consistent with the requirements of the City's Land Development Regulations.
2. The Applicant  
    \_\_\_ HAS  
    \_\_\_ HAS NOT  
  
established by substantial competent evidence a basis for the approval requested.
3. The conditions for development requested by the Applicant, administrative staff, or suggested by the public and supported by substantial competent evidence are as set forth on Exhibit "C" with notation "Included."
4. The Applicant's request is hereby  
    \_\_\_ GRANTED subject to the conditions referenced in paragraph 3 above.  
    \_\_\_ DENIED
5. This Order shall take effect immediately upon issuance by the City Clerk.
6. All further development on the property shall be made in accordance with the terms and conditions of this order.
7. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
City Clerk



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** City Commission's ratification of the Boynton Beach Community Redevelopment Agency (CRA) annual budget for fiscal year 2017-2018. - September 19, 2017

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**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

Conduct Second Public Budget Hearing for FY 2017/2018 Final Millage and Annual Operating Budget - September 19, 2017

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**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** The annual budget provides appropriations to provide City services.

**FISCAL IMPACT:** Budgeted Adoption of the millage rate and budget allows for appropriations to provide City services.

**ALTERNATIVES:** N/A

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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## **CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM**

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** Discussion relating to the future of the Building Board of Adjustment and Appeals - October 3, 2017

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**EXPLANATION OF REQUEST:** Commissioner Romelus has requested discussion on the future need for the Building Board of Adjustments and Appeals. The Board has not met since November 2014. There are currently only four members on the Board and an alternate. Ms. Roberta Mann indicated by phone she would prefer not to continue on the Board.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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## **CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM**

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** Discussion of number of boards people are allowed to serve on at one time, attendance policies, eligibility rules and qualification of members for all boards- October 3, 2017

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**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

Staff to review and report concerning Florida Textile Recycling, LLC. FTR, LLC which provides automated clothing recycling as a non-profit corporation and provides funding to agencies for other non-profit uses - TBD

---

**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:** Non-budgeted

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?**

**Grant Amount:**

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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Attachment	FTR, LLC Brochure

According to the Environmental Protection Agency, the average American discards **70 pounds** of unwanted clothes, shoes and textiles into landfills each year, which amounts to an astounding **16.9 billion pounds\*** of preventable waste every year. FLORIDA Textile Recycling Programs utilizes processes developed over nearly three decades to help the environment by minimizing the textile waste in local landfills.



FLORIDA Textile Recycling Programs is the first company in the country to be awarded an exclusive municipal contract for textile recycling, in the Town of Davie, Florida.

## THE COMPANY

In February 2015, FLORIDA Textile Recycling Programs became the **first company in the country** to be awarded an exclusive municipal contract for textile recycling, in the Town of Davie, Florida. The Company works with both for-profit and non-profit entities that collect, manage and distribute clothes, shoes and textiles.

Our efforts stimulate local economies through market creation, small business promotion, job creation and charitable fundraising. FLORIDA Textile Recycling Programs provide a significant source of revenue and employment, while helping to reduce each municipality's carbon footprint.

## BUSINESS PROFILE

- Protection of the environment by keeping reusable clothes, shoes and textiles out of local landfills.
- Reinforces the municipality's commitment to green recycling programs, that ensure ongoing improvements with their aesthetics, while reaffirming the environmental monitoring, compliance and enforcement provisions of the municipality's code of ordinances.
- The generation of funds for municipalities to use at their discretion to assist non-profits and those in need in their community.
- Funds may be used to subsidize many areas where municipalities have needs.

## PROGRAM BENEFITS

- **Additional revenue** used at Municipality's discretion
- **Disposal savings**
- **Additional recycling credits** available
- Regulation through exclusive contracts allows municipalities to **control the location and number of bins placed** in their community
- **All locations approved by city officials** in accordance with corresponding ordinance
- **Liability insurance and indemnification provided**
- Provides the public with a **convenient way to recycle** their clothes, shoes & textiles by keeping them out of local landfills
- **Reducing carbon footprint** by using the Bin Location Information Program (BLIP®), where sensors monitor the fill levels of each recycling bin and send notifications when bins need servicing
- Existing exclusive **contract may be piggybacked**

## OPERATION

Each municipality has a specified number of recycling bins and site trucks mutually agreed upon by the Company and municipality. Attended site trucks will be used when necessary for those residents in need of assistance, and for handling the volume of busy locations.

Using the company's Bin Location Information Program, "BLIP®", the Company can visualize each municipality on an interactive map that includes the placed recycling bins. In addition to tracking each location, BLIP® monitors the load level in each bin. This feature significantly reduces the carbon footprint by automatically generating a roadmap with the most efficient route to those recycling bins that need to be serviced.

## KEY MANAGEMENT PROFILES

### Marc Douglas

Mr. Douglas brings 30 years of experience in the textile industry including the collection of goods, ownership of multi-unit thrift locations, wholesale distribution and brokerage of goods both nationally and internationally. He is experienced in creating and running private companies, as well as taking private companies public. He holds a BS from the College of Business at Florida International University.

### John Ferguson

Mr. Ferguson brings nearly 30 years of experience in the waste management and recycling industry. In his career, Mr. Ferguson has been responsible for management, safety, government affairs, municipal contracts, compliance, financial statements and budgets for eight solid waste and recycling divisions. He holds a BS in Management/Marketing from Maryville University.

### Nick Boariu

Mr. Boariu brings his many years of experience in multi-unit retail and franchise operations, as co-founder of two previous franchise concepts in his role as Executive Vice President and Board Member. He holds a BS in Marketing with an emphasis in Management Information Systems, from Florida State University.

### Marc Douglas, Jr.

Mr. Douglas is an experienced franchisee in two service-based franchise systems. He is experienced in the textile recycling industry by working in the family business. Over the last decade, he has worked in all facets of the collection, retail and wholesale areas of the textile industry. He uses his experience in sales, marketing and operations to run the day to day affairs.

## ADVISORY BOARD

### Jeff Binder

Mr. Binder brings over 40 years of experience in both the private and public business sectors. His serial entrepreneurial background includes a joint venture with Porsche Design in manufacturing custom yachts, ownership of a cruise line, wholesale distribution, international trade, the restaurant and nightclub industry as well as national retail outlets. He holds a JD from George Washington Law School.



**FLORIDA Textile Recycling Programs** provides local municipalities with a unique opportunity to recycle clothes, shoes and textiles through exclusive municipal contracts. Together, we help each municipality find additional, much-needed funding while protecting the local environment and optimizing the community’s recycling efforts. Our services help municipalities address two of their most important challenges: fiscal growth and environmental compliance.



for more information, call  
**888.325.FTRP** (3877)

email: [Info@TextilePrograms.com](mailto:Info@TextilePrograms.com)  
web: [TextilePrograms.com](http://TextilePrograms.com)



**OUR MISSION** is to provide a convenient way for the public to recycle their clothes, shoes and textiles through exclusive municipal contracts. Our efforts reduce municipalities’ carbon footprint, provide municipalities with fiscal growth and disposal savings, stimulate charitable contributions through municipality-sponsored programs and provide a source of clothes, shoes and textiles to those in need in the United States and throughout the world.



**Municipality Program**



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** Staff to research possibility of allowing dogs at the beach during certain hours and bring back to Commission - TBD

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**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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## **CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM**

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:** The Mayor has requested to discuss the possibility of a resolution by the City in support of development of a boat lift at the C51 canal. - October 3, 2017

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**EXPLANATION OF REQUEST:** The Board of Directors of the PBC League of Cities passed Resolution 2016-01 on January 27, 2016 supporting and encouraging development of the chain of lakes blueway trail project (see attached)

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:** Non-budgeted

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION: PROPOSED ORDINANCE NO. 17-020 - SECOND READING** - AMEND THE LAND DEVELOPMENT REGULATIONS, Chapter 1, Article II. Definitions and Article V, Section 2, Workforce Housing Program, to convert the mandatory inclusionary zoning program to an incentivized program emphasizing project density and building height. *(Second Reading advertised for September 19, 2017)*

---

### **EXPLANATION OF REQUEST:**

On November 15, 2016, the City Commission suspended the Workforce Housing Program (WHP) for one (1) additional year to allow staff time to update the 2006 Housing Study Assessment and to develop recommended changes to the program.

On April 19, 2017, a City Commission workshop was held to discuss the recommended changes by staff and to provide direction on how to amend the WHP.

On June 6, 2017, staff presented draft amendments to the City Commission for discussion and feedback prior to commencement of the codification process.

The proposed amendments to the Workforce Housing Program within Chapter 1 of the LDR are indicated in Exhibit "A" (Article II. "Definitions"), and Exhibits "B1" and "B2" (Article V. amendments to program details) in both strikethrough and clean-text versions, respectively. The most notable amendments are summarized below:

- Conversion from mandatory to voluntary program.
- Utilization of Downtown Transit-Oriented Development District (DTODD) 25% density bonus as incentive for workforce housing.
- Addition of a height bonus as incentive for workforce housing in the Downtown Transit-Oriented Development District.
- Adjustment to set-aside percentages to increase participation
- Addition of an in-lieu fee option for rental projects.
- Adjustment of in-lieu fees based on current market data.
- Adjustment to duration of restrictive covenants for rental and for sale projects.

The Planning and Development Board reviewed the subject amendments at their July 25, 2017 meeting and forwards the request with a recommendation of approval.

### **HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

The proposed code amendment will provide flexibility in the workforce-housing program by encouraging participation through incentives and options that promote workforce housing based on current market data/trends.

**FISCAL IMPACT:** Non-budgeted Future responsibility for, and funding of, ongoing monitoring and compliance.

### **ALTERNATIVES:**



Do not approve amendments to the workforce housing program and allow to remain in suspension.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Ordinance	Ordinance Amending Workforce Housing Program
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Exhibit	Exhibit "A" - Definitions
<input type="checkbox"/> Exhibit	Exhibit "B1" - Workforce Housing Program_Strikethrough
<input type="checkbox"/> Exhibit	Exhibit "B2" - Workforce Housing Program_Clean
<input type="checkbox"/> Other	Workforce Housing Program Presentation

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1           **Section 2.**     The Land Development Regulations of the City of Boynton Beach Code  
2 of Ordinances, Chapter 1, Article II, Definitions is hereby amended as follows:

3 Chapter I, Article II, Definitions.

4 **DEED RESTRICTION** - Each workforce housing unit created under the program shall be deed  
5 restricted for fifteen (15) years. The deed restriction shall be recorded and serve to restrict the  
6 sales or rental price and/or the income of the purchaser or renter.

7 **DEVELOPMENT** - A single use or combination of uses, proposed or approved, that may  
8 include but not be limited to a single-family subdivision, townhomes, rental apartments,  
9 condominiums, public facilities, commercial buildings, shopping centers, or industrial projects,  
10 possibly of similar design, constructed as a unified community. Development shall also include  
11 the meaning given it in F.S. § 380.04, pursuant to a development order or permit  
12

13 **ELIGIBLE OCCUPANT** - Relative to the workforce housing program contained in these  
14 Regulations, it is a person who qualifies for participation in the program whose income does not  
15 exceed one hundred twenty percent (120%) of median household income for the City of Boynton  
16 Beach. Priority will be given to persons who have lived or worked within the city limits of  
17 Boynton Beach continually for one (1) year immediately prior to the date of application for a  
18 workforce housing unit.  
19

20 **LOW INCOME HOUSEHOLD** - Under the workforce housing program provisions of these  
21 regulations, it is a household with a gross, combined income below eighty percent (80%) of the  
22 City of Boynton Beach median household income.

23 **MEDIAN HOUSEHOLD INCOME (MHI)** - Under the **workforce housing program**  
24 provisions of these regulations, it is the City of Boynton Beach Median Household Income, as  
25 determined by the most recent 5-year estimate of the U.S. Census Bureau American Community  
26 Survey.  
27

28 **MODERATE INCOME HOUSEHOLD** - Under the **workforce housing program** provisions  
29 of these regulations, it is a household with a gross, combined income between eighty percent  
30 (80%) and one hundred twenty percent (120%) of the City of Boynton Beach median household  
31 income.  
32

33 **RESTRICTIVE COVENANT AND AGREEMENT** - The covenants that govern the initial  
34 sale and rental and subsequent resale and releasing of workforce housing units created under the  
35 workforce housing program. The term of the restrictive covenant and agreement is fifteen (15)  
36 years.

37 **WORKFORCE HOUSING UNIT** - A dwelling to be sold or leased to an individual or family  
38 that is income qualified in which the rent or mortgage payments (including principal, interest,

1 taxes, insurance and homeowner association fees) does not exceed thirty percent (30%) of the  
2 gross income of households that are classified as low or moderate income households.

3  
4 **Section 3.** The Land Development Regulations of the City of Boynton Beach Code  
5 of Ordinances, Chapter 1, Article V, Section 2, “Workforce Housing Program” is hereby  
6 amended as follows:

7 ARTICLE V. HOUSING INITIATIVES

8  
9 Sec. 2. Workforce Housing Program.

10 A. *Findings.*

11 1. Housing Shortage. The City Commission having conducted a Housing Assessment  
12 Study (Attachment A) has determined that new home prices and rents are not affordable to the  
13 everyday working families and citizens of the city;

14 2. Florida Statutes. F.S. § 166.04151 provides that a municipality may adopt and maintain  
15 any ordinance that is adopted for the purpose of increasing the supply of workforce housing  
16 using land use mechanisms not withstanding any other provision of law;

17 3. Housing Cost/Wage Gap. The City Commission recognizes that there is a growing gap  
18 between housing costs and wages in the city;

19 4. Public Interest. The City of Boynton Beach has a legitimate public interest in  
20 preserving the character and quality of neighborhoods which requires assuring the availability  
21 of workforce housing for low and moderate income persons in the city;

22 5. Sense of Community. The city recognizes that the need to provide workforce housing  
23 is critical to maintaining a diversified and sustainable city having the character and sense of  
24 community where people can live and work in the same area; and

25 6. Housing Availability. The city is encouraging the production and availability of  
26 workforce housing and at the same time is cognizant that escalating land costs and rapidly  
27 diminishing amounts of land hinder the provision of sufficient workforce dwelling units by the  
28 private sector.

29 B. *Applicability.* The program is voluntary. Developers who choose to participate may be  
30 awarded incentives outlined further in this article. The following regulations shall apply only to  
31 development applications for projects eligible for the Downtown Transit-Oriented  
32 Development District’s (DTOD’s) density increase of twenty five percent (25%), with an  
33 underlying land use and zoning category permitting the density in excess of fifteen (15)  
34 dwelling units per acre.

35  
36 3. Developments whose previous approval was consistent with Section 2.B.1. above.  
37

C. *Provisions.* The developer may elect to obtain higher density as part of the DTODD's 25% density bonus and/or a height bonus through the construction of the workforce units on-site or off-site, monetary contribution, donation of land or purchase of units to be designated as workforce, subject to the limits and requirements of this article.

I. *Construction of workforce units on-site:*

1. To be eligible for the requested higher density as part of the DTODD's (25%) density bonus through the construction of workforce units on-site, the developer must incorporate such units into the development as follows:

a. Projects using DTODD density bonus alone or in conjunction with the height bonus of one (1) additional story (up to a maximum of 12 feet) shall designate ten percent (10%) of the total proposed units as workforce housing units.

b. Projects with the Mixed Use Medium or Mixed Use High future land use classifications may use the height bonus alone; such bonus can include two (2) additional stories (up to a maximum of 24 feet) and shall only be granted to projects located in the Cultural or Boynton Beach Boulevard district, designating twenty percent (20%) of the total proposed units as workforce housing units.

c. Eligible land use classifications and zoning districts (Table 1-2).

Land Use Classification	Zoning Districts	M
H	Infill Planned Unit Development (IPUD)	11 du/acre
S	Infill Planned Unit Development	20 du/acre
Mixed Use Low	MU-1	
Mixed Use Medium	MMU-2 and MU-3	8
Mixed Use High	Mixed Use MU-4 and MU-Core Mixed Use-Low Intensity 3 (MU-L3	40 du/acre

2. Household (Income) Type. Twenty-five percent (25%) of the total required workforce housing units shall be set aside for low income households. Seventy-five percent (75%) of the total required workforce housing units shall be set aside for moderate income households.

3. Fractions. If the number of workforce housing units results in a fractional remainder greater than one-half (0.50), the number shall be rounded up. If the required number of workforce housing units results in a fractional number less than one-half (0.50), the number shall be rounded down.

4. Number of Units. The workforce housing units provided shall have the same percentage of unit types as market rate units within the development. The unit types include the category of structure (single-family detached and attached, multifamily), for rent versus for sale units, and the number of bedrooms. Relief from this provision may be granted if the intended purpose is to address particular needs of the community, substantiated by the provided data/analysis.

5. Staff Approval. At the time of application for land use amendment and rezoning, the project must be reviewed and signed off by the Community Improvement Division of the city as part of the site plan approval process for compliance with affordability guidelines and number of units qualifying as workforce.

6. Site Plan. The site plan shall clearly identify the location of workforce housing units. Additionally, tabular data must be included on the site plan showing the address or unit number, total number of units, number of bedrooms of workforce housing units and the targeted income levels. This shall be included with the market rate data.

7. Sale Restrictions. Workforce housing units shall be regulated in terms of:

a. Initial sales price or rent levels; and

b. Subsequent resale prices or leasing rates.

c. If compliance with a land development standard would preclude construction of a residential or mixed use development in which workforce housing units are included, pursuant to this chapter, the applicant may submit a proposal for waiver or reduction of the development standard. The applicant shall show that the waiver or reduction of the development standard is necessary to make the workforce housing units economically feasible and that such a waiver will not compromise any of the city's life or safety standards.

8. Recording the Restrictive Covenant. Prior to the issuance of any building permit, the restrictive covenant and agreement shall be recorded in the public records of Palm Beach County. The term of the restrictive covenant shall be fifteen (15) years. A copy of the recorded covenant and agreement shall be provided to the city prior to the issuance of the building permit.

II. In-Lieu and off-site options. The following options in-lieu of construction of workforce unit on-site will be based on the number of units as indicated in sections C.I.a/b and C.I.3 above.

1. Payment In-Lieu (Table 1-3). Contributions per unit listed in the table below shall accrue to the Boynton Beach Housing Trust to be utilized to subsidize the creation of workforce

housing within the city. In-lieu of fees shall be paid in full prior to the issuance of building permit.

<b>Payment In Lieu of Construction of Workforce Housing Units</b> (per unit)	
OFor-sale unit	\$ \$39,293
TFor rent units	\$ \$18,380
T	\$

Note: Payment-in-lieu amounts shall be revised every two (2) years, based on (i) median single-family home sale price for Palm Beach County provided by Realtors' Association of the Palm Beaches, and (ii) average monthly apartment rent for the Boynton Beach market provided by Reinhold P. Wolff Economic Research, Inc.

2. Donation of Land. The value of the land shall equal or exceed the total "in-lieu of" fee for all workforce units or shall be of sufficient size to develop the same number of units. The value of the donated land must be verified by a MAI appraisal no more than three (3) months old. The appraisal shall be obtained by developer at developer's cost to verify the value of donated land. The land shall be deeded to the city prior to the issuance of a final certificate of occupancy for the development.

3. Off-Site Construction. The workforce housing units may be built off-site. All off-site workforce housing units shall comply with all sections of these Regulations.

4. Purchase Market Rate Units. Purchase an equivalent number of existing market rate units to be deeded to the city or sold to eligible households. Such units shall be deed restricted to comply with the Workforce Housing Ordinance. The developer may retain the title to off-site units subject to recordation of a city approved deed restriction.

D. The following requirements shall apply to built or purchased workforce units:

*I. Rental Housing Units.*

1. Recording of the Restrictive Covenant. A restrictive covenant shall be recorded in the public records specifying the income level served, rent levels, reporting requirement and all restrictions applicable to the workforce housing units. All leases on workforce housing units shall contain language incorporating the restrictive covenant applicable to the workforce housing units and shall reference the recorded restrictive covenant. The restrictive covenant shall remain in force for fifteen (15) years.

2. Rental Rates.

a. Units targeted to low income households at below eighty percent (80%) of the City of Boynton Beach median household income shall not have rental rates that exceed one hundred percent (100%) of the HUD determined fair market rent for the area.

1           b. Units targeted to moderate income households at eighty percent (80%) to the one  
2 hundred twenty percent (120%) of the City of Boynton Beach median household income shall  
3 not exceed one hundred percent (100%) of the HUD determined fair market rent for the area.

4           3. Tenant Income Qualification. Tenant income qualification records shall be maintained  
5 on-site and a yearly report shall be forwarded to the Community Improvement Division of the  
6 City of Boynton Beach for compliance determination.

7           II. *For-Sale Housing Units.*

8           1. Restrictive Covenant. All deeds shall include the restrictive covenant applicable to  
9 workforce housing units. All sales contracts shall state that the unit is part of a workforce  
10 housing program and subject to the Land Development Regulations of the city. The restrictive  
11 covenant shall remain in force for fifteen (15) years. The form of deed for workforce housing  
12 units shall be approved by the City Attorney.

13           2. Resale. The restrictive covenants shall state that during the affordability term, the  
14 resale of a workforce housing unit shall be subject to the following resale requirements.

15           a. All workforce housing unit owners shall notify the city immediately that the unit is for  
16 sale. The city shall have first right of refusal to purchase the unit. Upon receipt of notice that a  
17 valid offer has been made on the unit, the city shall have fifteen (15) days to invoke its right of  
18 refusal to purchase the units.

19           b. All workforce housing units are to be resold only to low or moderate income qualified  
20 households at an attainable housing cost for each targeted income range.

21           3. Required Occupancy. Purchasers of workforce housing units shall be required to  
22 occupy the unit.

23           4. Closing Costs. No charges or fees shall be imposed by the seller on the purchaser of a  
24 workforce housing unit which is in addition to or more than charges imposed upon purchasers  
25 of market rate units, except for administrative fees charged by the city/CRA, or their designee.

26           5. Sales Price Calculations. Sales prices for workforce housing units will be calculated on  
27 the basis of:

28           a. An available fixed-rate thirty (30)-year mortgage, consistent with a "blended rate" for  
29 Palm Beach County banks, and/or the Florida Housing Finance Authority. A lower rate may be  
30 used in calculating workforce housing prices if the developer can guarantee the availability of  
31 fixed-rate thirty (30)-year mortgage at this lower rate for all workforce housing units required  
32 for the covered project;

33           b. A down payment of no more than ten percent (10%) (including any down payment  
34 assistance provided by SHIP or other sources) of the purchase price;

35           c. A calculation of property taxes; and

36           d. A calculation of homeowner insurance, mortgage insurance, homeowner association  
37 fees, property management fees and other closing costs.

38           6. Compliance. Prior to request for final certificate of occupancy for the development, the  
39 developer shall provide to the city's Community Improvement Department, or designee,  
40 documentation sufficient to demonstrate compliance with the workforce housing



1 program. Such documentation shall include but is not limited to information regarding the  
2 identity and income qualification documentation for all occupants of the workforce housing  
3 units, proof of recordation of restrictive covenant in approved form.

4 7. Resale Requirements. To maintain the availability of workforce housing units which may  
5 be constructed or substantially rehabilitated pursuant to the requirements of this program, the  
6 following resale conditions shall be imposed on the workforce housing units and included in  
7 the deed and restrictive covenant recorded in the Public Records of Palm Beach County:

8 a. Location of Units. All workforce housing units constructed or substantially  
9 rehabilitated under this program shall be situated within the development so as not to be in less  
10 desirable locations than market-rate units in the development and shall, on average, be no less  
11 accessible to public amenities, such as open space, as the market-rate units.

12 b. Integration. Workforce housing units within a development shall be integrated with the  
13 rest of the development and shall be compatible in exterior design and appearance,  
14 construction, and contain comparable HV/AC systems as market rate units.

15  
16 c. Construction Phasing. The construction schedule for workforce housing units shall be  
17 consistent with or precede the construction of market rate units. All workforce housing units  
18 must be deeded to the City, deed-restricted, or receive a certificate of occupancy prior to  
19 issuance of more than eighty percent (80%) of the certificate of occupancies in the subject  
20 development.

21 d. Lot Premiums. There shall be no lot premiums charged on the workforce housing units.

22 e. Sales Price. All required workforce housing units shall be offered for sale or rent at an  
23 attainable housing cost for each of the targeted income ranges.

24 f. City Approval. The city, its successors and assigns may enforce the covenants. No  
25 amendments to the restrictive covenant shall be made unless by written instrument approved by  
26 the city.

27 E. *Monitoring and Compliance.*

28 1. Qualified Buyers. Final approval conditions: Final conditions of approval shall specify  
29 that the workforce housing units are sold to buyers whose income does not exceed one hundred  
30 twenty percent (120%) of the Boynton Beach median household income.. The conditions will  
31 also specify the requirements for reporting to the city's Community Improvement Division on  
32 buyer eligibility, housing prices, as well as any applicable requirement to record the restrictive  
33 covenant or to enforce resale restrictions.

34 2. Surety. Developers may substitute surety as outlined in Chapter 2, Article III, Section  
35 6, Land Development Regulations, in the amount of one hundred ten percent (110%) of the  
36 developers' obligation for workforce housing provision according to this section. The city  
37 shall, at all times, have the authority to draw upon the surety to enforce the provisions of this  
38 article should the applicant be in default of these requirements,

39 3. Enforcement. The city may enforce the requirements of the Workforce Housing  
40 Ordinance through any cause of action available at law or equity, including but not limited to

1 seeking specific performance, injunctive relief, rescission of any unauthorized sale or lease,  
2 during the term of the restrictive covenant.

3 4. Annual Report. The Community Improvement Department shall submit an annual  
4 report to the City Commissioners indicating the status of the Workforce Housing Ordinance,  
5 including but not limited to the revenues accrued to the Housing Trust Fund, the number of  
6 units created, leased and sold.

7  
8 **Section 4.** Each and every other provision of the Land Development Regulations not  
9 herein specifically amended, shall remain in full force and effect as originally adopted.

10 **Section 5.** All laws and ordinances applying to the City of Boynton Beach in conflict  
11 with any provisions of this ordinance are hereby repealed.

12 **Section 6.** Should any section or provision of this Ordinance or any portion thereof  
13 be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the  
14 remainder of this Ordinance.

15 **Section 7.** Authority is hereby given to codify this Ordinance.

16 **Section 8.** This Ordinance shall become effective immediately.

17 FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2017.

18 SECOND, FINAL READING AND PASSAGE this \_\_\_\_ day of \_\_\_\_\_, 2017.

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20 CITY OF BOYNTON BEACH, FLORIDA

	YES	NO
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VOTE \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Judith A. Pyle, CMC  
City Clerk

(Corporate Seal)



**DEPARTMENT OF DEVELOPMENT  
PLANNING AND ZONING**  
Memorandum PZ 17-037

**TO:** Chair and Members  
Planning & Development Board

**FROM:** Andrew P. Mack, P.E., Director of Development *A.M.*

**DATE:** July 11, 2017

**RE:** Approve amendments to the LAND DEVELOPMENT  
REGULATIONS, Chapter 1, Article II, Definitions, to modify  
definitions that regulate the Workforce Housing Program.

Approve amendments to the LAND DEVELOPMENT  
REGULATIONS, Chapter 1, Article V, Section 2, Workforce Housing  
Program, to convert mandatory inclusionary zoning program to a  
voluntary density and height bonus program.

**OVERVIEW**

The rewrite of the City's Land Development Regulations (LDR) in late 2010 allowed staff to perform a complete review and analysis of each standard, regulation, and process. As part of the post-adoption process, staff anticipates the periodic need for, and is prepared to expeditiously process, updates and amendments to the LDR for one or more of the following reasons:

1. Furthering business and economic development initiatives;
2. Advancing sustainability initiatives;
3. Maintaining internal consistency;
4. Achieving regulatory compliance; and
5. Incorporating implementation feedback to meet original objectives or new vision.

The proposed amendment would support items #1 and #5.

**BACKGROUND**

On November 15, 2016, the City Commission suspended the Workforce Housing Program (WHP) for one (1) additional year to allow staff time to update the 2006 Housing Study Assessment and to develop recommended changes to the program.

On April 19, 2017, a City Commission workshop was held to discuss the recommended changes by staff and to provide direction on how to amend the WHP. Staff were directed to break up the amendments into two phases a short and long-term approach. The short-term approach centered on converting the existing mandatory WHP to a voluntary WHP by utilizing the Downtown Transit-Oriented Development District (DTODD) 25% density bonus as incentive for workforce

housing. The long term approach is a comprehensive review of the land development regulations that could possibly entail; overlay regulations, micro units, flexible lots sizes, accessory units, and parking reductions to support the WHP.

The proposed amendments to Chapter 1 of the LDR are provided in its entirety in Exhibits “A & B”, with the most notable amendments summarized below:

- Conversion from mandatory to voluntary program.
- Utilization of Downtown Transit-Oriented Development District (DTODD) 25% density bonus as incentive for workforce housing.
- Addition of a height bonus as incentive for workforce housing in the Downtown Transit-Oriented Development District.
- Adjustment to set-aside percentages to increase participation.
- Addition of in-lieu fee option for rental projects.
- Adjustment of in-lieu fees based on current market data.
- Adjustment to duration of restrictive covenants for rental and for sale projects.

See Exhibit “A” for proposed amendments to definitions, and Exhibits “B1” and “B2” for a strikethrough and clean text, respectively, of the proposed amendments to the program.

## **CONCLUSION/RECOMENDATION**

Staff is recommending approval of the proposed code amendment to provide flexibility in the workforce-housing program by encouraging participation through incentives and options that promote workforce housing based on current market data/trends.

Attachment

Exhibit "A"

Chapter I, Article II, Definitions.

**DEED RESTRICTION** - Each workforce housing unit created under the program shall be deed restricted for ~~thirty~~ **fifteen (15)** years. The deed restriction shall be recorded and serve to restrict the sales or rental price and/or the income of the purchaser or renter.

**DEVELOPMENT** - A single use or combination of uses, proposed or approved, that may include but not be limited to a single-family subdivision, townhomes, rental apartments, condominiums, public facilities, commercial buildings, shopping centers, or industrial projects, possibly of similar design, constructed as a unified community. Development shall also include the meaning given it in F.S. § 380.04, pursuant to a development order or permit. ~~With respect to workforce housing, it shall mean a proposed development at one (1) location which includes at least ten (10) residential units for which site plan approval is required. With respect to flood prevention requirements, it shall mean any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.~~

**DEVELOPMENT, ELIGIBLE** ~~Under the workforce housing provisions of these Regulations, an "eligible development" is a proposed development at one (1) location which includes at least ten (10) residential units for which site plan approval is required.~~

**ELIGIBLE OCCUPANT** - Relative to the workforce housing program contained in these Regulations, it is a person who qualifies for participation in the program whose income does not exceed one hundred twenty percent (120%) of median household income for ~~Palm Beach County as set by HUD~~ **the City of Boynton Beach**. Priority will be given to persons who have lived or worked within the city limits of Boynton Beach continually for one (1) year immediately prior to the date of application for a workforce housing unit.

