

TAB 3

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: Nov. 5, 2003

Agenda Item No. 5

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> PUBLIC HEARING
<input checked="" type="checkbox"/> Ordinance on Second Reading
<input checked="" type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

SUBJECT: Ordinance to provide for the provision of notices by certified mail return receipt requested of planning and zoning commission meetings to property owners within 300 feet of property which is the subject of a development application.

RECOMMENDED MOTION/ACTION: Adoption of Ordinance.

Approved by Town Manager *[Signature]* Date: 10/9/03

Originating Department: Town Attorney	Costs: \$ _____ Funding Source: Acct. # _____	
Department Review: <input checked="" type="checkbox"/> City Attorney <u><i>[Signature]</i></u> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Department _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	Finance Director Approval: _____	Attachments: Copy of Ordinance

Summary Explanation/Background:

ORDINANCE NO. 17-2003

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK PERTAINING TO LAND DEVELOPMENT REGULATIONS, CREATING NEW SECTION 33-74 PROVIDING FOR THE PROVISION OF CERTIFIED MAIL NOTICES OF PLANNING AND ZONING COMMISSION MEETINGS AND TOWN COMMISSION HEARINGS TO PROPERTY OWNERS WITHIN 300 FEET OF A PROPERTY WHICH IS THE SUBJECT OF A DEVELOPMENT APPLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, municipalities may provide public notice provisions of their public hearings and meetings in addition to the notice requirements contained in *Fla. Stat.* _166.041; and

WHEREAS, municipalities are authorized to adopt rules and regulations which are not in conflict with the state statutory notice requirements, and which are supplementary to those requirements; and

WHEREAS, the Town has deemed it to be in the best interest of its citizens to adopt supplemental notice provisions to provide certified mail notices of meetings of the Planning and Zoning Commission and Town Commission to certain property owners who may be affected by development applications; and

WHEREAS, the Planning and Zoning Commission has reviewed the proposed amendments to Section 33-74 of the Town Code and has made its recommendations to the Town Commission; and

WHEREAS, the Town Commission, deems it to be in the best interest of the public to amend Section 33-74 of the Town Code to provide for certified mail notices of Planning and Zoning Commission and Town Commission meetings and hearings to adjacent property owners, at the applicant's expense.

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

Section 1. The whereas clauses are hereby incorporated as true and correct as the findings and fact and conclusions of law of the Town Commission.

Section 2. Chapter 33, Section 33-74 of the Town Code of Ordinances of the Town of Lake Park, Florida is hereby created to read as follows:

Sec. 33-74 Certified Mail Notice to Adjacent Owners.

(a) A certified mail notice of public hearings on development applications conducted by the planning and zoning commission and hearing of the town commission shall be mailed by the town return receipt requested, at the applicant's expense, to the owners of record of property within a radius of 300 feet of the property described in the application, ten (10) days prior to the meeting. The notice shall state the date, time and place of the meeting, the name of the owner of the property, the name of the project and/or applicant, and a general written description of the request and the location, or specific street address of the property. Failure to receive such notice, however, shall not affect any action or proceeding taken thereon, nor is it intended to supplement the required notice provisions of state law for due process or any other purposes.

Section 3. **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 4. **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. **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 6. **Effective Date.** This ordinance shall take effect immediately upon adoption.

Upon First Reading this 15th day of October, 2003, the foregoing ORDINANCE was offered by Commissioner Garretson who moved its approval. 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	

PUBLISHED IN THE PALM BEACH POST THIS 21st DAY OF OCTOBER, 2003.

Upon Second Reading this 5^h day of November, 2003, the foregoing ORDINANCE was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____, and being put to a vote, the result was as follows:

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

The Mayor thereupon declared Ordinance No.17-2003 duly passed and adopted this 5^h day of November, 2003.

TOWN OF LAKE PARK, FLORIDA

BY: _____
Mayor Paul Castro

ATTEST:

Approved as to form and legal sufficiency:

Carol Simpkins, Town Clerk
(Town Seal)

Thomas J. Baird, Town Attorney