

**ORDINANCE NO. 05-2007**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE I, SECTION 78-2 ENTITLED "DEFINITIONS;" AND AMENDING ARTICLE III, SECTION 78-62 ENTITLED "R-1A RESIDENCE DISTRICTS" AMENDING SECTION 78-63 ENTITLED "R-1B RESIDENCE DISTRICTS;" SECTION 78-64 ENTITLED "R-1 RESIDENCE DISTRICTS;" SECTION 78-65 ENTITLED "R-2A RESIDENCE DISTRICTS;" SECTION 78-66 ENTITLED "R-2 RESIDENCE DISTRICTS;" SECTION 78-67 ENTITLED "R-3 RESIDENCE DISTRICTS;" REPEALING SECTION 78-68 ENTITLED "C-1A BUSINESS DISTRICTS;" AND AMENDING SECTION 78-69 ENTITLED "C-1B BUSINESS DISTRICTS;" TO PROVIDE FOR ACCESSORY USES FOR CHURCHES AND RESIDENTIAL DWELLING UNITS; 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 ("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 zoning district land development and use 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 specific district regulations pertaining to permitted, accessory uses, and special exception land uses for the various zoning districts which have been codified in Chapter 78, Article III of the Code of Ordinances of the Town of Lake Park; and

**WHEREAS**, it has been the custom and practice of the Town to recognize private schools, congregation areas, Sunday school and religious education classrooms, meeting rooms and other similar church related uses that are customarily incidental to churches as permissible accessory uses,

provided that these accessory uses are located on the same lot or parcel of land as the church; and

**WHEREAS**, the only permitted uses in the R-1A zoning district (Town Code Section 78-62) are: (1) single family dwellings, (2) churches and their customary accessory buildings, and (3) accessory buildings and uses when located on the same lot or parcel as the principal structure; and

**WHEREAS**, Section 78-62 (1)(c) (3) limits the size of accessory buildings to 650 feet in area. This size restriction makes it virtually impossible for a church to have any accessory buildings or uses; and

**WHEREAS**, legal rules of interpretation and statutory construction require that an ambiguous provision be given an interpretation that will not lead to an absurd result. The 650 foot size limitation on accessory buildings and uses as contained in subsection 78-62 (1)(c)(3) makes no logical sense when applied to churches. The logical interpretation is that this limitation was only intended to apply to buildings that are accessory to residential single family dwellings; and

**WHEREAS**, this inconsistency and ambiguity in the Code was discovered by Town staff in conjunction with their review of the First Baptist Church of Lake Park, Inc's, request to expand the existing accessory private school use on the site of the Church; and

**WHEREAS**, Dr. Don MacKay is the agent ("Applicant") for the First Baptist Church of Lake Park, Inc., ("Owner") which is the owner of the real property located at 625 Park Avenue, within the Town of Lake Park ("subject property") and which is legally described in **Exhibit "A"** attached hereto; and

**WHEREAS**, the Applicant has submitted an application to the Town for a zoning text amendment to expressly recognize and allow private schools and other customary church related uses as accessory uses in the R-1A zoning district, and to eliminate the 650 foot area limitation on accessory buildings and uses as applied to churches. The 650 foot limitation will remain in the Code

but its application will be limited to single family dwellings.

**WHEREAS**, Staff has recommended that the same clarifying text changes be adopted for all other zoning districts (**R-1B, R-1, R-2A, R-2, R-3, and C-1B**) that permit churches by right for consistency purposes. Other minor clerical revisions have been made, and some additional express enumerations of certain residential accessory uses have also been included in the text amendment; and

**WHEREAS**, the Applicant has also applied for a small scale Comprehensive Plan Map Amendment to change the land use designation of the subject property from “Residential” to “Other Public Facilities.” These two requests are being processed simultaneously by the Town; and

**WHEREAS**, Town staff has reviewed the Application for a zoning code text amendment and has recommended that Town Code Section 78-62 through 78-69, inclusive, be amended to expressly permit private schools as accessory uses to churches in the R-1A zoning district and other zoning districts that permit churches by right, to eliminate the 650 foot limitation on accessory church buildings and uses, and to provide additional permissible accessory uses for residential dwellings; and

