

ORDINANCE NO. 04-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING THE FUTURE LAND USE MAP (“FLUM”) OF THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE PARK TO CHANGE THE LAND USE DESIGNATION OF A .918 ACRE PROPERTY GENERALLY LOCATED AT 614, 622, 628, 636, 646 GREENBRIAR DRIVE WITHIN THE TOWN OF LAKE PARK FROM RESIDENTIAL TO OTHER PUBLIC FACILITIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the state legislature of the State of Florida has mandated that all municipalities draft and adopt comprehensive development plans to provide thorough and consistent planning with regard to land within their corporate limits; and

WHEREAS, the Town Commission of the Town of Lake Park, Florida has adopted a Comprehensive Plan “Plan” pursuant to Ordinance No.25-1989, and the “Local Government Comprehensive Planning and Land Development Regulation Act” (“Act”); and

WHEREAS, the Town of Lake Park Comprehensive Plan (“Plan”) has been determined to be in compliance with the provisions of the Act, and Rule 9J-5 of the Florida Administrative Code; and

WHEREAS, pursuant to the Act, all subsequent amendments to the adopted Plan must be adopted in accordance with detailed statutory procedures; and

WHEREAS, the First Baptist Church of Lake Park, Inc., (“Owner”) is the owner of .918 acres of land (the “subject property”), the legal description of which is attached hereto and incorporated herein as **Exhibit “A”** and

WHEREAS, the subject property is generally located at 614, 622, 628, 636, 646 Greenbriar Drive, as shown on **Exhibit “B”**, which is attached hereto and incorporated herein; and

WHEREAS, the subject property currently has a land use designation of Residential; and;

WHEREAS, Dr. Don MacKay is the agent and applicant for the Owner who has initiated this small scale proposed Comprehensive Plan amendment to change the land use designation of the subject property from “Residential” to “Other Public Facilities;” and

WHEREAS, the Town’s Local Planning Agency (“LPA”) has conducted a public hearing as required by Section 163.3174(4)(a), Fla. Stat., to consider the proposed Map Amendment; and

WHEREAS, at the conclusion of its public hearing, the LPA recommended to the Town Commission that the Commission assign a designation of “Other Public Facilities” to the subject property; and

WHEREAS, the Town Commission has accepted the recommendation of the LPA and at its transmittal hearing, determined that the subject property should be assigned the future land use designation of “Other Public Facilities” ; and

WHEREAS, the Town Commission of the Town of Lake Park has conducted its transmittal hearing pursuant to Section 163.3184(15), Fla. Stat., and has transmitted the proposed Plan Amendment to the Florida Department of Community Affairs for its review; and

WHEREAS, the Florida Department of Community Affairs has reviewed the proposed Amendments and has notified the Town of Lake Park of its determination that the proposed amendments to the Future Land Use Map are “in-compliance” with the statutory requirements of

the Act.

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 findings of fact and conclusions of law of the Town Commission.

Section 2. The Comprehensive Plan of the Town of Lake Park, Future Land Use Map, is hereby amended as provided in the attached **Figure “1”**, a copy of which is incorporated herein.

Section 3. The Town Clerk is hereby directed to provide the required number of copies of the complete Comprehensive Plan (FLUM) Amendments to the Department of Community Affairs and all other parties pursuant to Section 163.3184(3), Fla. Stat.

Section 4. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 6. Effective Date. The provisions of this Ordinance shall become effective upon adoption pursuant to Section 163.3189(2) (a), Fla. Stat.

