

ORDINANCE NO. 12-2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-148(a) OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO REDUCE THE DISTANCE SEPARATION BETWEEN GASOLINE AND FILLING STATIONS USES FROM 1,200 FEET TO 500 FEET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (“Town”) 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 zoning and land development regulations which have been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, the Town Commission has also adopted supplemental district regulations pertaining to gasoline and filling station uses which have been codified in Chapter 78, Article V of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, Town staff is recommending a zoning Code text amendment to Chapter 78, Article V, Section 78-148(a) to reduce the distance separation between gas stations from 1,200 feet to 500 feet; and

WHEREAS, Town staff has reviewed the zoning Code text amendment and has recommended that Town Code Section 78-148(a) be amended to reduce the distance separation between gas stations from 1,200 feet to 500 feet; and

WHEREAS, the Town’s Planning and Zoning Board, following a public hearing, has recommended that the Town Code be amended to reduce the separation requirement between gasoline and filling station uses from 1,200 feet to 500 feet; and

WHEREAS, the Town Commission has considered and accepted the recommendations of the Town staff and the Planning and Zoning Board and has determined that a reduction in the distance separation between gasoline and filling station uses would further the public health, safety and general welfare.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

Section 2. Chapter 78, Article V, Section 78-148(a) of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 78-148(a) - Gasoline and filling stations—Prohibited near certain uses.

(a)

Prohibition. No gasoline and oil filling station and no service station shall be erected within 1,200 feet of any church, hospital, school or other similar institution, or within ~~1,200~~ 500 feet of ~~location~~ of another gasoline and oil filling station or service station located within the town.

Section 3. **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 4. **Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5. **Codification.** The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the Ordinance may be re-numbered or re-lettered to accomplish such.

Section 6. **Effective date.** This Ordinance shall take effect immediately upon passage.

Upon First Reading this 19 day of December, 2012, the foregoing Ordinance, was offered by Commissioner Stevens, who moved its approval. The motion was seconded by Commissioner Hockman 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 6 DAY OF January, 2013

Upon Second Reading this 16 day of January, 2013, the foregoing Ordinance, was offered by Commissioner Hockman who moved its adoption. 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>	_____

The Mayor thereupon declared **Ordinance No.** 12-2012 duly passed and adopted this 16 day of January, 2013.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez Lemley
Town Clerk, Vivian Mendez Lemley
(Seal)

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA