

ORDINANCE NO. 05-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE ZONING DISTRICTS OF CHAPTER 78, ARTICLE I TO AMEND THE DEFINITIONS OF COMMUNITY RESIDENTIAL HOME AND GROUP HOME; PROVIDING FOR AMENDMENTS TO ARTICLE III, DISTRICT REGULATIONS TO DELETE SUBSTANCE ABUSE TREATMENT CENTERS AS A USE PERMITTED BY SPECIAL EXCEPTION IN SECTIONS 78-61, 78-62, 78-63, 78-64, 78-65, 78-66, 78-67, 78-69, 78-71, 78-72, 78-73, AND 78-75; PROVIDING FOR AMENDMENTS TO SECTIONS 78-69, 78-71, 78-72, 78-73, 78-74 and 78-75 TO DELETE THE USE OF GROUP HOME FROM THESE ZONING DISTRICTS; PROVIDING FOR AMENDMENTS TO SECTION 78-67 TO ELIMINATE INCONSISTENT RESIDENTIAL USES; PROVIDING FOR AMENDMENTS TO SECTION 78-71 (G) TO CLARIFY THE USE TYPE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town Commission has adopted general provisions pertaining to land development and zoning, which have been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, the Town's Community Development Department has recommended the repeal of the use of "Substance Abuse Treatment Center now permitted as a special exception use in Sections 78-61, 78-62, 78-63, 78-64, 78-65, 78-66, 78-67, 78-69, 78-71, 78-72, 78-73 and 78-75 of Chapter 78 of the Code, known as the Zoning Code; and

WHEREAS, there exists six (6) licensed Substance Abuse Treatment Centers in the Town which are available to serve the residents of the Town which may require or benefit from the service components they offer to patients; and

WHEREAS, there are 33 licensed Substance Abuse Treatment Centers within the northern Palm Beach County municipalities of Tequesta, Jupiter, Juno Beach, Palm Beach

Gardens, Palm Beach Shores, North Palm Beach and Riviera Beach which are available to serve the residents of the Town which may require or benefit from the service components they offer to patients; and

WHEREAS, there are over **100** licensed service components within the Town and Northern Palm Beach County available to serve the residents of the Town which may require or benefit from those service components; and

WHEREAS, the Town's Planning and Zoning Board has reviewed the proposed amendments to the Town Code and has provided its recommended to the Town Commission; that it repeal the special exception use of "Substance Abuse Treatment Center" from Sections 78-61, 78-62, 78-63, 78-64, 78-64, 78-66, 78-67, 78-69, 78-71, 78-72, 78-73, and 78-75; and

WHEREAS, the Town Commission has determined that the repeal of the special exception use of Substance Abuse Treatment Center from the Town's zoning districts would not be adverse to the health, safety and general welfare of the residents of the Town.

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 I, Section 78.2, entitled "Definitions" is hereby amended as follows:

Community residential home means, ~~as defined in F.S. ch. 419,~~ a dwelling unit licensed to serve residents who are clients of the ~~state department of children and family services,~~Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice or the Department of Children and Families or licensed by the Agency for

Health Care Administration which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents, ~~and which meet the notification requirements of F.S. ch. 419.~~

Group home means a dwelling unit that pursuant to ~~pursuant to F.S. ch. 419~~ is a community residential home licensed to serve clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice or the Department of Children and Families or licensed by the Agency for Health Care Administration ~~a type of community residential home licensed to serve clients of the state department of children and family services~~ which provides a living environment for four to six unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical emotional and social needs of the residents.

