

ORDINANCE NO. 02-2013

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE LAND USE DESIGNATION FOR CERTAIN PARCELS OF REAL PROPERTY IN THE TOWN OF LAKE PARK WHEREBY THREE PARCELS ARE OWNED BY PALM BEACH COUNTY KNOWN AS THE SCRUB AREA AND ONE PARCEL IS OWNED BY THE TOWN OF LAKE PARK; PROVIDING FOR A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT PURSUANT TO SECTION 163.3164(39) AND 166.041(3)(A), FLORIDA STATUTES TO ASSIGN THE FUTURE LAND USE DESIGNATION OF CONSERVATION TO THE SCRUB AREA AND PUBLIC BUILDINGS AND GROUNDS TO THE TOWN-OWNED PARCEL; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission of the Town of Lake Park, Florida (Town) , has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes, entitled the "Local Government Comprehensive Planning and Land Development Regulation Act" (the Act); and,

**WHEREAS**, the Town's Comprehensive Plan has been determined to be "in compliance" with the Act; and,

**WHEREAS**, Palm Beach County owns six parcels of real property within the Town of Lake Park, totaling approximately 54.93 acres; having parcel control numbers 36-43-42-20-00-000-7440; 36-43-42-20-00-000-7450; 36-43-42-20-00-000-5130; 36-43-42-20-00-000-5020; 36-43-42-20-00-000-7460 and 36-43-42-20-00-000-5150; and the Town of Lake Park owns owns parcel control number 36-43-42-20-00-000-7470, all of which are legally described in the attached **Exhibit "A"** (the subject property); and,

**WHEREAS**, the general location of the subject property is as shown in **Exhibit "B"** which is also attached; and,

**WHEREAS**, pursuant to the Act, the Town's Local Planning Agency (the LPA) has conducted a public hearing, as required by Section 163.3174(4)(a), Florida Statutes, and has recommended that the Commission accept the Town Staff's recommendation to assign the future land use designation of Conservation to the subject property.

**NOW THEREFORE, BE IT RESOLVED 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.** The future land use designation of the subject property, which is legally described in the attached Exhibit A, and the general location of which is as shown in the attached Exhibit B, both of which exhibits are incorporated herein, are hereby assigned the future land use designation of Conservation for parcels owned by Palm Beach County and Public Buildings and Grounds for the parcel owned by the Town of Lake Park.

**Section 3.** The Future Land Use Map which is contained in the Town's Comprehensive Plan is hereby amended to reflect the assignment of the respective future land use designations of Conservation and Public Buildings and Grounds to the subject property.

**Section 4.** Severability. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Section 5. Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6.** Effective Date. The provisions of this Ordinance shall become effective pursuant to Section 163.3184(3)(c)4., Florida Statutes.

**Attachments: Exhibit "A" - Legal Descriptions of the Subject Property**  
**Exhibit "B" - Location Map**

**Exhibit "A"**  
**Legal Descriptions of the Subject Property**

**Town of Lake Park**

**(PCN: 36-43-42-20-00-000-7470)**

20-42-43, IRREG SHAPED PARS K/A PAR 1 & TRGLE PT OF PAR 2 IN OR11995P858 OF NE 1/4 OF SW 1/4 LYG SWLY OF & ADJ TO OLD DRAKE LUMBER CO RY R/W (LESS PAR IN MTG BK 74P120)

**Palm Beach County**

**(PCN: 36-43-42-20-00-000-7440)**

20-42-43, IRREG SHAPED PARS 1 & 2 OF SW 1/4 LYG SWLY OF DRAKE LUMBER CO RY R/W & SELY OF & ADJ TO PROPOSED 60 FT RD AS IN OR11995P853

**(PCN: 36-43-42-20-00-000-7450)**

20-42-43, E 1/2 OF SW 1/4 LYG SWLY OF & ADJ TO OLD DRAKE LUMBER CO RY R/W & LYG SELY OF & ADJ TO PARS AS IN OR11995 PS853 & 858 (LESS E 1/8 OF SW 1/4, PARS LYG NELY OF SWLY LI EXTENDED NWLY & SELY IN OR8668P527, INDUSTRIAL AVE R/W & S 108 FT SILVER BEACH RD R/W) & E 482.50 FT OF SW 1/4 OF SW 1/4 (LESS N 323.35 & S 108 FT SILVER BEACH RD R/W)

**(PCN: 36-43-42-20-00-000-5130)**

20-42-43, PT OF S 1/2 K/A PT OF LAKE PARK SCRUB PAR IN OR11903P158 LYG NELY OF & ADJ TO CRA BDRY & NWLY OF & ADJ TO INDUSTRIAL AVE R/W A/K/A NORTH PAR

