

ORDINANCE NO. 01-2005

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32, ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK; PROVIDING FOR THE AMENDMENT OF SECTION 32-52 ENTITLED "BUSINESS DISTRICTS" TO PROVIDE FOR A SPECIALTY GROCERY STORE 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 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 32 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, Town staff has recommended to the Town Commission that Section 32-52 of Chapter 32 of the Town's Code be amended to provide for additional permitted uses in the C-2 business district; 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 provide for additional permitted uses in the Town's business 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 32, Article III, of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 32-52. C-2 Business districts.

Within C-2 business districts the following regulations shall apply:

(1) Uses permitted. Within C-2 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. Appliance stores, including radio and television services.
- b. Bakeries having not more than five (5) employees.
- c. Bakeries whose products are sold at retail but not produced on the premises.
- d. Banks,.
- e. Barber shops, beauty shops, chiropodists and masseurs.
- f. Reserved Grocery stores, specialty (at least two thousand (2,000) square feet and not more than ten thousand (10,000) square feet, with at least fifty percent (50%) of the sales area, including shelving, containing foods of a specialty or ethnic nature and otherwise subject to the requirements of Section 32-50(18).
- g. Reserved
- h. Clubs for social, recreational, fraternal or benevolent purposes.
- i. Reserved.
- j. Fertilizer, stored and sold at retail only.
- k. Reserved.
- l. Reserved.
- m. Reserved
- n. Ice delivery stations.
- o. Reserved.
- p. Laundry pickup stations.
- q. Reserved.
- r. Reserved
- s. Offices, business and professional.
- t. Outdoor miniature golf courses, all objects limited to eight (8) feet in height and the building or premises is located not less than five hundred (500) feet from the premises of an existing nursery school, elementary school or high school.

- u. Reserved.
- v. Reserved
- w. Restaurants.
- x. shops, including shops for making articles without use of machinery, to be sold, at retail on the premises.
- y. Reserved
- z. Theatres
- aa. No residences, dwellings or living quarters shall be permitted in C-2 business districts.

(2) Special exception uses permitted. Within the C-2 business district, no building, structure or land shall be used, and no building shall be erected, structurally altered or enlarged for the following uses unless a special exception has been approved by the town commission:

- a. Boats and marine engines. Sales, service and installation thereof in an enclosed building.
- b. Building supplies/garden center, retail and wholesale outlets.
- c. Bus stations.
- d. Electric substations.
- e. garages,
- f. Gasoline and other motor-fuel stations.
- g. Hospitals, sanitariums and medical clinics.
- h. Laundries, dry cleaning and dyeing establishments
- i. Mortuaries.
- j. Motor vehicle sales on property on which a permanent building is erected, which building is used solely in connection with motor vehicle sales. Motor vehicles used for rental purposes may be stored in the open on the rear half of the lot or lots on which motor vehicle sales are conducted, the front portion of which is occupied by a permanent building used in conjunction with the sale of motor vehicles, where no part of the open storage area is within twenty-five (25) feet of any street line. Motor vehicle sales on a lot independent of a permanent building used in conjunction with the sale and service of motor vehicles are not permitted.
- k. Printing and publishing plants.
- l. Planned unit developments.
- m. Railroad passenger station.
- n. Storage warehouses

The town commission may permit special exception uses in the C-2 zoning district provided the town commission determines that the proposed use meets the special exception zoning criteria established in this chapter and is consistent with the goals,

objectives and policies of the town's comprehensive plan. In order to ensure that the special exception use is consistent with and implements good zoning practices and the goals, objectives and policies of the town's comprehensive plan. The town commission may impose conditions upon the approval of a special exception use, including, but not limited to, conditions which require an applicant to exceed standards which have been adopted pursuant to the town's land development regulations

(3) Building height limit. No building or structure shall exceed two (2) stories or thirty (30) feet in height and the minimum external height shall not be less than thirteen (13) feet. The minimum internal height from floor to ceiling shall be eight (8) feet. No dwelling structure shall exceed two (2) stories or thirty (30) feet in height.

(4) Building site area. The minimum width and length of any store building shall be twenty-five (25) feet.

(5) Minimum floor area. For dwelling structures, the following restrictions shall apply:

a. The minimum required first floor area of a single-family dwelling structure shall be one thousand (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 nine hundred (900) square feet. The minimum required first floor area of a two-family dwelling structure (duplex) shall be fourteen hundred (1,400) square feet, exclusive of carports, garages, unenclosed terraces and porches, with each unit comprising seven hundred (700) square feet. A one-bedroom unit of not less than five hundred eighty (580) square feet may be built together with a second unit of not less than eight hundred twenty (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 (2) dwelling units, the minimum required floor area shall have an additional five hundred eighty (580) square feet for each dwelling unit in excess of two (2), added to the base of fourteen hundred (1,400) square feet.

d. The minimum required first floor area of a business or commercial structure shall be twelve hundred (1,200) square feet and in no event less than twenty-five (25) feet in depth.

(6) Yard regulations:

a. Front yard. There shall be a front yard of not less than twenty-five (25) feet measured from the street or highway or highway right-of-way line to the front wall of the

building or structure. On "thru" lots having frontages on two (2) streets, the required front yard shall be provided on both streets.

b. Side yard. For dwelling structures, there shall be a side yard on each side of the principal building having a width of not less than ten (10) feet. On a corner lot there shall be a side yard of not less than fifteen (15) feet from the property line of the intersecting streets.

However, there shall be a rear yard of not less than five (5) feet on all property lying east of the Florida East Coast Railroad right-of-way and west of 10th Court between North Lake Boulevard and Northern Drive.

c. Rear yard. There shall be a rear yard of not less than fifteen (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 (5) feet.

(7) Off-street parking. See section 32-86.

(8) Special exception subject to commission approval. The commission may permit the use of a premises in the C-2 zoning district as an educational facility, by approval of a special exception therefore, provided the commission determines as a fact, after review of the application and plans submitted therewith, that the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the town comprehensive plan, and that the conditions and requirements enumerated below have been met:

a. The site must comply with all applicable regulations of the town code, including, but not limited to, chapter 32, zoning including parking regulations and landscaping requirements and chapter 33, land development regulations.

b. No outdoor instruction or recreational activities will be permitted on the site.

c. Enrollment shall not exceed a limit which is mutually agreed upon by the owner of the premises and the building official; such limit to be established so as to avoid congestion and adverse impact on adjacent and nearby properties, with special consideration to properties located within three hundred (300) feet of the site.

d. The facility is in compliance with all laws and regulations governing educational facilities.

e. The owners of all properties within three hundred (300) feet have had an opportunity to provide comment regarding the appropriateness of the intended use in light of the general business/office character of the district.

f. The application for special exception hereunder has fulfilled the requirements of the building official and has been reviewed by the planning and zoning board.

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 relettered 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 6 day of April, 2005, the foregoing ORDINANCE was offered by Vice-Mayor Garretson 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	_____	_____
VICE MAYOR CHUCK BALIUS	<u>X</u>	<u>X</u>
COMMISSIONER PAUL GARRETSON	<u>X</u>	_____
COMMISSIONER ED DALY	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____

Upon Second Reading this 20 day of April, 2005, the foregoing ORDINANCE was offered by Commissioner Daly 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 CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER PAUL GARRETSON	<u>X</u>	_____
COMMISSIONER ED DALY	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____

The Mayor thereupon declared Ordinance No. 01-2005 duly passed and adopted this 20 day of April, 2005.

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*
Mayor Paul Castro

ATTEST:
Stephanie Thomas
Stephanie Thomas
Town Clerk

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