Section 3. Chapter 78, Article III, Section 78-61 (2) is hereby amended, as follows:

Section 78-61. – R-1AA Residence Districts:

- (2) *Uses permitted.* Residence district R-1AA shall include single-family residences and multiple-family structures as specified below:
 - a. *Single-family residences.* Single-family residences shall conform with R-1A residence districts, except as follows:
 1. *Building site area required.* Every parcel of land on which a dwelling is erected shall have an area of not less than 10,000 square feet and a street frontage of at least 100 feet, except that where a street terminates in a circle, lots fronting on the circle may have a street frontage of less than 100 feet. The area of any such circle lot shall be not less than 10,000 square feet, nor shall the street frontage be less than 50 feet.
 2. *Building height limit.* No single-family building or structure shall exceed two stories or 30 feet in height.

3. *Minimum floor area required.* The minimum required first floor area of actual living quarters shall be 1,500 square feet, exclusive of carport, garage, utility rooms, porches or enclosed areas.
4. *Parking area.* There shall be a parking area of two spaces for each residence.
- b. *Multiple-family structures.*
 1. *Building height limit.* No multiple-family structure shall exceed eight stories or 100 feet in height.
 2. *Building site area required.* Every parcel of land on which a multiple-family structure is erected shall have an area of not less than 2,000 square feet of land for each dwelling unit; provided, however, every parcel of land on which a multifamily structure is erected shall have an area of not less than 1,000 square feet for each dwelling unit built above three stories or 40 feet in addition to the required 2,000 square feet for each dwelling unit which does not exceed three stories or 40 feet. It is the intent of this section to require 2,000 square feet of land area for each dwelling unit of a multifamily structure which does not exceed three stories in height or 40 feet plus an additional 1,000 square feet of land area for each dwelling unit which is built above three stories in height or 40 feet in height.
 3. *Minimum size building and number of units.* No multiple-family structure shall have less than 7,000 square feet total floor area nor less than ten dwelling units.
- d. Group home is a permitted use provided that any group home is not located within a radius of 1,000 feet of another existing group home.
- e. Community residential home is a permitted use provided that any community residential home is not located within a radius of 1,200 feet of another existing community residential home.
- f. ~~By special exception, substance abuse treatment facility that provides room and board for six or fewer residents, provided that it is not located within a radius of 1,000 feet of another such existing substance abuse treatment facility; and substance abuse treatment facility that provides room and board for seven to fourteen residents, provided that it is not located within a radius of 1,200 feet of another such existing substance abuse treatment facility, and further provided that the operator of any such facility obtains a business tax receipt from the town.~~
- g. Transient residential uses are permitted.

Section 4. Chapter 78, Article III, Section 78-62 (1) of the Code is amended as follows:

Sec. 78-62. R-1A Residence Districts.

Within R-1A residence districts, the following regulations shall apply:

- (1) *Uses permitted.* Within any R-1A residence district, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:
- a. Single-family dwellings. A private garage, swimming pools, spas and hot tubs, saunas, tiki huts, greenhouses, tennis courts, gazebos, cabanas, sheds, and other similar uses deemed appropriate by the community development director which are intended for use by occupants of the dwelling shall be considered an accessory use to a single-family dwelling. Odd shaped structures such as domed or igloo shaped buildings, Quonset huts, hanger shaped structures, and other buildings and structures which are irregular and/or are not architecturally consistent, compatible or harmonious with the principal residential structure and the general character of the neighborhood are not permitted. A cabana may be used for the purpose of private recreational activity, which is an accessory use to a residential use, and which shall not exceed 650 square feet. Neither a cabana nor a shed shall be used for habitation or as a dwelling unit, and shall not be equipped with cooking facilities. A cabana, shall specifically include, but not be limited to, detached structures which are used as a craft or hobby room, a pool or game room, a home office (but not open to the general public for any business), a play-room room (but not used for home day care purposes), or a tool-room or workshop.
 - b. Churches/houses of worship and related buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or education, day camp, Sunday school, ministries, and other church related activities.
 - c. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for multifamily residences, planned unit developments, commercial and other permitted uses shall be determined in the site planning process or administratively on a case-by-case basis and subject to these standards.
 1. A private garage for use by occupants of the principal building shall be considered an accessory use.
 - d. Group home is a permitted use provided that any group home is not located within a radius of 1,000 feet of another existing group home.
 - e. ~~By special exception, substance abuse treatment facility that provides room and board for six or fewer residents, provided that it is not located within a radius of 1,000 feet of another such existing substance abuse treatment facility and further provided that the operator of any such facility obtains a business tax receipt from the town.~~

Section 5. Chapter 78, Article III, Section 78-63 (1) is hereby amended as follows:

Section 78-63 – R-1B Residence Districts.

