TAB 4

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: 10/01/03 Agenda Item No. _____

[ ] PUBLIC HEARING
[ ] Ordinance on Second Reading
[ ] Public Hearing

[x] ORDINANCE ON FIRST READING

[ ] GENERAL APPROVAL OF ITEM

[ ] Other:

[ ] RESOLUTION

[ ] DISCUSSION

[ ] BID/RFP AWARD

[ ] CONSENT AGENDA

SUBJECT: Ordinance to provide for the provision of courtesy mail notices of planning and zoning commission meetings to property owners within 300 feet of property which is the subject of a development application.

RECOMMENDED MOTION/ACTION: Adoption of Ordinance.

Approved by Town Manager _____ **Date:** 9/22/03

Originating Department: Town Attorney	Costs: $ Funding Source: Acct. #	
Department Review: [x] City Attorney [ ] Community Affairs [ ] Community Development	[ ] Finance [ ] Fire Department [ ] Library [ ] PBSO	[ ] Personnel [ ] Public Works [ ] Town Clerk [ ] Town Manager
Advertised: Date: Paper: [ ] Not Required	**Finance Director Approval:**	**Attachments:** Copy of Ordinance

Summary Explanation/Background:

ORDINANCE NO. 17-2003

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK PERTAINING TO LAND DEVELOPMENT REGULATIONS, CREATING NEW SECTION 33-74 PROVIDING FOR THE PROVISION OF COURTESY MAIL NOTICE OF PLANNING AND ZONING COMMISSION MEETINGS TO PROPERTY OWNERS WITH IN 300 FEET OF PROPERTY WHICH IS THE SUBJECT OF A DEVELOPMENT APPLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 166.041, Florida Statutes, municipalities are required to provide public notice of public hearings and meetings conducted by local governments; and

WHEREAS, municipalities are authorized to adopt rules and regulations which are not in conflict with the state statutory notice requirements, and which are supplementary to those requirements; and

WHEREAS, the Town has deemed it to be in the best interest of its citizens to adopt supplemental notice provisions to provide for courtesy mail notice of meetings of the Planning and Zoning Commission to certain property owners who may be affected by development applications; and

WHEREAS, the Planning and Zoning Commission has reviewed the proposed amendments to Section 33-74 of the Town Code and has made its recommendations to the Town Commission; and

WHEREAS, the Town Commission, deems it to be in the best interest of the public to amend Section 33-74 of the Town Code to provide for courtesy mail notice of Planning and Zoning Commission meetings to adjacent property owners, at the applicant's expense.

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

Section 1. The whereas clauses are hereby incorporated as true and correct as the findings and fact and conclusions of law of the Town Commission.

Section 2. Chapter 33, Section 33-74 of the Town Code of Ordinances of the Town of Lake Park, Florida is hereby created to read as follows:

Sec. 33-74 Courtesy Mail Notice to Adjacent Owners.

(a) A courtesy mail notice of public hearings on development applications conducted by the planning and zoning commission shall be mailed by the town, at the applicant's expense, to the owners of record of property within a radius of 300 feet of the property described in the application, ten (10) days prior to the meeting. The notice shall state the date, time and place of the meeting, the name of the owner of the property, the name of the project and/or applicant, and a general written description of the request and the location, or specific street address of the property. Failure to receive such courtesy notice, however, shall not affect any action or proceeding taken thereon, nor is it intended to supplement the required notice provisions of law for due process or any other purposes.

Section 3. **Severability**. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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. **Codification**. The sections of the ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. **Effective Date.** This ordinance shall take effect immediately upon adoption.

Upon First Reading this 1st day of October , 2003, the foregoing ORDINANCE was offered by Commissioner _____ who moved its approval. The motion was seconded by Commissioner _____, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO		
VICE MAYOR CHUCK BALIUS		
COMMISSIONER PAUL GARRETSON		
COMMISSIONER JEANINE LONGTIN		
COMMISSIONER BILL OTTERSON		

Upon Second Reading this 15th day of October, 2003, the foregoing ORDINANCE was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO		
VICE MAYOR CHUCK BALIUS		
COMMISSIONER PAUL GARRETSON		
COMMISSIONER JEANINE LONGTIN		
COMMISSIONER BILL OTTERSON		

The Mayor thereupon declared Ordinance No.17-2003 duly passed and adopted this 16th day of October, 2003.

TOWN OF LAKE PARK, FLORIDA

BY: _____
Mayor Paul Castro

ATTEST:

Approved as to form and legal sufficiency:

_____
Carol Simpkins, Town Clerk
(Town Seal)

_____
Thomas J. Baird, Town Attorney

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