

ORDINANCE NO. 10-2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE I, SECTION 78-2 PERTAINING TO THE DEFINITION OF SUBSTANCE ABUSE FACILITY; PROVIDING FOR THE SEPARATION REQUIREMENTS FOR THE AMENDMENT OF CHAPTER 78, ARTICLE III, SECTION 78-71(2)(f) ELIMINATING THE DISTANCE SEPARATION REQUIREMENT BETWEEN SUBSTANCE ABUSE TREATMENT FACILITIES; 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 zoning uses both permitted by right and by special exception; and

WHEREAS, Section 78-2 of the Town's Code of Ordinances provides for zoning use definitions, and Section 78-71 provides regulation for the Commercial-1 Zoning District; and

WHEREAS, the Town's Community Development Department has recommended amendments to Chapter 78, Article I, Section 78-2 and Chapter 78, Article III, Section 78-71(2)(f) of the Code of Ordinances pertaining to the definition of substance abuse treatment facility and the substance abuse treatment facility special exception use category in the Commercial-1 zoning district, so as to eliminate inconsistent language; 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, Article I, Section 78-2 and Chapter 78, Article III, Section 78-71(2)(f) are hereby amended as follows:

**CHAPTER 78, ARTICLE I
SECTION 78-2**

Substance abuse treatment facility means a facility having one or more service components that are not otherwise permitted by right by the governing zoning district and that are operated by service providers licensed by the state as defined in F.S. ch. 397.

**Chapter 78, Article III
Sec. 78-71. C-1 business district.**

(2)(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 within 1,500 feet of a residential zoning district~~

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 16 day of July, 2014, the foregoing Ordinance was offered by Commissioner Flaherty, who moved its approval. The motion was seconded by Vice Mayor Glas-Castro 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>	_____

PUBLISHED IN THE PALM BEACH POST THIS 27 DAY OF July, 2014

Upon Second Reading this 6 day of August, 2014, the foregoing Ordinance, was offered by Commissioner Rapoza, who moved its adoption. The motion was seconded by Vice Mayor Glas-Castro 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. 10-2014** duly passed and adopted this 6 day of August, 2014.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez
Town Clerk, Vivian Mendez
(Town Seal)

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA

Palm Beach Post, The

July 27, 2014

Miscellaneous Notices

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

Please take notice that on Wednesday, August 6, 2014 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 Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 10-2014

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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, CMC, Town Clerk

Town of Lake Park, Florida

PUB: The Palm Beach Post

7-27/ 2014 #276628