

ORDINANCE NO. 09-2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, APPENDIX A, ARTICLE I, DIVISION 4, SECTION 4-3 OF THE TOWN'S CODE OF ORDINANCES TO ELIMINATE SUBSECTION 'D' THEREOF REQUIRING LANDSCAPING COMPLIANCE WITHIN A PRESCRIBED TIMEFRAME; 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, including additional landscaping requirements along Northlake Boulevard in conjunction with Palm Beach County, the City of Palm Beach Gardens, the Village of North Palm Beach, jointly serving as the Northlake Boulevard Overlay Taskforce (NBOZ), which have been codified in Chapter 78, Appendix A of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, the Town's Community Development Department has recommended amendments to Appendix A, Article 1, Division 4, Section 4-3(D) of the Code of Ordinances pertaining to the compliance date for nonconforming landscape parcels; and

WHEREAS, the Town Commission has determined that the recommended amendments would further the public's health, safety and general welfare.

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, Appendix A, Article 1, Division 4, Section 4-3(D) is hereby amended as follows:

Sec. 4-3. Nonconforming landscape areas.

A. *Nonconformities established.* All development constructed prior to the effective date of these regulations that do not conform with the provisions of this division shall be considered nonconforming.

1. If nonconforming landscaping is damaged or destroyed by any means to the extent of 50 percent or more of its replacement value at the time of the damage, the replacement landscaping and elements must conform to all of the provisions of this division.

B. *Maintenance.* Nonconforming landscape areas are not exempt from minimum maintenance standards.

C. *Amendments to the approved plan.* The following types of amendments to a previously approved development plan shall require the review of the landscape plan for the entire site using the minimum landscape standards in this division:

1. Increase in the total square footage of any building by more than 20 percent;
2. Increase in the number of structures; or
3. Increase in the building height of any building.

~~D. *Notice of noneonforming status.* Upon the effective date of this article or upon the future annexation of properties, the jurisdiction shall contact the owners of all properties developed for nonresidential purposes that do not comply with the provisions of this division. The notice shall inform the property owners that the property is being placed in a nonconforming and that the owner of nonconforming property shall have eight years from the date of the nonconforming notice to comply with the requirements set forth in this division. Written notice to the property shall be provided by certified mail.~~

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 adoption.

Upon First Reading this 2 day of July, 2014, the foregoing Ordinance was offered by Commissioner Rapoza, 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 JAMES DUBOIS | <u>/</u> | _____ |
| VICE-MAYOR KIMBERLY GLAS-CASTRO | <u>/</u> | _____ |
| COMMISSIONER ERIN FLAHERTY | <u>/</u> | _____ |
| COMMISSIONER MICHAEL O'ROURKE | <u>Absent</u> | _____ |
| COMMISSIONER KATHLEEN RAPOZA | <u>/</u> | _____ |

PUBLISHED IN THE PALM BEACH POST THIS 6 DAY OF July, 2014

Upon Second Reading this 16 day of July, 2014, the foregoing Ordinance, was offered by Commissioner Flaherty, who moved its adoption. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

| | AYE | NAY |
|---------------------------------|----------|-------|
| MAYOR JAMES DUBOIS | <u>/</u> | _____ |
| VICE-MAYOR KIMBERLY GLAS-CASTRO | <u>/</u> | _____ |
| COMMISSIONER ERIN FLAHERTY | <u>/</u> | _____ |
| COMMISSIONER MICHAEL O'ROURKE | <u>/</u> | _____ |
| COMMISSIONER KATHLEEN RAPOZA | <u>/</u> | _____ |

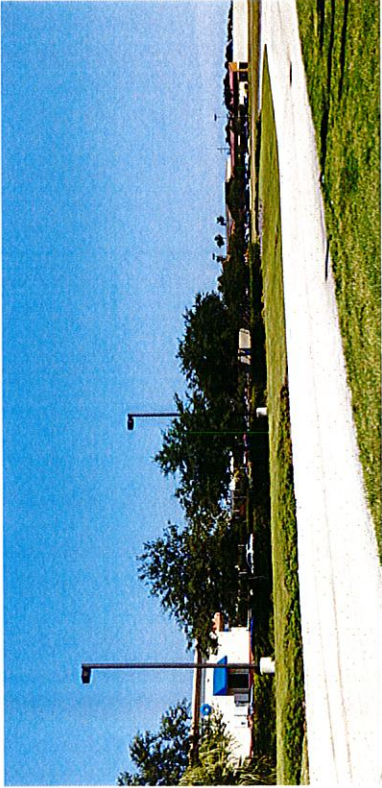
The Mayor thereupon declared **Ordinance No. 09-2014** duly passed and adopted this 16 day of July, 2014.

