

ORDINANCE NO. 06-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CREATING SITE PLAN CRITERIA TO BE INCLUDED WITHIN THE LAND DEVELOPMENT REGULATIONS OF SUBPART B OF CHAPTER 67 SECTION 67-38.1 OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Commission of the Town of Lake Park, Florida ("Town") has adopted a Comprehensive Plan ("Plan") has been determined to be in compliance with Chapter 163, Part II, Florida Statutes; and

WHEREAS, pursuant to Section 163.3202(2), Florida Statutes, municipalities are required to provide specific and detailed land development regulations as part of the implementation of their adopted comprehensive plans; and

WHEREAS, the Town Commission of the Town has directed its Town Manager to direct the Community Development Department to prepare, as part of Subpart B of the Land Development Regulations which are contained in the Town Code, criteria for the review and evaluation of applications for site plans; and

WHEREAS, the Community Development Department has prepared site plan criteria for inclusion in the Land Development Regulations of Subpart B of Chapter 67, Section 67-38.1 of the Town Code; and

WHEREAS, the site plan criteria is to be used in the review and evaluation of applications for a site plan.

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 the legislative findings of the Town Commission.

Section 2. Chapter 67, Section 67-38.1 of the Code of the Town of Lake Park is created to read as follows:

CHAPTER 67 – SECTION 67-38.1 SITE PLAN CRITERIA

Sec. 67-38.1. - Criteria for review of site plan applications.

(a) The criteria listed below shall apply to the review of all applications for a site plan or planned unit developments and any proposed amendments or modifications thereto. The criteria shall be used to evaluate applications for the development or re-development of land within the Town. In order to approve a development order for the development or redevelopment of land within the Town, the applicant must demonstrate that all of the following criteria have been met.

- (1) The proposed development or redevelopment is consistent with the goals, objectives and policies of the Comprehensive Plan.
- (2) The proposed development or redevelopment is consistent with any applicable land development regulations.
- (3) The proposed development or redevelopment is consistent with other regulations of this Code.
- (4) The proposed development or redevelopment is compatible and/or consistent with the established character of a neighborhood, area, or a particular zoning district.
- (5) The proposed development or redevelopment does not substantially increase traffic or otherwise adversely impact the roadways within the Town.
- (6) There are adequate levels of service for all public facilities, including, but not limited to, transportation, water supply, drainage and sanitation, and that the public facilities are available concurrent with the impact expected to be created by the development or redevelopment.
- (7) The proposed development or redevelopment does not adversely affect the light and air of adjacent properties.

- (8) The proposed development or redevelopment does not adversely affect property values in adjacent areas.
- (9) The proposed development or redevelopment would not be a deterrent to the improvement, redevelopment or development of adjacent properties in the same general area or zoning district.
- (10) The proposed development or redevelopment does not diminish the views of adjacent properties, create a substantial increase in noise, or contribute to the visual pollution in the area of the proposed development or redevelopment.
- (11) The proposed development or redevelopment does not negatively impact parks, open space, natural systems or public facilities in the general vicinity of the proposed development or redevelopment. .
- (12) The proposed development or redevelopment provides pedestrian amenities, including, but not limited to, green or open spaces, benches, trash receptacles, and/or bicycle parking.

(b) Should the Department of Community Development and/or the Town Commission determine that the proposed site plan is not consistent with the criteria outlined in subsection (a) above, the site plan may be denied, or approved subject to such conditions the Community Development Department or Commission determines to be necessary to provide for the development or redevelopment of land which is consistent with these criteria. The conditions may require the applicant and/or property owner to exceed the minimum development standards set forth in the town's land development regulations, and/or other regulations determined by the Department of Community Development or the Commission to be applicable. Examples of conditions include, but are not limited to, the following:

- (1) Restraints to minimize or eliminate such effects as noise, vibration, air pollution, glare and/or odor.
- (2) Limits on the height, size or mass, architecture, and/or location of any proposed or existing building or structure on the property which is the subject of an application.
- (3) Designate the size, number, location and/or nature of access points (vehicle and pedestrian).
- (4) Designate the size, location, screening, drainage, type of surfacing material and/or other improvement of a parking and/or loading area.
- (5) Limit or otherwise designate the number, size, location, height and/or lighting of signs.

- (6) Require the use of, and designate the size, height, location and/or landscaping materials for, berming, screening, landscaping and/or other facilities to protect and/or buffer adjacent or nearby property, including designating standards for installation and/or maintenance of the facilities.
- (7) Require the protection of existing and/or the relocation of additional trees, vegetation, water resources, wildlife habitat and/or other appropriate natural resources.
- (8) Require specific architectural details and/or design that produces a physical development which is compatible in appearance and mass of other uses in the general vicinity of the proposed development or redevelopment or within the zoning district.
- (9) Specify conditions to implement the intent and purpose of this chapter and the goals, objectives and policies of the town's comprehensive plan.

(c) Violation of any conditions, when made a part of the terms under which the site plan is approved, shall be deemed a violation of this chapter subject to enforcement under the provisions of this Code.

Section 3. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Codification. The sections of the ordinance may be renumbered or re-lettered to accomplish codification, and the words "ordinance," "section," "article," or "paragraph" may be changed to provide for continuity.

Section 5. Severability. If any section, subsection, sentence, clause, phase 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 6. Effective Date. This ordinance shall take effect upon its execution.

Upon First Reading this 7 day of June, 2017, the foregoing Ordinance was offered by Vice-Mayor Glas-Castro, who moved its approval. The motion was seconded by Commissioner Michaud 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 11 DAY OF June, 2017

Upon Second Reading this 21 day of June, 2017, the foregoing Ordinance, was offered by Commissioner Flaherty, 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>Absent</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 06-2017 duly passed and adopted this 21 day of June, 2017.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
Mayor, Michael O'Rourke

ATTEST:

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

Approved as to form and legal sufficiency:

[Signature]
Town Attorney, Thomas J. Baird

FLORIDA