

ORDINANCE NO.05-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, TO BE KNOWN AS THE "INTERIM ZONING ORDINANCE"; PROVIDING FOR AUTHORITY AND LEGISLATIVE INTENT; PROVIDING FOR THE TEMPORARY CESSATION OF THE ISSUANCE OF OCCUPATIONAL LICENSES OR DEVELOPMENT ORDERS FOR COMMUNITY RESIDENTIAL OR GROUP HOMES; PROVIDING FOR LIMITED TIME OF DURATION; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR TEMPORARY ABATEMENT OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, §2(b) of the Constitution of the State of Florida and Chapter 166, Florida Statutes, the Town of Lake Park, Florida (the Town) has the governmental and corporate powers to enact an interim zoning ordinance; and

WHEREAS, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (the Act), it is the policy and law of the State of Florida that local governments shall plan for future development, adopt and amend comprehensive plans to guide future development, and adopt and enforce land development regulations to implement comprehensive plans; and

WHEREAS, as part of its ongoing comprehensive planning responsibilities, as set forth in the Act, the Town has adopted a future land use element; and

WHEREAS, pursuant to the Act, it is the policy and law of the State of Florida that the planning programs of local governments shall be an ongoing and continuous process which is intended to preserve and enhance present advantages; encourage the

most appropriate use of land, water and resources consistent with the public interest;
and

WHEREAS, the enactment of an interim zoning ordinance would allow a reasonable time for the Town's staff and traffic planning consultants to complete its evaluation of the nature and extent of the impacts of community residential or group homes upon single-family residential neighborhoods within the Town; and

WHEREAS, certain proposals have been or may be presented, formally or informally, to the Town for the operation of community residential or group homes; and

WHEREAS, the enactment of this ordinance would allow the Town Commission time to review its future land use element and land development regulations or amendments to existing regulations to allow for appropriate locations for community residential or group homes within the Town.

NOW THEREFORE, be it ordained by the Town Commission of the Town of Lake Park, Florida:

Section 1. The whereas clauses are incorporated herein and are true and correct.

Section 2. Authority and Legislative Intent.

A. Authority for the enactment of this ordinance is vested in the Florida Constitution and general laws of this state, specifically, Chapter 166, Florida Statutes, which delegates broad home-rule powers to municipalities and Chapter 163, Florida Statutes, Part II, which authorizes local governments to plan for their future development, adopt and amend comprehensive plans to guide future development, and

adopt, amend and enforce land development regulations to implement comprehensive plans. The adoption of an interim zoning ordinance for the Town would allow the Town time to complete its analysis of appropriate amendments to its land development regulations, or amendments thereto, to guide and control the location of community residential or group homes within the Town.

B. It is the legislative intent of the Town to prohibit, temporarily, the occupational licensing of, and/or the consideration of applications for rezonings, PUDs, site plans and/or special exception uses for community residential or group homes. The legislative intent is to also prohibit, temporarily, the adoption of any development orders for a community residential or group home within the Town.

C. The adoption of this ordinance is undertaken by the Town in good faith, and is in no way intended to discriminate against those landowners which may be subject to this ordinance; rather, it is to be of limited duration to accomplish appropriate planning within a reasonable time and is undertaken to further the purpose and intent of the Act to allow the Town to establish and implement land development regulations to guide and control the location of community residential or group homes within the Town.

Section 3. Applicability.

This ordinance shall apply only to those properties which are currently eligible to receive an occupational license to operate a community residential or group home, or for any properties proposing a rezoning during the interim zoning period for a community residential or group home within the Town.

Section 4. Limited Time of Duration.

The Town Commission hereby directs its staff to promptly carry out and complete the necessary studies and to propose such amendments to land development regulations as may be necessary. This ordinance shall be limited to six (6) months from its effective date or until such time as the Town Commission has adopted amendments to its land development regulations, if any, for the Town.

Section 5. Liberal Construction.

The provisions of this ordinance shall be liberally construed so as to effectively carry out its purposes in the interest of the public's health, safety, morals and general welfare.

Section 6. Severability.

If any section, phrase, sentence 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 7. Temporary Abatement of Laws in Conflict.

All local laws and ordinances applying to the incorporated area of Lake Park which are in conflict with the provisions of this ordinance are hereby superseded by this ordinance for the duration of this ordinance.

Section 8. Effective Date.

The provisions of this ordinance shall become effective upon adoption.

Upon First Reading this 4th day of February, 2004 the foregoing ORDINANCE was offered by Vice Mayor Balius who moved its approval. The motion was seconded by Commissioner Garretson, and being put to a vote, the result was as follows:

| | AYE | NAY |
|------------------------------|-----|-----|
| MAYOR PAUL CASTRO | X | |
| VICE MAYOR CHUCK BALIUS | X | |
| COMMISSIONER PAUL GARRETSON | X | |
| COMMISSIONER JEANINE LONGTIN | X | |
| COMMISSIONER BILL OTTERSON | X | |

Upon Second Reading this 11th day of February, 2004 the foregoing ORDINANCE was offered by Commissioner Balius who moved its adoption. The motion was seconded by Commissioner Otterson, and being put to a vote, the result was as follows:

| | AYE | NAY |
|------------------------------|-----|-----|
| MAYOR PAUL CASTRO | X | |
| VICE MAYOR CHUCK BALIUS | X | |
| COMMISSIONER PAUL GARRETSON | X | |
| COMMISSIONER JEANINE LONGTIN | X | |
| COMMISSIONER BILL OTTERSON | X | |

The Mayor thereupon declared Ordinance No.05-2004 duly passed and adopted this 11th day of February, 2004

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*
Mayor Paul Castro

ATTEST:

Carol Simpkins
Carol Simpkins, Town Clerk
(Town Seal)



Approved as to form and legal sufficiency:

Thomas J. Baird
Thomas J. Baird, Town Attorney