

**Town of Lake Park Town Commission****Agenda Request Form****Meeting Date:** October 19, 2022**Agenda Item No.** _____**Agenda Title:****ORDINANCE NO. 13-2022**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA REZONING A 1.24 ACRE PARCEL OF REAL PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A" FROM "PUBLIC DISTRICT" TO "PARK AVENUE DOWNTOWN DISTRICT"; PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP WHICH IS INCORPORATED BY REFERENCE IN SECTION 78-32 OF THE TOWN CODE TO INCLUDE THE REZONING OF THE 1.24 ACRE PARCEL AS PART OF THE OFFICIAL ZONING MAP AS PADD; PROVIDING FOR THE AMENDMENT OF CHAPTER 78, ARTICLE III, SECTION 78-70, TO ADD THE 1.24 ACRE PARCEL TO FIGURE 1 TO SHOW THE PARCEL AS BEING INCLUDED WITHIN THE EXPANDED PADD SUB-DISTRICT REGULATION PLAN AND IDENTIFYING THE PARCEL AS BEING WITHIN THE CORE SUB-DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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|-------------------------------------|--|--------------------------|----------------|
| <input type="checkbox"/> | SPECIAL PRESENTATION/REPORTS | <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | BOARD APPOINTMENT | <input type="checkbox"/> | OLD BUSINESS |
| <input checked="" type="checkbox"/> | PUBLIC HEARING - ORDINANCE ON <u>2nd</u> READING | | |
| <input type="checkbox"/> | NEW BUSINESS | | |

Approved by Town Manager**Date:**

10/12/22

Nadia Di Tommaso/Community Development Director**Name/Title***Prepared by Karen Golonka, Planner*

Originating Department: Community Development	Costs: Legal Notice / Attorney Review Funding Source: Acct. # 001-52-524-500-34910 / Legal # 108 and 001-52-524-500-34910 legal ad <input type="checkbox"/> Finance	Attachments: <ul style="list-style-type: none">• Staff Report• Ordinance• Legal Ads
Advertised: Date: 09/02/2022 and 10/09/2022 Paper: <u>Palm Beach Post</u> <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone KJG OR Not applicable in this case ____ Please initial one.

Summary

The proposed ordinance will rezone the Town owned 1.24 acre “train station parcel” from Public District to Park Avenue Downtown District (PADD). This will be consistent with the newly adopted future land use of Downtown and will enable greater flexibility in developing the parcel such as a public-private partnership and mixed use project.

The ordinance also amends the PADD zoning district regulating plan by adding the parcel to the Core Sub-district.



Planning and Zoning Board Recommendation

The Planning and Zoning Board held a public hearing on September 12 and unanimously voted to recommend approval to the Town Commission.

TOWN COMMISSION FIRST READING- October 5, 2022: APPROVED (5-0)

RECOMMENDED MOTION:

I MOVE TO ADOPT ORDINANCE 13-2022 ON SECOND READING.

See staff report on following page for analysis

**TOWN OF LAKE PARK
TOWN COMMISSION
Public Hearing
Meeting Date: October 19, 2022**



STAFF REPORT

Ordinance 13-2022

Summary

Background

On September 21 the Town Commission adopted Ordinance 12-2022 which assigned the Downtown Future Land Use classification to the 1.24 “train station parcel.

Therefore, as the next step, this request it to **change the zoning from Public to Park Avenue Downtown District**, which is consistent with the Downtown future land use classification and will allow the parcel to be developed with the new PADD regulations recently adopted by the Town. In addition to a tri-rail station, the regulations allow for mixed used development. With the new emphasis on transit oriented development and various forms of mobility, the Town also desires the site to act as a transit hub connecting various types of micro-mobility options like electric scooters and bikes to buses.

The ordinance also amends the PADD zoning district, Section 78-70, Figure 1 PADD District Regulating Plan, by adding the parcel to the Core Sub-District.