Within R-1B residence districts, the following regulations shall apply:

- (1) *Uses permitted.* Within any R-1B residence district, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:
 - a. Single-family dwellings. A private garage, swimming pools, spas and hot tubs, saunas, tiki huts, greenhouses, tennis courts, gazebos, sheds, cabanas and other similar uses deemed appropriate by the community development director which are intended for use by occupants of the dwelling shall be considered an accessory use to a single-family dwelling. Odd shaped structures such as domed or igloo shaped buildings, Quonset huts, hanger shaped structures, and other buildings and structures which are irregular or not architecturally consistent, compatible, or harmonious with the principal residential structure and the general character of the neighborhood are not permitted. A cabana may be used for the purpose of private recreational activity, which is an accessory use to a residential use, and which shall not exceed 650 square feet. Neither a cabana nor a shed shall be used for habitation or as a dwelling unit, and shall not be equipped with cooking facilities. A cabana, shall specifically include, but not be limited to, detached structures which are used as a craft or hobby room, a pool or game room, a home office (but not open to the general public for any business), a play-room room (but not used for home day care purposes), or a tool-room or workshop.
 - b. Churches/houses of worship and related buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or education, day camp, Sunday school, ministries, and other church related activities.
 - c. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for multifamily residences, planned unit developments, commercial and other permitted uses shall be determined in the site planning process or administratively on a case-by-case basis and subject to these standards.
 1. A private garage for use by occupants of the principal building shall be considered an accessory use.
 - d. Schools, except correctional institutions.
 - e. Playgrounds operated in conjunction with schools or owned and operated by the town.
 - f. Two-family dwellings. No garage apartment will be permitted as an accessory use on a lot or parcel of land with a two-family dwelling.
 - g. Electric substations.
 - h. Group home is a permitted use provided that any group home is not located within a radius of 1,000 feet of another existing group home.

- i. ~~By special exception, substance abuse treatment facility that provides room and board for six or fewer residents, provided that it is not located within a radius of 1,000 feet of another such existing substance abuse treatment facility and further provided that the operator of any such facility obtains a business tax receipt from the town.~~
- j. Transient residential use is a prohibited use in the R-1B residence zoning district. Provided, however, that existing transient residential uses in the R-1B residence zoning district may continue until the expiration of the current lease agreement between an existing occupant and the real property owner, or 12 months after the effective date of this section, whichever occurs first.

Section 6. Chapter 78, Article III, Section 78-64 (1) is hereby amended as follows:

Sec. 78-64. - R-1 residence districts.

Within R-1 residence districts, the following regulations shall apply:

- (1) *Uses permitted.* Within any R-1 residence district, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:
 - a. Single-family dwellings. A private garage, swimming pools, spas and hot tubs, saunas, tiki huts, greenhouses, tennis courts, gazebos, cabanas, sheds, and other similar uses deemed appropriate by the community development director which are intended for use by occupants of the dwelling shall be considered an accessory use to a single-family dwelling. Odd shaped structures such as domed or igloo shaped buildings, Quonset huts, hanger shaped structures, and other buildings and structures which are irregular and/or are not architecturally consistent, compatible or harmonious with the principal residential structure and the general character of the neighborhood are not permitted. A cabana may be used for the purpose of private recreational activity, which is an accessory use to a residential use, and which shall not exceed 650 square feet. Neither a cabana nor shed shall be used for habitation or as a dwelling unit, and shall not be equipped with cooking facilities. A cabana, shall specifically include, but not be limited to, detached structures which are used as a craft or hobby room, a pool or game room, a home office (but not open to the general public for any business), a play-room room (but not used for home day care purposes), or a tool-room or workshop.
 - b. Churches/houses of worship and related buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or education, day camp, Sunday school, ministries, and other church related activities.
 - c. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for multifamily residences, planned unit developments, commercial and other permitted uses shall

be determined in the site planning process or administratively on a case-by-case basis and subject to these standards.

