

ORDINANCE NO. 02-2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTIONS 78-71(2) g; 78-72(2) j; 78-74(2) c. AND 78-75(2) a.15, PERTAINING TO THE USE OF “MOTOR VEHICLE SALES”; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; 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 Chapters 163, Florida Statutes; and

WHEREAS, the Town Commission has adopted land development regulations pertaining to motor vehicle sales, including accessory uses permitted as part of this use and codified same in Chapter 78 of the Town Code; and

WHEREAS, the Town Commission has determined that the public’s health, safety and general welfare would be furthered by the amendment of several provisions to the sections of Chapter 78 which pertain to the use of motor vehicle sales; and

WHEREAS, the Town’s Planning and Zoning Board considered the amendments herein and has made its recommendations regarding same to the Town Commission to approve them.

NOW, THEREFORE, be it ordained by the Town Commission of the Town of Lake Park, Florida that:

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

Section 2. Chapter 78, Article III, Section 78-71(2) g., is hereby amended as follows:

78-71(2)g.:

- g. Vehicle sales and rentals, including accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use ~~and where no part of the open storage area is within 25 feet of any street line~~ provided that:

~~1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;~~

~~2. 1.~~ No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and

~~3. 2.~~ The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave-runners, which are part of the specific business.

4. 3. Motor vehicle sales on property on which a permanent building is erected, shall mean the area where buildings are used in connection with the sale or lease of motor vehicles and the areas where motor vehicles are displayed for lease or sale.

Section 3. Chapter 78, Article III, Section 78-72 (2) j., the description of the special exception use of motor vehicle sales is hereby amended as follows:

78-72(2)j.:

- j. Motor vehicle sales on property on which a permanent building is erected, ~~which shall mean the area where buildings are used solely in connection with the sale or lease of motor vehicles and the areas where motor vehicles are displayed for lease or sale. Motor vehicles used for rental purposes may be stored in the open on the rear half of the lot or lots on which motor vehicle sales are conducted, the front portion of which is occupied by a permanent building used in conjunction with the sale of motor vehicles, where no part of the open storage area is within 25 feet of any street line. Motor vehicle sales lot independent of a permanent building used in conjunction with the sale and service of motor vehicles are not permitted.~~ shall mean the area where buildings are used in connection with the sale or lease of motor vehicles and the areas where motor vehicles are displayed for lease or sale.

Section 4. Chapter 78, Article III, Section 78-74(2) c., the description of permitted use of vehicle sales and repair is hereby amended as follows:

c. Vehicle sales and repair.

Motor vehicle sales on property on which a permanent building is erected, shall mean the area where buildings are used in connection with the sale or lease of motor vehicles and the areas where motor vehicles are displayed for lease or sale.

Section 5. Chapter 78, Article III, Section 78-75(2) a.15, the description of Retail sale, leasing or renting of vehicles, trailers, or boats is hereby amended as follows:

a.

15. Retail sale, leasing or renting of vehicles, trailers or boats.

Motor vehicle sales on property on which a permanent building is erected, shall mean the area where buildings are used in connection with the sale or lease of motor vehicles and the areas where motor vehicles are displayed for lease or sale.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. **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 9. **Effective Date.** This Ordinance shall take effect immediately upon execution.

Upon First Reading this 3 day of January, 2018, the foregoing Ordinance was offered by Vice-Mayor Glas-Castro who moved its approval. The motion was seconded by Commissioner Flaherty, 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 ANNE LYNCH	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 7 DAY OF January, 2018

Upon Second Reading this 17 day of January, 2018, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro who moved its adoption. The motion was seconded by Commissioner Flaherty, 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 ANNE LYNCH	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 02-2018 duly passed and adopted this 17 day of January, 2018.

TOWN OF LAKE PARK, FLORIDA
 BY: [Signature]
 Mayor, Michael O'Rourke

ATTEST:

[Signature]
 Town Clerk, Vivian Mendez
 (Town Seal)
 SEAL

Approved as to form and legal sufficiency:
[Signature]
 Town Attorney, Thomas J. Baird

FLORIDA