**WHEREAS**, in preparing this text amendment it came to the attention of Town staff that the C-1A zoning district still is contained in the text of the Zoning Code despite the fact, that his zoning district was abolished many years ago. Therefore, for purposes if update the text of the Code, this Ordinance indicates that the C-1A district is repealed; and

**WHEREAS**, the Town Commission, after review of the recommendations from Town staff and the Planning and Zoning Board, and after due notice and public hearings at which the Commission heard testimony and comments and received evidence from the Applicant, the Owner, Town staff and members of the public, deems it to be in the interest of the public health, safety and

general welfare to amend the Town's Code to provide for such additional regulations; and

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

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

**Section 2.** Chapter 78, Article I, Section 78-2 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to add the following definitions:

**Sec. 78-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cabana means an enclosed or screened-in structure which is constructed on a concrete slab with CBS and stucco or poured concrete and stucco walls, a hard roofing system, and which is subject to the Florida Building Code. Manufactured buildings, factory-built housing, mobile homes, sheds and other similar assembled buildings shall not be considered to be a cabana.

Church/house of worship means a building, structure or premises wherein persons regularly assemble for religious worship which is specifically designed and used only for such propose and is maintained and controlled by a religious body organized to sustain public worship.

Private school or nonpublic school means an organization that designates itself as an educational center for instructional purposes and that may include kindergarten, elementary, middle or junior high school, secondary or high school, or as an elementary, secondary, business, technical, or trade school below college level or that offers academic, literary, or career training below college level, or any combination of the above. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs.

Shed means an accessory structure intended to store lawn, garden, pool care equipment, or other similar items, of a height no greater than 8 feet, and the total square footage of which does not exceed 120 square feet. Such structures shall be limited to side and rear yards. Structure materials shall be of a color and design that are compatible in relation to other structures in the immediate area. The structure shall be appropriately landscaped when viewed from a public way or neighboring property.

**Section 3.** Chapter 78, Sections 78-62, 78-63, 78-64, 78-65, 78-66, 78-67, 78-68 and 78-69 of the Code of Ordinances of the Town of Lake Park, Florida are hereby amended to read

as follows:

**Sec. 78-62. R-1A residence districts.**

Within R-1A residence districts, the following regulations shall apply:

(1) *Uses permitted.* Within any R-1A residence district, 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. Single-family dwellings. A private garage, swimming pools, spas and hot tubs, saunas, tiki huts, greenhouses, tennis courts, gazebos, cabanas, sheds, and other similar uses deemed appropriate by the community development director which are intended for use by occupants of the dwelling shall be considered an accessory use to a single family dwelling. Odd shaped structures such as domed or igloo shaped buildings, Quonset huts, hanger shaped structures, and other buildings and structures which are irregular and/or are not architecturally consistent, compatible or harmonious with the principal residential structure and the general character of the neighborhood are not permitted. A cabana may be used for the purpose of private recreational activity, which is an accessory use to a residential use, and which shall not exceed six hundred and fifty (650) square feet. Neither a cabana nor a shed shall be used for habitation or as a dwelling unit, and shall not be equipped with cooking facilities. A cabana, shall specifically include, but not be limited to, detached structures which are used as a craft or hobby room, a pool or game room, a home office (but not open to the general public for any business), a play-room room (but not used for home day care purposes), or a tool-room or workshop.

b. Churches/houses of worship and related their customary accessory-buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or education, day camp, Sunday school, ministries, and other church related activities. after review an application and hearing thereon by the planning and zoning board establishes as a fact that the proposed use is consistent with the general plan and public interest. Planning and zoning board approval shall not be required for proposed church and accessory use within 300 feet of land presently used for church and accessory purposes. As a point of reference, the 300-foot radius shall be established as the mean centerline of the original church building permit.

e. ~~Accessory buildings and uses when located on the same lot or parcel of land as the principal structure and customarily incidental thereto.~~

c. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. and accessory Accessory uses must be when located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. thereto. Permissible accessory uses for multi-family residences, planned unit developments, commercial and other permitted uses shall be determined in the site planning process or administratively on a case by case basis and subject to these standards.