1. A private garage for use by occupants of the principal building shall be considered an accessory use.
- d. Schools, except correctional institutions.
- e. Playgrounds operated in conjunction with schools or owned and operated by the town.
- f. Group home is a permitted use provided that any group home is not located within a radius of 1,000 feet of another existing group home.
- ~~g. By special exception, substance abuse treatment facility that provides room and board for six or fewer residents, provided that it is not located within a radius of 1,000 feet of another such existing substance abuse treatment facility and further provided that the operator of any such facility obtains a business tax receipt from the town.~~

Section 7. Chapter 78, Article III, Section 78-65 (1) is hereby amended as follows:

Sec. 78-65. - R-2A residence districts.

Within R-2A residence districts, the following regulations shall apply:

- (1) *Uses permitted.* Within any R-2A residence district, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:
 - a. Single-family dwellings. A private garage, swimming pools, spas and hot tubs, saunas, tiki huts, greenhouses, tennis courts, gazebos, cabanas, sheds, and other similar uses deemed appropriate by the community development director which are intended for use by occupants of the dwelling shall be considered an accessory use to a single-family dwelling. Odd shaped structures such as domed or igloo shaped buildings, Quonset huts, hanger shaped structures, and other buildings and structures which are irregular and/or are not architecturally consistent, compatible or harmonious with the principal residential structure and the general character of the neighborhood are not permitted. A cabana may be used for the purpose of private recreational activity, which is an accessory use to a residential use, and which shall not exceed 650 square feet. Neither a cabana nor a shed shall be used for habitation or as a dwelling unit, and shall not be equipped with cooking facilities. A cabana, shall specifically include, but not be limited to, detached structures which are used as a craft or hobby room, a pool or game room, a home office (but not open to the general public for any business), a play-room room (but not used for home day care purposes), or a tool-room or workshop.

- b. Churches/houses of worship and related buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or education, day camp, Sunday school, ministries, and other church related activities.
- c. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for multifamily residences, planned unit developments, commercial and other permitted uses shall be determined in the site planning process or administratively on a case-by-case basis and subject to these standards.
 - 1. A private garage for use by occupants of the principal building shall be considered an accessory use.
- d. Hotels without shop fronts or stores facing the street.
- e. Multiple-family structures (apartments).
- f. Motels without shop fronts or stores facing the street.
- g. Group home is a permitted use provided that any group home is not located within a radius of 1,000 feet of another existing group home.
- h. Community residential home is a permitted use provided that any community residential home is not located within a radius of 1,200 feet of another existing community residential home.
- ~~i. By special exception, substance abuse treatment facility that provides room and board for six or fewer residents, provided that it is not located within a radius of 1,000 feet of another such existing substance abuse treatment facility; and substance abuse treatment facility that provides room and board for seven to fourteen residents, provided that it is not located within a radius of 1,200 feet of another such existing substance abuse treatment [facility], and further provided that the operator of any such facility obtains a business tax receipt from the town.~~
- j. Transient residential use.

Section 8. Chapter 78, Article III, Section 78-66 (1) is hereby amended as follows:

Sec. 78-66. - R-2 residence districts.