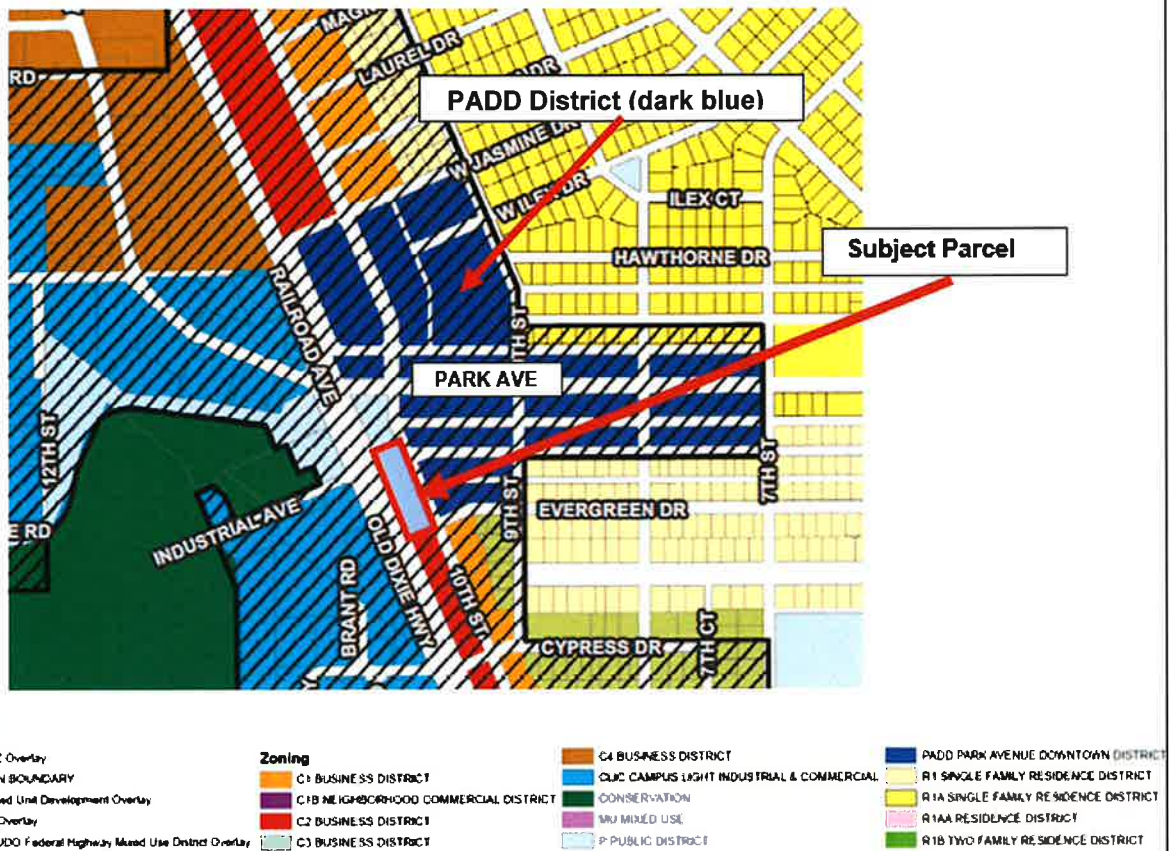
Proposed Rezoning

While the timeline for tri-rail expanding north has not been established nor any northern station locations officially approved by Tri-Rail, the recent double-tracking by Brightline is a critical initial step. The next action that must occur is an agreement between Tri-Rail and the FEC for Tri-Rail’s use of the tracks, and then selection of tri-rail station locations. The Town desires to take a pro-active position by possibly moving forward with construction of a station and thus place itself in a position for Tri-Rail to select Lake Park as a location. Additionally, the site will serve as a transit hub for various forms of transit.

Importantly, the proposed rezoning will enable the Town to pursue a public –private partnership for development of the station and the possibility of incorporating a mixed use project on the site as well, which would not be possible under the current zoning.

As seen on the map below, the parcel is a natural extension of the PADD which abuts the site, across 10th St. on the east.

