

**SMALL SCALE COMPREHENSIVE PLAN AMENDMENT
ORDINANCE NO.: 31-2007 PROPOSED**

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, FLORIDA TO CHANGE THE FUTURE LAND USE DESIGNATION OF A 1.384 ACRE PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF 10TH STREET AND SILVER BEACH ROAD WITHIN THE TOWN OF LAKE PARK FROM “RESIDENTIAL MEDIUM DENSITY” TO “COMMERCIAL”; PROVIDING DIRECTIONS TO THE TOWN CLERK FOR THE TRANSMITTAL OF THE AMENDMENT TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND OTHER PARTIES PURSUANT TO SECTION 163.3184(3), FLA. STAT. (2007); 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 (the “Town”) has adopted a Comprehensive Plan “Plan” and the “Local Government Comprehensive Planning and Land Development Regulation Act” (the “Act”); and

WHEREAS, the Town of Lake Park Comprehensive Plan (the “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, Twigg Learning Tree Child Care & Kindergarten, Inc., (the “Owner”) is

the owner of 1.348 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 the northeast corner of 10th Street and Silver Beach Road, as shown on the Location Map attached hereto as incorporated herein as **Exhibit “B”**, which is attached hereto and incorporated herein; and

WHEREAS, the subject property currently has a Land Use Designation of “Residential Medium Density” under the Plan; and

WHEREAS, the Owner has initiated this small scale proposed Comprehensive Plan amendment to change the Land Use Designation of the subject property from “Residential Medium Density” to “Commercial;” and

WHEREAS, the Town’s Planning and Zoning Board sitting in their capacity as the Town’s Local Planning Agency (the “LPA”) has conducted a public hearing as required by Section 163.3174(4)(a), Fla. Stat., (2007), to consider the proposed Future Land Use Map Amendment; and

WHEREAS, at the conclusion of its public hearing, the LPA recommended to the Town Commission that the Commission assign a Land Use Designation of “Commercial” 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 “Commercial” ; 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 pursuant to this Ordinance is authorized to transmit the proposed Plan Amendment to the Florida Department of Community

Affairs for its review; and

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 the required number of copies of the complete Comprehensive Plan (the “FLUM”) Amendment to the Department of Community Affairs and all other parties pursuant to Section 163.3184(3), Fla. Stat. (2007).

Section 4. Repeal of Conflicting Ordinances. All Ordinances or parts of Ordinances 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 pursuant to Section 163.3189(2)(a), Fla. Stat. (2007).

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

Upon First Reading this 19 day of December, 2007, the foregoing Ordinance, 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>/</u>	<u> </u>
VICE MAYOR ED DALY	<u>Absent</u>	<u> </u>
COMMISSIONER CHUCK BALIUS	<u>/</u>	<u> </u>
COMMISSIONER JEFF CAREY	<u>/</u>	<u> </u>
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	<u> </u>

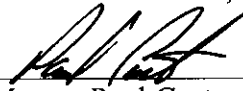
PUBLISHED IN THE PALM BEACH POST THIS 6 DAY OF January, 2008

Upon Second Reading this 16 day of January, 2008, the foregoing Ordinance, was offered by Commissioner Osterman who moved its adoption. The motion was seconded by Commissioner Carey, and being put to a vote, the result was as follows:

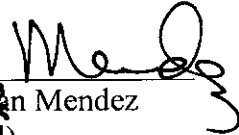
	AYE	NAY
MAYOR PAUL CASTRO	<u>Absent</u>	<u> </u>
VICE MAYOR ED DALY	<u>/</u>	<u> </u>
COMMISSIONER CHUCK BALIUS	<u>/</u>	<u> </u>
COMMISSIONER JEFF CAREY	<u>/</u>	<u> </u>
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	<u> </u>

The Mayor thereupon declared **Ordinance No. 31-2007** duly passed and adopted this 16 day of January, 2008.

TOWN OF LAKE PARK, FLORIDA

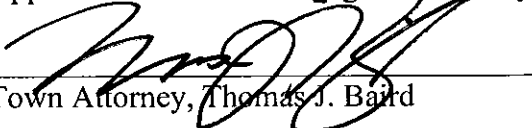
BY: 
Mayor, Paul Castro

ATTEST:


TOWN OF LAKE PARK
Town Clerk, Vivian Mendez
(Town Seal)

FLORIDA

Approved as to form and legal sufficiency:


Town Attorney, Thomas J. Baird

LEGAL DESCRIPTION for Twiggs Learning Center

LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, AND 32, BLOCK 48, TOWN OF LAKE PARK (FORMERLY KELSEY CITY), FLORIDA, ACCORDING TO PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, AT PLAT BOOK 8, PAGE 27.

