

ORDINANCE NO. 2016-20

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 0.895 ACRES, LOCATED AT THE NORTHEAST CORNER OF LAKE WORTH ROAD AND SCOTT ROAD AT 6239 LAKE WORTH ROAD, FROM A PALM BEACH COUNTY ZONING DESIGNATION OF COMMERCIAL GENERAL (PBC CG) TO A CITY OF GREENACRES ZONING DESIGNATION OF COMMERCIAL GENERAL (CG), AS REQUESTED BY THE PETITIONER, FERNANDO PRIETO, AGENT FOR THE OWNER, SOMA LAKE WORTH INVESTOR, LLC; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Fernando Prieto, agent for the owner, Soma Lake Worth Investor, LLC, is herein known as the "Petitioner" for the herein described property; and

WHEREAS, the Petitioner is requesting a rezoning of one (1) parcel of land totaling approximately 0.895 acres more or less, from a Palm Beach County zoning designation of Commercial General (CG) to a City of Greenacres zoning designation of Commercial General (CG); and

WHEREAS, the Planning Commission has held a duly advertised public hearing on July 20, 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 July 15, 2016, as revised; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing on August 15, 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 July 15, 2015, as revised (attached), the proposed amendment changing the zoning district of one (1) parcel of land totaling approximately 0.895 acres more or less, from a Palm Beach County zoning designation of Commercial General (CG) to a City of Greenacres zoning designation of Commercial General (CG), 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 (1) parcel of land totaling approximately 0.895 acres more or less, from a Palm Beach County zoning designation of Commercial General (CG) to a City of Greenacres zoning designation of Commercial General (CG), is hereby granted for the properties located at the northeast corner of Lake Worth Road and Scott Road at 6239 Lake Worth Road, legally described as follows:

Legal Description

PCN: 00-42-44-22-00-000-5080

Beginning at the southwest corner of the west half of the southwest quarter of the southeast quarter of the southeast quarter of Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida; thence run northerly 80 feet more or less to a point on the northern right of way line of Lake Worth Road, the Point of Beginning; thence easterly along the right of way of Lake Worth Road a distance of 100 feet; thence northerly, a distance of 400 feet; thence westerly, a distance of 100 feet; thence southerly, a distance of 400 feet to the Point of Beginning. LESS that portion of above described land lying south of the north right of way line of Lake Worth Road as shown on the right of way map of Lake Worth Road in Road Plat Book 5, at pages 125 through 138, inclusive and as conveyed in O.R. Book 5082, Page 500 of the public records of Palm Beach County, Florida

CONTAINING A TOTAL OF 0.895 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 1st day of August, 2016.

PASSED AND ADOPTED on the second reading this ___ day of _____, 2016.

Voted

Samuel J. Ferreri
Mayor

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Jonathan G. Pearce
Deputy Mayor

Attest:

Denise McGrew
City Clerk

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Lisa Rivera
Councilwoman, District I

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Peter Noble
Councilman, District II

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Judith Dugo
Councilwoman, District III

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Paula Bousquet
Councilwoman, District V

Approved as to Form and Legal Sufficiency:

James D. Stokes
City Attorney