TOWN OF LAKE PARK, FLORIDA
 BY: James DuBois
 Mayor, James DuBois

ATTEST:
Vivian Mendez
 Town Clerk, Vivian Mendez
 (Town Seal)
 SEAL
 PARK
 FLORIDA

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

INVENTORY OF PARCELS



PUBLIX PLAZA (*parking and vacant area only*) AND OUTPARCELS

320 (Wendy's), 328 (Chase) and 370 (Publix - building excluded from NBOZ) Northlake Boulevard

Publix landscaped according to plans on file (in NPB); meets NBOZ requirements. Wendy's approved pursuant to 2002 plans and meets most NBOZ requirements with the exception of a 20 foot buffer width for which a waiver was granted.



HARBOR FREIGHT TOOLS

440 Northlake Boulevard

Meets NBOZ as best as possible. Landscaped according to plans on file. Full buffer widths not possible due to property size and structure being built in 1988, however additional plantings were incorporated in 2010 and 2013 due to minor renovation work.

VARIOUS BUSINESSES

450 Northlake Boulevard

Meets NBOZ as best as possible. Landscaped according to plans on file. Full buffer widths not possible due to property size and structure being built in 1962. Additional improvements made in 2010 and perimeter trees were added. Code is monitoring for maintenance based on the 2010 plans on file.

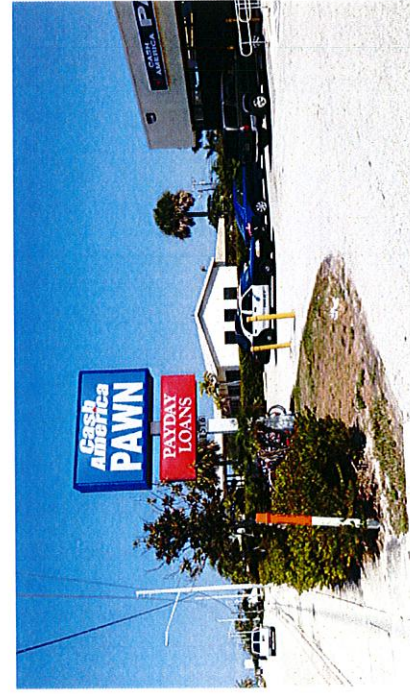


ENTERPRISE RENT-A-CAR

500 Northlake Boulevard

Meets NBOZ as best as possible. Landscaped according to plans on file dated the year 1995. Full buffer widths not possible due to property size and structure being originally built in 1968.





CASH AMERICA

516 Northlake Boulevard

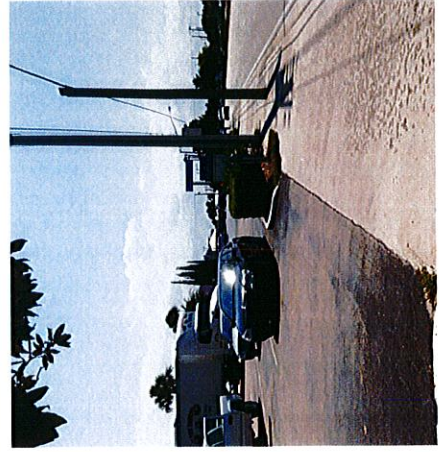
Meets NBOZ as best as possible. Full buffer widths and trees not possible due to property size; parking/drive-aisle interferences and structure being originally built in 1973. Being monitored by Code for maintenance of existing landscaping.



VARIOUS BUSINESSES

524 Northlake Boulevard

Meets NBOZ as best as possible. Full buffer widths and trees not possible due to property size; interferences and structure being built in 1973.



