

ORDINANCE NO. 4-2005

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CHANGING THE ZONING OF LOTS 9 THROUGH 32 OF BLOCK 37 OF THE KELSEY CITY PLAT FROM C-1 COMMERCIAL TO R-2 RESIDENTIAL; PROVIDING FOR THE REPEAL OF ORDINANCE 8-2002, AND ALL OTHER LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.3187 (1) (c), Fla. Stat., provides procedures for municipalities to follow in adopting a rezoning ordinance involving less than ten (10) contiguous acres; and

WHEREAS, in April 2002, the Town attempted rezone certain parcels of land legally described as Lots 9 through 32 of Block 47 of the Kelsey City Plat from R-2 Residential to C-1 Commercial; and

WHEREAS, Rezoning Ordinance 8-2002 of the Town, incorrectly described the lands to be rezoned as Lots 9 through 32 of Block 37 of the Kelsey City Plat ("Subject Properties"); and

WHEREAS, this inaccuracy has recently come to the attention of the Town Commission, which now desires to correct the zoning error by properly restoring the original R-2 Residential Zoning to the Subject Properties; and

WHEREAS, the Subject Properties are currently designated Commercial C-1 by virtue of the 2002 rezoning, although the Official Zoning Map of the Town was never amended to reflect the 2002 rezoning to C-1; and

WHEREAS, on July 6, 2005, the Town of Lake Park Planning and Zoning Board conducted a public hearing and reviewed the proposed land use change from Commercial (C-1) to Residential (R-2) and forwarded its recommendation to the Town Commission.

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

SECTION 1.

LOTS 9 THROUGH 32 OF BLOCK 37 OF THE KELSEY CITY PLAT are hereby rezoned from Commercial (C-1) to Residential Medium Density (R-2).

SECTION 2

Should any section or provision of this Ordinance or any portion thereof, any sentence, paragraph, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part to be declared invalid.

SECTION 3

Ordinance 8-2002 of the Town of Lake Park is hereby repealed. All other ordinances of the Town of Lake Park, Florida which are in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4

This Ordinance shall take effect immediately upon passage.

Upon First Reading this 3 day of august, 2005 the foregoing ORDINANCE was offered by Commissioner Balius who moved its approval. The motion was seconded by Commissioner Daly, and being put to a vote, the result was as follows:

	Absent	AYE	NAY
MAYOR PAUL CASTRO			
VICE MAYOR <u>Paul Garretson</u>	X		
COMMISSIONER <u>Chuck Balius</u>	X		
COMMISSIONER ED DALY	X		
COMMISSIONER JEFF CAREY	X		

Upon Second Reading this 24 day of August, 2005, the foregoing ORDINANCE was offered by Vice-Mayor Garretson who moved its adoption. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

	X	AYE	NAY
MAYOR PAUL CASTRO	X		
VICE MAYOR <u>Paul Garretson</u>	X		
COMMISSIONER <u>Chuck Balius</u>	X		
COMMISSIONER ED DALY	X		
COMMISSIONER JEFF CAREY	X		

The Mayor thereupon declared Ordinance No. 04-2005 duly passed and adopted this 24 day of August, 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