Attachments: **Exhibit “A”:** Legal description of the subject property.
 Exhibit “B”: Location Map
 Figure “1”: New Future Land Use Map

Upon First Reading this 21 day of February, 2007, the foregoing Ordinance 04-2007, was offered by Commissioner Carey who moved its approval. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

Upon Second Reading this 7 day of March, 2007, the foregoing Ordinance 04-2007, was offered by Commissioner Carey who moved its adoption. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

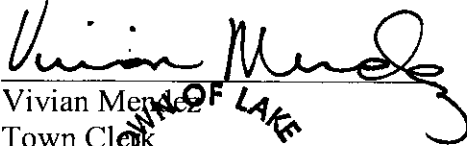
	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

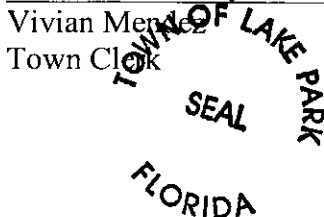
The Mayor thereupon declared Ordinance No. 04-2007 duly passed and adopted this 7 day of March, 2007.

TOWN OF LAKE PARK, FLORIDA

BY: 
Mayor Paul Castro

ATTEST:


Vivian Mendez
Town Clerk



Approved as to form and legal sufficiency:


Thomas J. Baird, Town Attorney

LEGAL DESCRIPTION

**First Baptist Church of Lake Park
Small-Scale Land Use Change**

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, LAKE PARK (formerly Kelsey City), Florida, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 8, Page 37.