GOODYEAR

532 Northlake Boulevard

Minimal landscaping onsite however, building was built in 1970 for a Goodyear auto repair use and operationally cannot incorporate any additional landscaping at this time



PROFESSIONAL OFFICES

550 Northlake Boulevard

Meets NBOZ as best as possible. Landscaped according to plans on file dated the year 1998. Full buffer widths not possible due to property size; circulation/parking requirements and structure being built in 1977.



FURNITURE STORE (MARIE-ANTOINETTE)

556 Northlake Boulevard

Meets NBOZ as best as possible. Landscaped according to plans on file. Full buffer widths not possible due to property size and structure being built in 1977.

LAKE PARK MITSUBISHI

572 Northlake Boulevard

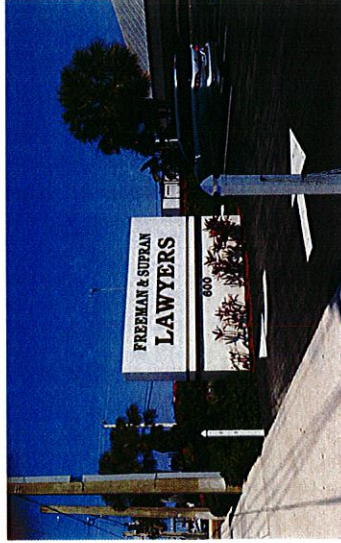
Landscape permit on file with additional landscape improvements required by Sept. 2014 in order to better meet NBOZ requirements. Property originally built in 1971. Full 20 foot buffer widths and number of plantings not possible - impedes parking/circulation requirements.



FREEMAN AND SUPRAN LAWYERS

600 Northlake Boulevard

Meets NBOZ as best as possible. Full buffer widths not possible due to property size and structure being built in 1972.



**CURRENTLY VACANT BUILDING
(previously Northlake Optical)**

610 Northlake Boulevard

Cited for foundational and perimeter plantings, however will not be able to meet full NBOZ code. Structure originally built in 1965.



VARIOUS BUSINESSES

620 Northlake Boulevard

Due to site parking and drive aisle configuration/requirements, site cannot be landscaped at this time, but landscaping can be considered when site substantially redevelops. Structure originally built in 1967.



LABOR READY EMPLOYMENT OFFICE

630 Northlake Boulevard

Landscaped per plan on file with additional plantings added in 2009. Will be monitored by Code for maintenance. Structure originally built in 1966. Full compliance not physically possible.



MEDICAL HOMECARE SUPPLY

640 Northlake Boulevard

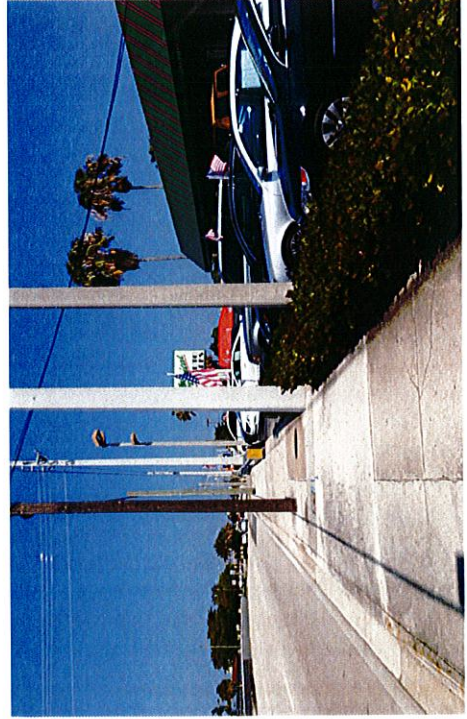
Meets NBOZ as best as possible.
Full buffer widths not possible
due to property size and
structure being built in 1971.

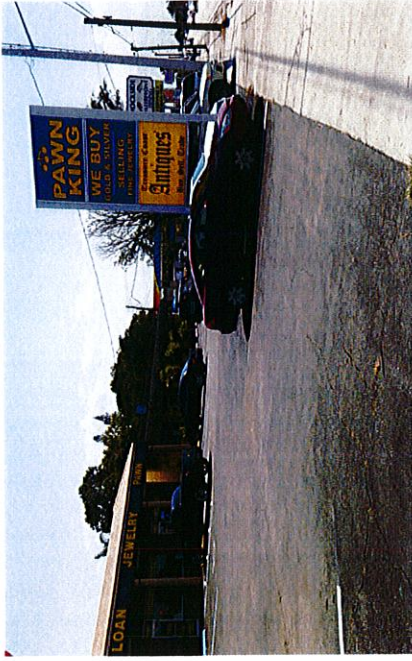


TROPICAL AUTO SALES

742 Northlake Boulevard

Meets NBOZ as best as possible.
Full buffer widths not possible
due to property size and
structure being built in 1974.