Within R-2 residence districts, the following regulations shall apply:

- (1) *Uses permitted.* Within any R-2 residence district, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:
- a. Single-family dwellings. A private garage, swimming pools, spas and hot tubs, saunas, tiki huts, greenhouses, tennis courts, gazebos, cabanas, sheds, and other similar uses deemed appropriate by the community development director which are intended for use by occupants of the dwelling shall be considered an accessory use to a single-family dwelling. Odd shaped structures such as domed or igloo shaped buildings, Quonset huts, hanger shaped structures, and other buildings and structures which are irregular and/or are not architecturally consistent, compatible or harmonious with the principal residential structure and the general character of the neighborhood are not permitted. A cabana may be used for the purpose of private recreational activity, which is an accessory use to a residential use, and which shall not exceed 650 square feet. Neither a cabana nor a shed shall be used for habitation or as a dwelling unit, and shall not be equipped with cooking facilities. A cabana, shall specifically include, but not be limited to, detached structures which are used as a craft or hobby room, a pool or game room, a home office (but not open to the general public for any business), a play-room room (but not used for home day care purposes), or a tool-room or workshop.
 - b. Churches/houses of worship and related buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or education, day camp, Sunday school, ministries, and other church related activities.
 - c. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for multifamily residences, planned unit developments, commercial and other permitted uses shall be determined in the site planning process or administratively on a case-by-case basis and subject to these standards.
 1. A private garage for use by occupants of the principal building shall be considered an accessory use.
 - d. Schools, except correctional institutions.
 - e. Playgrounds operated in conjunction with schools or owned and operated by the town.
 - f. Two-family dwellings.
 - g. Multifamily dwellings or apartment houses and community residential homes, provided that any such community residential home is not located within a radius of 1,200 feet of another such home. No garage apartment shall be permitted as an accessory use on a lot or parcel of land with a two-story dwelling (duplex) or a multiple-family structure.

- h. Civic buildings, libraries.
- i. Nursing or convalescent homes.
- j. Nursery schools or kindergartens.
- k. Physicians or dentists, subject to the following provisions:
 - 1. Physicians or dentists may operate an office in conjunction with a home so long as the front of such office shall be kept as a home.
 - 2. No more than 35 percent of the ground floor area shall be used as an office.
 - 3. Not more than one physician or dentist may practice, and there shall not be more than three persons employed.
 - 4. Office hours shall be limited to daylight hours.
- l. Group home is a permitted use provided that any group home is not located within a radius of 1,000 feet of another existing group home.
- m. ~~By special exception, substance abuse treatment facility that provides room and board for six or fewer residents, provided that it is not located within a radius of 1,000 feet of another such existing substance abuse treatment facility; and substance abuse treatment facility that provides room and board for seven to fourteen residents, provided that it is not located within a radius of 1,200 feet of another such existing substance abuse treatment facility, and further provided that the operator of any such facility obtains a business tax receipt from the town.~~
- n. Transient residential use.

Section 9. Chapter 78, Article III, Section 78-67(1) is hereby amended as follows:

Sec. 78-67. - R-3 residence districts.

Within R-3 residence districts, the following regulations shall apply:

- (1) *Uses permitted.* Within any R-3 residence district, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged unless otherwise permitted by these regulations, except for the following uses:
 - a. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for commercial and other permitted uses shall be determined in the site planning process or administratively on a case-by-case basis and subject to these standards.
 - 1. A private garage for use by occupants of the principal building shall be considered an accessory use.

- b. Schools, except correctional institutions.
- c. Playgrounds operated in conjunction with schools or owned and operated by the town.
- d. Civic buildings, libraries.
- e. Nursing or convalescent homes.
- f. Nursery schools or kindergartens.
- g. Physicians or dentists, subject to the following provisions:
 - 1. Physicians or dentists may operate an office in conjunction with a home so long as the front of such office shall be kept as a home.
 - 2. No more than 35 percent of the ground floor area shall be used as an office.
 - 3. Not more than one physician or dentist may practice, and there shall not be more than three persons employed.
 - 4. Office hours shall be limited to daylight hours.
- h. Banks, office buildings, medical clinics, dental offices.
- i. No living quarters shall be permitted in any professional or commercial structure or upon a lot or parcel upon which a professional or commercial structure is situated.
- j. Group home is a permitted use provided that any group home is not located within a radius of 1,000 feet of another existing group home.
- ~~e. By special exception, substance abuse treatment facility, provided that the operator of any such facility obtains a business tax receipt from the town and any such facility shall not be located within a radius of 1,000 feet of another existing facility.~~