1. A private garage for use by occupants of the principal building shall be considered an accessory use.

2. ~~No store, trade, profession or business use nor any residential use shall be permitted in an accessory building.~~

~~3— Accessory use shall be within a one-story building and shall not exceed 650 feet in area.~~

~~(2) Building height limits. No building or structure used as a dwelling or a building or structure which is accessory to a dwelling, shall exceed two stories or 30 feet in height. The building height limit for churches is 45 feet in height. Non-habitable architectural features on a church such as steeples, sanctuaries, bell towers, cupolas, and other similar features shall not be calculated in this height requirement and such architectural features shall be approved on a case by case basis as part of the site plan approval process.~~

~~(3) Building site area. Every parcel of land on which a dwelling structure is erected, shall have an area of not less than 7,500 square feet and a frontage at the building line of at least 75 feet. Corner lots shall have an area of not less than 10,000 square feet and a frontage at the building line of at least 100 feet. No building or structure with its accessory buildings shall occupy more than 50 percent of the lot or parcel area, exclusive of front and side yards.~~

### **Sec. 78-63. R-1B residence districts.**

Within R-1B residence districts, the following regulations shall apply:

(1) *Uses permitted.* Within any R-1B residence district, 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. Single-family dwellings. A private garage, swimming pools, spas and hot tubs, saunas, tiki huts, greenhouses, tennis courts, gazebos, sheds, cabanas and other similar uses deemed appropriate by the community development director which are intended for use by occupants of the dwelling shall be considered an accessory use to a single family dwelling. Odd shaped structures such as domed or igloo shaped buildings, Quonset huts, hanger shaped structures, and other buildings and structures which are irregular or not architecturally consistent, compatible, or harmonious with the principal residential structure and the general character of the neighborhood are not permitted. A cabana may be used for the purpose of private recreational activity, which is an accessory use to a residential use, and which shall not exceed six hundred and fifty (650) square feet. Neither a cabana nor a shed shall be used for habitation or as a dwelling unit, and shall not be equipped with cooking facilities. A cabana, shall specifically include, but not be limited to, detached structures which are used as a craft or hobby room, a pool or game room, a home office (but not open to the general public for any business), a play-room room (but not used for home day care purposes), or a tool-room or workshop.

b. Churches/houses of worship and related buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or education, day camp, Sunday school, ministries, and other church related activities. Churches and their customary accessory buildings, after a review of an application and hearing thereon by the planning and zoning board establishes as a fact that the proposed use is consistent with the general plan and public interest. Planning and zoning board approval shall not be required for proposed church and accessory use within 300 feet of land presently used for church and accessory purposes. As a point of reference, the 300-foot radius shall be established at the mean center of the original church building.

~~e. Accessory buildings and uses when located on the same lot or parcel of land as the principal structure and customarily incidental thereto.~~

c. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for multi-family residences, planned unit developments, commercial and other permitted uses shall be determined in the site planning process or administratively on a case by case basis and subject to these standards.

1. A private garage for use by occupants of the principal building shall be considered an accessory use.

~~2. No store, trade, profession or business use nor any residential use shall be permitted in an accessory building.~~

~~3. Accessory use shall be within a one-story building and shall not exceed 650 feet in area.~~

d. Schools, except correctional institutions.

e. Playgrounds operated in conjunction with schools or owned and operated by the town.

f. Two-family dwellings. No garage apartment will be permitted as an accessory use on a lot or parcel of land with a two-family dwelling.

g. Electric substations.

