

ORDINANCE NO. 28-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN OF LAKE PARK'S CODE OF ORDINANCES BY AMENDING CHAPTER 78, ARTICLE III, SECTION 78-74 ENTITLED "C-4 BUSINESS DISTRICT" AND SECTION 78-75 ENTITLED "CLIC-1 CAMPUS LIGHT INDUSTRIAL/COMMERCIAL DISTRICT"; 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 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 land development and zoning, which have been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, Town staff has recommended to the Town Commission that the minimum lot area requirements as provided in Chapter 78, Sections 78-74 and 78-75 pertaining to the C-4 and the CLIC zoning districts, be amended to provide more reasonable lot size requirements for land development in these zoning districts; and

WHEREAS, the Town's Planning and Zoning Board has reviewed the proposed amendments to the Town Code and has provided its recommendations to the Town Commission; and

WHEREAS, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety and general welfare to amend Chapter 78, Section 78-74(5) and Section 78-75(4) of the Town's Code as recommended by Town staff.

**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 of the Town Commission.

Section 2. Chapter 78, Article III, Section 78-74(5) and Section 78-75(4) are hereby amended to read as follows:

Sec. 78-74. C-4 business district.

- (5) *Area regulations.* The following requirements shall apply to all uses permitted in this district:
- ~~a.~~ *Lot area.* Issuance of any type of development permit shall be based upon review and approval of an overall site design of an area no less than three acres. Said parcel may be planned for phased development, provided the minimum parcel size of any development phase is not less than one acre.
 - ~~a.~~~~b.~~ *Front yard.* All buildings shall set back from all ultimate street right-of-way lines not less than 25 feet.
 - ~~b.~~~~c.~~ *Side yard.* No building or structure shall be located closer than 12 feet from one side yard line.
 - ~~c.~~~~d.~~ *Rear yard.* No building or structure shall be located closer than ten feet or a distance equal to one-half the building height from a rear yard line, whichever is greater. No rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or spur that is utilized by the facility.
 - ~~d.~~~~e.~~ *Maximum lot coverage.* Main and accessory buildings, loading facilities and uses shall not cover more than 50 percent of the lot area.
 - ~~e.~~~~f.~~ *Impervious surface ratio of lot area.* With respect to drainage and stormwater runoff, the relationship of surfaces covered by buildings, paved parking areas and all other impervious surfaces such as vegetated open space and stabilized, unpaved parking areas shall be that deemed suitable for the proposed type of land use and buildings and in accordance with the South Florida Water Management District's *Permit Information Manual, Volume IV, Management and Storage of Surface Waters.*
 - ~~f.~~~~g.~~ *Impervious ratio calculation.* The impervious surface ratio is calculated for the gross site, ~~i.e., the minimum three-acre parcel,~~ and is calculated by dividing the total impervious surface by the gross site area. Water bodies are to be considered impervious and shall be included as such in the impervious surface ratio calculation.
 - ~~g.~~~~h.~~ *Treatment of cluster development.* Cluster development or other site design alternatives may result in individual lots within a development project exceeding the impervious surface ratio, while other lots may be devoted entirely to open space. The town commission shall require, as a condition of approval, deed restrictions or covenants that guarantee the maintenance of such open space in perpetuity.

Sec. 78-75. CLIC-1 campus light industrial/commercial district.

- (4) *Area regulations.* The following requirements shall apply to all uses permitted in this district:
- ~~a. *Lot area.* Issuance of any type of development permit shall be based upon review and approval of an overall site design or plat of an area no less than one acre. An exception to the one-acre minimum shall apply to parcels which front on the ultimate right-of-way of Park Avenue extended, which shall have a minimum lot size of 5,000 square feet.~~
 - ~~a. b. *Front yard.* All buildings shall set back from all ultimate street right-of-way lines not less than 25 feet, with the exception of buildings on parcels which front on the ultimate right-of-way of Park Avenue extended which shall be set back a minimum of five feet and a maximum of 20 feet.~~
 - ~~b. e. *Side yard.* No building or structure shall be located closer than ten feet or a distance equal to one-half the building height, whichever is the greater, to a side yard line, with one of said side setback being paved for its entire length; provided, however, that for buildings 24 feet high or less of type one or type two construction, no building or structure shall be located closer than two feet from one of the side yard lines and no closer than 12 feet from the other side yard line. An exception shall apply to buildings on parcels which front on the ultimate right-of-way of Park Avenue extended which shall have no minimum side yard.~~
 - ~~c. d. *Rear yard.* No building or structure shall be located closer than 20 feet from a rear yard line. No rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or spur that is utilized by the facility, provided suitable fire apparatus access is provided.~~
 - ~~d. e. *Maximum lot coverage.* Main and accessory buildings and loading facilities shall not cover more than 50 percent of the lot area. An exception shall apply to buildings on parcels which front on the ultimate right-of-way of Park Avenue extended which shall have no maximum lot coverage.~~

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. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 3 day of October, 2007,
 the foregoing Ordinance 28-2007, was offered by Commissioner Carrey
 who moved its approval. The motion was seconded by Commissioner Osterman
 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 17 day of October, 2007, the foregoing
 Ordinance _____, 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. 28-2007 duly passed and adopted this
17 day of October, 2007.



Vivian Mendez
 Vivian Mendez
 Town Clerk

TOWN OF LAKE PARK, FLORIDA

BY: Paul Castro
 Mayor, Paul Castro

Approved as to form and legal sufficiency:

Thomas J. Baird
 Thomas J. Baird, Town Attorney