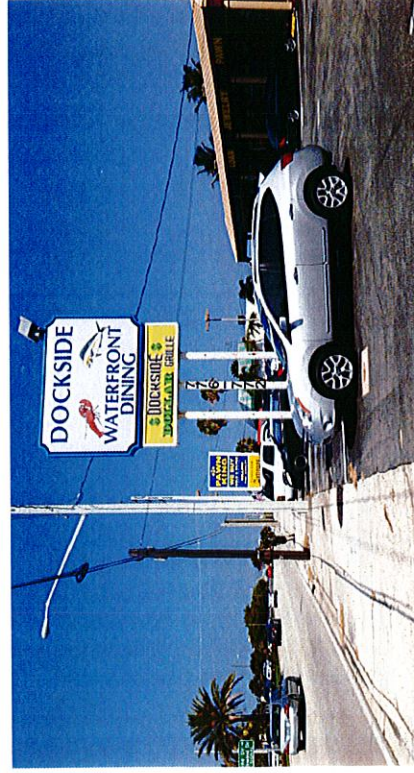




VARIOUS BUSINESSES

750 Northlake Boulevard

Due to site parking and drive aisle configuration/requirements, site cannot be landscaped at this time, but landscaping can be considered when site redevelops. Structure built in 1967.



DOCKSIDE WATERFRONT DINING

766 Northlake Boulevard

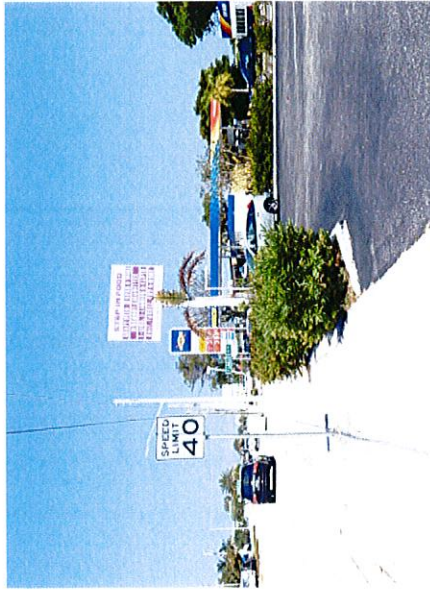
Due to site parking and drive aisle configuration/requirements, site cannot be landscaped at this time, but landscaping can be considered when site redevelops. Structure built in 1963.



SUNOCO GAS STATION

774 Northlake Boulevard

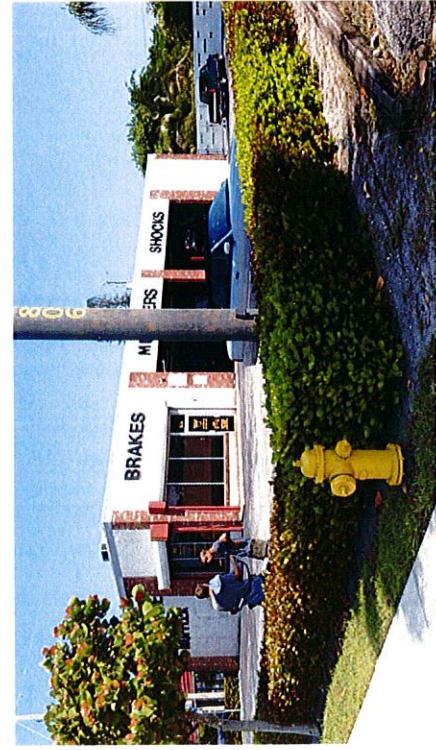
Landscape plan including some additional plantings and maintenance has been submitted. Work to be completed by the end of 2014 however, site will still be unable to meet full buffer widths and # of plantings due to lot size and parking/circulation requirements. Structure originally built in 1982.