**LOW INCOME HOUSEHOLD** - Under the workforce housing program provisions of these regulations, it is a household with a gross, combined income below eighty percent (80%) of **the City of Boynton Beach median household income**. ~~the Palm Beach County Annual Median Household Income as defined by HUD.~~

**MEDIAN HOUSEHOLD INCOME (MHI)** - Under the **workforce housing program** provisions of these regulations, it is the **City of Boynton Beach** ~~Palm Beach County~~ Median Household Income, ~~adjusted for family size, as published by the Department of Housing and Urban Development (HUD).~~ **as determined by the most recent 5-year estimate of the U.S. Census Bureau American Community Survey.**

**MODERATE INCOME HOUSEHOLD** - Under the **workforce housing program** provisions of these regulations, it is a household with a gross, combined income between eighty percent (80%) and one hundred twenty percent (120%) of the ~~Palm Beach County Median Household Income (as defined by the Florida Housing Finance Corporation).~~ **City of Boynton Beach median household income.**

**RESTRICTIVE COVENANT AND AGREEMENT** - The covenants that govern the initial sale and rental and subsequent resale and releasing of workforce housing units created under the workforce housing program. The term of the restrictive covenant and agreement is ~~thirty-five~~ thirty-five (3015) years.

**WORKFORCE HOUSING UNIT** - A dwelling to be sold or leased to an individual or family that is income qualified in which the rent or mortgage payments (including principal, interest, taxes, insurance and homeowner association fees) does not exceed ~~thirty-five~~ percent (305%) of the gross income of households that are classified as low or moderate income households.

Exhibit "B1"

## ARTICLE V. HOUSING INITIATIVES

### Sec. 2. Workforce Housing Program.

#### A. Findings.

1. Housing Shortage. The City Commission having conducted a Housing Needs Assessment Study (Attachment A) has determined that ~~there is a housing shortage within the City of Boynton Beach that is~~ new home prices and rents are not affordable to the everyday working families and citizens of the city;

2. Florida Statutes. F.S. § 166.04151 provides that a municipality may adopt and maintain any ordinance that is adopted for the purpose of increasing the supply of workforce housing using land use mechanisms not withstanding any other provision of law;

3. Housing Cost/Wage Gap. The City Commission recognizes that there is a growing gap between housing costs and wages in the city;

4. Public Interest. The City of Boynton Beach has a legitimate public interest in preserving the character and quality of neighborhoods which requires assuring the availability of workforce housing for low and moderate income persons in the city;

5. Sense of Community. The city recognizes that the need to provide workforce housing is critical to maintaining a diversified and sustainable city having the character and sense of community where people can live and work in the same area; and

6. Housing Availability. The city is encouraging the production and availability of workforce housing and at the same time is cognizant that escalating land costs and rapidly diminishing amounts of land hinder the provision of sufficient workforce dwelling units by the private sector.

B. Applicability. ~~The program is voluntary. Developers who choose to participate may be awarded incentives outlined further in this article. Except as otherwise provided in these Regulations, these following Regulations shall apply only to development applications for projects eligible for the Downtown Transit-Oriented Development District's (DTOD's) density increase of twenty five percent (25%), with an underlying land use and zoning category permitting the density in excess of ten- fifteen (4015) dwelling units per acre.—~~

~~2. Major modification of a development site plan if (1) the previous approval includes a density as described in Section 2.B.1 above; and (2) such modification proposes more housing units than previously approved; and (3) the previous development approval was granted after April 3, 2007; in such a case, these regulations will apply to additional units only; and~~

~~—3. Developments whose previous approval was consistent with Section 2.B.1. above.~~

C. Provisions. ~~Developers~~The developer may be entitled to the requested obtain higher density land use and zoning category if providing as part of the DTOD's 25% density bonus and/or a height bonus through the construction of the workforce housing units as stated below, on-site or off-site, monetary contribution, donation of land or purchase of units to be designated as workforce, subject to the limits and requirements of this article.



~~I. Construction of workforce units on-site:~~

1. ~~Eligibility Criteria:~~ To be eligible for the requested higher density ~~land use,~~as part of the following percentage DTODD's (25%) density bonus through the construction of workforce ~~housing units on-site, the developer must be incorporated~~incorporate such units into the development as follows:

~~—— a. High and Special High Density Residential—Twenty percent (20%) of the total number of proposed residential units in the development shall be designated as workforce housing units.~~

~~b. Mixed Use—Fifteen percent (15%) of the total number of proposed residential units in the development shall be designated as workforce housing units.~~

~~—— c. Mixed Use Core—Ten percent (10%) of the total number of proposed residential units in the development shall be designated as workforce housing units.~~

a. Projects using DTODD density bonus alone or in conjunction with the height bonus of one (1) additional story (up to a maximum of 12 feet) shall designate ten percent (10%) of the total proposed units as workforce housing units.

b. Projects with the Mixed Use Medium or Mixed Use High future land use classifications may use the height bonus alone; such bonus can include two (2) additional stories (up to a maximum of 24 feet) and shall only be granted to projects located in the Cultural or Boynton Beach Boulevard district, designating twenty percent (20%) of the total proposed units as workforce housing units.

bc. Eligible land use classifications and zoning districts (Table 1-2).

Land Use Classification	Zoning Districts	Maximum Density
High-Density Residential	<del>Planned Unit Development (PUD)</del> <del>Infill Planned Unit Development (IPUD)</del>	<del>11-du/acre</del> <del>11-du/acre</del>
Special High-Density Residential (SHDR)	<del>Planned Unit Development (PUD)</del> <del>Infill Planned Unit Development (PUD)</del>	<del>20-du/acre</del> <del>20-du/acre</del>
<u>Mixed Use Low</u>	<u>MU-1</u>	
<del>Mixed Use Core (MXC)</del> <u>Medium</u>	<del>Mixed Use High Intensity (MU-H2 and MU-3)</del>	80-du/acre
Mixed Use <del>(MX)</del> <u>High</u>	<del>Mixed Use Low Intensity 1 (MU-L1)</del> <del>and MU-Core</del> <del>Mixed Use Low Intensity 2 (MU-L2)</del> <del>Mixed Use Low Intensity 3 (MU-L3)</del>	20-du/acre 30-du/acre 40-du/acre

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2. Household (Income) Type. Twenty-five percent (25%) of the total required workforce housing units shall be set aside for low income households. Seventy-five percent (75%) of the total required workforce housing units shall be set aside for moderate income households.

3. Fractions. If the ~~required~~ number of workforce housing units results in a fractional remainder greater than one-half (0.50), the number shall be rounded up. If the required number of workforce housing units results in a fractional number less than one-half (0.50), the number shall be rounded down.

4. Number of Units. The workforce housing units provided shall have the same percentage of unit types as market rate units within the development. The unit types include the category of structure (single-family detached and attached, multifamily), for rent versus for sale units, and the number of bedrooms, unless a contrasting unit type is intended to address particular needs existing within the community at the time of approval and substantiated by written evidence such as related reports or data. If the application involves a major modification of an existing development, only the additional units are used in determining the required unit mix. Relief from this provision may be granted if the intended purpose is to address particular needs of the community, substantiated by the provided data/analysis.

5. ~~Unit Size and Construction. All units shall meet the requirements for unit size and construction as specified in this chapter and meet all required Land Development Regulations and applicable building codes.~~

~~6.~~ Staff Approval. At the time of application for land use ~~classification~~ amendment and rezoning ~~category change~~, the project must be reviewed and signed off by the Community Improvement Division of the city as part of the site plan approval process for compliance with affordability guidelines and number of units qualifying as workforce.

~~76.~~ Site Plan. The site plan shall clearly identify the location of workforce housing units. Additionally, tabular data must be included on the site plan showing the address or unit number, total number of units, number of bedrooms of workforce housing units and the targeted income levels. This shall be included with the market rate data.

~~8.7~~ Sale Restrictions. Workforce housing units shall ~~include those units in a development, which are, be~~ regulated in terms of:

- a. Initial sales price or rent levels; and
- b. Subsequent resale prices or leasing rates.

c. If compliance with a land development standard would preclude construction of a residential or mixed use development in which workforce housing units are included, pursuant to this chapter, the applicant may submit a proposal for waiver or reduction of the development standard. The applicant shall show that the waiver or reduction of the development standard is necessary to make the workforce housing units economically feasible and that such a waiver will not compromise any of the city's life or safety standards.

~~98.~~ Recording the Restrictive Covenant. Prior to the issuance of any building permit, the restrictive covenant and agreement shall be recorded in the public records of Palm Beach County. The term of the restrictive covenant shall be ~~thirty-five~~ (3015) years. A copy of the

recorded covenant and agreement shall be provided to the city prior to the issuance of the building permit.

~~D. Off-site Options. Developers are required to include workforce housing units in any development in which special high density residential, mixed use or mixed use core land use is requested. However, in the case of developments in which eighty percent (80%) of the residential unit sales prices will exceed five hundred thousand dollars (\$500,000), paying a fee in lieu of creating the workforce housing units on-site donating land, purchasing and donating market rate units or building off-site for the required number of workforce housing units may be permitted at the recommendation of the Community Improvement Department.~~

II. In-Lieu and off-site options. The following options in-lieu of construction of workforce unit on-site will be based on the number of units as indicated in sections C.I.a/b and C.I.3 above.

~~—In any case where off-site options are permitted, twenty-five percent (25%) of the total required workforce housing units shall be built on-site of the subject development. Off-site options are not applicable to rental developments. All required workforce housing units must be constructed within the subject development.~~ 1. Payment In-Lieu (Table 1-3). Contribution ~~on~~ se the per unit ~~price~~ listed in the table below shall accrue to the Boynton Beach Housing Trust to be utilized to subsidize the creation of workforce housing within the city. ~~i~~In-lieu of fees shall be paid in full prior to the issuance of building permit.

**Payment In Lieu ~~for Creating Required~~ of Construction of Workforce Housing Units**

(per unit ~~required~~)

<del>One Bedroom</del> <u>For-sale unit</u>	<del>\$ 60,000</del> <u>\$39,293</u>
<del>Two Bedroom</del> <u>For rent units</u>	<del>\$ 80,000</del> <u>\$18,380</u>
<del>Three+ Bedroom</del>	<del>\$ 100,000</del>

Note: Payment-in-lieu amounts shall be revised every two (2) years, based on (i) median single-family home sale price for Palm Beach County provided by Realtors' Association of the Palm Beaches, and (ii) average monthly apartment rent for the Boynton Beach market provided by Reinhold P. Wolff Economic Research, Inc.

2. ~~Donate~~Donation of Land. The value of the land shall equal or exceed the total "in-lieu of" fee for all ~~required~~ workforce units or shall be of sufficient size to develop the same number of ~~required~~ units. The value of the donated land must be verified by a MAI appraisal no more than three (3) months old. The appraisal shall be obtained by developer at developer's cost to verify the value of donated land. The land shall be deeded to the city prior to the issuance of a final certificate of occupancy for the development.

3. Off-Site Construction. The ~~required~~ workforce housing units may be built off-site. All off-site workforce housing units shall comply with all sections of these Regulations. ~~Building permits shall be issued for a minimum of fifty percent (50%) of the required workforce housing units to be constructed off-site prior to the issuance of the first certificate of occupancy in the subject development. All off-site workforce housing units must receive a certificate of occupancy prior to the issuance of more than seventy-five percent (75%) of the certificate of occupancies in the subject development.~~

4. Purchase Market Rate Units. Purchase an equivalent number of existing market rate units to be deeded to the city or sold to eligible households. Such units shall be deed restricted to comply with the Workforce Housing Ordinance. The developer may retain the title to off-site units subject to recordation of a city approved deed restriction. ~~A minimum of fifty percent (50%) of the units must be purchased and deeded to the city or deed restricted prior to the issuance of the first certificate of occupancy in the subject development. All workforce housing units shall be purchased and deeded to the city or deed restricted prior to issuance of more than seventy-five percent (75%) of the certificate of occupancies in the subject development.~~

~~—E~~

D. The following requirements shall apply to built or purchased workforce units:

I. Rental Housing Units.

1. Recording of the Restrictive Covenant. A restrictive covenant shall be recorded in the public records specifying the income level served, rent levels, reporting requirement and all restrictions applicable to the workforce housing units. All leases on workforce housing units shall contain language incorporating the restrictive covenant applicable to the workforce housing units and shall reference the recorded restrictive covenant. The restrictive covenant shall remain in force for ~~thirty-five~~ (3015) years.

2. Rental Rates.

a. Units targeted to low income households at ~~fifty percent (50%) to the~~ below eighty percent (80%) of the ~~City of Palm Beach County~~ Boynton Beach median household income, ~~adjusted for family size~~, shall not have rental rates that exceed one hundred percent (100%) of the HUD determined fair market rent for the area.

b. Units targeted to moderate income households at eighty percent (80%) to the one hundred twenty percent (120%) of the ~~City of Palm Beach County~~ Boynton Beach median household income, ~~adjusted for family size~~, shall not exceed one hundred percent (100%) of the HUD determined fair market rent for the area.

3. Tenant Income Qualification. Tenant income qualification records shall be maintained on-site and a yearly report shall be forwarded to the Community Improvement Division of the City of Boynton Beach for compliance determination.

~~FII.~~ For-Sale Housing Units.

1. Restrictive Covenant. All deeds shall include the restrictive covenant applicable to workforce housing units. All sales contracts shall state that the unit is part of a workforce housing program and subject to the Land Development Regulations of the city. The restrictive covenant shall remain in force for ~~thirty-five~~ (3015) years. The form of deed for workforce housing units shall be approved by the City Attorney.

2. Resale. The restrictive covenants shall state that during the affordability term, the resale of a workforce housing unit shall be subject to the following resale requirements.

a. All workforce housing unit owners shall notify the city immediately that the unit is for sale. The city shall have first right of refusal to purchase the unit. Upon receipt of notice that a valid offer has been made on the unit, the city shall have fifteen (15) days to invoke its right of refusal to purchase the units.

b. All workforce housing units are to be resold only to low or moderate income qualified households at an attainable housing cost for each targeted income range.

3. Required Occupancy. Purchasers of workforce housing units shall be required to occupy the unit.

4. Closing Costs. No charges or fees shall be imposed by the seller on the purchaser of a workforce housing unit which is in addition to or more than charges imposed upon purchasers of market rate units, except for administrative fees charged by the city/CRA, or their designee.

5. Sales Price Calculations. Sales prices for workforce housing units will be calculated on the basis of:

a. An available fixed-rate thirty (30)-year mortgage, consistent with a "blended rate" for Palm Beach County banks, and/or the Florida Housing Finance Authority. A lower rate may be used in calculating workforce housing prices if the developer can guarantee the availability of fixed-rate thirty (30)-year mortgage at this lower rate for all workforce housing units required for the covered project;

b. A down payment of no more than ten percent (10%) (including any down payment assistance provided by SHIP or other sources) of the purchase price;

c. A calculation of property taxes; and

d. A calculation of homeowner insurance, mortgage insurance, homeowner association fees, property management fees and other closing costs.

6. Compliance. Prior to request for final certificate of occupancy for the development, the developer shall provide to the city's Community Improvement Department, or designee, documentation sufficient to demonstrate compliance with the workforce housing program. Such documentation shall include but is not limited to information regarding the identity and income qualification documentation for all occupants of the workforce housing units, proof of recordation of restrictive covenant in approved form.

~~G7.~~ **7.** Resale Requirements. To maintain the availability of workforce housing units which may be constructed or substantially rehabilitated pursuant to the requirements of this program, the following resale conditions shall be imposed on the workforce housing units and included in the deed and restrictive covenant recorded in the Public Records of Palm Beach County:

~~1a.~~ **1a.** Location of Units. All workforce housing units constructed or substantially rehabilitated under this program shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

~~2b.~~ **2b.** Integration. Workforce housing units within a development shall be integrated with the rest of the development and shall be compatible in exterior design and appearance, construction, and contain comparable HV/AC systems as market rate units.

~~3. Number of Units. The developer shall provide workforce housing units that include unit types in the same proportion as the market rate housing units unless a contrasting unit type is intended to address particular needs existing within the community at the time of approval and substantiated by written evidence such as related reports or data.~~

~~— a. If the development contains a mix of different types of units, (e.g. condominium, townhouse, detached, etc.), the proportion of workforce housing units of each type to total workforce housing units must be approximately the same as the proportion of market rate units of each type to total market rate units.~~

~~— b. If the development includes both for sale and for rent units, the proportion of for rent workforce housing units to for sale workforce housing units must not exceed the proportion of for rent market rate units to for sale market rate units.~~

~~— c. The number of bedrooms per unit must be proportionate between workforce and market rate units.~~

**4c.** Construction Phasing. The construction schedule for workforce housing units shall be consistent with or precede the construction of market rate units. All workforce housing units must be deeded to the City, deed-restricted, or receive a certificate of occupancy prior to issuance of more than eighty percent (80%) of the certificate of occupancies in the subject development.

**5d.** Lot Premiums. There shall be no lot premiums charged on the workforce housing units.

**6e.** Sales Price. All required workforce housing units shall be offered for sale or rent at an attainable housing cost for each of the targeted income ranges.

~~— 7f.~~ City Approval. The city, its successors and assigns may enforce the covenants. No amendments to the restrictive covenant shall be made unless by written instrument approved by the city.

#### **HE.** *Monitoring and Compliance.*

1. Qualified Buyers. Final approval conditions: Final conditions of approval shall specify that the workforce housing units are sold to buyers whose income does not exceed one hundred twenty percent (120%) of the Boynton Beach median household income, ~~for Palm Beach County as set by HUD.~~ The conditions will also specify the requirements for reporting to the city's Community Improvement Division on buyer eligibility, housing prices, as well as any applicable requirement to record the restrictive covenant or to enforce resale restrictions.

2. Surety. ~~At the time of request for final certificate of occupancy for the development, if the workforce housing units have not been sold to income-qualified persons, the developer shall deposit in the form of a surety bond, the amount equal to one hundred ten percent (110%) of the applicable "in lieu" of fee to the city's Housing Trust Fund. Upon verification that the required number of workforce housing units has been sold to income-qualified persons, the surety will be released.~~ Developers may substitute surety as outlined in Chapter 2, Article III, Section 6, Land Development Regulations, in the amount of one hundred ten percent (110%) of the developers' obligation for workforce housing provision according to this section. The city shall, at all times, have the authority to draw upon the surety to enforce the provisions of this article should the applicant be in default of these requirements.

3. Enforcement. The city may enforce the requirements of the Workforce Housing Ordinance through any cause of action available at law or equity, including but not limited to seeking specific performance, injunctive relief, rescission of any unauthorized sale or lease, during the term of the restrictive covenant.

4. Annual Report. The Community Improvement Department shall submit an annual report to the City Commissioners indicating the status of the Workforce Housing Ordinance, including but not limited to the revenues accrued to the Housing Trust Fund, the number of units created, leased and sold.

~~I. *Suspension of Program.* Commencing December 15, 2011 and ending December 14, 2016 application of the Workforce Housing Program is suspended and parties to whom it may apply are relieved of any compliance requirements. The Workforce Housing Program will automatically be re-implemented upon expiration of the suspension of the application and enforcement of the Program.~~

(Ord. 10-025, passed 12-7-10; Am. Ord. 11-031, passed 12-6-11; Am. Ord. 13-034, passed 12-3-13; Am. Ord. 14-035, passed 1-6-15; Am. Ord. 15-031, passed 12-1-15)

## ARTICLE V. HOUSING INITIATIVES

### Sec. 2. Workforce Housing Program.

#### A. *Findings.*

1. **Housing Shortage.** The City Commission having conducted a Housing Assessment Study (Attachment A) has determined that new home prices and rents are not affordable to the everyday working families and citizens of the city;

2. **Florida Statutes.** F.S. § 166.04151 provides that a municipality may adopt and maintain any ordinance that is adopted for the purpose of increasing the supply of workforce housing using land use mechanisms not withstanding any other provision of law;

3. **Housing Cost/Wage Gap.** The City Commission recognizes that there is a growing gap between housing costs and wages in the city;

4. **Public Interest.** The City of Boynton Beach has a legitimate public interest in preserving the character and quality of neighborhoods which requires assuring the availability of workforce housing for low and moderate income persons in the city;

5. **Sense of Community.** The city recognizes that the need to provide workforce housing is critical to maintaining a diversified and sustainable city having the character and sense of community where people can live and work in the same area; and

6. **Housing Availability.** The city is encouraging the production and availability of workforce housing and at the same time is cognizant that escalating land costs and rapidly diminishing amounts of land hinder the provision of sufficient workforce dwelling units by the private sector.

B. ***Applicability.*** The program is voluntary. Developers who choose to participate may be awarded incentives outlined further in this article. The following regulations shall apply only to development applications for projects eligible for the Downtown Transit-Oriented Development District’s (DTOD’s) density increase of twenty five percent (25%), with an underlying land use and zoning category permitting the density in excess of fifteen (15) dwelling units per acre.

C. ***Provisions.*** The developer may elect to obtain higher density as part of the DTODD’s 25% density bonus and/or a height bonus through the construction of the workforce units on-site or off-site, monetary contribution, donation of land or purchase of units to be designated as workforce, subject to the limits and requirements of this article.

#### I. *Construction of workforce units on-site:*

1. To be eligible for the requested higher density as part of the DTODD’s (25%) density bonus through the construction of workforce units on-site, the developer must incorporate such units into the development as follows:

a. Projects using DTODD density bonus alone or in conjunction with the height bonus of one (1) additional story (up to a maximum of 12 feet) shall designate ten percent (10%) of the total proposed units as workforce housing units.



b. Projects with the Mixed Use Medium or Mixed Use High future land use classifications may use the height bonus alone; such bonus can include two (2) additional stories (up to a maximum of 24 feet) and shall only be granted to projects located in the Cultural or Boynton Beach Boulevard district, designating twenty percent (20%) of the total proposed units as workforce housing units.

c. Eligible land use classifications and zoning districts (Table 1-2).

<b>Land Use Classification</b>	<b>Zoning Districts</b>
Mixed Use Low	MU-1
Mixed Use Medium	MU-2 and MU-3
Mixed Use High	MU-4 and MU-Core

2. Household (Income) Type. Twenty-five percent (25%) of the total required workforce housing units shall be set aside for low income households. Seventy-five percent (75%) of the total required workforce housing units shall be set aside for moderate income households.

3. Fractions. If the number of workforce housing units results in a fractional remainder greater than one-half (0.50), the number shall be rounded up. If the required number of workforce housing units results in a fractional number less than one-half (0.50), the number shall be rounded down.

4. Number of Units. The workforce housing units provided shall have the same percentage of unit types as market rate units within the development. The unit types include the category of structure (single-family detached and attached, multifamily), for rent versus for sale units, and the number of bedrooms. Relief from this provision may be granted if the intended purpose is to address particular needs of the community, substantiated by the provided data/analysis.

5. Staff Approval. At the time of application for land use amendment and rezoning, the project must be reviewed and signed off by the Community Improvement Division of the city as part of the site plan approval process for compliance with affordability guidelines and number of units qualifying as workforce.

6. Site Plan. The site plan shall clearly identify the location of workforce housing units. Additionally, tabular data must be included on the site plan showing the address or unit number, total number of units, number of bedrooms of workforce housing units and the targeted income levels. This shall be included with the market rate data.

7 Sale Restrictions. Workforce housing units shall, be regulated in terms of:

- a. Initial sales price or rent levels; and
- b. Subsequent resale prices or leasing rates.

c. If compliance with a land development standard would preclude construction of a residential or mixed use development in which workforce housing units are included, pursuant to

this chapter, the applicant may submit a proposal for waiver or reduction of the development standard. The applicant shall show that the waiver or reduction of the development standard is necessary to make the workforce housing units economically feasible and that such a waiver will not compromise any of the city's life or safety standards.

8. Recording the Restrictive Covenant. Prior to the issuance of any building permit, the restrictive covenant and agreement shall be recorded in the public records of Palm Beach County. The term of the restrictive covenant shall be fifteen (15) years. A copy of the recorded covenant and agreement shall be provided to the city prior to the issuance of the building permit.

II. In-Lieu and off-site options. The following options in-lieu of construction of workforce unit on-site will be based on the number of units as indicated in sections C.I.a/b and C.I.3 above.

1. Payment In-Lieu (Table 1-3). Contributions per unit listed in the table below shall accrue to the Boynton Beach Housing Trust to be utilized to subsidize the creation of workforce housing within the city. In-lieu of fees shall be paid in full prior to the issuance of building permit.

<b>Payment In Lieu of Construction of Workforce Housing Units</b> (per unit)	
For-sale unit	\$39,293
For rent units	\$18,380

Note: Payment-in-lieu amounts shall be revised every two (2) years, based on (i) median single-family home sale price for Palm Beach County provided by Realtors' Association of the Palm Beaches, and (ii) average monthly apartment rent for the Boynton Beach market provided by Reinhold P. Wolff Economic Research, Inc.

2. Donation of Land. The value of the land shall equal or exceed the total "in-lieu of" fee for all workforce units or shall be of sufficient size to develop the same number of units. The value of the donated land must be verified by a MAI appraisal no more than three (3) months old. The appraisal shall be obtained by developer at developer's cost to verify the value of donated land. The land shall be deeded to the city prior to the issuance of a final certificate of occupancy for the development.

3. Off-Site Construction. The workforce housing units may be built off-site. All off-site workforce housing units shall comply with all sections of these Regulations.

4. Purchase Market Rate Units. Purchase an equivalent number of existing market rate units to be deeded to the city or sold to eligible households. Such units shall be deed restricted to comply with the Workforce Housing Ordinance. The developer may retain the title to off-site units subject to recordation of a city approved deed restriction.

D. The following requirements shall apply to built or purchased workforce units:

I. *Rental Housing Units.*

1. Recording of the Restrictive Covenant. A restrictive covenant shall be recorded in the public records specifying the income level served, rent levels, reporting requirement and all restrictions applicable to the workforce housing units. All leases on workforce housing units shall contain language incorporating the restrictive covenant applicable to the workforce housing

units and shall reference the recorded restrictive covenant. The restrictive covenant shall remain in force for fifteen (15) years.

2. Rental Rates.

a. Units targeted to low income households at below eighty percent (80%) of the City of Boynton Beach median household income shall not have rental rates that exceed one hundred percent (100%) of the HUD determined fair market rent for the area.

b. Units targeted to moderate income households at eighty percent (80%) to the one hundred twenty percent (120%) of the City of Boynton Beach median household income shall not exceed one hundred percent (100%) of the HUD determined fair market rent for the area.

3. Tenant Income Qualification. Tenant income qualification records shall be maintained on-site and a yearly report shall be forwarded to the Community Improvement Division of the City of Boynton Beach for compliance determination.

II. *For-Sale Housing Units.*

1. Restrictive Covenant. All deeds shall include the restrictive covenant applicable to workforce housing units. All sales contracts shall state that the unit is part of a workforce housing program and subject to the Land Development Regulations of the city. The restrictive covenant shall remain in force for fifteen (15) years. The form of deed for workforce housing units shall be approved by the City Attorney.

2. Resale. The restrictive covenants shall state that during the affordability term, the resale of a workforce housing unit shall be subject to the following resale requirements.

a. All workforce housing unit owners shall notify the city immediately that the unit is for sale. The city shall have first right of refusal to purchase the unit. Upon receipt of notice that a valid offer has been made on the unit, the city shall have fifteen (15) days to invoke its right of refusal to purchase the units.

b. All workforce housing units are to be resold only to low or moderate income qualified households at an attainable housing cost for each targeted income range.

3. Required Occupancy. Purchasers of workforce housing units shall be required to occupy the unit.

4. Closing Costs. No charges or fees shall be imposed by the seller on the purchaser of a workforce housing unit which is in addition to or more than charges imposed upon purchasers of market rate units, except for administrative fees charged by the city/CRA, or their designee.

5. Sales Price Calculations. Sales prices for workforce housing units will be calculated on the basis of:

a. An available fixed-rate thirty (30)-year mortgage, consistent with a "blended rate" for Palm Beach County banks, and/or the Florida Housing Finance Authority. A lower rate may be used in calculating workforce housing prices if the developer can guarantee the availability of fixed-rate thirty (30)-year mortgage at this lower rate for all workforce housing units required for the covered project;

b. A down payment of no more than ten percent (10%) (including any down payment assistance provided by SHIP or other sources) of the purchase price;

- c. A calculation of property taxes; and
  - d. A calculation of homeowner insurance, mortgage insurance, homeowner association fees, property management fees and other closing costs.
6. Compliance. Prior to request for final certificate of occupancy for the development, the developer shall provide to the city's Community Improvement Department, or designee, documentation sufficient to demonstrate compliance with the workforce housing program. Such documentation shall include but is not limited to information regarding the identity and income qualification documentation for all occupants of the workforce housing units, proof of recordation of restrictive covenant in approved form.
7. Resale Requirements. To maintain the availability of workforce housing units which may be constructed or substantially rehabilitated pursuant to the requirements of this program, the following resale conditions shall be imposed on the workforce housing units and included in the deed and restrictive covenant recorded in the Public Records of Palm Beach County:
- a. Location of Units. All workforce housing units constructed or substantially rehabilitated under this program shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
  - b. Integration. Workforce housing units within a development shall be integrated with the rest of the development and shall be compatible in exterior design and appearance, construction, and contain comparable HV/AC systems as market rate units.
  - c. Construction Phasing. The construction schedule for workforce housing units shall be consistent with or precede the construction of market rate units. All workforce housing units must be deeded to the City, deed-restricted, or receive a certificate of occupancy prior to issuance of more than eighty percent (80%) of the certificate of occupancies in the subject development.
  - d. Lot Premiums. There shall be no lot premiums charged on the workforce housing units.
  - e. Sales Price. All required workforce housing units shall be offered for sale or rent at an attainable housing cost for each of the targeted income ranges.
  - f. City Approval. The city, its successors and assigns may enforce the covenants. No amendments to the restrictive covenant shall be made unless by written instrument approved by the city.

*E. Monitoring and Compliance.*

- 1. Qualified Buyers. Final approval conditions: Final conditions of approval shall specify that the workforce housing units are sold to buyers whose income does not exceed one hundred twenty percent (120%) of the Boynton Beach median household income.. The conditions will also specify the requirements for reporting to the city's Community Improvement Division on buyer eligibility, housing prices, as well as any applicable requirement to record the restrictive covenant or to enforce resale restrictions.
- 2. Surety. Developers may substitute surety as outlined in Chapter 2, Article III, Section 6, Land Development Regulations, in the amount of one hundred ten percent (110%) of the developers' obligation for workforce housing provision according to this section. The city shall,

at all times, have the authority to draw upon the surety to enforce the provisions of this article should the applicant be in default of these requirements,

3. Enforcement. The city may enforce the requirements of the Workforce Housing Ordinance through any cause of action available at law or equity, including but not limited to seeking specific performance, injunctive relief, rescission of any unauthorized sale or lease, during the term of the restrictive covenant.

4. Annual Report. The Community Improvement Department shall submit an annual report to the City Commissioners indicating the status of the Workforce Housing Ordinance, including but not limited to the revenues accrued to the Housing Trust Fund, the number of units created, leased and sold.

(Ord. 10-025, passed 12-7-10; Am. Ord. 11-031, passed 12-6-11; Am. Ord. 13-034, passed 12-3-13; Am. Ord. 14-035, passed 1-6-15; Am. Ord. 15-031, passed 12-1-15)



**City of Boynton Beach  
Development Department**

# **Workforce Housing Program Amendments CDRV 17-004**

**Andrew P. Mack, P.E.**  
**Director of Development**  
Email: [Macka@bbfl.us](mailto:Macka@bbfl.us)  
Phone: 561.742.6374

# Objectives

- Short Term
  - Provide flexibility in the workforce housing program.
  - Encourage participation through incentives.
  - Update outdated data with current market data.
- Long Term (Future Amendment)
  - Comprehensive review of land development regulations to incentivize workforce housing.
  - Overlay regulations, micro units, flexible lots sizes, accessory units, parking reductions, etc.

# Key Changes

- Conversion from mandatory to voluntary program.
- Utilization of Downtown Transit-Oriented Development District (DTODD) density bonus as incentive for workforce housing.
- Addition of a height bonus as incentive for workforce housing.
- Adjustment to set-aside percentages to increase participation.
- Addition of in-lieu fee option for rental projects.
- Adjustment of in-lieu fees based on current market data.
- Adjustment to duration of restrictive covenants for rental and for sale projects.



# In Lieu Fee Calculations

RENTAL DEVELOPMENTS		
	MARKET RATE	WORKFORCE
Monthly Gross Rent per Unit	\$1,558	\$1,154
Annual Gross Rent per Unit	\$18,696	\$13,848
less expenses @40%	\$7,478	\$5,539
less vacancy/collection losses@8%	\$1,496	\$1,108
Annual Net Operating Income per Unit	\$9,722	\$7,201
Capitalized Value of Net Income per Unit with 5% Cap Rate	\$194,438	\$144,019
Capitalized values amortized (like a mortgage): the numbers represent the sum of "payments" over 30 years	\$354,600	\$262,699
Affordability Gap	-\$91,901	
In lieu fee per workforce unit at 20% of affordability gap	\$18,380	

# In Lieu Fee Calculations

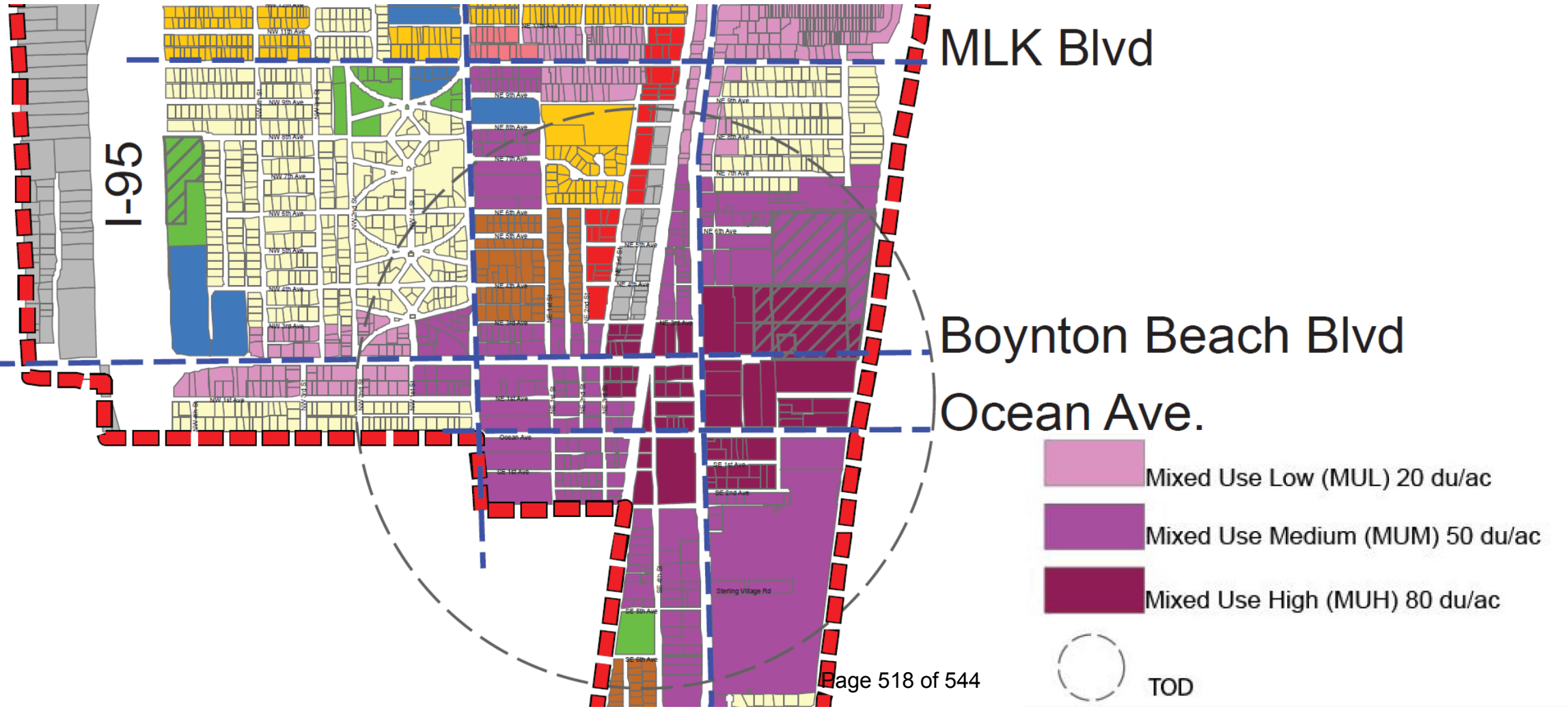
FOR-SALE HOMES		
<b>Prices</b> Market rate: median price of new single family home in PB County, per Realtors' Association of the Palm Beaches; Workforce; affordable price at 100% MHI, at 3 times income ( PBC methodology)	\$335,000	\$138,534
<b>Affordability Gap</b>	-\$196,466	
<b>In lieu fee per workforce unit at 20% of affordablity gap</b>	\$39,293	

# Sample Project

<b><u>Sample Rental Project</u></b>				
Acres			=	3.379
MUH Density = 80 Units per Acre			=	270
DTODD (25%) Bonus = 20 Units per Acre			=	67
			Total	337

<b><u>In Lieu Fee Cost (Sample Rental Project)</u></b>				
Number of Workforce Housing Units at 10% of total Density				34
In Lieu Fee at 20%			\$	18,380.20
Total In Lieu Fees Collected			\$	624,926.80
Average cost for additional density			\$	9,327.27

# DTODD Boundaries



# Summary

- Amendments will create a voluntary Workforce Housing Program.
- Provide flexibility in the Workforce Housing Program.
- Encourage participation through incentives.
- Provide a balanced approach to obtain workforce housing units.

# Questions





## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE:** 9/7/2017

**REQUESTED ACTION BY COMMISSION:**

**PROPOSED ORDINANCE NO. 17-021 - SECOND READING** - Approve Town Square Future Land Use Map Amendment from Public and Private Governmental/Institutional (PPGI) and High Density Residential (HDR) to Mixed Use Medium (MXM) and rezone from PU Public Usage, REC Recreation and R-3 Multifamily to MU-3 Mixed Use 3 zoning district. City-initiated. *(First Reading approved 8/15, Second Reading Pending Fl. Dept. of Economic Opportunity approval, which takes approximately 2 to 4 months.)*

**PROPOSED ORDINANCE NO. 17-022 - SECOND READING** - Amending Ordinance 02-013 to Rezone a Parcel of Land Described Herein and Commonly Referred to as Town Square From Public Usage (Pu); Recreation (Rec) And Multifamily (R-3) to Mixed Use 3 (Mu-3).

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**EXPLANATION OF REQUEST:**

This future land use amendment and rezoning have been initiated by City staff in preparation for the redevelopment of the civic campus, now referred to as Town Square, into a mix use project. The project is proposed as a partnership between the City, the CRA and the private development team, based on the Public-Private Partnership (P3) development model pursuant to Chapter 255.065, Florida Statutes. In addition to the civic campus, the subject actions apply to the property occupied by the Park Lane Condominium, a small condominium development partially surrounded by the project area.

At present there is no formal, full Master Plan application for the project accompanying the zoning request. Since 2015, the City has been able to proactively initiate and process future land use reclassifications and rezonings to selected sites for which there already is a specific vision, supported by a redevelopment or other plan of major importance. The subject request meets this criterion, as the Town Square project is supported by both the CRA Plan and the City's Strategic Plan. The proposed Mixed Use Medium (MXM) future land use category implements the CRA Plan's FLU recommendation for the property.

The maximum density for the MXM is 50 du/acre. However, since the site is located within the Downtown Transit-Oriented Development (DTOD) district, its redevelopment density can potentially be increased by 25%, to 63 du/acre. Currently, the City is considering linking eligibility for a 25% density bonus to participation in the Workforce Housing Program.

Since the site exceeds 10 acre, the amendment, if approved, will have to undergo state review prior to the City final approval. Moreover, the requested Mixed Use Medium FLU classification, as well as the MU-3 zoning district, require updates to the regulatory framework, including the Comprehensive Plan Future Land Use Element and the Land Development Regulations (LDRs).

The Comprehensive Plan amendments were adopted by the City Commission on July 18th and subsequently resent to the state for a final review. If not challenged, the amendments will become effective 31 days after amendment package is deemed complete.

Amendments to the LDRs—currently in drafting—will implement the Comprehensive Plan-modified FLU structure as well as changes to the zoning structure recommended by the CRA Plan. The LDR amendments

are anticipated to be adopted by September 19th.

The Planning and Development Board recommended denial of the subject request on July 25, 2017. The chief concern was perceived lack of adequate protection for historic properties..

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** The relocation/rehousing of city departments planned as part of the Town Square project has a potential to significantly enhance efficiency of the public service provision.

**FISCAL IMPACT:** The project will generate new ad valorem tax stream revenues from the previously tax exempt properties through the involvement of the private sector.

**ALTERNATIVES:** Staff does not recommend any alternatives.

**STRATEGIC PLAN:** Great Neighborhoods: Safe, Affordable and Livable

**STRATEGIC PLAN APPLICATION:** This action represents a critical task for achieving the "Town Square Redevelopment" strategic objective.

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

Type	Description
<input type="checkbox"/> Ordinance	Ordinance approving Town Square Land Use Amendment
<input type="checkbox"/> Ordinance	Ordinance approving Rezoning of Town Square
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Location Map	Location Map
<input type="checkbox"/> Exhibit	Exhibit B1
<input type="checkbox"/> Exhibit	Exhibit B2
<input type="checkbox"/> Exhibit	Exhibit C1
<input type="checkbox"/> Exhibit	Exhibit C2
<input type="checkbox"/> Exhibit	Exhibit D



ORDINANCE NO. 17-

AN ORDINANCE OF THE CITY OF BOYNTON BEACH, FLORIDA, AMENDING ORDINANCE 89-38 BY AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FOR PROPERTY COMMONLY KNOWN AS TOWN SQUARE AND DESCRIBED HEREIN, OWNED BY THE CITY OF BOYNTON BEACH; CHANGING THE LAND USE DESIGNATION FROM PUBLIC AND PRIVATE GOVERNMENTAL/INSTITUTIONAL (PPGI) AND HIGH DENSITY RESIDENTIAL TO MIXED USE MEDIUM(MXM); PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of Boynton Beach, Florida has adopted a Comprehensive Future Land Use Plan and as part of said Plan a Future Land Use Element pursuant to Ordinance No. 89-38 and in accordance with the Local Government Comprehensive Planning Act; and

**WHEREAS**, the procedure for amendment of a Future Land Use Element of a Comprehensive Plan as set forth in Chapter 163, Florida Statutes, has been followed; and

**WHEREAS**, after two (2) public hearings the City Commission acting in its dual capacity as Local Planning Agency and City Commission finds that the amendment hereinafter set forth is consistent with the City's adopted Comprehensive Plan and deems it in the best interest of the inhabitants of said City to amend the Future Land Use Element (designation) of the Comprehensive Plan as hereinafter provided.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

Section 1: The foregoing WHEREAS clauses are true and correct and incorporated herein by this reference.

Section 2: Ordinance No. 89-38 of the City is hereby amended to reflect the following:

31 That the Future Land Use of the following described land described in Exhibit “A” is  
32 amended from Public and Private Governmental/Institutional (PPGI) and High Density  
33 Residential (HDR) to: **MIXED USE MEDIUM (MXM).**

34 Section 3: This Ordinance shall take effect on adoption, subject to the review, challenge,  
35 or appeal provisions provided by the Florida Local Government Comprehensive Planning and  
36 Land Development Regulation Act. No party shall be vested of any right by virtue of the  
37 adoption of this Ordinance until all statutory required review is complete and all legal challenges,  
38 including appeals, are exhausted. In the event that the effective date is established by state law or  
39 special act, the provisions of state act shall control.

40 FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

41 SECOND, FINAL READING and PASSAGE this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

42 CITY OF BOYNTON BEACH, FLORIDA

43		YES	NO
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45			
46	Mayor – Steven B. Grant	_____	_____
47			
48	Vice Mayor – Justin Katz	_____	_____
49			
50	Commissioner – Mack McCray	_____	_____
51			
52	Commissioner – Christina L. Romelus	_____	_____
53			
54	Commissioner – Joe Casello	_____	_____
55			

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57  
58 VOTE \_\_\_\_\_  
59 ATTEST:

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62 \_\_\_\_\_  
63 Judith A. Pyle, CMC  
64 City Clerk  
65  
66 (Corporate Seal)  
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Section 2. The land described in Exhibit “A” be and the same is hereby rezoned from PU Public Usage; REC Recreation and R-3 Multifamily to Mixed Use 3 (MU-3). A location map is attached hereto as Exhibit “B” and made a part of this Ordinance by reference.

35           Section 3. That the aforesaid Revised Zoning Map of the City shall be amended  
36 accordingly.

37           Section 4. All ordinances or parts of ordinances in conflict herewith are hereby  
38   repealed.

39           Section 5. Should any section or provision of this Ordinance or any portion thereof  
40   be declared by a court of competent jurisdiction to be invalid, such decision shall not affect  
41   the remainder of this Ordinance.