Section 10. Chapter 78, Article III, Section 78-69(1) is hereby amended as follows:

Sec. 78-69. - C-1B business districts.

Within C-1B business districts, the following regulations shall apply:

- (1) *Uses permitted.* Within C-1B business districts, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:
 - a. Single-family dwellings. A private garage, swimming pools, spas and hot tubs, saunas, tiki huts, greenhouses, tennis courts, gazebos, cabanas, sheds, and other similar uses deemed appropriate by the community development director which are intended for use by occupants of the dwelling shall be considered an accessory use to a single-family dwelling. Odd shaped structures such as domed or igloo shaped buildings, Quonset huts, hanger shaped structures, and other buildings and

structures which are irregular and/or are not architecturally consistent, compatible or harmonious with the principal residential structure and the general character of the neighborhood are not permitted. A cabana may be used for the purpose of private recreational activity, which is an accessory use to a residential use, and which shall not exceed 650 square feet. Neither a cabana nor a shed shall be used for habitation or as a dwelling unit, and shall not be equipped with cooking facilities. A cabana, shall specifically include, but not be limited to, detached structures which are used as a craft or hobby room, a pool or game room, a home office (but not open to the general public for any business), a play-room room (but not used for home day care purposes), or a tool-room or workshop.

- b. Community residential homes.
- c. Churches/houses of worship and related buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or education, day camp, Sunday school, ministries, and other church related activities.
- d. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for multifamily residences, planned unit developments, commercial and other permitted uses shall be determined in the site planning process or administratively on a case-by-case basis and subject to these standards.
 - 1. A private garage for use by occupants of the principal building shall be considered an accessory use.
- e. Schools, except correctional institutions.
- f. Playgrounds operated in conjunction with schools or owned and operated by the town.
- g. Two-family dwellings.
- h. Multifamily dwellings or apartment houses and community residential homes, provided that any such community residential home is not located within a radius of 1,200 feet of another such home. No garage apartment shall be permitted as an accessory use on a lot or parcel of land with a two-story dwelling (duplex) or a multiple-family structure.
- i. Civic buildings, libraries.
- j. Nursing or convalescent homes.
- k. Nursery schools or kindergartens.
- l. Physicians or dentists, subject to the following provisions:
 - 1. Physicians or dentists may operate an office in conjunction with a home so long as the front of such office shall be kept as a home.

2. No more than 35 percent of the ground floor area shall be used as an office.
 3. Not more than one physician or dentist may practice, and there shall not be more than three persons employed.
 4. Only one sign shall be permitted, not to exceed two square feet in size.
 5. Office hours shall be limited to daylight hours.
- m. Hotels without shop fronts or stores facing the street.
- n. Dwellings in which rooms are rented or table board provided.
- o. Home occupations or professions where incidental to the residential use. A home occupation shall be interpreted as any vocation, trade or profession carried on within a dwelling by the occupants thereof, where no power other than electric is used, no signs other than one unlighted sign not in excess of two square feet is displayed, no merchandise or other articles are displayed for advertising purposes, no assistants are employed and not more than 35 percent of the ground floor area is so used unless otherwise provided by the regulations of the several districts. Such home occupations shall not include experimentation that involves the use of chemicals or matter or energy that may create or cause to be created noises, noxious odors or hazards that will endanger the health, safety or welfare of the community.
- p. Motels without shops or restaurants. A motel of 12 or more units having a restaurant in connection therewith and under the same ownership or management shall be permitted.
- q. Only retail business or commercial use in which there is no processing or treatment of materials, and only as follows:
1. Appliance stores, including radio and television.
 2. Bakeries the products of which are sold at retail and baked on the premises for retail sale exclusively on the premises and which bakeries employ five or less employees.
 3. Banks.
 4. Barbershops, beauty shops, chiropodists and masseurs.
 5. Offices, business and professional.
 6. Restaurants.
 7. Shops for the retail selling of merchandise not made on the premises.
 8. Medical clinics.
- r. No living quarters shall be permitted in any business or commercial structure or upon a lot or parcel upon which a business or commercial structure is situated.
- s. Group home is a permitted use provided that any group home is not located within a radius of 1,000 feet of another existing group home.

