

ORDINANCE NO. 06-2011

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING AND UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE PURSUANT TO SECTION 163.3177(3)(b)1., FLORIDA STATUTES; PROVIDING FOR THE AMENDMENT OF THE TEXT OF THE CAPITAL IMPROVEMENTS ELEMENT SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE ; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State Legislature of the State of Florida has mandated that all local governments must annually update their Comprehensive Plan Capital Improvements Element, including the Five Year Schedule of Capital Improvements; and

WHEREAS, all amendments to the comprehensive plan must be adopted in accordance with detailed procedures which must be strictly followed; and

WHEREAS, the Town of Lake Park, Florida, has carefully prepared an amendment to its comprehensive plan to update its Capital Improvements Element and Schedule pursuant to Section 163.3177, *Florida Statutes*, and;

WHEREAS, the Town of Lake Park has held the duly required public hearing in accordance with Section 163.3177(3)(b)2., *Florida Statutes*, and;

WHEREAS, the Town of Lake Park desires to adopt the amendment to the current comprehensive plan to guide and control the future development of the Town, and to preserve, promote and protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AS FOLLOWS:

Section 1: The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The 2011 Update to the Town of Lake Park Comprehensive Plan Capital Improvements Element Five Year Capital Improvements Schedule, attached as Exhibit "A" and made a part hereof and of the current Comprehensive Plan. The text adopted in Exhibit "A"

shall be substituted for and replace in total the previously adopted text in the Capital Improvement Element.

Section 3: A copy of the Comprehensive Plan, as amended, shall be kept on file in the office of the Town Clerk, Town of Lake Park, Florida.

Section 4: The Community Development Director is hereby directed to transmit three (3) copies of the amendment to the current Comprehensive Plan to the State Land Planning Agency, along with a copy to the Treasure Coast Regional Planning Council and to another review agencies and adjacent local governments, within ten (10) working days after adoption, in accordance with Section 163.3184(7), *Florida Statutes*.

Section 5: All ordinances or parts of ordinances in conflict and the same are hereby repealed.

Section 6: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 7: The effective date of this plan amendment shall be the date a final order is issued by the State Land Planning Agency finding the amendment in compliance in accordance with Section 163.3184(1)(b), *Florida Statutes*, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the State Land Planning Agency, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

EXHIBIT "A"
2011 UPDATE TO THE TOWN OF LAKE PARK
COMPREHENSIVE PLAN CAPITAL IMPROVEMENTS ELEMENT AND
FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE

1. Amend Policy 1.11 as follows:

Policy 1.11 The following Capital Improvements Schedule, as it is annually updated in accordance with State growth management requirements, includes all projects scheduled to meet or improve the adopted Level of Service Standards during the five-year planning period, and other projects that further implementation of this Comprehensive Plan and its goals, objectives and policies.

TOWN OF LAKE PARK FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE¹
200711 – 20126

Project Category	Project Name	0711/0812	0812/0913	0913/104	104/1115	115/126	Funding Source
2, 4	Downtown Park Avenue and 10 th Street Alleyway Project Shuttering and hardening of all Town buildings	\$650,000 <u>\$225,000</u>	\$650,000 <u>0</u>	0	0	0	Tax Increment Financing Grant
2, 4	Stormwater Utility District Improvements Tennis courts resurfacing and lighting	<u>\$100,000</u>	\$200,000 <u>0</u>	\$200,000 <u>0</u>	0	0	Special Assessment Grant
2, 4	Northlake Boulevard Landscaping Lake Shore Drive Drainage Improvements	0	\$589,500 <u>\$1,000,000</u>	\$1,000,000	\$1,000,000	\$1,000,000	Palm Beach County Metropolitan Planning (Not Town funded) Stormwater Utility Assessment Grant
4	Lake Shore Drive Promenade	0	0	\$1,000,000	\$1,000,000	0	Grant
4	New marina parking lot	<u>\$338,000</u>	0	0	0	0	Grant
2, 4	10 th Street south of Park Avenue – drainage, lighting, paving, trees	0	<u>\$500,000</u>	\$500,000	\$500,000	\$500,000	Grant, Stormwater Utility Assessment

¹ Note: The Town's ability to implement the projects in accordance with this schedule is contingent upon the receipt of grant funds as identified in the "Funding Source" column.