42 Section 6. This ordinance shall become effective immediately upon passage.

43 FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

44 SECOND, FINAL READING and PASSAGE this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

45 CITY OF BOYNTON BEACH, FLORIDA

	YES	NO
46		

48 Mayor – Steven B. Grant

50 Vice Mayor – Justin Katz

52 Commissioner – Mack McCray

54 Commissioner – Christina L. Romelus

56 Commissioner – Joe Casello

58 VOTE

59     ATTEST:

63 Judith A. Pyle, CMC  
64 City Clerk

66

67 (Corporate Seal)

**DEVELOPMENT DEPARTMENT  
PLANNING AND ZONING DIVISION  
MEMORANDUM NO. PZ 17-001**

**STAFF REPORT**

TO: Chair and Members  
Planning and Development Board

THRU: Michael Rumpf  
Planning and Zoning Director

FROM: Hanna Matras, Senior Planner

DATE: July 10, 2017

PROJECT: Town Square  
LUAR 17-005

REQUEST: Approve Town Square Future Land Use Map Amendment from Public and Private Governmental/Institutional (PPGI) and High Density Residential (HDR) to Mixed Use Medium (MXM) and rezone from PU Public Usage, REC Recreation and R-3 Multifamily to MU-3 Mixed Use 3 zoning district. City-initiated.

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**PROJECT DESCRIPTION**

Property Owner: City of Boynton Beach (7 parcels) and owners of 14 Park Lane Condominium units

Applicant: City of Boynton Beach

Location: Area bounded by Seacrest Boulevard on the west, NE 1<sup>st</sup> Street on the east, Boynton Beach Boulevard on the north and SE 2<sup>nd</sup> Avenue on the south (**Exhibit "A"**)

Existing Land Use/  
Zoning: Public and Private Governmental/Institutional (PPGI) and High Density Residential (HDR) / PU Public Usage; REC Recreation and R-3 Multifamily (no residential allowed in PPGI and REC; maximum density of 11 du/acre in R-3); see **Exhibit "B1"** and **Exhibit "B2"**

Proposed Land Use/  
Zoning: Mixed Use Medium (MXM) / MU-3 Mixed Use 3 zoning district

(maximum density 50 du/acre plus 25% density bonus for Downtown TOD District); see **Exhibit “C1”** and **Exhibit “C2”**

Acreage: +/- 16.5 acres

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Adjacent Uses:

North: Right-of-way for Boynton Beach Boulevard and farther north, developed commercial properties classified Local Retail Commercial (LRC) and zoned C-3 (Community Commercial District);

South: Right-of-way for SE 2nd Avenue, and farther south, 10 developed single-family homes and 1 vacant parcel, classified Low Density Residential (LDR) and Medium Density Residential (MEDR) and zoned R-1-A, (Single-Family Residential District) and R-2, (Single- and Two-Family Residential District);

East: Right-of-way for NE/SE 1<sup>st</sup> Street; on the Northeast side, a developed commercial property clasified Local Retail Commercial (LRC) and zoned C-3 (Community Commercial); further south, a parking lot and Green Acres condominium, both classified High Density Residential (HDR) and zoned R-3, Multi-Family; further south, a vacant parcel and Ocean East Apartments, both classified Local Retail Commercial (LRC) and zoned R-3, Multi-Family; the Vivienne condominium on the south side has the same zoning but is classified High Density Residential (HDR); in the southeastern section, two developed single-family homes and a duplex classified Low Density Residential (LDR) and zoned R-1-A, (Single-Family Residential District).

West: Right-of-way for Seacrest Boulevard; on the Northwest side, the USPS facility and an office building, both classified Local Retail Commercial (LRC) and zoned C-2 (Neighborhood Commercial District); farther south, First United Methodist Church, classified High Density Residential (HDR) and zoned R-3, Multi-Family (on the part of properties fronting Seacrest Boulevard); south of W. Ocean Avenue, developed single-family homes and small residential rental properties, classified High Density Residential (HDR) and zoned R-3, Multi-Family.

## **BACKGROUND**

### **The Site**

The subject area covers four blocks, bounded by Seacrest Boulevard on the west, NE 1<sup>st</sup> Street on the east, Boynton Beach Boulevard on the north and SE 2<sup>nd</sup> Avenue on the south. It includes seven (7) parcels owned by the City of Boynton Beach, for a total of 15.05 acres, the right-of-way for NE 1<sup>st</sup> Avenue of 0.7 acre, part of the right-of-way for SE 1<sup>st</sup> Avenue of approximately 0.09 acres (currently with no future land use classification or zoning designation) and a 14-unit Park Lane condominium site on approximately 0.63 acres. The City-owned parcels contain the civic campus with the following structures:

- 1913 Schoolhouse Museum, including amphitheatre
- Art Center
- City Hall Complex, including parking garage
- Civic Center
- Old High School
- Kid's Kingdom Playground
- Library
- Madsen Senior Center (presently housing Code Compliance), including shuffleboard courts

As a redevelopment site, the property has several pertinent locational characteristics:

- It is situated within the Community Redevelopment Area, giving a potential development access to a number of incentives, and allowing the Community Redevelopment Agency to become a partner in the incoming project (see “**The Proposed Action**” section below);
- It is enclosed within the Downtown Transit-Oriented Development (DTOD) district, which covers a ½ mile radius around the intersection of Boynton Beach Boulevard and NE 4<sup>th</sup> Street, the site of the future station for the planned Tri-Rail Coastal Link commuter train system on the FEC Rail, which will provide passenger service between Miami and West Plam Beach. The DTOD district regulations support increased intensity of development through a 25% density bonus.
- It is also enclosed within both the Coastal Residential Exception area, which exempts all residential development east of I-95 from the Palm Beach County traffic concurrency, and the Transportation Concurrency Exception Area (TCEA), which, while setting limits on the amount of development that will be allowed, carries additional traffic concurrency exemption for commercial and other non-residential development.



- The site is split between two CRA districts, the Cultural District and the Boynton Beach Boulevard District, which—together with four others—have been identified and designated as distinctive planning areas by the CRA Community Redevelopment Plan adopted in October of 2016. (See Exhibit “D”)

The addition of the Park Lane Condominium site squares the project’s boundary. The site lays within the Cultural district and is a subject to the same future land use CRA Plan’s recommendation as the Town Square.

### **The Proposed Action**

This action—the future land use amendment and rezoning—has been initiated by City staff in preparation for the redevelopment of the civic campus, now referred to as Town Square, into a mix use project. The project is proposed as a partnership between the City, the CRA and the private development team, based on the Public-Private Partnership (P3) development model pursuant to Chapter 255.065, Florida Statutes. P3s are agreements formed between public and private entities that allow for greater private-sector participation in the financing and delivery of public building and infrastructure projects. (In February of 2015, the City adopted Resolution 15-020, which established procedures for processing of P3s.)

Even though a conceptual Town Square Master Plan has been made public, at present there is no Master Plan application for the project accompanying the subject zoning request as would be required by the Land Development Regulations (LDRs) for a privately-initiated application involving a planned zoning district. Since 2015, the City has been able to proactively initiate and process future land use reclassification and rezoning to selected sites—if recommended by a significant planning document(s)—without a concurrent review of a master plan. Such “proactive” actions assures that these properties will have the recommended future land use classification and a corresponding zoning designation “on the ground,” ready for incoming projects.

The City makes use of this provision for sites for which there already is a specific vision, supported by a redevelopment or other plan of major importance. The subject request meets this criterion, as the Town Square project is supported both by the 2016 CRA Community Redevelopment Plan and the City’s Strategic Plan.

### **Previous FLU Amendment/Rezoning Applications for the Site**

In 2013, the City processed a FLU amendment and rezoning for a small part of the subject site (about 2 acres) occupied by the Old High School, as part of a development agreement in a public/private partnership with an applicant planning the renovation and adaptive reuse of the building. Of the two requests, for a mixed use future land use and zoning, only the first one was approved by the City Commission. The project was subsequently abandoned and the City took the action to revert the site to its previous (and current) PPGI future land use classification.

### **Prerequisites for Approval: the Process**

The regulatory framework for the requested FLU classification of Mixed Use Medium (MXM) and the zoning designation of MU-3 Mixed Use 3 has not as yet been completed. The framework requires text amendments to both the Comprehensive Plan Future Land Use Element and the Land Development Regulations (LDRs). The status of this process is as follows:

- The Comprehensive Plan amendments were adopted by the City Commission on July 18<sup>th</sup> and subsequently resent to the state for a final review. If not challenged, the amendments will become effective 31 days after amendment package is deemed complete (anticipated by September 1<sup>st</sup>).
- Amendments to the LDRs—currently in drafting—will implement the Comprehensive Plan-modified FLU structure as well as changes to the zoning structure recommended by the CRA Plan. The LDR amendments are anticipated to be adopted by September 19<sup>th</sup>.

Since the size of the property under consideration for the Town Square project exceeds ten acres, the proposed FLU amendments are subject to the Expedited State Review Process per provisions of Chapter 163.3184(3) and (5), Florida Statutes. The Expedited State Review Process applies to all comprehensive plan amendments except for small scale amendments and amendments that must follow the State Coordinated Review Process, such as the Evaluation and Appraisal Review (EAR)-based amendments to the Coastal Management Element adopted by the City in 2016.

If the Commission approves the proposed amendments, they will be transmitted for review to the Florida Department of Economic Opportunity (DEO), the state land planning agency. The final adoption by the City Commission is tentatively scheduled for October 17<sup>th</sup>, by which date the required regulatory framework will be updated.

### **REVIEW BASED ON CRITERIA**

The following analysis addresses all the criteria for review of Comprehensive Plan Map amendments and rezonings listed in the Land Development Regulations, Chapter 2, Article II, Section 2.B.3 and Section 2.D.3. (although City-initiated requests must meet at a minimum criterion “b”):

- Demonstration of Need.** A demonstration of need may be based upon changing conditions that represent a demand for the proposed land use classification and zoning district. Appropriate data and analysis that adequately substantiates the need for the proposed land use amendment and rezoning must be provided within the application.*

A need for redevelopment of the Boynton Beach civic campus has been recognized for over 20 years. The campus occupies a large track of land close to downtown, and has a

significant potential to contribute to the quality of the downtown experience through the creation of an attractive, functionally unified built environment. In its current condition, it represents an inefficient use of the valuable land in the City's center, with several disconnected sections, a few obsolete/outdated structures and a historic Old High School building in a state of severe disrepair.

It has also been recognized early on that redevelopment of the Town Square and, specifically, the adaptive reuse of the High School, will likely require an involvement of the private sector. In 2015, the City decided on the use of the P3 process in transforming Town Square into a mixed use project with civic as well as residential and commercial uses, and included the project as a high priority item in its Strategic Plan.

The project requires a mixed use future land use classification to allow for addition of residential and commercial uses not permitted under the current Public and Private Governmental/Institutional category. The choice of the Mixed Use Medium (MXM) category with a density cap of 50 du/acre (with an additional Downtown TOD District's 25% density bonus) fulfills the recommendation of the CRA Community Redevelopment Plan warranted by the project's proximity to the core of the downtown and to the future station of the planned Coastal Link commuter train service. The MXM category is in-between the proposed new Mixed Use Low, with the density cap of 20 du/acre arguably too low for the location, and the Mixed Use High (renamed Mixed Use Core), whose 80 du/acre density cap is reserved for the core of the downtown.

**b. Consistency.** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be consistent with the purpose and intent of, and promote, the applicable Comprehensive Plan policies, Redevelopment Plans, and Land Development Regulations.*

Consistency with Comprehensive Plan and Redevelopment Plan

The future land use classification of MXM proposed for the site is consistent with, and implements, the CRA Community Redevelopment Plan's recommendations for the Cultural and Boynton Beach Boulevard districts in the subject location (the site is split between the two districts).

The proposed FLU amendment and rezoning is also explicitly consistent with a number of the policies of the Comprehensive Plan pertaining to mixed use development, most importantly (current) policies 1.18.1 and 1.18.2 of the Future Land Use element:

*Policy 1.18.1            The City shall implement the Transit-Oriented Development (TOD) approach, as described in the 2012 Florida Department of Transportation's TOD Guidebook, to manage future growth within a ½ mile radius around the intersection of Ocean Avenue and the Florida East Coast rail corridor, which is the anticipated location of the Downtown Boynton Beach Station for the planned commuter*

*Tri-Rail Coastal Link service on the FEC Corridor. This area will be referred as the Downtown TOD District hereforth. The inner ¼-mile core of this District shall be designed to accommodate the greatest density and intensity of development.*

*Policy 1.18.2 The City shall aim to transform the Downtown TOD District area into an active, mixed-use, pedestrian-friendly activity zone, supporting new housing to increase potential ridership, intensifying land development activity, and adding amenities and destination uses for future transit riders. The City shall strive to achieve this goal through facilitating compact, high density and intensity development of a varied mix of land uses.*

Note that not only is the subject property located within the DTOD District, but most of its area falls within the transit core (the District's 1/4-mile radius), therefore justifying the requested MXM future land use classification which would allow a maximum density of 63 du/acre (with the District's 25% density bonus).

*Consistency with Land Development Regulations (LDR)*

See “**Prerequisites for Approval: the Process**” section on page 4 of this report. The Land Development regulations implementing the new future land use/zoning structure will be adopted prior to the adoption of the proposed amendment, anticipated in October.

**c. Land Use Pattern.** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be contrary to the established land use pattern, or would create an isolated zoning district or an isolated land use classification unrelated to adjacent and nearby classifications, or would constitute a grant of special privilege to an individual property owner as contrasted with the protection of the public welfare. This factor is not intended to exclude FLUM reclassifications and rezonings that would result in more desirable and sustainable growth for the community.*

It is indeed the staff's opinion that the proposed FLUM reclassification and rezoning would result in more desirable and sustainable growth for the community and improve the general public welfare. While both actions will temporarily create “isolated” districts, the requested FLU category (as already stated) is consistent with the recommendation of the CRA Plan, which also recommends the MXM category for areas west (between Boynton Beach Boulevard and 1<sup>st</sup> NW Avenue only), north, and east of Town Square (see Exhibit D). Going forward, these recommendations aim to achieve a major transformation of the subject area, implementing the City's and the CRA's vision for it.

**d. Sustainability.** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would support the integration of a mix of land uses consistent with the*

*Smart Growth or sustainability initiatives, with an emphasis on 1) complementary land uses; 2) access to alternative modes of transportation; and 3) interconnectivity within the project and between adjacent properties.*

The proposed FLUM amendment and rezoning clearly meets the definition of “sustainable” as it supports a mixed use, high density redevelopment of the site. Residents and visitors will have access to public transit via Palm Tran bus service on Seacrest and Boynton Beach boulevards (with bus stops located in front of the proposed project), as well as, in the future, to the planned Coastal Link commuter train service.

***e. Availability of Public Services / Infrastructure.*** *All requests for Future Land Use Map amendments shall be reviewed for long-term capacity availability at the maximum intensity permitted under the requested land use classification.*

Water and Sewer. Long-term capacity availability for potable water and sewer for the subject request has been confirmed by the Utilities Department.

Solid Waste. The Palm Beach County Solid Waste Authority determined that sufficient disposal capacity will be available at the existing landfill through approximately the year 2046.

Drainage. Drainage will be reviewed in detail as part of the site plan, land development, and building permit review processes.

Traffic. The property is under the Coastal Residential exception and TCEA designations and is therefore exempted from the concurrency requirements of the Palm Beach County Traffic Performance Standards Ordinance. (The required Traffic Statement will be submitted with a site plan/master plan package.) The monitoring of the maximum allowable residential uses and square footage of commercial, industrial and other non-residential uses as well as applicable use ratios under the TCEA Planned 2025 Land Use Table indicate that the current (cumulative) numbers remain significantly off the allowable thresholds.

Schools. The School Capacity Availability Determination application will be submitted with a site plan/master plan package.

***f. Compatibility.*** *The application shall consider the following factors to determine compatibility:*

*(1) Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties; and*

*(2) Whether the proposed Future Land Use Map amendment (FLUM) and rezoning is of a scale which is reasonably related to the needs of the neighborhood and the City as a whole.*

The adjacent and nearby properties include both residential and commercial uses, albeit low rise, while the maximum height of the proposed zoning is 75 feet. However, as indicated in response to criterion “c,” future uses in the areas northwest, north and east of the subject property are planned to be compatible in general character and scale to the Town Square project as per recommendations of the CRA Plan. Possible incompatibility with single-family homes along SE 2<sup>nd</sup> Avenue will be addressed at the site plan review phase through the project’s design.

The redevelopment of the subject site is expected to spur more redevelopment activities in the surrounding area, and positively affect the property values. The potential positive impacts will be magnified by the eventual availability of the Coastal Link train commuter service.

As was already stated in this report, the need for redevelopment of the Boynton’s civic campus has long been recognized as vital for both the area and the city as a whole, and now has a strong support in the CRA Community Redevelopment Plan, the City’s Strategic Plan and the Economic Development (ED) Strategic Plan. The requested actions lay the groundwork for the realization of the City’s vision for the Town Square.

***g. Direct Economic Development Benefits.*** *For rezoning/ FLUM amendments involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:*

- (1) Further implementation of the Economic Development (ED) Program;*
- (2) Contribute to the enhancement and diversification of the City’s tax base;*
- (3) Respond to the current market demand or community needs or provide services or retail choices not locally available;*
- (4) Create new employment opportunities for the residents, with pay at or above the county average hourly wage;*
- (5) Represent innovative methods/technologies, especially those promoting sustainability;*
- (6) Be complementary to existing uses, thus fostering synergy effects; and*
- (7) Alleviate blight/economic obsolescence of the subject area.*

As mentioned above (criterion “f”), the Town Square project is supported by the City 2016-2021 ED Strategic Plan—which has now supplanted the Economic Development Program—and therefore the requested actions meet criterion g(1). Specifically, the project is listed under the ED Strategic Plan’s ACTION PLAN FOR CHANGE, Goal 4, Objective 4.1: Promote Economic Development /Redevelopment in the Eastern Section of the City; Strategy 4.1.4.: Work with the CRA to develop a Town Square in the downtown to include City Hall, Library, Children’s School House Museum, Old High

School, Civic Center, Arts Center, and Madsen Center. The proposed FLUM amendment/rezoning supports a project that would constitute a major catalyst for creating a successful, lively downtown, bringing more development to the area and attracting more residents and visitors to the City. The project would or at least has a potential to:

- Generate new ad valorem tax stream revenues from the previously tax exempt properties through the involvement of the private sector (criterion g2);
- Respond to the community needs by enhancing efficiency of the public service provision (criterion g3);
- Create jobs, though most will likely be low wage retail positions; and
- Alleviate economic/functional obsolescence in the subject area, including underutilization of land on the subject property (criterion g7).

In addition, the requested actions and the project they will support include restoration/preservation and adaptive reuse of the Old High School.

***h. Commercial and Industrial Land Supply. The review shall consider whether the proposed rezoning/FLUM amendment would reduce the amount of land available for commercial/industrial development. If such determination is made, the approval can be recommended under the following conditions:***

*(1) The size, shape, and/or location of the property makes it unsuitable for commercial/industrial development; or*

*(2) The proposed rezoning/FLUM amendment provides substantiated evidence of satisfying at least four of the Direct Economic Development Benefits listed in subparagraph “g” above; and*

*(3) The proposed rezoning/FLUM amendment would result in comparable or higher employment numbers, building size and valuation than the potential of existing land use designation and/or rezoning.*

The proposed FLUM amendment and rezoning would add a commercial component to the civic campus: the current land use and zoning do not allow commercial uses.

***i. Alternative Sites. Whether there are adequate sites elsewhere in the City for the proposed use in zoning districts where such use is already allowed.***

N/A (See responses above to criteria “a,” “b,” and “c.”)

- j. Master Plan and Site Plan Compliance with Land Development Regulations.***  
*When master plan and site plan review are required pursuant to Section 2.D.1.e above, both shall comply with the requirements of the respective zoning district regulations of Chapter 3, Article III and the site development standards of Chapter 4.*

The City-initiated rezonings can proceed in advance of the master plan submittal. When submitted, the master plan will comply with Land Development Regulations (see the “**Prerequisites for Approval: the Process**” section of this report).

### **CONCLUSION/RECOMMENDATION**

As indicated herein, staff has reviewed the proposed requests and determined that they are consistent with the policies of the Comprehensive Plan and implement the recommendations of the CRA Community Redevelopment Plan, the City’s Strategic Plan and the Economic Development Strategic Plan. It is anticipated that the Comprehensive Plan and LDR amendments required for the approval of the proposed FLU Map amendment and rezoning will be finalized prior to its expected adoption date.

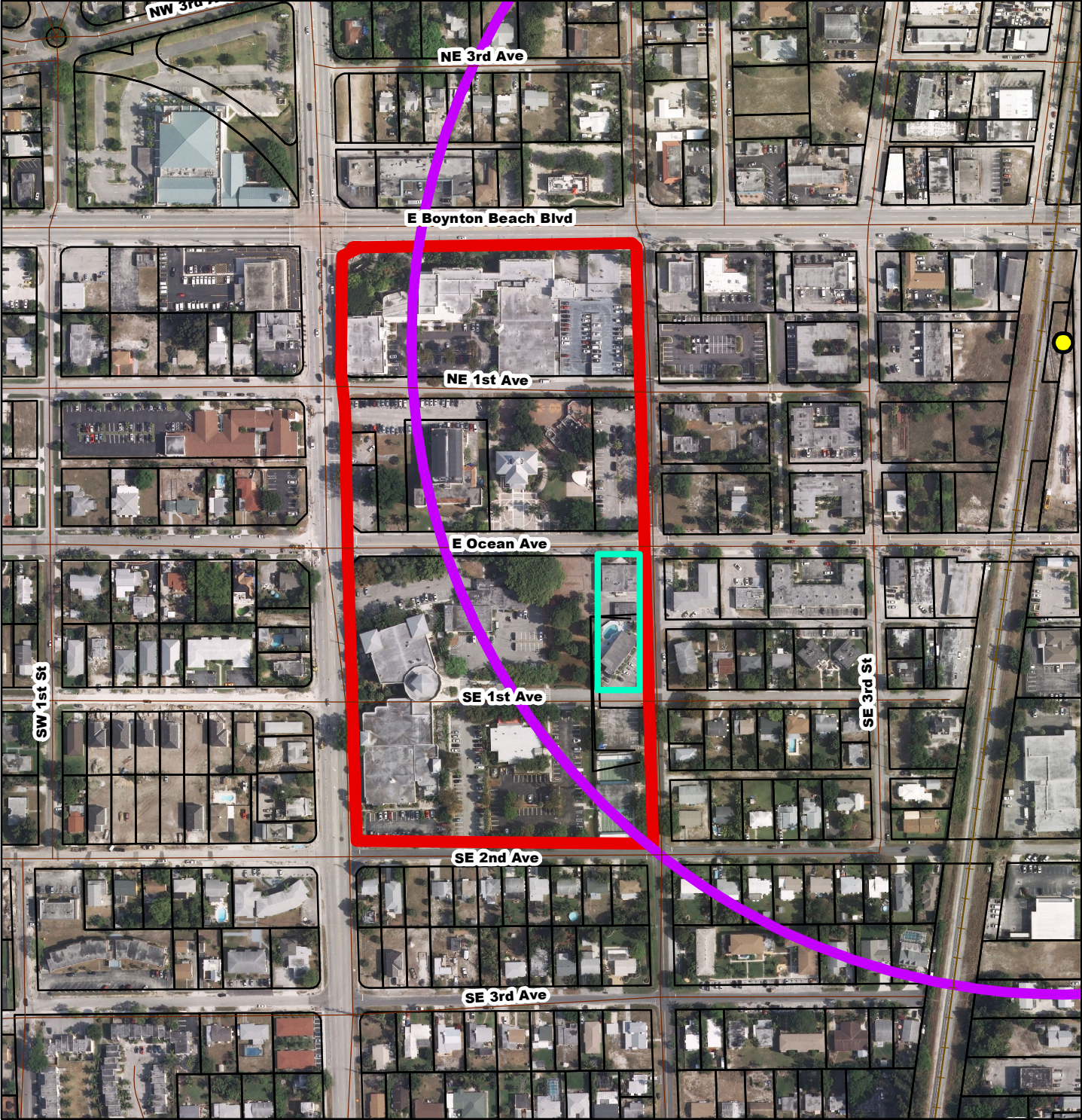
Staff recommends approval of the proposed Future Land Use Map amendments for the transmittal to the State for an Expedited State Review.

### **ATTACHMENTS**



# CITY OF BOYNTON BEACH TOWN SQUARE LOCATION MAP

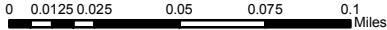
EXHIBIT A



## Legend

- Town Square
- Future Coastal Link station
- Transit Core Area
- Park Lane Condominium

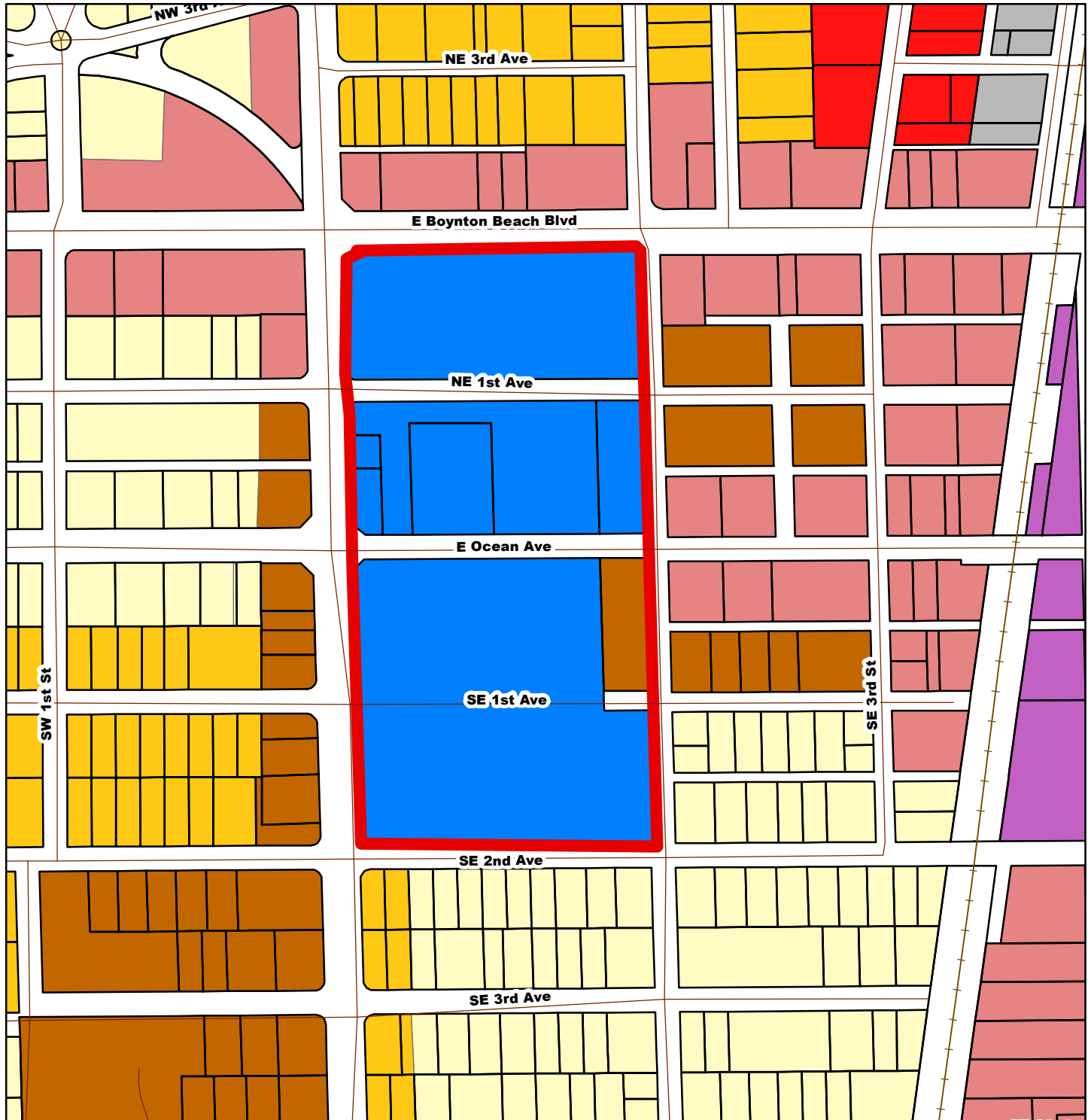
**Total Town Square area: 16.5 acres**



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## CURRENT FLU CLASSIFICATIONS FOR TOWN SQUARE AND ADJACENT AREAS



### Legend

#### Future Land Use Classifications

- LOW DENSITY RESIDENTIAL (LDR) Max. 5 D.U./Acre
- MEDIUM DENSITY RESIDENTIAL (MEDR) Max. 10 D.U./Acre
- HIGH DENSITY RESIDENTIAL (HDR) Max. 11 D.U./Acre
- LOCAL RETAIL COMMERCIAL (LRC)
- GENERAL COMMERCIAL (GC)
- INDUSTRIAL (I)
- PUBLIC & PRIVATE GOVERNMENTAL/INSTITUTIONAL (PPGI)