- t. ~~By special exception, substance abuse treatment facility, provided that the operator of any such facility obtains a business tax receipt from the town and any such facility shall not be located within a radius of 1,000 feet of another existing facility.~~
- u. Transient residential use.

Section 11. Chapter 78, Article III, Section 78-71 (2) is hereby amended as follows:

Sec. 78-71. - C-1 business district.

Within the C-1 business district, the following regulations shall apply:

(2) *Building height limit.* No building or structure shall exceed two stories or 30 feet in height and the minimum external height shall not be less than 13 feet. The minimum internal height from floor to ceiling shall be eight feet.

Special exception uses permitted pursuant to section 78-184:

- a. Animal service establishment;
- b. Automotive service station;
- c. Funeral home;
- d. Hospital, sanitarium or medical clinic;
- e. Motel/hotel;
- f. ~~Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility; or~~
- g. Vehicle, boat or wave runner 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. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and
 - 3. 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.

Section 12. Chapter 78, Article III, Section 78-72 (1) is hereby amended as follows:

Sec. 78-72. - C-2 business districts.

Within C-2 business districts, the following regulations shall apply:

- (1) *Uses permitted.* Within C-2 business districts, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:
 - a. Appliance stores, including radio and television services.
 - b. Bakeries having not more than five employees.
 - c. Bakeries the products of which are sold at retail but not produced on the premises.
 - d. Banks.
 - e. Barbershops, beauty shops, chiropodists and masseurs.
 - f. Grocery stores, specialty, at least 2,000 square feet and not more than 10,000 square feet with at least 50 percent of the sales area, including shelving, containing foods of a specialty or ethnic nature and otherwise subject to the requirements of section 78-70(r).
 - g. Clubs for social, recreational, fraternal or benevolent purposes.
 - h. Fertilizer, stored and sold at retail only.
 - i. Ice delivery stations.
 - j. Laundry pickup stations.
 - k. Offices, business and professional.
 - l. Outdoor miniature golf courses, all objects limited to eight feet in height and the building or premises is located not less than 500 feet from the premises of an existing nursery school, elementary school or high school.
 - m. Restaurants.
 - n. Shops, including shops for making articles without use of machinery, to be sold, at retail on the premises.
 - o. Theatres.
 - p. No residences, dwellings or living quarters shall be permitted in C-2 business districts.
 - q. ~~By special exception, substance abuse treatment facilities, provided that the operator of any such facility obtains a business tax receipt from the town and any such facility shall not be located within a radius of 1,000 feet of another existing facility.~~
 - r. Transient residential use.

Section 13. Chapter 78, Article III, Section 78-73 (1) is hereby amended as follows:

Sec. 78-73. - C-3 regional business district.