<u>2, 4</u>	<u>Ball field expansion/Renovation</u>	<u>0</u>	<u>\$750,000</u>	<u>\$750,000</u>	<u>\$750,000</u>	<u>\$750,000</u>	<u>Grant</u>
<u>4</u>	<u>Community center/shelter</u>	<u>0</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>	<u>Grant</u>
<u>4</u>	<u>Art in Public Places</u>	<u>\$75,000</u>	<u>\$75,000</u>	<u>\$75,000</u>	<u>\$75,000</u>	<u>0</u>	<u>Grant</u>
<u>4</u>	<u>Artist live/work space</u>	<u>0</u>	<u>\$2,000,000</u>	<u>\$2,000,000</u>	<u>\$2,000,000</u>	<u>0</u>	<u>Grant</u>
<u>4</u>	<u>Marina breakwater, bulkhead, transient slips, move fuel docks, moorings</u>	<u>0</u>	<u>\$400,000</u>	<u>\$400,000</u>	<u>\$200,000</u>	<u>0</u>	<u>Grant</u>
<u>2,4</u>	<u>Park Avenue Improvements from US-1 to 7th Street</u>	<u>0</u>	<u>\$875,000</u>	<u>\$875,000</u>	<u>\$875,000</u>	<u>\$875,000</u>	<u>Grant</u>
<u>4</u>	<u>Town Hall Renovations (Floor Mirror Ballroom, Exterior Painting, Ceiling Clerk's Office, Awnings Exterior Doors, Stage Replacement, Window repairs)</u>	<u>0</u>	<u>\$75,000</u>	<u>\$75,000</u>	<u>\$75,000</u>	<u>\$75,000</u>	<u>Grant</u>
<u>2</u>	<u>Vehicle Replacement Plan</u>	<u>0</u>	<u>\$144,000</u>	<u>\$252,000</u>	<u>\$753,000</u>	<u>\$93,000</u>	<u>General Fund, Stormwater Utility Assessment, Sanitation Fund</u>
	<u>Total</u>	<u>\$2,355,000</u> <u>\$738,000</u>	<u>\$2,319,000</u> <u>\$6,819,000</u>	<u>\$467,000</u> <u>\$7,927,000</u>	<u>\$350,000</u> <u>\$8,228,000</u>	<u>\$4,025,000</u> <u>\$4,293,000</u>	

Project Category Codes

- 1 – Project necessary to achieve Level of Service
- 2 – Project will enhance ability to continue to meet Level of Service
- 3 – Project will enhance ability to meet Level of Service for Optional Element
- 4 – Project will further the achievement of Comprehensive Plan goals, objectives and policies.

TOWN OF LAKE PARK ~~COMMITTED~~ ESTIMATED FUNDING SOURCES FOR CAPITAL
IMPROVEMENTS 200711-20126

Funding Source	07/08 <u>11/12</u>	08/09 <u>12/13</u>	09/10 <u>13/14</u>	104/1 <u>15</u>	115/1 <u>26</u>
Tax Increment Financing	\$650,000	\$650,000	0	0	0
General Fund	0	\$48,000	\$84,000	\$251,000	\$31,000
Special Assessment	0	\$200,000	\$200,000	0	0
Stormwater Utility Assessment	0	\$405,000	\$441,000	\$608,000	\$388,000
Palm Beach County MPO Transportation Improvement Program Grants	0 \$738,000	\$589,500 \$6,318,000	0 \$7,318,000	0 \$7,118,000	0 \$3,843,000
Sanitation Fund	0	\$48,000	\$84,000	\$251,000	\$31,000
Total	\$650,000 \$738,000	\$1,439,500 \$6,819,000	\$200,000 \$7,927,000	0 \$8,228,000	0 \$4,293,000

Note: The projects on the following table, if implemented, will further the achievement of Comprehensive Plan goals, objectives and policies, but are not necessary for the achievement of adopted Level of Service standards. The City Grants Writer has been charged with researching and finding funding sources for the following projects. There is no funding available from current or foreseeable revenue streams to affect these needed community improvements. If funding is secured, however, these projects will be placed on the active Capital Improvement Projects agenda for implementation. Please note that these projects are listed in no prioritized order.

~~TOWN OF LAKE PARK CAPITAL PROJECTS REQUIRING FUNDING SOURCES 2007-2012~~

Beautification	<ul style="list-style-type: none"> • Beautification at Kelsey Park (trees) MOVED TO NEW SCHEDULE • Completion of Lake Shore Park North Corner by Seawall COMPLETED • Federal Highway Median Project • Park Avenue Median Project MOVED TO NEW SCHEDULE • Street Tree Planting Program MOVED TO NEW SCHEDULE • Town-wide Bike Paths MOVED TO NEW SCHEDULE
Community Center	<ul style="list-style-type: none"> • Build a new Community Recreation Center/Shelter MOVED TO NEW SCHEDULE
Hazard Mitigation	<ul style="list-style-type: none"> • Storm Shutters for Evergreen House and the little buildings at Kelsey Park MOVED TO NEW SCHEDULE • Storm Shutters for Lake Shore Park Pavilion and Tennis Center MOVED TO NEW SCHEDULE • Storm Shutters for Public Works. MOVED TO NEW SCHEDULE • Storm Shutters at Library MOVED TO NEW SCHEDULE • Storm Shutters at Town Hall MOVED TO NEW SCHEDULE • Emergency Service Center Hardening Hazard Mitigation MOVED TO NEW SCHEDULE
Infrastructure	<ul style="list-style-type: none"> • Stormwater Management/Master Drainage Project • Streets and Sidewalks outside the CRA MOVED TO NEW SCHEDULE
Library	<ul style="list-style-type: none"> • Library Doors MOVED TO NEW SCHEDULE • Library refurbishment PARTIALLY COMPLETED, North Entrance MOVED TO NEW SCHEDULE