(2) Building height limit. No building or structure ~~used as a dwelling or a building or structure which is accessory to a dwelling, shall exceed two stories or 30 feet in height. The building height limit for churches is 45 feet in height. Non-habitable architectural features on a church such as steeples, sanctuaries, bell towers, cupolas, and other similar features shall not be calculated in this height requirement and such architectural features shall be approved on a case by case basis as part of the site plan approval process. No building or structure shall exceed two stories or 30 feet in height.~~

~~(3) Building site area.—~~

~~a. Every parcel of land on which a dwelling structure is erected shall have an area of not less than the following:~~

~~1. For a single-family dwelling, 7,500 square feet.~~

~~2. For a two-family (duplex) dwelling, 10,000 square feet.~~

~~b. The minimum width of lot at the building line for one-family and two-family dwelling structures shall be 75 feet for interior lots and 100 feet for corner lots.~~

~~e. No building or structure with its accessory buildings shall occupy more than 60 percent of the lot or parcel area, exclusive of front and side yards.~~

#### **Sec. 78-64. R-1 residence districts.**

Within R-1 residence districts, the following regulations shall apply:

(1) *Uses permitted.* Within any R-1 residence district, 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. Single-family dwellings. A private garage, swimming pools, spas and hot tubs, saunas, tiki huts, greenhouses, tennis courts, gazebos, cabanas, sheds, and other similar uses deemed appropriate by the community development director which are intended for use by occupants of the dwelling shall be considered an accessory use to a single family dwelling. Odd shaped structures such as domed or igloo shaped buildings, Quonset huts, hanger shaped structures, and other buildings and structures which are irregular and/or are not architecturally consistent, compatible or harmonious with the principal residential structure and the general character of the neighborhood are not permitted. A cabana may be used for the purpose of private recreational activity, which is an accessory use to a residential use, and which shall not exceed six hundred and fifty (650) square feet. Neither a cabana nor shed shall be used for habitation or as a dwelling unit, and shall not be equipped with cooking facilities. A cabana, shall specifically include, but not be limited to, detached structures which are used as a craft or hobby room, a pool or game room, a home office (but not open to the general public for any business), a play-room room (but not used for home day care purposes), or a tool-room or workshop.

b. ~~Churches/houses of worship and related their customary accessory buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or education, day camp, Sunday school, ministries, and other church related activities. after a review of an application and hearing thereon by the planning and zoning board establishes as a fact that the proposed use is consistent with the general plan and public interest. Planning and zoning board approval shall not be required for proposed church and accessory use within 300 feet of land presently used for church and accessory purposes. As a point of reference, the 300-foot radius shall be established at the mean center of the original church building.~~

~~e. Accessory buildings and uses when located on the same lot or parcel of land as the principal structure and customarily incidental thereto.~~

c. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for multi-family residences, planned unit developments, commercial and other permitted uses shall be determined in the site planning process or administratively on a case by case basis and subject to these standards.

1. A private garage for use by occupants of the principal building shall be considered an accessory use.

2. ~~No store, trade, profession or business use nor any residential use shall be permitted in an accessory building.~~

3. ~~Accessory use shall be within a one-story building and shall not exceed 650 feet in area~~

d. Schools, except correctional institutions.

e. Playgrounds operated in conjunction with schools or owned and operated by the town.



(2) Building height limit. No building or structure used as a dwelling or a building or structure which is accessory to a dwelling, shall exceed two stories or 30 feet in height. The building height limit for churches is 45 feet in height. Non-habitable architectural features on a church such as steeples, sanctuaries, bell towers, cupolas, and other similar features shall not be calculated in this height requirement and such architectural features shall be approved on a case by case basis as part of the site plan approval process. shall exceed two stories or 30 feet in height.

**Sec. 78-65. R-2A residence districts.**

Within R-2A residence districts, the following regulations shall apply:

(1) *Uses permitted.* Within any R-2A residence district, 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. Single-family dwellings. A private garage, swimming pools, spas and hot tubs, saunas, tiki huts, greenhouses, tennis courts, gazebos, cabanas, sheds, and other similar uses deemed appropriate by the community development director which are intended for use by occupants of the dwelling shall be considered an accessory use to a single family dwelling. Odd shaped structures such as domed or igloo shaped buildings, Quonset huts, hanger shaped structures, and other buildings and structures which are irregular and/or are not architecturally consistent, compatible or harmonious with the principal residential structure and the general character of the neighborhood are not permitted. A cabana may be used for the purpose of private recreational activity, which is an accessory use to a residential use, and which shall not exceed six hundred and fifty (650) square feet. Neither a cabana nor a shed shall be used for habitation or as a dwelling unit, and shall not be equipped with cooking facilities. A cabana, shall specifically include, but not be limited to, detached structures which are used as a craft or hobby room, a pool or game room, a home office (but not open to the general public for any business), a play-room room (but not used for home day care purposes), or a tool-room or workshop.

