

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**ORDINANCE 1, 2012**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA ADOPTING A SMALL-SCALE AMENDMENT TO ITS COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES, SPECIFICALLY SECTION 163.3184, ET SEQ., FLORIDA STATUTES, PURSUANT TO APPLICATION NO. CPSS-11-05-000003, WHICH PROVIDES FOR AN AMENDMENT TO THE CITY'S FUTURE LAND USE MAP DESIGNATING ONE (1) PARCEL OF REAL PROPERTY COMPRISING APPROXIMATELY 0.26 ACRES, MORE OR LESS, IN SIZE AS "(C) COMMERCIAL"; SUCH PARCEL BEING LOCATED GENERALLY 200 FEET SOUTH OF NORTHLAKE BOULEVARD ON THE EAST SIDE OF SUNSET DRIVE; PROVIDING FOR COMPLIANCE WITH ALL REQUIREMENTS OF CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO); PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

25       **WHEREAS**, the City Council has initiated a small-scale amendment to the  
26 Comprehensive Land Use Plan of the City of Palm Beach Gardens, as more specifically  
27 described in Exhibit "A", attached hereto and incorporated herein; and  
28

29       **WHEREAS**, the City recognizes that providing this parcel with a Land Use  
30 Designation of Commercial will provide the most appropriate land use designation for  
31 the site; and  
32

33       **WHEREAS**, on November 1, 2011, the Planning, Zoning, and Appeals Board,  
34 sitting as the duly constituted Local Planning Agency for the City, recommended  
35 approval of a the Future Land Use Map of the Comprehensive Plan of the City; and  
36

37       **WHEREAS**, the City Council finds that the subject amendment is consistent with  
38 the City's Comprehensive Plan and that the subject amendment is consistent with  
39 Sections 163.3184 and 163.3187, *Florida Statutes*; and  
40

41       **WHEREAS**, the City Council acknowledges that this amendment is subject to the  
42 provisions of Sections 163.3184 and 163.3189, *Florida Statutes*, and that the City shall  
43 maintain compliance with all provisions thereof; and  
44  
45  
46

1           **WHEREAS**, the City has received public input and participation through public  
2 hearings before the Local Planning Agency and the City Council in accordance with  
3 Section 163.3181, *Florida Statutes*; and  
4

5           **WHEREAS**, the City Council deems approval of this Ordinance to be in the best  
6 interests of the health, safety, and welfare of the residents and citizens of the City of  
7 Palm Beach Gardens and the public at large.  
8

9  
10           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
11 **OF PALM BEACH GARDENS, FLORIDA** that:  
12

13           **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.  
14

15           **SECTION 2.** The Future Land Use Map of the City's Comprehensive Plan is  
16 hereby amended, as set forth in accordance with Exhibit "A", attached and incorporated  
17 herein, for the following described real property:  
18

19           **LEGAL DESCRIPTION:**  
20

21 THE NORTH 75 FEET OF THE SOUTH 2375 FEET OF THE WEST ONE-QUARTER  
22 (1/4) OF THE EAST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF THE  
23 NORTHEAST ONE-QUARTER (1/4) OF SECTION 24, TOWNSHIP 42 SOUTH,  
24 RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; TOGETHER WITH AND  
25 SUBJECT TO EASEMENT RECORDATION IN OFFICIAL RECORDS BOOK 1103,  
26 PAGE 105 AND OFFICIAL RECORDS BOOK 1970, PAGE 1482, PUBLIC RECORDS  
27 OF PALM BEACH COUNTY, FLORIDA.  
28

29           **SECTION 3.** All ordinances or parts of ordinances in conflict be and the same are  
30 hereby repealed.  
31

32           **SECTION 4.** Should any section or provision of this Ordinance or any portion  
33 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction  
34 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.  
35

36           **SECTION 5.** The City's Director of Planning and Zoning is hereby directed to  
37 transmit the proposed Comprehensive Plan Amendment to the Department of Economic  
38 Opportunity of the State of Florida and other appropriate public agencies, and upon  
39 adoption of this Ordinance is further directed to ensure that this Ordinance and all other  
40 necessary documents are forwarded to the Florida Department of Economic Opportunity  
41 (DEO) and other agencies in accordance with Section 163.3187, *Florida Statutes*.  
42

43           **SECTION 6.** The effective date of this plan amendment shall be 31 days after  
44 adoption in accordance with Section 163.3187(5)(c), *Florida Statutes*, whichever is  
45 applicable. No development orders, development permits, or land uses dependent on  
46 this amendment may be issued before it has become effective.  
47

**PASSED** this 5<sup>th</sup> day of JANUARY, 2012, upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012, upon second and final reading.

<b>CITY OF PALM BEACH GARDENS</b>	<b><u>FOR</u></b>	<b><u>AGAINST</u></b>	<b><u>ABSENT</u></b>
-----------------------------------	-------------------	-----------------------	----------------------

BY: _____	_____	_____	_____
David Levy, Mayor			
_____	_____	_____	_____
Robert G. Premuroso, Vice Mayor			
_____	_____	_____	_____
Joseph R. Russo, Councilmember			
_____	_____	_____	_____
Eric Jablin, Councilmember			
_____	_____	_____	_____
Marcie Tinsley, Councilmember			

**ATTEST:**

BY: \_\_\_\_\_  
Patricia Snider, CMC, City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
R. Max Lohman, City Attorney

