



**TOWN LAKE OF PARK
PLANNING & ZONING BOARD
STAFF REPORT
MEETING DATE: April 6, 2026
PZ-26-06**

Item: C-2 Text Amendment

SUMMARY OF ITEM:

In the course of the Community Development Department’s site plan review for Twiggs Academy, an educational facility providing preschool and childcare services, it has come to staff’s attention that the provisions of 78-72 (8) b. and (8) d. may conflict as currently written when applied to preschools. Subsection b. prohibits “outdoor instructional or recreational activity” for educational facility special exception requests. However, because the Florida Department of Children and Families (DCF) requires outdoor play space for preschool licensing, this conflicts with d., which requires the facility to comply with all laws and regulations governing educational facilities. Therefore, in accordance with the requirements of the Florida Department of Children and Families, staff is proposing to amend subsection b. by adding an additional clause to grant an exemption in cases when DCF or other entities require outdoor instructional or recreational activity for licensing. The new subsection b. would read as follows: “No outdoor instruction or recreational activities will be permitted on the site, except in accordance with the minimum requirements of the Florida Department of Children & Families and/or any other applicable laws and regulations governing educational facilities.” This will alleviate any conflict between the requirements of b. and d.

Background:

In the Town's C-2 business district, Section 78-72 (8), there is a special category for a special exception for an educational facility. This special exception procedure follows the standard procedure, however there are several unique criteria listed under 8 that are also applied in addition to the normal special exception criteria. These are:

- a. The site must comply with all applicable regulations of this Code, including, but not limited to, this chapter, including parking regulations and landscaping requirements and this subpart B, 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 community development director; 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 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 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 community development director and has been reviewed by the planning and zoning board.

Proposed Amendment:

In the application of these criteria for a forthcoming site plan and special exception request, it is staff's opinion that there is a potential conflict that can arise in the application of b. and d. when applied to preschool requests. The Florida Department of Children and Families mandates outdoor play area for all preschools. As currently written, b. conflicts with d. when applied to a preschool, creating a situation where neither criteria can be satisfied. To alleviate this conflict, staff is proposing a simple text change to b. while seeking to preserve the original intent to the greatest extent possible. The proposed amendment would add the clause: "except in accordance with the minimum requirements of the Florida Department of Children & Families and/or any other applicable laws and regulations governing educational facilities" following b. This will ensure in the future when there are minimum outdoor play area requirements for educational facilities, both criteria b. and d. can be satisfied.

Business Impact:

While these requests are rare, reducing regulatory conflicts in the application of the educational facility special exception criteria will facilitate development and redevelopment in the C-2. We project a **positive** impact on business, development, and redevelopment in the Town based on the proposed text change.

See also relevant FLU policy below:

- ➔ **Future Land Use Element, Policy 5.2:** *The Town shall foster the redevelopment of declining neighborhoods, underutilized parcels, and areas that demonstrate substandard and/or slum and blight conditions.*

PART II: STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Board move to “APPROVE” Ordinance -

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