b. Churches/houses of worship and related their customary accessory buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or education, day camp, Sunday school, ministries, and other church related activities after a review of an application and hearing thereon by the planning and zoning board establishes as a fact that the proposed use is consistent with the general plan and public interest. Planning and zoning board approval shall not be required for proposed church and accessory use within 300 feet of land presently used for church and accessory purposes. As a point of reference, the 300-foot radius shall be established at the mean center of the original church building.

~~e. Accessory buildings and uses when located on the same lot or parcel of land as the principal structure and customarily incidental thereto.~~

c. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for multi-family residences, planned unit developments, commercial and other

permitted uses shall be determined in the site planning process or administratively on a case by case basis and subject to these standards.

1. A private garage for use by occupants of the principal building shall be considered an accessory use.

2. ~~No store, trade, profession or business use nor any residential use shall be permitted in an accessory building.~~

3. ~~Accessory use shall be within a one-story building and shall not exceed 650 feet in area.~~

d. Hotels without shop fronts or stores facing the street.

e. Multiple-family structures (apartments).

f. Motels without shop fronts or stores facing the street.

(2) *Building height limit.* No building or structure used as a dwelling or a building or structure which is accessory to a dwelling, shall exceed two stories or 30 feet in height. The building height limit for churches is 45 feet in height. Non-habitable architectural features on a church such as steeples, sanctuaries, bell towers, cupolas, and other similar features shall not be calculated in this height requirement and such architectural features shall be approved on a case by case basis as part of the site plan approval process. ~~shall exceed two stories or 30 feet in height.~~

#### **Sec. 78-66. R-2 residence districts.**

Within R-2 residence districts, the following regulations shall apply:

(1) *Uses permitted.* Within any R-2 residence district, 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. Single-family dwellings. A private garage, swimming pools, spas and hot tubs, saunas, tiki huts, greenhouses, tennis courts, gazebos, cabanas, sheds, and other similar uses deemed appropriate by the community development director which are intended for use by occupants of the dwelling shall be considered an accessory use to a single family dwelling. Odd shaped structures such as domed or igloo shaped buildings, Quonset huts, hanger shaped structures, and other buildings and structures which are irregular and/or are not architecturally consistent, compatible or harmonious with the principal residential structure and the general character of the neighborhood are not permitted. A cabana may be used for the purpose of private recreational activity, which is an accessory use to a residential use, and which shall not exceed six hundred and fifty (650) square feet. Neither a cabana nor a shed shall be used for habitation or as a dwelling unit, and shall not be equipped with cooking facilities. A cabana, shall specifically include, but not be limited to, detached structures which are used as a craft or hobby room, a pool or game room, a home office (but not open to the general public for any business), a play-room room (but not used for home day care purposes), or a tool-room or workshop.

b. Churches/ houses of worship and related their customary accessory buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or

~~education, day camp, Sunday school, ministries, and other church related activities after a review of an application and hearing thereon by the planning and zoning board establishes as a fact that the proposed use is consistent with the general plan and public interest. Planning and zoning board approval shall not be required for proposed church and accessory use within 300 feet of land presently used for church and accessory purposes. As a point of reference, the 300-foot radius shall be established at the mean center of the original church building.~~

~~e. Accessory buildings and uses when located on the same lot or parcel of land as the principal structure and customarily incidental thereto.~~

c. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for multi-family residences, planned unit developments, commercial and other permitted uses shall be determined in the site planning process or administratively on a case by case basis and subject to these standards.

