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ORDINANCE 2, 2012

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA REZONING CERTAIN REAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF PALM BEACH GARDENS, CONSISTING OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.87 ACRES, MORE OR LESS, IN SIZE LOCATED ON THE SOUTHWEST CORNER OF NORTHLAKE BOULEVARD AND SUNSET DRIVE, WITH STREET ADDRESSES OF 4114 NORTHLAKE BOULEVARD AND 8955 SUNSET DRIVE, TO BE KNOWN AS THE GORDON AND DONER PUD; PROVIDING THAT THIS PARCEL OF REAL PROPERTY WHICH IS MORE PARTICULARLY DESCRIBED HEREIN SHALL BE ASSIGNED THE CITY ZONING DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) OVERLAY WITH AN UNDERLYING ZONING DESIGNATION OF GENERAL COMMERCIAL (CG-1); PROVIDING THAT THE ZONING MAP OF THE CITY OF PALM BEACH GARDENS BE AMENDED ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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WHEREAS, the City Council, as the governing body of the City of Palm Beach Gardens, Florida, pursuant to the authority in Chapter 163 and Chapter 166, *Florida Statutes*, and the City's Land Development Regulations, is authorized and empowered to consider petitions related to zoning and land development orders; and

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WHEREAS, the City Council adopted Ordinance 31, 2002 annexing the subject parcels into the City of Palm Beach Gardens; and

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WHEREAS, the Gordon and Doner site (4114 Northlake Boulevard) is currently zoned General Commercial (CG-1) and has a future land-use designation of Commercial (C), and the residential site (8955 Sunset Drive) is zoned Residential Medium (RM) and has a future land-use designation of Residential Medium (RM); and

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WHEREAS, the Planning and Zoning Department has reviewed the application, has determined that it is sufficient and consistent with the City's Comprehensive Plan and Land Development Regulations, and has recommended approval; and

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WHEREAS, the Planning, Zoning, and Appeals Board reviewed the petition at its November 1, 2011, meeting and recommended approval of the subject petition (PPUD-11-05-000024) by a vote of 7-0; and

1 **SECTION 5.** Should any section or provision of this Ordinance or any portion
2 thereof, any paragraph, sentence, or word be declared by a Court of competent
3 jurisdiction to be invalid, such decision shall not affect the validity of the remainder of
4 this Ordinance.
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6 **SECTION 6.** This Ordinance shall become effective immediately upon adoption.
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PASSED this 5th day of JANUARY, 2012, upon first reading.

PASSED AND ADOPTED this _____ day of _____, 2012, upon second and final reading.

CITY OF PALM BEACH GARDENS FOR AGAINST ABSENT

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



EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL I

THE NORTH 75 FEET OF THE SOUTH 2,375 FEET OF THE WEST ONE-QUARTER (1/4) OF THE EAST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 15 FEET THEREOF, AS CONVEYED TO THE COUNTY OF PALM BEACH BY THAT CERTAIN QUIT CLAIM DEED RECORDED ON OFFICIAL RECORDS BOOK 1970, PAGE 1482, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL II

THE WEST ONE-QUARTER (1/4) OF THE EAST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 2,375 FEET, ALSO LESS THE NORTH 75 FEET; SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE WEST LINE OF WEST ONE-QUARTER (1/4) OF THE EAST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST, SAID POINT BEING SITUATED 75.00 FEET SOUTH OF THE NORTH LINE OF SAID WEST ONE-QUARTER (1/4) OF THE EAST ONE-HALF (1/2) EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 24; THENCE RUN EAST FOR A DISTANCE OF 165.10 FEET TO A POINT; THENCE RUN SOUTH 0°02'00" EAST FOR A DISTANCE OF 202.34 FEET TO A POINT; THENCE RUN SOUTH 89°52'55" WEST A DISTANCE OF 165.03 FEET TO A POINT ON THE WEST LINE OF SAID WEST ONE-QUARTER (1/4) OF THE EAST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 24; THENCE RUN NORTH 0°03'08" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 202.68 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND LYING AND BEING SITUATED IN PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT FROM SAID PARCEL 2 THE NORTH 25 FEET THEREOF AS CONVEYED TO THE STATE OF FLORIDA BY THAT CERTAIN DEED RECORDED IN OFFICIAL RECORDS BOOK 1198, PAGE 424, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND LESS AND EXCEPT FROM SAID PARCEL 2 THE EAST 15 FEET THEREOF AS CONVEYED TO THE COUNTY OF PALM BEACH BY THAT CERTAIN QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 1970, PAGE 1452, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.