Town Square

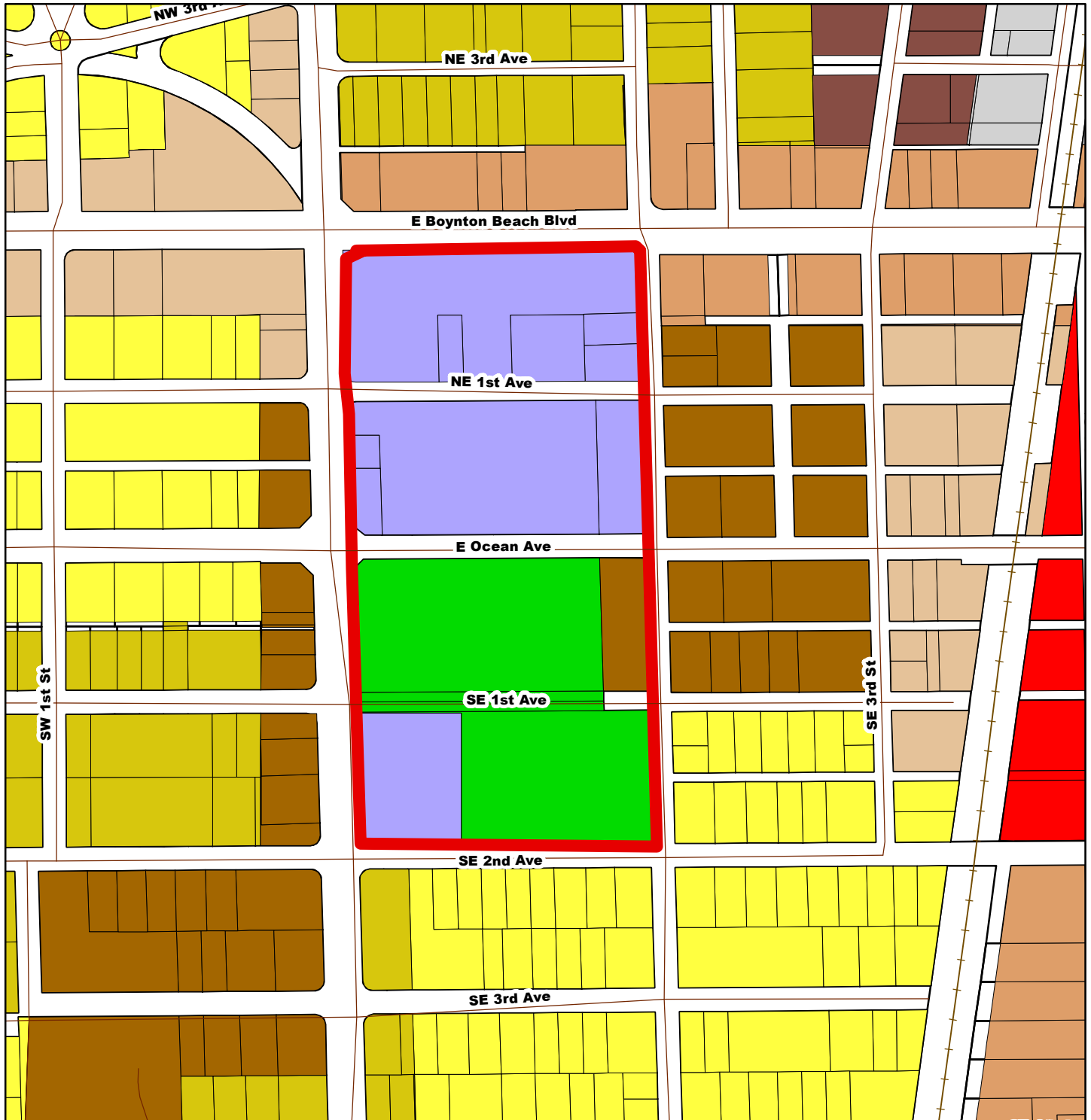
Last amended October 20, 2015



0 0.0125 0.025 0.05 0.075 0.1 Miles

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## CURRENT ZONING DESIGNATIONS FOR TOWN SQUARE AND ADJACENT AREAS



### Legend

#### Zoning designations

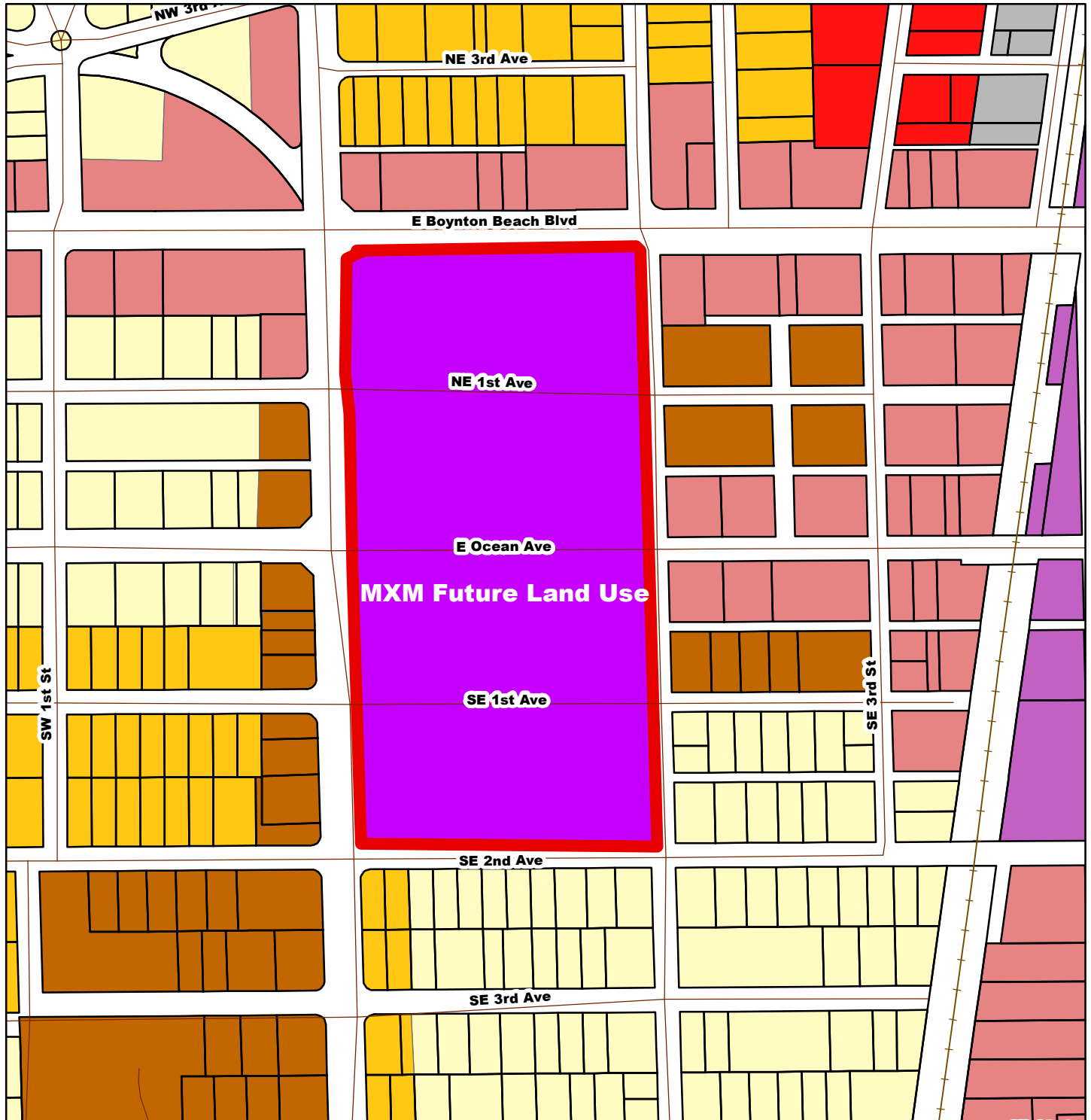
	R1A Single Family		C4 General Commercial
	R2 Duplex		CBD Central Business District
	R3 Multi Family		M1 Light Industrial
	C2 Neighborhood Commercial		PU Public Usage
	C3 Community Commercial		REC Recreation



0 0.0125 0.025 0.05 0.075 0.1 Miles

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## PROPOSED FLU CLASSIFICATION FOR TOWN SQUARE\*



## Legend

- LOW DENSITY RESIDENTIAL (LDR) Max. 5 D.U./Acre
- MEDIUM DENSITY RESIDENTIAL (MEDR) Max. 10 D.U./Acre
- HIGH DENSITY RESIDENTIAL (HDR) Max. 11 D.U./Acre
- LOCAL RETAIL COMMERCIAL (LRC)
- GENERAL COMMERCIAL (GC)
- INDUSTRIAL (I)
- Mixed Use (MX), Max. Density 40 du/acre
- MIXED USE Medium (MXM), Max. Density 50 D.U./Acre

Town Square

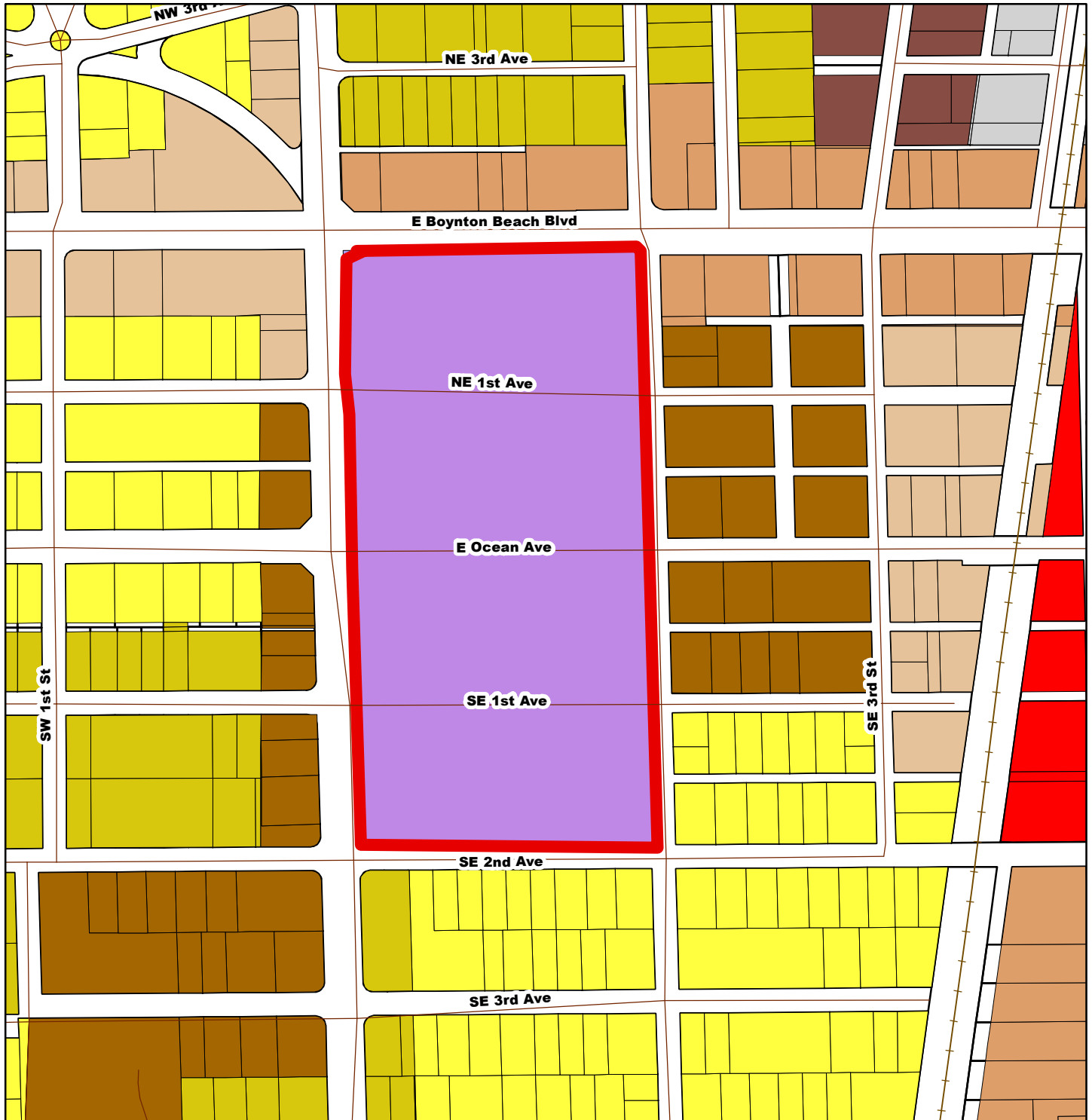
\* NOTE: Areas adjacent to Town Square shown with the current FLU classifications



0 0.0125 0.025 0.05 0.075 0.1 Miles

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## PROPOSED ZONING DESIGNATION FOR TOWN SQUARE



### Legend

#### Zoning designations

R1A Single Family

R2 Duplex

R3 Multi Family

C2 Neighborhood Commercial

C3 Community Commercial

C4 General Commercial

CBD Central Business District

M1 Light Industrial

MU-3 Mixed Use 3

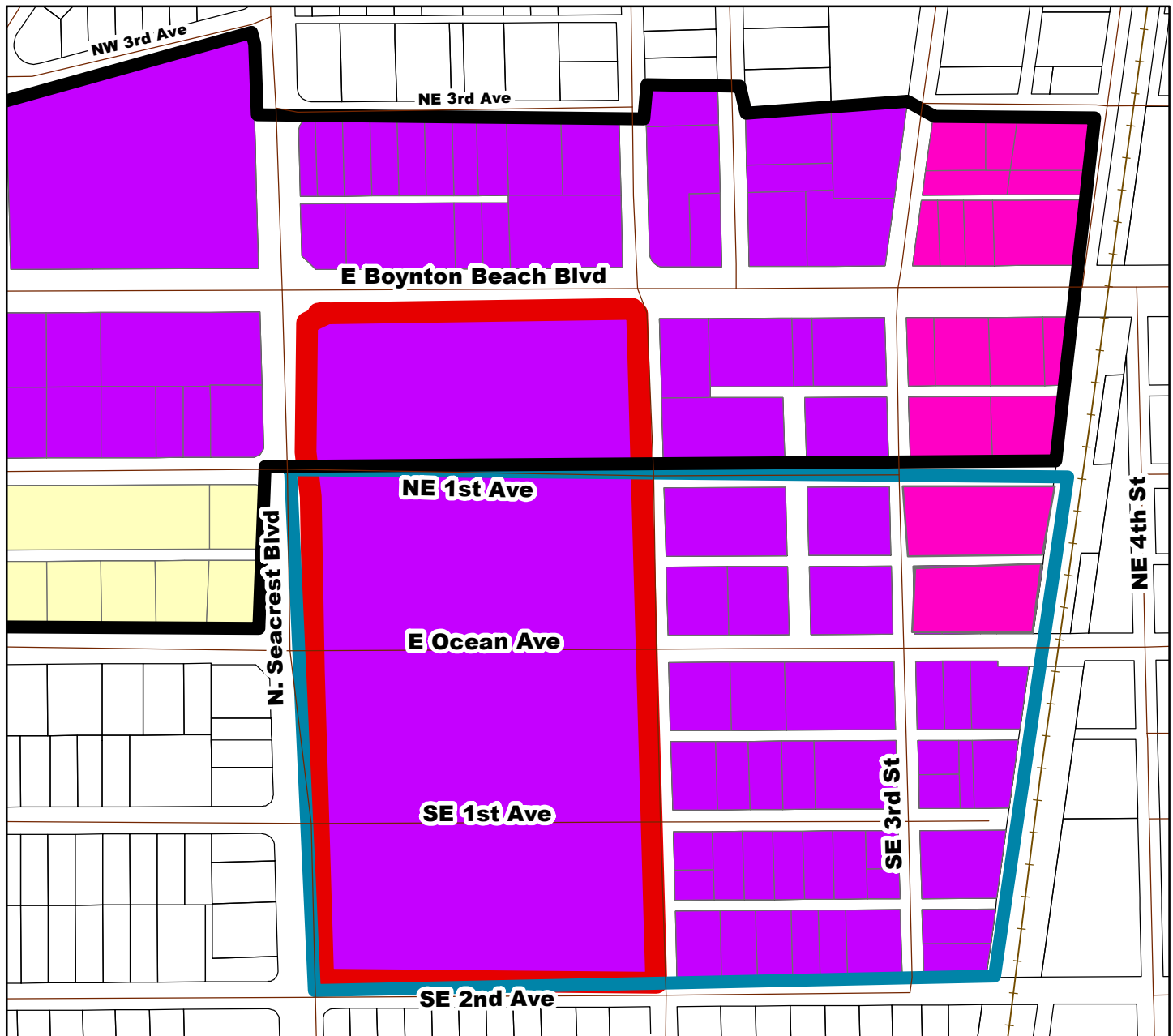
Town Square



0 0.0125 0.025 0.05 0.075 0.1 Miles

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## CRA COMMUNITY REDEVELOPMENT PLAN'S FLU RECOMMENDATIONS FOR CULTURAL AND AND BOYNTON BEACH BOULEVARD DISTRICTS



### LEGEND

- Town Square
- Cultural District
- Boynton Beach Blvd District

- Mixed Use High (MXH), Max. Density 80 D.U./Acre
- Mixed Use Medium (MXM), Max. Density 50 D.U./Acre
- Low Density Residential , Max. Density 7.5 D.U./Acre



0 0.0125 0.025 0.05 0.075 0.1 Miles

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