1. A private garage for use by occupants of the principal building shall be considered an accessory use.

~~2. No store, trade, profession or business use nor any residential use shall be permitted in an accessory building.~~

~~3. Accessory use shall be within a one-story building and shall not exceed 650 feet in area.~~

d. Schools, except correctional institutions.

e. Playgrounds operated in conjunction with schools or owned and operated by the town.

f. Two-family dwellings.

g. Multifamily dwellings or apartment houses and community residential homes, provided that any such home is not located within a radius of 1,000 feet of another such home or within 1,000 feet of a single-family zoning district. No garage apartment shall be permitted as an accessory use on a lot or parcel of land with a two-story dwelling (duplex) or a multiple-family structure.

h. Civic buildings, libraries.

i. Nursing or convalescent homes.

j. Nursery schools or kindergartens.

k. Physicians or dentists, subject to the following provisions:

1. Physicians or dentists may operate an office in conjunction with a home so long as the front of such office shall be kept as a home.

2. No more than 35 percent of the ground floor area shall be used as an office.

3. Not more than one physician or dentist may practice, and there shall not be more than three persons employed.

4. Office hours shall be limited to daylight hours.

(2) *Building height limit.* No multifamily structure shall exceed two stories or 30 feet in height. The building height limit for churches is 45 feet in height. Non-habitable architectural features on a church such as steeples, sanctuaries, bell towers, cupolas, and other similar features shall not be calculated in this height requirement and such architectural features shall be approved on a case by case basis as part of the site plan approval process.

**Sec. 78-67. R-3 residence districts.**

Within R-3 residence districts, the following regulations shall apply:

(1) *Uses permitted.* Within any R-3 residence district, 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. Single-family dwellings.

b. ~~Churches/houses of worship and related their customary accessory buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or education, day camp, Sunday school, ministries, and other church related activities after a review of an application and hearing thereon by the planning and zoning board establishes as a fact that the proposed use is consistent with the general plan and public interest. Planning and zoning board approval shall not be required for proposed church and accessory use within 300 feet of land presently used for church and accessory purposes. As a point of reference, the 300-foot radius shall be established at the mean center of the original church building.~~

~~e. Accessory buildings and uses when located on the same lot or parcel of land as the principal structure and customarily incidental thereto.~~

c. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for multi-family residences, planned unit developments, commercial and other permitted uses shall be determined in the site planning process or administratively on a case by case basis and subject to these standards.

1. A private garage for use by occupants of the principal building shall be considered an accessory use.

~~2. No store, trade, profession or business use nor any residential use shall be permitted in an accessory building.~~

~~3. Accessory use shall be within a one-story building and shall not exceed 650 feet in area.~~

**Sec. 78-68. C-1A business districts.**

Within C-1A business districts, the following regulations shall apply:

~~(1) *Uses permitted.* Within any C-1A business district, 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. Single-family dwellings.~~

