

**ORDINANCE NO. 14-02**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING ARTICLE III, "ZONING BOARD OF ADJUSTMENT" OF CHAPTER 86 "ZONING," BY AMENDING SUB-SECTION (c)(6) "REVIEW PROCEDURE" OF SECTION 86-61, "SPECIAL EXCEPTIONS" AND "SUB-SECTION (g), "VOTE REQUIRED" OF SECTION 86-62, "VARIANCE", BY DELETING THE THREE-FOURTHS VOTE REQUIREMENT AND BY ADDING A MINIMUM THREE VOTE REQUIREMENT; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, the Town Council has reviewed certain sections of the Town's Code of Ordinances related to zoning and has determined that certain changes are needed to encourage upgrading of properties within the Town; and

**WHEREAS**, the Town Council has determined that the change in voting requirements for the granting of a special exception and the granting of a variance would be in the public interest and would be beneficial to the Town and its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Sub-section (c) (6) "Review Procedure" of Section 86-61. "Special Exceptions", of Article III, "Zoning Board of Adjustment" of chapter 86, "Zoning", of the Code of Ordinances of the Town is hereby amended by deleting the three-fourths vote requirement and by adding a minimum three vote requirement, as follows:

**Sec. 86-61 (c) (6)**

In reaching its conclusion and in making the findings required in subsections (4) and (5) of this section, the zoning board of adjustment shall consider and weigh, among others, the following factors and standards, where applicable, and shall show in its record such factors as were considered and the disposition made thereof. Further, the board shall find in the case of any of these factors and standards, where they may be relevant and applicable, and in the case of the other factors which the board may find relevant and applicable, that the purposes and requirements for granting the special exception have been met by the applicant:

- a. Ingress and egress to the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- b. Off-street parking and loading areas, where required, including consideration of relevant factors in sub-section (c)(6)a of this section, and the economic, noise, glare, or odor

- effects of the locations of such areas on adjacent and nearby properties and properties generally in the district;
- c. Refuse and service areas, including consideration of relevant factors in subsections (c)(6)a and (c)(6)b of this section;
  - d. Utilities, including such considerations as hook-in locations and availability and compatibility of utilities for the proposed use;
  - e. Screening and buffering, including consideration of such relevant factors as type, dimensions, and character to preserve and improve compatibility and harmony of use and structure between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district;
  - f. Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety, and economic effects of same on properties in the district, and compatibility and harmony with other properties in the district;
  - g. Required yards and open spaces;
  - h. Height of structure where related to uses and structures on adjacent and nearby properties and properties generally in the district;
  - i. General compatibility, harmony, and appearance of the use and structures under the proposed special exception with the uses and structures on adjacent and nearby properties and properties generally in the district;
  - j. Economic effect on adjacent and nearby properties and properties generally in the district of the grant of the special exception.

In granting any special exception, the zoning board of adjustment may prescribe appropriate conditions and safeguards in conformity with the standards herein set out and in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable as provided by this chapter. In making a grant of a special exception, the zoning board of adjustment shall prescribe a time limit within which the action for which the special exception is granted shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time shall void the special exception. In granting any special exception, such decision shall not become effective except by a favorable vote of ~~three-fourths~~ a minimum of three members of the board hearing such application for same.

**SECTION 2.** Sub-section (g) "Vote Required" of Section 86-62. "Variance", of Article III, "Zoning Board of Adjustment" of chapter 86, "Zoning", of the Code of Ordinances of the Town is hereby amended by deleting the three-fourths vote requirement and by adding a minimum three vote requirement, as follows:

**Sec. 86-62 (g). – Vote Required.**

In granting any variances, such decision shall not become effective except by a favorable vote of ~~three-fourths~~ a minimum of three members of the zoning board hearing such application for a variance.

**SECTION 3.** The provisions of this Ordinance will be made a part of the Code of Ordinances of the Town of Lake Clarke Shores, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

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

**SECTION 5.** The provisions of this Ordinance shall become effective immediately upon adoption.

**PASSED** this 14<sup>th</sup> day of January, 2014, on first reading.

**PUBLISHED** this 30<sup>th</sup> day of January, 2014 in the Lake Worth Herald / Coastal Observer

**PASSED AND ADOPTED** this 11<sup>th</sup> day of February, 2014, on second and final reading.

**TOWN OF LAKE CLARKE SHORES, FLORIDA**

	FOR	AGAINST
BY: <u>[Signature]</u> Valentin Rodriguez, Jr., Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Robert M. Shalhoub, Vice Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Gregory Freebold, President Pro Tem	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Malcolm K. Lewis, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Thomas C. Mayes, Jr., Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ATTEST:**

By: Mary Pinkerman  
Mary Pinkerman, Town Clerk

Ordinance #14-02  
Sponsored by: The Town Council