

ORDINANCE NO. 04-2019

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CREATING TOWN CODE SECTION 78-70 (n)(20); PROVIDING FOR AUTHORIZATION TO THE COMMUNITY DEVELOPMENT DIRECTOR TO APPROVE UP TO A TWENTY PERCENT DEVIATION FROM THE HEIGHT OF A BUILDING TO FACILITATE BETTER ARCHITECTURE AND APPEARANCES OF BUILDING IN THE PARK AVENUE DOWNTOWN DISTRICT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town Commission has adopted a Land Development Code in Subpart B of Chapter 78 of the Town Code; and

WHEREAS, the Land Development Code within subpart B, Chapter 78 consists of several Chapters and identifies the Town's various zoning districts and the land development regulations to be applied within these zoning districts; and

[WHEREAS, the Community Development Director has recommended an amendment to the Park Avenue Downtown District (PADD); and]

WHEREAS, the Community Development staff has recommended that the Town Commission create Town Code, Chapter 78, Article III, Section 78-70(n)(2) to provide the Community Development Director with certain administrative flexibility pertaining to building heights.

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

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

Section 2. Chapter 78, Article III, Section 78-7(n) of the Town Code is hereby amended to create subsection (20) to read as follows

(20) Building heights. The community development director is hereby authorized to review and administratively approve up to a 20 percent deviation in the height of a building to enhance certain architectural features that are required to accomplish improved building design. Examples of these architectural features include parapets, shielding mechanical equipment, cooling towers, elevator shafts, and other elements. The community development director may impose conditions or limitations as he/she deems necessary.

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

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

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

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

Upon First Reading this 3 day of July, 2019, the foregoing Ordinance was offered by Vice-Mayor Glas-Castro, who moved its approval. The motion was seconded by Commissioner Linden and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>Absent</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 28 DAY OF July, 2019

Upon Second Reading this 7 day of August, 2019, the foregoing Ordinance, was offered by Commissioner Michaud, who moved its adoption. The motion was seconded by Commissioner Linden and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 04-2019 duly passed and adopted this 7 day of August, 2019.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
Mayor, Michael O'Rourke

ATTEST:

Approved as to form and legal sufficiency:

[Signature]
Town Clerk, Vivian Mendez
(Town Seal)
**TOWN OF LAKE PARK
FLORIDA**

[Signature]
Town Attorney, Thomas J. Baird

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

Please take notice that on Wednesday, August 7, 2019 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinance on second reading and proposed adoption thereof:

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

Vivian Mendez, MMC, Town Clerk
Town of Lake Park, Florida
7-28/2019

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