- ~~b. Churches and their customary accessory buildings, after a review of an application and hearing thereon by the planning and zoning board establishes as a fact that the proposed use is consistent with the general plan and public interest. Planning and zoning board approval shall not be required for proposed church and accessory use within 300 feet of land presently used for church and accessory purposes. As a point of reference, the 300-foot radius shall be established at the mean center of the original church building.~~
- ~~e. Accessory buildings and uses when located on the same lot or parcel of land as the principal structure and customarily incidental thereto:~~
- ~~1. A private garage for use by occupants of the principal building shall be considered an accessory use.~~
  - ~~2. No store, trade, profession or business use nor any residential use shall be permitted in an accessory building.~~
  - ~~3. Accessory use shall be within a one-story building and shall not exceed 650 feet in area.~~
- ~~d. Schools, except correctional institutions:~~
- ~~e. Playgrounds operated in conjunction with schools or owned and operated by the town.~~
- ~~f. Two-family dwellings:~~
- ~~g. Multifamily dwellings or apartment houses and community residential homes, provided that any such home is not located within a radius of 1,000 feet of another such home or within 1,000 feet of a single-family zoning district. No garage apartment shall be permitted as an accessory use on a lot or parcel of land with a two-story dwelling (duplex) or a multiple-family structure.~~
- ~~h. Civic buildings, libraries:~~
- ~~i. Nursing or convalescent homes:~~
- ~~j. Nursery schools or kindergartens:~~
- ~~k. Physicians or dentists, subject to the following provisions:~~
- ~~1. Physicians or dentists may operate an office in conjunction with a home so long as the front of such office shall be kept as a home.~~
  - ~~2. No more than 35 percent of the ground floor area shall be used as an office.~~
  - ~~3. Not more than one physician or dentist may practice, and there shall not be more than three persons employed.~~
  - ~~4. Only one sign shall be permitted, not to exceed two square feet in size.~~
  - ~~5. Office hours shall be limited to daylight hours.~~
- ~~l. Hotels without shop fronts or stores facing the street.~~
- ~~m. Dwellings in which rooms are rented or table board provided:~~
- ~~n. Home occupations or professions where incidental to the residential use. A home occupation shall be interpreted as any vocation, trade or profession carried on within a dwelling by the occupants thereof, where no power other than electric is used, no signs other than one unlighted sign not in excess of two square feet is displayed, no merchandise or other articles are displayed for advertising purposes, no assistants are employed and not more than 35 percent of the ground floor area is so used unless otherwise provided by the regulations of the several districts. Such home occupations shall not include experimentation that involves the use of chemicals or matter or energy that may create or cause to be created noises, noxious odors or hazards that will endanger the health, safety or welfare of the community.~~
- ~~o. Motels without shops or restaurants. A motel of 12 or more units having a restaurant in connection therewith and under the same ownership or management shall be permitted.~~
- ~~(2) Building height limit. No multifamily structure shall exceed two stories or 30 feet in height.~~

~~(3) *Building site area.* Every parcel of land on which a dwelling structure is erected shall have an area of not less than the following:~~

~~a. Single-family dwellings, 7,500 square feet.~~

~~b. Two-family duplex dwellings, 10,000 square feet.~~

~~c. Three-family dwellings, 12,000 square feet.~~

~~d. Structures have more than three dwelling units, 2,000 square feet for each additional unit added to the base of 12,000 square feet.~~

~~1. The minimum width of lot at the building line shall be 75 feet for interior lots and 100 feet for corner lots.~~

~~2. No building or structure with its accessory buildings shall occupy more than 60 percent of the lot or parcel area, exclusive of front and side yards.~~

~~e. No building or structure with its accessory buildings shall occupy more than 70 percent of the lot or parcel of land, exclusive of front and side yards.~~

~~(4) *Minimum floor area.*~~

~~a. The minimum required first floor area of a single-family dwelling structure shall be 1,000 square feet, exclusive of carport, garage, unenclosed terraces and porches. Where a carport or garage is attached to the structure, the required first floor area may be reduced to 900 square feet. The minimum required first floor area of a two-family dwelling structure (duplex) shall be 1,400 square feet, exclusive of carports, garages, unenclosed terraces or porches, with each unit comprising 700 square feet. A one-bedroom unit of not less than 580 square feet may be built together with a second unit of not less than 820 square feet.~~

~~b. Where a utility or storage room is constructed and finished in a like manner and type of construction as the balance of the living quarters and has direct entrance and access to the living quarters, such utility room may be considered a part of the living quarters.~~

~~c. For structures of more than two dwelling units, the minimum required floor area shall have an additional 580 square feet for each dwelling unit in excess of two, added to the base of 1,400 square feet.~~

~~(5) *Yard regulations.*~~

~~a. *Front yard.* There shall be a front yard of not less than 30 feet measured from the street or highway or highway right-of-way line to the front wall of the building or structure except in those blocks in which a 25-foot front yard has already been established. On "thru" lots having frontages on two streets, the required front yard shall be provided on both streets.~~

~~b. *Side yard.* There shall be a side yard on each side of the principal building having a width of not less than five feet. On a corner lot, there shall be a side yard of not less than 15 feet from the property line of the intersecting streets.~~