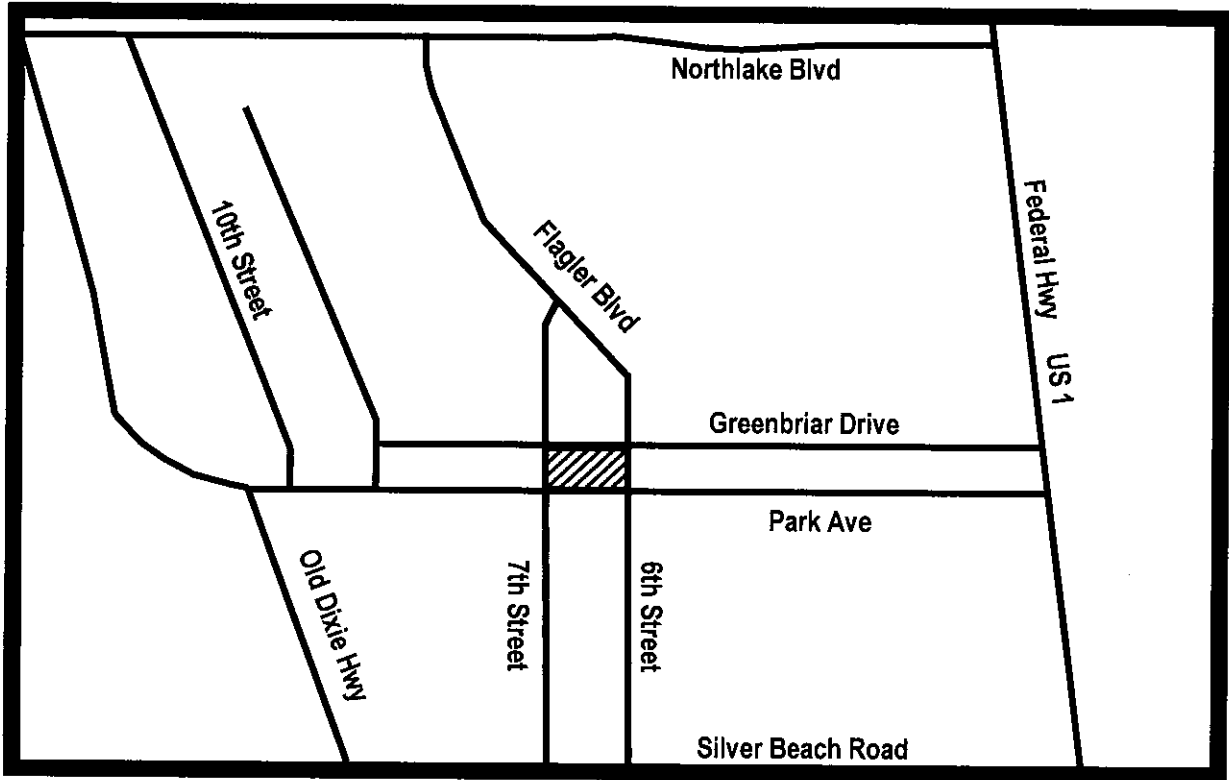
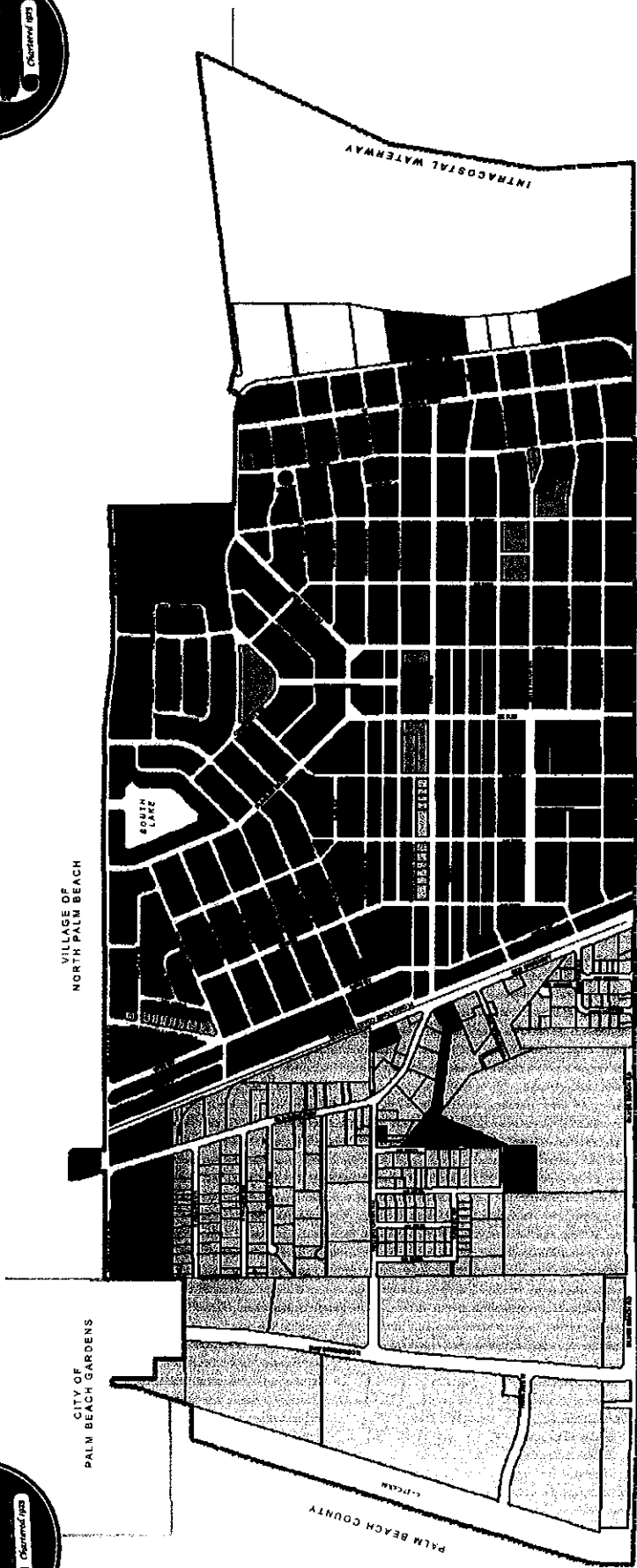


Figure 1

Lake Park Future Land Use Map



Legend

- Surrounding Municipalities
- Town Boundary
- FUTURE LAND USE**
 - COMMERCIAL
 - MIXED COMMERCIAL AND LIGHT INDUSTRIAL
 - MIXED RESIDENTIAL AND COMMERCIAL
 - OTHER PUBLIC FACILITIES
 - PUBLIC BUILDINGS & GROUNDS
 - RECREATION
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY

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Produced and maintained by the CGA
 Geographic Information Systems Services
 GIS
 Produced by: 02-05-2007
 Print Date: 02-05-2007
 *Changes listed on this map will be reflective as of March 2007**