ZONING MAP

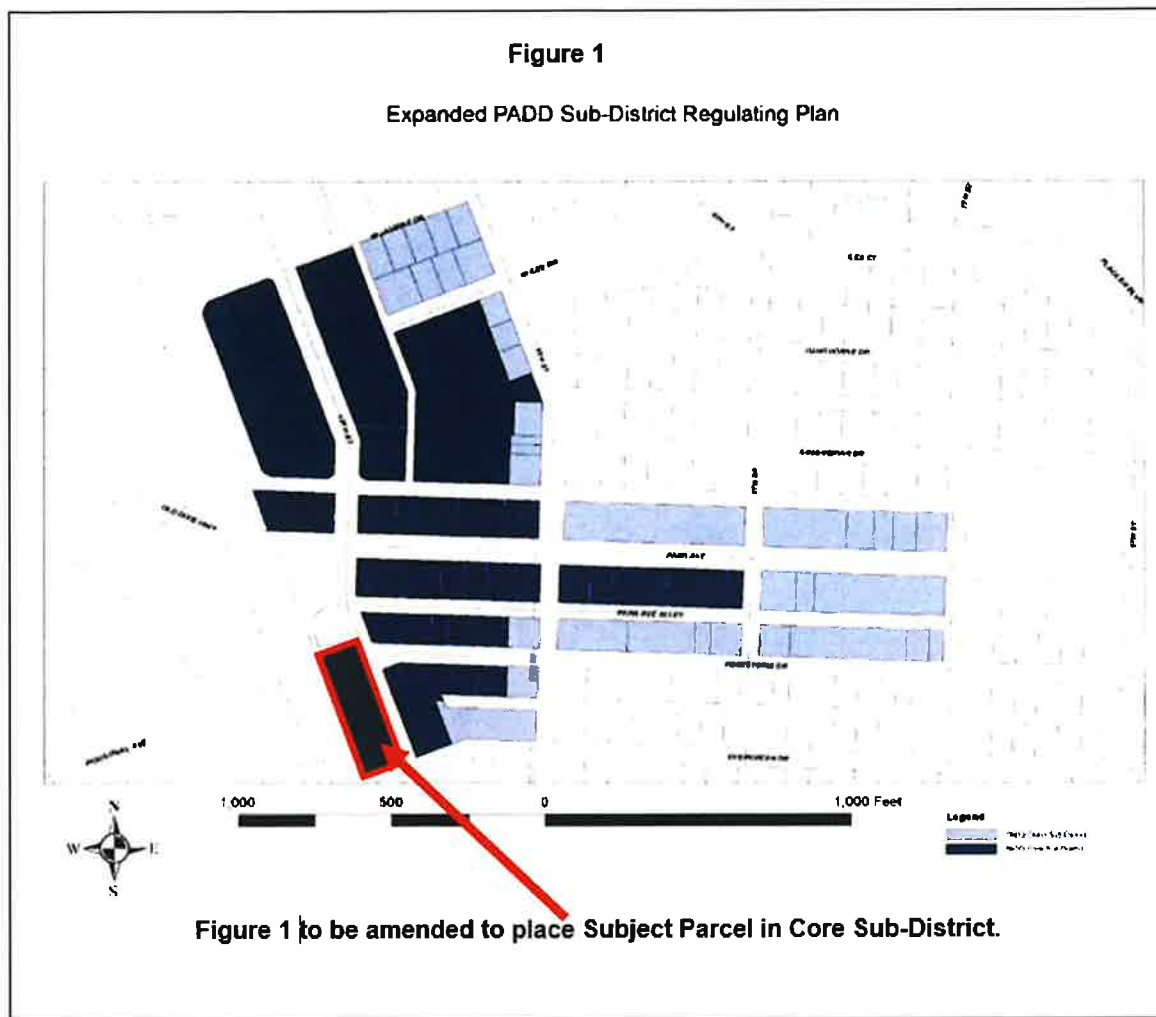


	Adjacent Zoning Districts and Uses
North	Public District (Palm Beach County Fire-Rescue Station)
South	C-2 Business District
East	PADD (Core District)
West	FEC RR

Proposed Text Amendment: Amendment to Chapter 78, Article III, Section 78-70

Park Avenue Downtown District, Figure 1

The rezoning also requires an amendment to the text of the PADD District so that the parcel may be included as part of the Core sub-district, which is the more intense of the two sub-districts. The proposed change to the regulating map within section 78-70 is shown on the map below.