~~c. *Rear yard.* There shall be a rear yard of not less than 15 feet, except where there is an existing dedicated alleyway adjacent to the rear lot line, the rear yard shall be not less than five feet.~~

~~(6) *Off-street parking.* See section 78-142 for off-street parking regulations.~~

**Sec. 78-68. Reserved.**

**Sec. 78-69. C-1B business districts.**

Within C-1B business districts, the following regulations shall apply:

(1) *Uses permitted.* Within C-1B 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. Single-family dwellings. A private garage, swimming pools, spas and hot tubs, saunas, tiki huts, greenhouses, tennis courts, gazebos, cabanas, sheds, and other similar uses deemed appropriate by the community development director which are intended for use by occupants of the dwelling shall be considered an accessory use to a single family dwelling. Odd shaped structures such as domed or igloo shaped buildings, Quonset huts, hanger shaped structures, and other buildings and structures which are irregular and/or are not architecturally consistent, compatible or harmonious with the principal residential structure and the general character of the neighborhood are not permitted. A cabana may be used for the purpose of private recreational activity, which is an accessory use to a residential use, and which shall not exceed six hundred and fifty (650) square feet. Neither a cabana nor a shed shall be used for habitation or as a dwelling unit, and shall not be equipped with cooking facilities. A cabana, shall specifically include, but not be limited to, detached structures which are used as a craft or hobby room, a pool or game room, a home office (but not open to the general public for any business), a play-room room (but not used for home day care purposes), or a tool-room or workshop.

b. Community residential homes with seven to 14 residents.

c. ~~Churches houses of worship and related their customary accessory buildings used for customary accessory uses such as a private school, day care and after care facilities, religious study or education, day camp, Sunday school, ministries, and other church related activities after a review of an application and hearing thereon by the planning and zoning board establishes as a fact that the proposed use is consistent with the general plan and public interest. Planning and zoning board approval shall not be required for proposed church and accessory use within 300 feet of land presently used for church and accessory purposes. As a point of reference, the 300-foot radius shall be established at the mean center of the original church building.~~

d. ~~Accessory buildings and uses when located on the same lot or parcel of land as the principal structure and customarily incidental thereto.~~

d. Accessory buildings must comply with the requirements of this Code and the Florida Building Code as amended. Accessory uses must be located on the same lot or parcel of land as the principal structure and the accessory use must be customarily incidental to the principal use. Permissible accessory uses for multi-family residences, planned unit developments, commercial and other permitted uses shall be determined in the site planning process or administratively on a case by case basis and subject to these standards.

1. A private garage for use by occupants of the principal building shall be considered an accessory use.

2. ~~No store, trade, profession or business use nor any residential use shall be permitted in an accessory building.~~

3. ~~Accessory use shall be within a one-story building and shall not exceed 650 feet in area.~~

**Section 4. 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 5.** **Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 6.** **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 maybe renumbered or relettered to accomplish such.

**Section 7.** **Effective date.** This Ordinance shall take effect immediately upon passage.



Upon First Reading this 21 day of February, 2007, the foregoing Ordinance 05-2007, was offered by Commissioner Balius who moved its approval. The motion was seconded by Commissioner Carey, 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 05-2007, was offered by Commissioner Osterman who moved its adoption. The motion was seconded by Vice-Mayor Daly, and being put to a vote, the result was as follows:

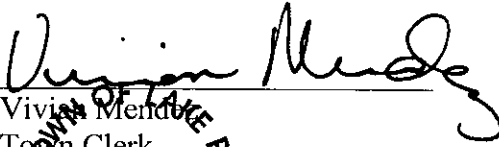
	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

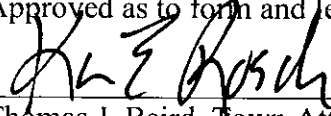
The Mayor thereupon declared Ordinance No. 05-2007 duly passed and adopted this 7 day of March, 2007.

TOWN OF LAKE PARK, FLORIDA

BY:   
Mayor Paul Castro

ATTEST:

  
Vivian Mendez  
Town Clerk  
TOWN OF LAKE PARK  
SEAL

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

FLORIDA

**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.