

ORDINANCE NO. \_\_\_\_\_-26

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 78, ARTICLE III, SECTION 78-72; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, it has come to the Community Development Department’s attention that Section 78-72 (8) (b) can conflict with Section 78-72 (8) (d) due the to the licensing requirements of the Florida Department of Children and Families for preschool facilities; and

**WHEREAS**, the Town’s Planning and Zoning Board has conducted a public hearing to review the proposed amendments to the Code and has provided a recommendation to the Town Commission; and

**WHEREAS**, the Town Commission, after its review of the recommendations from the Planning and Zoning Board, and after due notice and public hearings finds that it is appropriate and necessary to amend Chapter 78, Article III, Section 78-72 entitled “C-2 business district”.

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

**Section 1.** The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

**Section 2.** Chapter 78, Article III, Section 78-72 of the Lake Park Code of Ordinances, entitled “Land Development Code” is hereby amended to read follows:

(...)

- (8) *Special exception subject to commission approval.* The commission may permit the use of a premises in the C-2 zoning district as an educational facility, by approval of a special exception therefor, provided the town commission determines as a fact, after review of the application and plans submitted therewith, that the proposed use or uses are consistent with good zoning practice and are not contrary

to the policies of the town comprehensive plan, and that the conditions and requirements enumerated below have been met:

- 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, 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.
- 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.

**Section 3. Codification.** The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Lake Park. The sections of the ordinance may be re-numbered or re-lettered to accomplish such.

**Section 4. Severability.** If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance

**Section 5. Effective date.** This ordinance shall take effect immediately upon execution.