

ORDINANCE NO. 32-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE I, SECTION 78-2 ENTITLED “DEFINITIONS” TO ADD THE DEFINITION OF “INSTRUCTIONAL STUDIO”; AMENDING ARTICLE III, SECTION 78-71 ENTITLED “C-1 BUSINESS DISTRICTS” TO ALLOW INSTRUCTIONAL STUDIOS AS A PERMITTED LAND USE; 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 permitted and special exception zoning uses in the Town’s business districts, which have been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, Tra Nguyen (the “Applicant”) as the owner of the real property located at 524 Northlake Blvd in the Town of Lake Park has submitted an application (“Application”) to the Town for a Zoning Code text amendment, requesting that the Town Commission amend Sections 78-2 and 78-71 of Chapter 78 of the Town Code to allow “instructional studios” as a permitted use in the C-1 business zoning districts; and

WHEREAS, Town staff has reviewed the Application and has recommended to the Town Commission that Section 78-71 of Chapter 78 of the Town’s Code be amended to allow instructional studios in the C-1 business zoning districts, and that the definitions contained in Section 78-2 be amended to include a definition of “instructional studio” to be defined as a business establishment which offers and provides individual and/or group/classroom instruction in the marital arts, dance,

voice, drama, speech, gymnastics, yoga, exercise, painting, photography, music, and other similar areas of instruction which are deemed appropriate by the Town's community development director; and

WHEREAS, the Town's Planning and Zoning Board has considered the proposed amendment to the Town Code at a public hearing on December 3, 2007, and has made its recommendation 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 the Town's Code to allow instructional studios as a permitted use in the C-1 business zoning districts.

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 and as the findings 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 include the following definition:

Sec. 78-2. Definitions.

Instructional Studio means an establishment or workplace in which instruction in the performing or visual arts is provided as the primary use, in disciplines such as marital arts, dance, voice, drama, speech, gymnastics, yoga, exercise, painting, photography, music, and other similar areas of instruction which are deemed appropriate by the Town's community development director, and which are conducted in either or both group or individual instruction sessions or lessons.

Section 3. Chapter 78, Article III, Section 78-71 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to add new subsection 78-71(1)(t) to read as follows:

Sec. 78-71. C-1 Business districts.

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

(1) *Uses permitted.* Within C-1 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:

t. Instructional studios; including but not limited to studios for the instruction of the martial arts, dance, voice, drama, speech, gymnastics, yoga, exercise, painting, photography, music, and other similar instructional studio uses which are deemed appropriate by the Town's community development director.

Section 4. 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 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. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and 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 7. Effective Date. This Ordinance shall take effect immediately upon adoption.

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 Balius who moved its adoption. The motion was seconded by Commissioner Osterman and being put to a vote, the result was as follows:

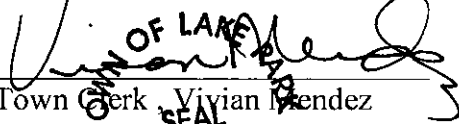
	AYE	NAY
MAYOR PAUL CASTRO	<u>Absent</u>	<u> </u>
VICE MAYOR ED DALY	<u>/</u>	<u> </u>
COMMISSIONER CHUCK BALIUS	<u>/</u>	<u> </u>
COMMISSIONER JEFF CAREY	<u>/</u>	<u> </u>
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	<u> </u>

The Mayor thereupon declared **Ordinance No. 32-2007** duly passed and adopted this 16 day of January, 2008.

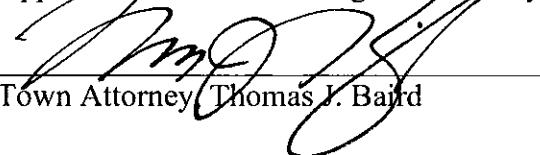
TOWN OF LAKE PARK, FLORIDA

BY: 
Mayor, Paul Castro

ATTEST:


Town Clerk, Vivian Mendez
(Town Seal)

Approved as to form and legal sufficiency:


Town Attorney, Thomas J. Baird

FLORIDA