Analysis /Conclusions:

Consistency with Comprehensive Plan The requested zoning change is consistent with the Comprehensive Plan and CRA Plan, and furthers their implementation.

Impacts on Surrounding Properties: The requested change is consistent with the existing zoning pattern as seen on the zoning map. As the site is primarily adjacent to the FEC railroad r-o-w and the PADD core, it is not anticipated to have a negative impact on the immediate surrounding properties. Single family neighborhoods are located approximately 500 – 600 feet east of the parcel.

At such time as a project is submitted for site plan reviewed, impacts will be reviewed and conditions recommended as appropriate for the actual use. Development of the site will require site plan approval, with Planning and Zoning Board review and Commission approval.

Impacts of Public Facilities: The impacts of any development will be reviewed at the time of site plan approval to insure that the development will not negatively impact public facilities such as streets, schools, utilities etc.

Legal Notice

Legal notice has been provided in accordance with section 78-182 (1)(c) of the Town Code as follows:

1. Notice to real property owners whose land the town will redesignate 30 days prior to Commission meeting. Town only property owner requiring notice
2. Legal ad. Notice of the hearing on the proposed ordinance was published in the Post on September 2.

Planning and Zoning Board Recommendation

The Planning and Zoning Board held a public hearing on September 12, 2022 and unanimously voted to recommend approval to the Town Commission.

RECOMMENDED MOTION:

I MOVE TO ADOPT ORDINANCE 13-2022 ON SECOND READING.

ORDINANCE NO. 13-2022

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA REZONING A 1.24 ACRE PARCEL OF REAL PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A" FROM "PUBLIC DISTRICT" TO "PARK AVENUE DOWNTOWN DISTRICT"; PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP WHICH IS INCORPORATED BY REFERENCE IN SECTION 78-32 OF THE TOWN CODE TO INCLUDE THE REZONING OF THE 1.24 ACRE PARCEL AS PART OF THE OFFICIAL ZONING MAP AS PADD; PROVIDING FOR THE AMENDMENT OF CHAPTER 78, ARTICLE III, SECTION 78-70, TO ADD THE 1.24 ACRE PARCEL TO FIGURE 1 TO SHOW THE PARCEL AS BEING INCLUDED WITHIN THE EXPANDED PADD SUB-DISTRICT REGULATION PLAN AND IDENTIFYING THE PARCEL AS BEING WITHIN THE CORE SUB-DISTRICT; 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, pursuant to Chapter 78 of the Town's Code of Ordinances (Code), the Town has adopted a Zoning Code which establishes zoning districts and an Official Zoning Map; and

WHEREAS, Code Section 78-182 (1) sets forth procedures for Town initiated rezoning of properties of less than 10 contiguous acres within the Town; and

WHEREAS the Town's Community Development Department staff initiated an amendment to the Official Zoning Map to rezone the properties that are legally described in the attached **Exhibit "A"** (the Properties), which is incorporated herein; and

WHEREAS, the Town will also amend Chapter 78, Article III, Section 78-70 entitled "Park Avenue Downtown District" by adding the 1.24 acre parcel to Figure 1 "expanded PADD sub-district regulation plan" with a core sub-district identification ; and

WHEREAS, the Town's Planning and Zoning Board conducted a public hearing and has provided a recommendation to the Commission on the proposed rezoning of the

Properties and related addition of the subject property to Figure 1 of Chapter 78, Article III, Section 78-70; and

WHEREAS, the Town Commission has determined that there are changed circumstances which warrant a rezoning of the Properties and related addition of the subject property to Figure 1 of Chapter 78, Article III, Section 78-70; and

WHEREAS, the Town Commission has conducted a duly noticed public hearing on the proposed rezoning of the Properties legally described herein.

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

Section 1. The whereas clauses are incorporated herein.

Section 2. The Town Commission hereby rezones the Properties legally described in "Exhibit A" from "Public District" to Park Avenue Downtown District and directs that the Town's Official Zoning Map be amended to reflect the rezoning of the Properties to PADD.

Section 3. Chapter 78, Article III, section 78-70 entitled "Park Avenue Downtown District" is hereby amended to add 1.24 acres as shown in Figure 1, and legally described in Exhibit "A" to the "Expanded PADD sub-district Regulation Plan" and identifying it as being within the core sub-district.

Section 4. **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. **Severability.** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

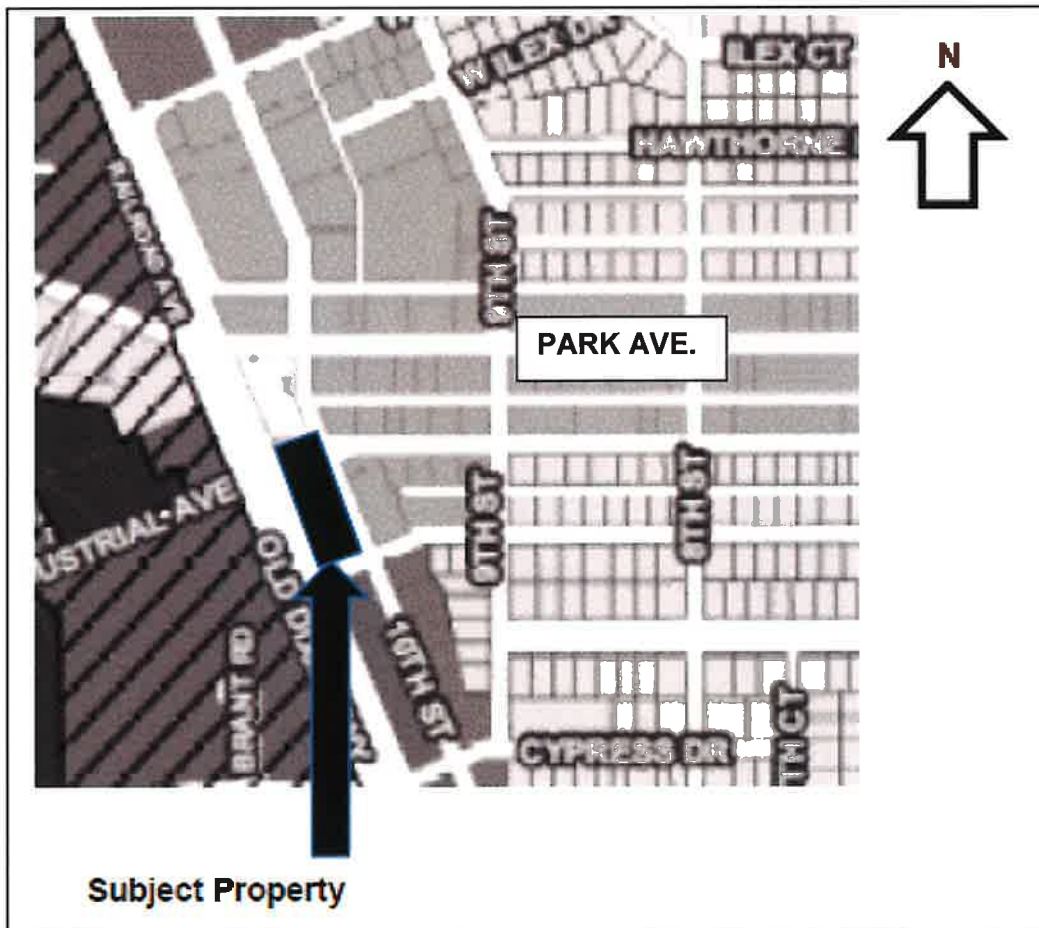
Section 6. **Effective Date.** This Ordinance shall take effect upon execution.

Exhibit A

Legal Description:

All of Block 46a (Less northerly 284.80 Ft), Plat of Kelsey City in Plat Book 8, Pages 15 To 18, 23, 27 & 34 To 37 inclusive.

Location Map



TOWN OF LAKE PARK: NOTICE OF PROPOSED ZONING CHANGE AND TEXT AMENDMENT

Please take Notice and be advised that the Town of Lake Park is considering the following:

- Rezoning of a 1.24 acre town-owned property generally located between the FEC RR and 10th St., approx. 325 ft. south of Park Avenue, from Public District to Park Avenue Downtown District (PADD). Property legally described as "block 46A less the northerly 284.80 ft., Kelsey City, PB 8, pages 15-18, 23,27, & 34-37" Parcel control number 36-43-42-20-01-126-0012
- Amending Town Code section 78-70 Park Avenue Downtown District, "Figure 1- Expanded PADD Sub-District Regulating Plan" by adding the 1.24 acre parcel to Figure 1 with a Core-Sub-district designation.

ORDINANCE NO ____ - 2022

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA REZONING A 1.24 ACRE PARCEL OF REAL PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A" FROM "PUBLIC DISTRICT" TO "PARK AVENUE DOWNTOWN DISTRICT"; PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP WHICH IS INCORPORATED BY REFERENCE IN SECTION 78-32 OF THE TOWN CODE TO INCLUDE THE REZONING OF THE 1.24 ACRE PARCEL AS PART OF THE OFFICIAL ZONING MAP AS PADD; PROVIDING FOR THE AMENDMENT OF CHAPTER 78, ARTICLE III, SECTION 78-70, TO ADD THE 1.24 ACRE PARCEL TO FIGURE 1 TO SHOW THE PARCEL AS BEING INCLUDED WITHIN THE EXPANDED PADD SUB-DISTRICT REGULATION PLAN AND IDENTIFYING THE PARCEL AS BEING WITHIN THE CORE SUB-DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

TWO PUBLIC HEARINGS WILL BE HELD AS FOLLOWS:

LAKE PARK PLANNING AND ZONING BOARD

Monday, September 12, 2022 (special call meeting), at 6:30 pm or as soon thereafter as the matter can be heard.

LAKE PARK TOWN COMMISSION – First Reading

Wednesday, Oct 5 2022 at 6:30 pm or as soon thereafter as the matter can be heard.

All Hearings will be held in the Town Commission Chambers, located in Town Hall, 535 Park Ave., Lake Park, FL 33403

BE ADVISED: ALL DATES ARE SUBJECT TO CHANGE. Please refer to the Town website and agendas for the most up to date items being presented or call 561-881-3320.

For additional information, or to review any documents related to the proposal described herein, please call the Community Development Department at 561-881-3320, ext. 325.

If a person decides to appeal any decision made by the Planning & Zoning Board or Town Commission with respect to the rezoning hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, Town Clerk

PUB: Friday, September 2, 2022

**LEGAL NOTICE OF PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, October 19, 2022 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida to be held at 535 Park Avenue, Lake Park, Florida 33403 will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE 13-2022

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA REZONING A 1.24 ACRE PARCEL OF REAL PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A" FROM "PUBLIC DISTRICT" TO "PARK AVENUE DOWNTOWN DISTRICT"; PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP WHICH IS INCORPORATED BY REFERENCE IN SECTION 78-32 OF THE TOWN CODE TO INCLUDE THE REZONING OF THE 1.24 ACRE PARCEL AS PART OF THE OFFICIAL ZONING MAP AS PADD; PROVIDING FOR THE AMENDMENT OF CHAPTER 78, ARTICLE III, SECTION 78-70, TO ADD THE 1.24 ACRE PARCEL TO FIGURE 1 TO SHOW THE PARCEL AS BEING INCLUDED WITHIN THE EXPANDED PADD SUB-DISTRICT REGULATION PLAN AND IDENTIFYING THE PARCEL AS BEING WITHIN THE CORE SUB-DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, MMC, Town Clerk
Town of Lake Park, Florida
PUB: October 9, 2022 The Palm Beach Post