

ORDINANCE NO. _____-2026

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 67, ARTICLE II OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, FLORIDA REGARDING DEVELOPMENT REVIEW PROCEDURES AND TIMELINES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; 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, the Town's Community Development Department (the Department) has reviewed Senate Bill 1080, codified at Fla. Stat. 166.033 and recommends the enactment of this ordinance to update of the Department's procedures and timelines for the processing of development applications; and

WHEREAS, the Town's Planning and Zoning Board has conducted a public hearing and reviewed the proposed amendments to the Code of Ordinances of the Town, and has provided its recommendation to the Town Commission; and

WHEREAS, the Town Commission, after its review of the recommendations from the Department and the Planning and Zoning Board, and after due notice and public hearings amends Section 67-37 of Article II of Chapter 67 entitled "Land Development Code".

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 67 of the Lake Park Code of Ordinances, entitled "Land Development Code" is hereby amended to read follows:

Chapter 67 LAND DEVELOPMENT CODE¹

Sec. 67-37. Development plan review; general procedures.

- (a) Applicants seeking review of ~~The developer shall submit a development plan shall submit all materials necessary to process the application at the expense of the applicant as required by this article to the community development department.~~ The development plan review procedure applies to redevelopment of existing projects as defined by section 51-4.
 - (b) Within ~~ten~~ five working days of receipt of a development plan, the community development department shall:
 - (1) ~~Determine that the plan is complete and proceed with the procedures below~~ Acknowledge receipt of the application; or and
 - (2) Within 30 days of receiving the application, the community development department shall provide written confirmation that all required information has been submitted (complete submittal), or specify the deficiencies in the information submitted, or additional information that is required to make the application a complete submittal. Determine that the information is incomplete and inform the developer in writing of the deficiencies. If there are deficiencies, ~~The applicant developer may submit an amended plan within 30 working days without payment of a reapplication fee, but, if more than 30 days have elapsed, the developer must thereafter reinitiate the review process and shall pay an additional fee. Refer to (d) below for procedures regarding requests for additional information.~~
 - (3) For applications that do not require final zoning action through a quasi-judicial hearing or, in the case of a zoning code text amendment, or an amendment to the comprehensive plan, a public hearing, the community development department shall approve, approve with conditions, or deny the application within 120 days after it has deemed the application to be complete.
 - (4) For applications that require final zoning action through a quasi-judicial hearing, the Town Commission shall approve, approve with conditions, or deny the application within 180 days after the community development department has deemed the application complete.
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- (5) The review timeframes above shall restart whenever an applicant submits any substantive change to the application of 15 percent or more in the proposed density, intensity, or square footage of a parcel or parcels of the development plan submitted.
- (6) Once the application has been deemed complete, if the applicant does not provide a resubmittal for 30 days or the applicant and the Town do not agree to an extension of time, the application shall be deemed withdrawn.
- (c) When reviewing an application for a development plan that has been certified by a professional listed in s. 403.0877, F.S. the Town shall not request additional information from the applicant more than three times, unless the applicant waives this limitation in writing. The town commission shall review the plan and the comments of the community development department and determine whether the proposal complies with the requirements of these regulations. Within ten working days of the meeting, the town commission shall issue a development order complying with section 67-40 or refuse to issue a development order based on it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of these regulations.
- (d) Procedures for requesting additional information:
- (1) Where the community development department has requested additional information and the applicant shall submit the additional information requested within 30 days after receiving the request. The community development department shall review the additional information submitted for completeness and within 30 days of its receipt of the additional information, issue a written communication confirming that all additional information satisfies the community development department's request for additional information or specify with particularity any areas that are deficient and/ or such additional information that is necessary to make the application complete.
- (2) Whenever the community development department makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the Town shall review the additional information submitted for completeness and issue a written communication confirming that the additional information satisfies the community development department's request, or specify with particularity any areas that are deficient, and/or additional information that is necessary to make the application complete within 10 days after receiving the additional information.
- (3) Should the community development department determine that an application remains incomplete, and it submits a third request for additional information, the community development department shall provide a written communication to the applicant offering a meeting to discuss the basis of its determination that the application remains incomplete. If the Town makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the third request, the community development department shall

process the application within 10 days of its receipt of the additional information whether it determines the application to be complete, or not, unless the applicant agrees in writing to waive the Town's limitation. If the applicant waives this limitation, the community development department shall have up to an additional 30 days to review the additional information.

(4) If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the Town, at the applicant's request, shall proceed to process the application for approval or denial.

~~The time schedule expressed in this section may be modified as agreed to between the applicant and the town manager.~~

(e) The Town shall issue a refund of the application fee to an applicant equal to:

(1) Ten percent of the application fee where the community development department does not issue a written notification of completeness or deficiency, or identify with specificity the additional information requested which must be submitted within 30 days after receiving the application.

(2) Ten percent of the application fee where the community development department does not issue a written notification of completeness or deficiency, or identify with specificity the additional information requested which must be submitted within 30 days after receiving the additional information pursuant to a second request.

(3) Twenty percent of the application fee where the community development department does not issue written notification of completeness or deficiency, or identify with specificity the additional information requested which must be submitted, within 30 days after receiving the additional information pursuant to a third request.

(4) Fifty percent of the application fee if the Town fails to approve, approve with conditions, or denies the application within 30 days after conclusion of either the 120-day or 180-day timeframe specified in subsection (b) (3) and (4).

(5) One hundred percent of the application fee if the Town fails to approve, approve with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (b) (3) and (4).

(6) The timeframes expressed under (b) (3) and (4) may be modified provided the applicant agrees to do so, or in the event of force majeure or, other extraordinary circumstance, as determined by the community development department. The Town is not obligated to issue a refund where the applicant has requested an extension, the delay is caused by the applicant, or the delay is attributable to a force majeure, or other extraordinary circumstance, as determined by the community development department.

(Ord. No. 7-1993, § III, 2-3-1993; Code 1978, § 33-131)

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. 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. 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 6. Effective Date. This ordinance shall take effect immediately upon execution.

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