

ORDINANCE NO. 09- 2010

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 77, SECTION 78-77 PERTAINING TO PLANNED UNIT DEVELOPMENT REGULATIONS; PROVIDING FOR MINIMUM SITE AREA AND BUILDING HEIGHT LIMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; 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 has adopted a Comprehensive Plan which was previously determined by the Department of Community Affairs to be in compliance with Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Town’s Land Development Regulations included Planned Unit Development (PUD) regulations; and

WHEREAS, the Town staff has recommended that the Town’s PUD regulations should be amended to further the public’s health, safety and general welfare.

THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA THAT:

Section 1. The whereas clauses are hereby incorporated as true and correct as the findings of fact and conclusions of law of the Town Commission.

Section 2. Section 78-77, Section 1 (g)(1) of Section 78 of the Town Code entitled “Planned Unit Development (PUD) is hereby amended as follows:

Sec. 78-77. Planned unit development (PUD).

1. [General provisions.]

(g) *General and special regulations.* The following general and special regulations shall apply to all planned unit developments:

(1) *Minimum site area and building height limit.* No site shall qualify for a planned unit development unless it consists of a contiguous area of at least ~~ten acres~~ 150,000 square feet ~~in~~ for a residential districts PUD and ~~five acres~~ 80,000 square feet ~~in~~ business districts for a commercial PUD. Maximum allowable height of structures in the PUD without a waiver shall be four stories or 50 feet in business 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. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

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.

This Ordinance shall take effect immediately upon adoption by the Town Commission.

Upon First Reading this 18 day of August, 2010, the foregoing Ordinance, was offered by Commissioner Rumsey 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 DESCA DUBOIS	<u>Absent</u>	_____
VICE MAYOR PATRICIA OSTERMAN	<u>/</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>/</u>	_____
COMMISSIONER KENDALL RUMSEY	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 22 DAY OF August, 2010

Upon Second Reading this 8 day of September, 2010, the foregoing Ordinance, was offered by Vice-Mayor Osterman, who moved its adoption. The motion was seconded by Commissioner Rumsey and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR PATRICIA OSTERMAN	<u>/</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>/</u>	_____
COMMISSIONER KENDALL RUMSEY	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 09-2010** duly passed and adopted this 8 day of September, 2010.

TOWN OF LAKE PARK, FLORIDA
BY: Patricia Osterman
For Mayor, Desca DuBois

ATTEST:
Vivian M. Lemley
Town Clerk, Vivian M. Lemley
(Town Seal)
TOWN OF LAKE PARK
SEAL

Approved as to form and legal sufficiency:
Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA