

ORDINANCE NO. 08-2013

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE I, SECTION 78-2 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "DEFINITIONS" CREATING NEW DEFINITIONS; PROVIDING FOR AMENDMENTS TO CHAPTER 78, ARTICLE III, SECTION 78-71 OF THE TOWN'S CODE OF ORDINANCES TO ESTABLISH ANIMAL DAY CARE ESTABLISHMENT, ANIMAL INDOOR TRAINING CENTER, ANIMAL GROOMING ESTABLISHMENT, AND PET SHOP AS PERMITTED USES AND ANIMAL SERVICE ESTABLISHMENT AS A SPECIAL EXCEPTION USE IN THE C-1 BUSINESS DISTRICT; PROVIDING FOR THE RECLASSIFICATION OF THE PERMITTED USES OF AUTOMOTIVE SERVICE STATION, FUNERAL HOME, HOSPITAL, SANITARIUM OR MEDICAL CLINIC, MOTEL/HOTEL, SUBSTANCE ABUSE TREATMENT FACILITIES, AND VEHICLE SALES AND RENTALS AS SPECIAL EXCEPTION USES; 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 amendments to Sections 78-2 and 78-71 of Chapter 78 of the Code of Ordinances, known as the Zoning Code; and

WHEREAS, the amendments to the Zoning Code add definitions for permitted and special exception uses to the C-1 Business District; and

WHEREAS, the Town's Planning and Zoning Board has reviewed the proposed amendments to the Town Code of Ordinances and has provided its recommendations to the Town Commission; 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 is hereby amended to add the following definitions, as follows:

Sec. 78-2 Definitions:

Animal Day Care Establishment. An indoor facility operated between the hours of 7am-10pm, for the purpose of providing care and protection of domesticated animals, no overnight boarding.

Animal Grooming Establishment. An indoor facility operated between the hours of 7am-10pm which accepts domesticated animals for bathing, clipping, dipping, pedicuring or other related grooming services (not to include breeding, veterinary, dentistry or overnight boarding).

Animal Service Establishment. Any establishment having an outdoor component^a and any establishment which may include any of the following uses as specified in the individual zoning district.

(1) *Pet Stores*^a. An indoor facility operated for the sale of domesticated animals, which includes overnight boarding;

(2) **Boarding Kennel**^a. An indoor facility, where domesticated animals are boarded during the daytime or kept overnight.

^a Noise nuisances which exceed permitted decibel levels as prescribed in the Town Code in [Section 10-155](#) shall be mitigated by requiring extra insulation or any other improvements which is certified by a licensed noise professional and submitted to the Town's Community Development Department under a building permit application. Boarding shall be limited to domesticated animals. The Town Commission may require sound proofing or additional setbacks and landscaping to minimize noise and visual impacts on adjacent properties. Outdoor runs shall be paved or turfed, fenced, and connected to a Town-approved wastewater treatment facility and shall not be located any closer than 40 feet from adjacent residentially-zoned properties.

Animal Indoor Training Center. A facility operated between the hours of 7am-10pm for the teaching and training of domesticated animals.

Automotive Service Station. An establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of automotive accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, and a convenience store selling retail goods.

Funeral Home. An establishment engaged in preparing deceased human beings for burial, and managing and arranging funerals.

Hospital, Sanitarium or Medical Center. A facility for humans or animals, which provides primary, secondary, or tertiary medical care, emergency medical services, including preventive medicine, diagnostic medicine, treatment and rehabilitative service, medical training programs, medical research, and may include association with medical schools or medical institutions.

Motel/Hotel. A commercial establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term rents to tenants. The establishment may be constructed in a building or a group of buildings and may

include one or more accessory uses such as dining rooms/restaurant or convenience/retail stores.

Pet Shop. An indoor facility operated between the hours of 7am-10pm for the purpose of selling animal accessories.

Substance Abuse Treatment Facility. A facility having one or more service components and operated by service providers licensed by the State of Florida as defined in Chapter 397, Fla. Statute.

Vehicle Sales and Rentals. An establishment engaged in the sale or rental from the premises of new or used motor vehicles or equipment, watercraft, recreational vehicles or mobile homes, with or without incidental service, maintenance or repair. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, mobile home. The sale or rental of industrial or agricultural vehicles is prohibited.

Section 3. Chapter 78, Article I, Section 78-71 of the Code is amended to add certain uses by right and special exception uses within the C-1 Business District, as follows:

Sec. 78-71. C-1 Business District.

Within the C-1 Business District, the following regulations shall apply:

(1) Uses permitted. Within the C-1 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.** **Animal Day Care Establishment**
- b.** **Animal Grooming Establishment**
- c.** **Animal Indoor Training Center**
- a. d.** Appliance stores, including radio and television services.
- b. e.** Bakeries the products of which are sold at retail but not produced on the premises.
- c. f.** Banks.
- d. g.** Barbershops, beauty shops, chiropodists, masseurs.
- e. h.** Fertilizer, stored and sold at retail only.
- ~~**f.** **Gasoline and other motor-fuel stations.**~~
- ~~**g. i.** **Laundry pickup stations.**~~
- ~~**h.** **Mortuaries.**~~
- ~~**i.** **Motels.**~~
- ~~**j.** **Vehicle sales and rentals, including and 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.~~

~~k.~~ j. Offices, business and professional.

~~l.~~ k. Outdoor miniature golf courses, all objects limited to eight feet in height and such building or premises is located not less than 500 feet from the premises of an existing nursery school, elementary school or high school.

~~l.~~ Pet Shop

m. Restaurants.

n. Shops, including shops for making articles without use of machinery, to be sold, at retail on the premises.

o. Indoor Theatres.

~~p. 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.~~

~~q.—Hospitals, sanitariums and medical clinics.~~

~~r.—Motels without shop fronts or stores facing the street.~~

~~s.—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.~~

~~t.~~ p. Instructional studios; including but not limited to, studios for the instruction of the martial arts, dance, voice, drama, speech, gymnastics, yoga, exercise, painting, photography, music, and other similar instructional studio uses which are deemed appropriate by the Town's community development director.

u. q. Transient residential use

(2)

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 within 1,500 feet of a residential zoning district.
- g. Vehicle 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 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 3 day of July, 2013, the foregoing Ordinance was offered by Commissioner O'Rourke, 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>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 7 DAY OF July, 2013

Upon Second Reading this 17 day of July, 2013, the foregoing Ordinance, was offered by Commissioner O'Rourke, who moved its adoption. 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>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 08-2013 duly passed and adopted this 17 day of July, 2013.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez
Town Clerk, Vivian Mendez
(Town Seal)
TOWN OF LAKE PARK
SEAL
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird