

ORDINANCE NO. 03-2015

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ASSIGNING THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT WITH AN UNDERLYING COMMERCIAL-1 ZONING DISTRICT TO THAT 0.49 ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT OF WAY, LOCATED EAST OF FEDERAL HIGHWAY AND TERMINATING AT LAKESHORE DRIVE; PROVIDING FOR THE ASSIGNMENT OF THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT TO THE PROPERTY AT 1017 FEDERAL HIGHWAY; PROVIDING FOR THE AMENDMENT OF SECTION 78-32 OF THE TOWN CODE TO REFLECT THE REZONING OF THESE TWO PROPERTIES ON THE TOWN'S OFFICIAL ZONING MAP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park is the owner of that 0.49 acre portion of East Jasmine Drive situated east of Federal Highway, as legally described in **Exhibit "A"** which is attached hereto and incorporated herein; and

WHEREAS, Commercial Investments LLC is the owner of the property located at 1017 Federal Highway; and,

WHEREAS, the Town Commission has adopted Ordinance No. 02-2015 abandoning it's 0.49 acre portion of East Jasmine Drive situated east of Federal Highway and conveying same to Commercial Investments LLC so that it can be incorporated into the Earl Stewart Toyota PUD; and

WHEREAS, the Town's and Commercial Investments LLC's properties (collectively referred to as the Property) are shown on **Exhibit "B"**, which is attached hereto and incorporated herein; and,

WHEREAS, the Town's existing Zoning Map has the 0.49-acre portion of the property identified as East Jasmine Drive and the property located at 1017 Federal Highway as having a Commercial-1 (C-1) zoning district designation; and,

WHEREAS, the Town Commission has determined that a rezoning of the Property to the PUD Zoning District, with an underlying designation of Residential-Commercial would be consistent with the Future Land Use designation which has been assigned to the Property by the Town's Comprehensive Plan.

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

Section 1. The whereas clauses are incorporated herein, are true and correct, and constitute the legislative findings of the Commission.

Section 2. The Town Commission hereby assigns a Planned Unit Development zoning district designation with an underlying Commercial-1 (C-1) to the 0.49-acre portion of East Jasmine Drive and rezones 1017 Federal Highway from C-1, to Planned Unit Development while retaining the underlying C-1 per the Town Code requirements for a PUD.

Section 3. Town Code Section 78-32, which incorporates by reference the Town's Official Zoning Map and generally shows the assignment of the various zoning districts to the various properties in the Town, is hereby amended to reflect the assignment of the Planned Unit Development Zoning District to the Property.

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. Repeal of Laws in Conflict. All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. The provisions of this Ordinance shall become effective upon adoption.

Attachment(s): Exhibit "A" – Legal Descriptions; Exhibit "B" - Location Map

Exhibit "A"
Legal Descriptions

East Jasmine Drive

A portion of the existing right of way known as Jasmine Drive and shown as Avenue "J", KELSEY CITY, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, at Plat Book 8, Pages 15 and 35, and more particularly described as follows:

Bounded on the South by the North line of Block 121, said KELSEY CITY; Bounded on the North by the South line of Block 122, said KELSEY CITY; Bounded on the East by the West right of way line of Lake Shore Drive (a 60 foot right of way), said Kelsey City; Bounded on the West by the East right of way line of U.S. Highway # 1 (State Road # 5) as conveyed to the State of Florida in Deed Book 803, Page 158, Public Records of Palm Beach County.

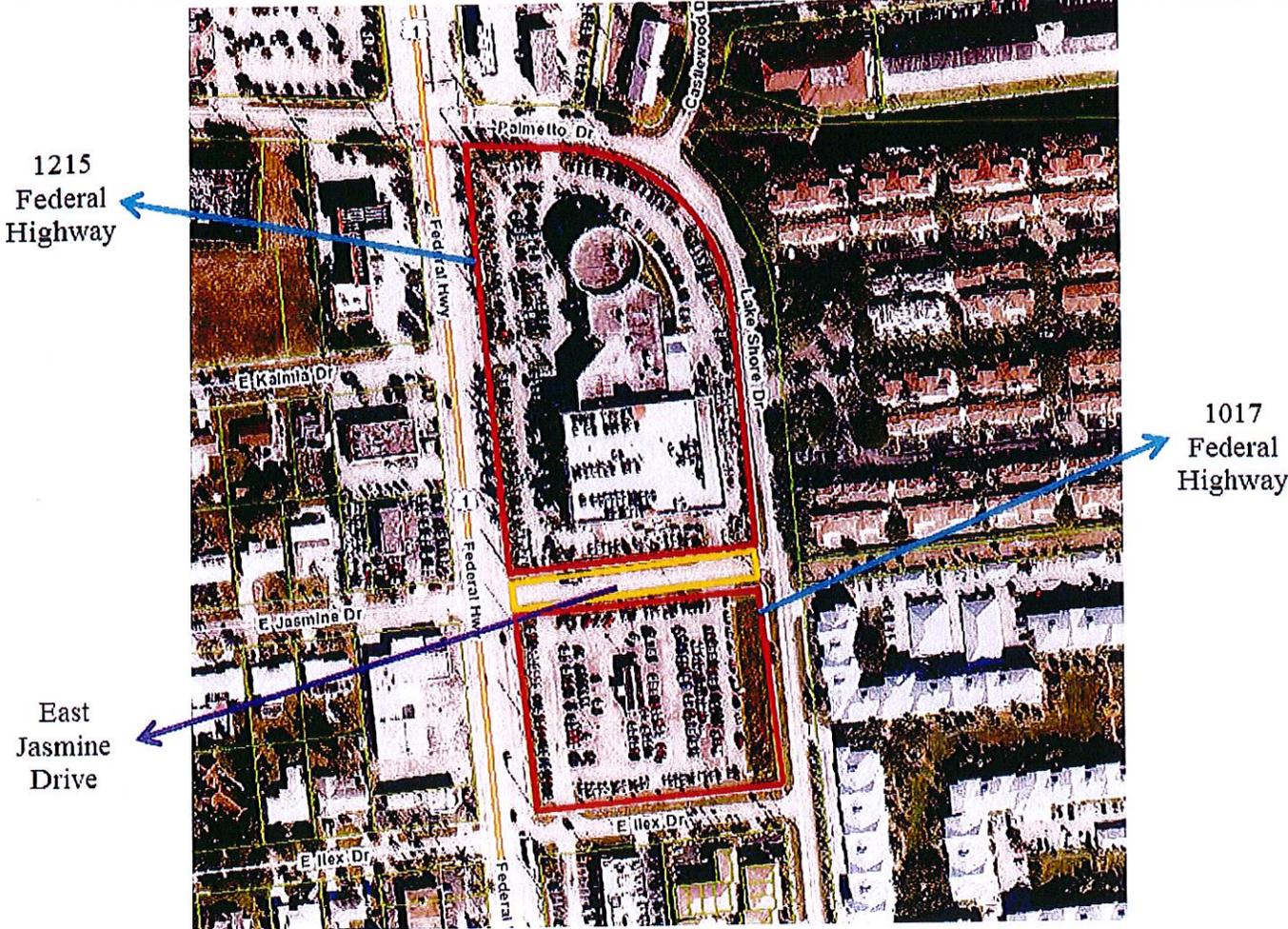
CONTAINING IN ALL, 21,275 SQ. FT. AND/OR 0.49 ACRES.

1017 Federal Highway

THOSE PORTIONS OF LOTS 1 TO 9 AND 26 TO 42 (INCLUSIVE) OF BLOCK 122, KELSEY CITY (NOW LAKE PARK), FLORIDA, AS PER PLAT BOOK 8, PAGE 35, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHERE THE NORTHERLY BOUNDARY OF LOT 42 OF BLOCK 122 OF KELSEY CITY (NOW LAKE PARK), FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 35, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, INTERSECTS THE PRESENT EASTERLY BOUNDARY LINE OF U.S. HIGHWAY NO. 1 AS NOW ESTABLISHED (WHICH EASTERLY BOUNDARY LINE IS FIXED AND ESTABLISHED BY CONVEYANCE TO THE STATE OF FLORIDA RECORDED IN DEED BOOK 803, PAGE 158, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA); THENCE RUNNING SOUTH ALONG THE SAID EASTERLY BOUNDARY LINE OF SAID U.S. HIGHWAY NO. 1 A DISTANCE OF 400 FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE SOUTHERLY BOUNDARY LINES OF LOTS 17 AND 18 OF SAID BLOCK 122 TO THE WESTERLY RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE; THENCE NORTHERLY AND WESTERLY FOLLOWING SAID BOUNDARY LINE OF LAKE SHORE DRIVE TO THE POINT OF BEGINNING.

Exhibit "B"
Location Map



Upon First Reading this 20 day of May, 2015, the foregoing Ordinance was offered by Commissioner Flaherty, who moved its approval. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	_____	<u>✓</u>
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 7 DAY OF June, 2015

Upon Second Reading this 19 day of August, 2015, the foregoing Ordinance, was offered by Commissioner Flaherty, who moved its adoption. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 03-2015 duly passed and adopted this 19 day of August, 2015.

TOWN OF LAKE PARK, FLORIDA
 BY: James DuBois
 Mayor, James DuBois

ATTEST:

Vivian Mendez
 TOWN OF LAKE
 Town Clerk, Vivian Mendez
 (TOWN SEAL)

Approved as to form and legal sufficiency:
Thomas J. Baird
 Town Attorney, Thomas J. Baird

FLORIDA