Marina	<ul style="list-style-type: none">• Breakwater Guide MOVED TO NEW SCHEDULE• Detached Breakwater MOVED TO NEW SCHEDULE• Fuel Deck Relocation MOVED TO NEW SCHEDULE• Overflow Parking Area COMPLETED• Patio Cover MOVED TO NEW SCHEDULE• Slip Installation - 8 slips with electrical service MOVED TO NEW SCHEDULE
---------------	---

~~TOWN OF LAKE PARK CAPITAL PROJECTS REQUIRING FUNDING SOURCES 2007-2012 (cont.)~~

<p>Parks</p>	<ul style="list-style-type: none"> • Ball Field Renovation—security COMPLETED, lighting PARTIALLY COMPLETED, goals MOVED TO NEW SCHEDULE, courts MOVED TO NEW SCHEDULE, dug-outs PARTIALLY COMPLETED, fencing, bleachers MOVED TO NEW SCHEDULE, concession stand MOVED TO NEW SCHEDULE, restrooms IN PROCESS, storage IN PROCESS • Completion of Lake Shore Park—North Corner by Seawall COMPLETED • Fishing Pier at Lake Shore Park MOVED TO NEW SCHEDULE • Park Avenue (Downtown) Pocket Park COMPLETED • Tennis Court Improvement MOVED TO NEW SCHEDULE • West Hex Park COMPLETED
<p>Town Hall</p>	<ul style="list-style-type: none"> • Exterior Doors Replacement (Historic)—Town Hall COMPLETED • Exterior Painting—Town Hall MOVED TO NEW SCHEDULE • Stage Replacement—Mirror Ballroom- MOVED TO NEW SCHEDULE • Window Repair—Town Hall MOVED TO NEW SCHEDULE • Wood Floor Replacement—Mirror Ballroom MOVED TO NEW SCHEDULE
<p>Vehicles</p>	<ul style="list-style-type: none"> • 5 Year Vehicle Replacement Plan MOVED TO NEW SCHEDULE

Upon First Reading this 17 day of August, 2011, 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR KENDALL RUMSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER STEVEN HOCKMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMISSIONER JEANINE LONGTIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMISSIONER TIM STEVENS	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PUBLISHED IN THE PALM BEACH POST THIS 25 DAY OF September 2011

Upon Second Reading this 5 day of October, 2011, the foregoing Ordinance, was offered by Commissioner Stevens 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR KENDALL RUMSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER STEVEN HOCKMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMISSIONER JEANINE LONGTIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMISSIONER TIM STEVENS	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared **Ordinance No. 06-2011** duly passed and adopted this 5 day of October, 2011.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois

Mayor, James DuBois

ATTEST:

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

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

THE PALM BEACH POST
Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida


PROOF OF PUBLICATION


STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for **Notice** in the matter **Ordinance 06-2011** was published in said newspaper in the issues of **September 25, 2011**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin, St. Lucie and Indian River Counties.



Sworn to and subscribed before 26th day of September, A.D. 2011.
Who is personally known to me.



NOTARY PUBLIC-STATE OF FLORIDA
 **Karen M. McLinton**
Commission #DD832672
Expires: NOV. 15, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

NO. 6267879
LEGAL NOTICE OF
PROPOSED ORDINANCE
TOWN OF LAKE PARK
Please take notice that on Wednesday, October 5, 2011 on second reading for adoption, at 7:00 p.m., or as soon thereafter as possible, the Town Commission of the Town of Lake Park, Florida, in a regular session to be held in the Commission Chambers, Town Hall, 335 Park Avenue, Lake Park, Florida will consider the following Ordinance:
ORDINANCE NO. 06-2011
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING AND UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF ITS COMPREHENSIVE PLAN; PROVIDING FOR AN UPDATED FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE PURSUANT TO SECTION 163.317(3)(b)1, FLORIDA STATUTES; PROVIDING FOR THE AMENDMENT OF THE TEXT OF THE CAPITAL IMPROVEMENTS ELEMENT SO AS TO BE CONSISTENT WITH THE NEW SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; 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 M. Lemley, Town Clerk at 561-881-3311.
Vivian M. Lemley, Town Clerk
Town of Lake Park, Florida
PUB: The Palm Beach Post
September 25, 2011