Exhibit B

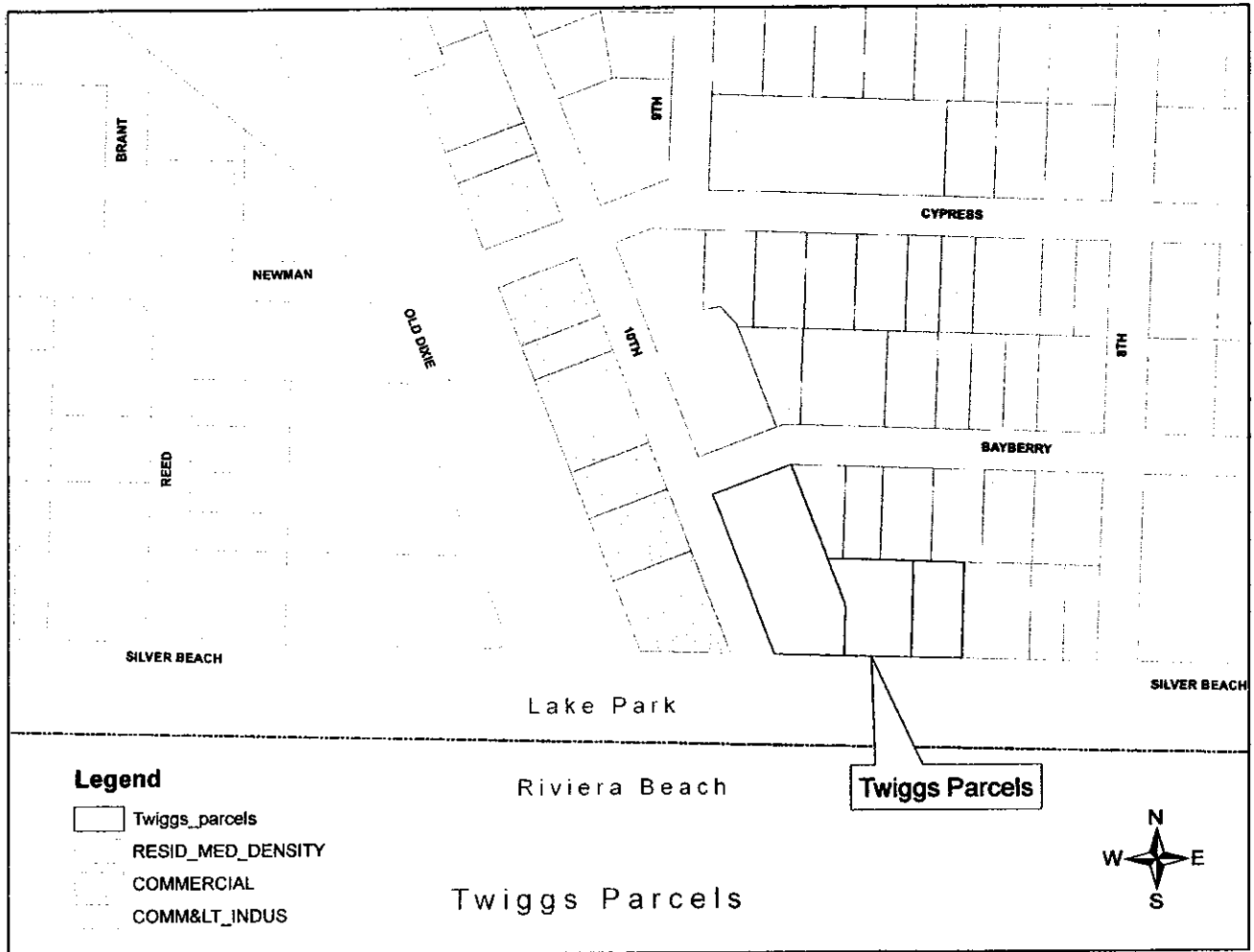
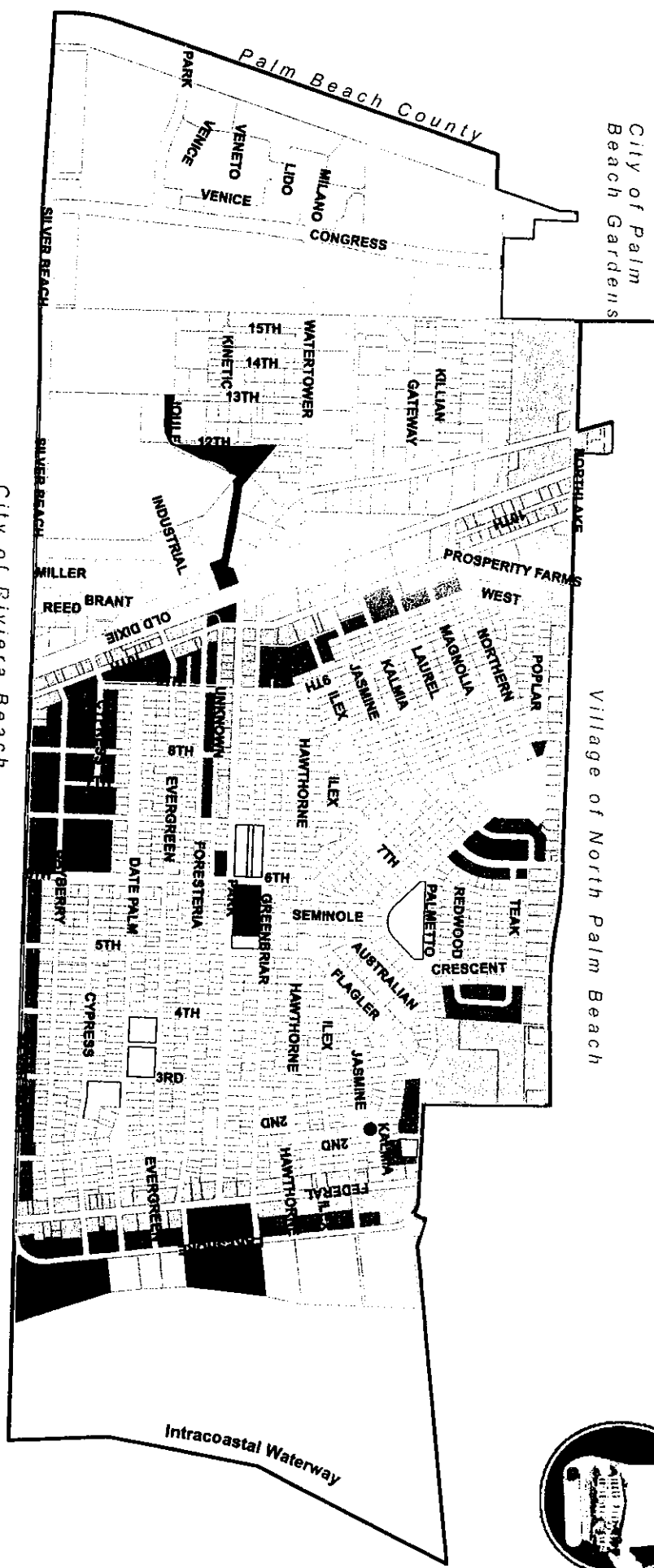


Figure "1"

Present Lake Park Future Land Use Map 2007



- Legend**
- COMM<_INDUScopy
 - COMM<_INDUScopy
 - RESID&COMMERCIAL
 - COMMERCIAL
 - COMM<_INDUScopy
 - RECREATION
 - OTHER_PUB_FACILITY
 - PUBLIC_BLDG_GNDS
 - COMM<_INDUScopy
 - COMM<_INDUScopy
 - RESID_HIGH_DENSITY
 - RESID_LOW_DENSITY
 - RESID_MED_DENSITY
 - COMM<_INDUScopy
 - Lake_Park_Boundary



1. This map is prepared for the City of Lake Park, Florida, and is not intended to be used for any other purpose. The City of Lake Park, Florida, is not responsible for any errors or omissions on this map. The City of Lake Park, Florida, is not responsible for any damages or losses resulting from the use of this map. The City of Lake Park, Florida, is not responsible for any claims or lawsuits filed against the City of Lake Park, Florida, or any of its officials, employees, or agents, arising out of or from the use of this map. The City of Lake Park, Florida, is not responsible for any claims or lawsuits filed against the City of Lake Park, Florida, or any of its officials, employees, or agents, arising out of or from the use of this map.