

ORDINANCE NO. 2016-02

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE APPLICATION FOR A ZONING CHANGE FOR ONE PARCEL OF LAND TOTALING APPROXIMATELY 0.746 ACRES, LOCATED AT 609 JACKSON AVENUE, FROM RESIDENTIAL MEDIUM-1 (RM-1) TO MIXED USE DEVELOPMENT-ORIGINAL SECTION (MXD-OS), AS REQUESTED BY THE OWNERS, G.P. AND LOUISE C. SUGGS; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners, G.P. and Louise C. Suggs, are herein known as the "Petitioner" for the herein described property; and

WHEREAS, the Petitioner is requesting a rezoning of one parcel of land totaling approximately 0.746 acres more or less, from a City of Greenacres zoning designation of Residential Medium-1 (RM-1) to a City of Greenacres zoning designation of Mixed Use Development-Original Section (MXD-OS); and

WHEREAS, the Planning Commission has held a duly advertised public hearing on January 6, 2016 and reviewed the application for compliance with the staff findings relevant to the criteria for a Zoning Change as detailed in the Land Development Staff Report and Recommendation, Exhibit "A", dated December 31, 2015, as revised; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing on February 1, 2016 and has considered all comments received concerning the proposed amendment to the Official Zoning Map as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed zoning change ordinance is consistent with the City's Comprehensive Plan, said Plan being adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act and certified by the State of Florida Division of Community Development; and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with Exhibit "A", "Land Development Staff Report and Recommendation", dated December 31, 2015, as revised (attached), the proposed amendment changing the zoning district of one parcel of land totaling approximately 0.746 acres more or less, from a City of Greenacres zoning designation of Residential Medium-1 (RM-1) to a City of Greenacres zoning designation of Mixed Use Development-Original Section (MXD-OS), is in the best interest of the citizens of the City of Greenacres.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. Zoning District Amendment.

The request by the petitioner to change the Official Zoning Map to include a zoning change of one parcel of land totaling approximately 0.746 acres more or less, from a City of Greenacres zoning designation of Residential Medium-1 (RM-1) to a City of Greenacres zoning designation of Mixed Use Development-Original Section (MXD-OS), is hereby granted for the property located at 609 Jackson Avenue, legally described as follows:

Legal Description

PCN: 18-42-44-23-02-018-0010

The South 250' of Tract "S", of the replat of Greenacres Plat No. 2, A Replat of Blocks 6, 7, 18, 19, 30, 31, 42, 43 and 54, according to the Plat thereof, as recorded in Plat Book 16, Page 4, of the Public Records of Palm Beach County, Florida (formerly known as Lots 26, 27, 28, 29 and 30, Block 7, of Greenacres Plat No. 2, as recorded in Plat Book 13, Pages 3 and 4, of the Public Records of Palm Beach County, Florida)

AND

All of Lot 31, Block 7, Greenacres Plat No. 2, according to the Plat thereof, as recorded in Plat Book 13, Pages 3 and 4, of the Public Records of Palm Beach County, Florida.

CONTAINING A TOTAL OF 0.746 ACRES MORE OR LESS.

Section 2. Authorization to Make Changes.

That the Planning and Engineering Department is further directed to make the necessary changes to the City of Greenacres Official Zoning Map to reflect the changes authorized by this Ordinance.

Section 3. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 19th day of January, 2016.

PASSED AND ADOPTED on the second reading this 1st day of February,
2016.

Voted

Samuel J. Ferreri
Mayor

()
Jonathan G. Pearce
Deputy Mayor

Attest:

Denise McGrew
City Clerk

()
Lisa Rivera
Councilwoman, District I

()
Peter Noble
Councilman, District II

()
Judith Dugo
Councilwoman, District III

()
Paula Bousquet
Councilwoman, District V

Approved as to Form and Legal Sufficiency:

James D. Stokes
City Attorney