

ORDINANCE NO. 5--2005

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CHANGING THE FUTURE LAND USE OF LOTS 9 THROUGH 32 OF BLOCK 37 OF THE KELSEY CITY PLAT FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR THE REPEAL OF ORDINANCE 9-2002, 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 change the use certain parcels of land legally described as Lots 9 through 32 of Block 47 of the Kelsey City Plat from R-2 Residential Medium Density to C-1 Commercial; and

WHEREAS, Future Land Use Ordinance 9-2002 of the Town, incorrectly described the lands to be 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 future land use designation error by properly restoring the original Medium Density Residential designation to the Subject Properties; and

WHEREAS, the Subject Properties are currently designated Commercial by virtue of the 2002 rezoning, although the Future Land Use 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 to Medium Density Residential 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.

The Future Land Use of LOTS 9 THROUGH 32 OF BLOCK 37 OF THE KELSEY CITY PLAT is hereby changed from Commercial to Residential Medium Density.

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Ordinance 9-2002 of the Town of Lake Park is hereby repealed.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ordinances of the Town of Lake Park, Florida which are in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.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 _____ day of _____, 2005, the foregoing ORDINANCE was offered by Commissioner _____, who moved for adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	___	___
VICE MAYOR G. CHUCK BALIUS	___	___
COMMISSIONER PAUL GARRETSON	___	___
COMMISSIONER JEFF CAREY	___	___
COMMISSIONER ED DALY	___	___

The Mayor thereupon declared ORDINANCE NO. _____ duly passed and adopted this ___ day of _____, 2005.

TOWN OF LAKE PARK, FLORIDA

BY _____
Paul W. Castro, Mayor

ATTEST:

Stephanie Thomas

Upon First Reading this 3 day of August 2005, the foregoing ORDINANCE 05-2005 was offered by Commissioner Daly, 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>Absent</u>	
VICE MAYOR <u>Paul Garretson</u>	<u>X</u>	_____
COMMISSIONER <u>Chuck Balius</u>	<u>X</u>	_____
COMMISSIONER ED DALY	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS _____ DAY OF _____, 2005, AND THE _____ DAY OF _____, 2005.

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

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	
VICE MAYOR PAUL GARRETSON	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER ED DALY	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____

The Mayor thereupon declared Ordinance No. 05-2005 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
Town Seal
TOWN OF LAKE PARK
FLORIDA

Approved as to form and legal sufficiency

Thomas J. Baird
Thomas J. Baird, Town Attorney