CONVENIENCE STORE AND INDIAN MARKET

800 Northlake Boulevard

Plans on file currently being enforced by Code for maintenance and replacement of dead trees. Structure originally built in 1972 and upgraded with landscaping in 2010, however full buffer widths and number of plantings not possible due to lot size and parking/circulation requirements.



MEINEKE MUFLER

806 Northlake Boulevard

Meets NBOZ as best as possible according to plans on file. Full buffer widths not possible due to property size and structure being originally built in 1977. Upgraded with landscaping in 2010.



CURRENTLY VACANT

814 Northlake Boulevard

Meets NBOZ as best as possible according to plans on file. Full buffer widths not possible due to property size and structure being originally built in 1966.



IMPERIAL FRAME GALLERY

818 Northlake Boulevard

Meets NBOZ as best as possible according to plans on file. Full buffer widths not possible due to property size/parking/circulation and structure being originally built in 1962. Upgraded with landscaping in 2009.



ALPHA PRINTING SERVICES

838 Northlake Boulevard

Meets NBOZ as best as possible according to plans on file. Full buffer widths not possible due to property size and structure being built in 1966.



COLONIAL VILLAGE

900 Northlake Boulevard

Due to site parking and drive aisle configuration/requirements, site cannot be landscaped at this time, but landscaping can be considered when site redevelops. Structure built in 1966.

PNC BANK

950 Northlake Boulevard

Meets NBOZ as best as possible according to plans on file. Full compliance not possible due to property size/parking/circulation and structure being originally built in 1965.



MIAMI SUBS GRILL

952 Northlake Boulevard

Meets NBOZ as best as possible. Full buffer widths and # of plantings not possible due to property size/parking/circulation and structure being originally built in 1966; renovated in 1975 and again in 1989 when the drive-thru was added and landscaping islands were removed.



CARDELLO'S PLAZA

1415 10th Street (10th/Northlake)

Property landscaped per approved plans. Structure built in 4 phases: 1962, 1971 and 1972 and landscaping upgraded throughout the years. Meets NBOZ as best as possible.



BP STATION



980 Northlake Boulevard

Property cited for landscape maintenance and additional plantings per approved plans. Additional landscape areas not possible as it would impede with overall parking and site operations. Structure built in 1983 with a car wash addition in 1990.



NORTHLAKE AUTO CARE

1000 Northlake Boulevard

Landscaping not possible due to small site size and parking/operation requirements. Will be reviewed when site is redeveloped. Structure built in 1965.



GREEN GARDEN SUPPLY

1100 Northlake Boulevard

Landscaped per approved plans on file.
Meets NBOZ as best as possible except for full buffer widths due to lot size. Structure originally built in 1984 and renovated in 1993.



MULLINAX FORD

1210 Northlake Boulevard (outparcel across street)

Landscaped per the approved plans.
Original structure built in 1976 and renovated thereafter which prompted landscaping requirements.



HESS GAS STATION

1216 Northlake Boulevard

Landsaped per plans. Cited for maintenance and missing plantings per the approved plans. Structure built in 2001.



K-MART PLAZA

1220 (K-Mart) & 1224 (Staples) Northlake Boulevard

Originally built in 1974. Landsaped per the approved plans on file with upgrades performed throughout the years & waivers granted for not being able to meet full buffer widths; total # of required trees; and landscape islands within parking areas due to the site being underparked according to the parking code requirements and a variance being granted for the reduced parking count.





CHICK FIL-A

1262 Northlake Boulevard

Built in 2007 using NBOZ code. Landscaping meets code per the approved plans.



TARGET

500 N. Congress Avenue
(building only - in Lake Park);
3010 Northlake (in PBG - parking area and landscape buffers)



Structure built in 2005 however, PBG was already subject to the NBOZ code at the time and site is landscaped per approved plans which are NBOZ compliant.

L.A. FITNESS (building located in Lake Park; parking areas and perimeter landscape buffers in PBG)

3176 Northlake Boulevard

Structure built in 2005 however, PBG was already subject to the NBOZ code at the time and site is landscaped per approved plans which are NBOZ compliant (including foundational plantings located around the actual building which IS located in Lake Park).