**(PCN: 36-43-42-20-00-000-5020)**

20-42-43, PAR LYG NELY & NWLY OF & ADJ TO INDUSTRIAL AVE & DRAKE LUMBER CO RR BEING PT OF SE 1/4 OF NE 1/4 OF SW 1/4 & PT OF W 1/2 OF SW 1/4 OF NE 1/4 OF SE 1/4 OF SEC

**(PCN: 36-43-42-20-00-000-7460)**

20-42-43, TH PT OF S 1/2 LYG SWLY OF OLD DIXIE HWY R/W K/A PT OF PARS 1, 2, 4 & 6 IN OR3036P110 PAR IN OR8668P527 & 15 FT ALLEY R/W LYG ADJ TO)

**(PCN: 36-43-42-20-00-000-5150)**

20-42-43, TRGLR SHAPED PAR IN S 1/2 K/A PT OF LAKE PARK SCRUB PAR IN OR11903P158 LYG SLY OF & ADJ TO INDUSTRIAL AVE R/W & ELY OF & ADJ TO CRA BDRY

**Exhibit "B"**  
**Location Map**



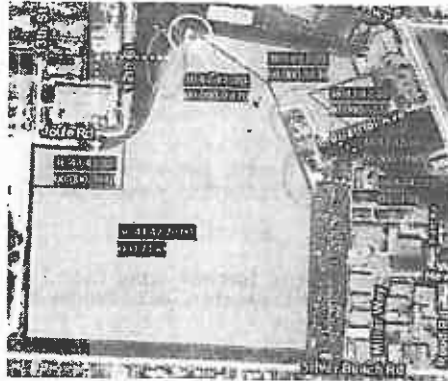
*(The map shown above represents the proposed Scrub Area Boundary Map with indications of which parcels need to be added and removed. Areas to be removed are circled in orange; areas to be added are circled in blue.)*

## LEGAL NOTICE OF PROPOSED ORDINANCE TOWN OF LAKE PARK

Please take notice that on Wednesday, March 6, 2013 at 7:00 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 adaption thereof:

### **Ordinance No. 02-2013 Amending the Future Land Use Map Designation for Parcels within the Palm Beach County Scrub Area**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE LAND USE DESIGNATION FOR CERTAIN PARCELS OF REAL PROPERTY IN THE TOWN OF LAKE PARK WHEREBY SIX PARCELS ARE OWNED BY PALM BEACH COUNTY KNOWN AS THE SCRUB AREA AND ONE PARCEL IS OWNED BY THE TOWN OF LAKE PARK; PROVIDING FOR A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT PURSUANT TO SECTION 163.3164(39) AND 166.041(3)(A), FLORIDA STATUTES TO ASSIGN THE FUTURE LAND USE DESIGNATION OF CONSERVATION TO THE SCRUB AREA AND PUBLIC BUILDINGS AND GROUNDS TO THE TOWN-OWNED PARCEL; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



### **Ordinance 03-2013 Zoning Code Text Amendment Creating the Conservation District Zoning District (C-District)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CREATING A CONSERVATION ZONING DISTRICT (C-DISTRICT) AND INCORPORATING SAME INTO SECTION 78-76.1 OF CHAPTER 78, ARTICLE III, OF THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

### **Ordinance 04-2013 Request to Rezone Palm Beach County's Scrub Area from the "Campus Light Industrial/Commercial" Zoning District to the "Conservation" Zoning District**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, PROVIDING FOR THE REZONING OF SIX PARCELS OF REAL PROPERTY AS LEGALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" AND GENERALLY REFERRED TO AS THE PALM BEACH COUNTY SCRUB AREA; PROVIDING FOR THE ASSIGNMENT OF THE CONSERVATION ZONING DISTRICT TO THE SCRUB AREA; PROVIDING FOR THE AMENDMENT BY REFERENCE OF SECTION 78-32 OF THE TOWN CODE WHICH INCORPORATES THE TOWN'S OFFICIAL ZONING MAP TO REFLECT THE ASSIGNMENT OF THE CONSERVATION DISTRICT TO THE PARCELS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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, February 24, 2013

Upon First Reading this 6 day of February, 2013, the foregoing Ordinance was offered by Vice-Mayor Rumsey, who moved its approval. The motion was seconded by Commissioner Stevens and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KENDALL RUMSEY	<u>/</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>/</u>	_____
COMMISSIONER TIM STEVENS	<u>/</u>	_____

**PUBLISHED IN THE PALM BEACH POST THIS 24 DAY OF February 2013**

Upon Second Reading this 6 day of March, 2013, the foregoing Ordinance, was offered by Commissioner Hockman who moved its adoption. The motion was seconded by Vice-Mayor Rumsey and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KENDALL RUMSEY	<u>/</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>/</u>	_____
COMMISSIONER TIM STEVENS	<u>Absent</u>	_____

The Mayor thereupon declared Ordinance No. 02-2013 duly passed and adopted this 6 day of March, 2013.

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