The C-3 regional business district is designed for the reuse and/or redevelopment of commercial property. It contains special regulations and procedures that are integrated with those of the Village of North Palm Beach to avoid conflicts that could otherwise be created by the location of the town/village boundary. Within C-3 business districts, the following regulations shall apply:

- (1) *Uses permitted.* Within the C-3 zoning district, no building, structure, land or water shall be used, unless otherwise permitted by these regulations, except for any combination of the following purposes:
 - a. Banks, savings and loans, stockbrokers and similar financial institutions.
 - b. Business offices, including medical and professional services.
 - c. Community residential homes, provided that any such community residential home is not located within a radius of 1,200 feet of another such community residential home.
 - d. Hotels, motels and time-share units.
 - e. Multiple-family dwellings (each building containing three or more units) and customary accessory uses, subject to any limitations on residential uses in the adopted comprehensive plan.
 - f. Personal services typically offered in conjunction with shopping facilities, such as laundromats, dry cleaners, barbershops and beauty shops, child care facilities, health clubs and shops for the repair, cleaning or rental of items weighing less than 100 pounds.
 - g. Restaurants and other establishments where food and/or beverages are prepared and served.
 - h. Retail sale of new or antique merchandise that is displayed indoors only, whether in freestanding buildings or in a centrally managed shopping center or enclosed mall.
 - i. Theaters and other entertainment facilities, including nightclubs, game rooms, bowling alleys and similar establishments, provided they are fully enclosed and provided such uses shall not include an adult entertainment establishment as defined in this Code.
 - ~~j. By special exception, substance abuse treatment facilities, provided that the operator of any such facility obtains a business tax receipt from the town and any such facility shall not be located within a radius of 1,000 feet of another existing facility.~~
 - k. Transient residential use.
 - l. Group home is a permitted use provided that any group home is not located within a radius of 1,000 feet of another existing group home.

Section 14. Chapter 78, Article III, Section 78-75 (2) is hereby amended as follows:

Sec. 78-75. - CLIC-1 campus light industrial/commercial district.

Within the CLIC campus light industrial/commercial district, the following regulations shall apply:

- (2) *Uses permitted.* Within the CLIC zoning district, no building, structure, land or water use shall be permitted and no building shall be erected, structurally altered or enlarged, except for the following uses:
 - a. Any of the following uses shall be permitted:
 1. Freighting or trucking yard or terminal.
 2. Utility substations, easements, rights-of-way and alleys, transportation easements, alleys and rights-of-way.
 3. Building suppliers, including lumberyards and milling of wood products, but excluding sawmills and planing mills.
 4. Business offices and studios.
 5. Dance instruction.
 6. Electronic equipment, sales and manufacturing.
 7. Hardware, paint and garden supplies.
 8. Laboratories, medical and dental.
 9. Monuments, sales.
 10. Nurseries and greenhouses.
 11. Personal services, including but not limited to barbershops, beauty shops, masseurs and health studios.
 12. Precision instruments and optics.
 13. Printing and publishing plants.
 14. Public and private utility services.
 15. Retail sale, leasing or renting of vehicles, trailers, or boats.
 16. ~~By special exception, substance abuse treatment facilities, provided that the operator of any such facility obtains a business tax receipt from the town and any such facility shall not be located within a radius of 1,000 feet of another existing facility.~~
 17. Transient residential use.
 18. Community residential homes, provided that any such community residential home is not located within a radius of 1,200 feet of another such home.

19. Group home is a permitted use provided that any group home is not located within a radius of 1,000 feet of another existing group home.

Section 15. 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 16. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 17. 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 18. Effective Date. This Ordinance shall take effect upon execution.

Upon First Reading this 17 day of May, 2017, the foregoing Ordinance was offered by Commissioner Flaherty, who moved its approval. The motion was seconded by Commissioner Lynch 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>Absent</u> | _____ |

PUBLISHED IN THE PALM BEACH POST THIS 28 DAY OF May, 2017

Upon Second Reading this 7 day of June, 2017, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro who moved its adoption. The motion was seconded by Commissioner Lynch, 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.** 05-2017 duly passed and adopted this 7 day of June, 2017.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
Mayor, Michael O'Rourke

ATTEST:

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

Approved as to form and legal sufficiency:

[Signature]
Town Attorney, Thomas J. Baird