

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 1.76 ACRES, MORE OR LESS, LOCATED ON SOUTHERN BOULEVARD, APPROXIMATELY 900 FEET EAST OF "C" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE, FROM PALM BEACH COUNTY ZONING DESIGNATION COMMUNITY COMMERCIAL (CC) TO THE TOWN'S ZONING DESIGNATION COMMERCIAL LOW (CL); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 16, 2010, the Town adopted Ordinance 2010-009, which adopted the Town's Unified Land Development Code (ULDC), including the designation of zoning districts in the Town, consistent with the Town's Comprehensive Plan; and,

WHEREAS, Ordinance 2010-009, did not rezone properties in the Town to assign the Town's zoning designation; instead the Ordinance provided that properties would rezone at the time of development or redevelopment; and,

WHEREAS, the Property Owner, FMM 1 LLC, has consented to the proposed rezoning of certain property located on Southern Boulevard, approximately 900 feet east of "C" Road, Loxahatchee Groves, Florida, totaling approximately 1.76 acres, more or less, legally described and as designated on the map in Exhibit "A", attached hereto (the "Property"), from Palm Beach County zoning designation Community Commercial (CC) to the Town's zoning designation of Commercial Low (CL), as the property is being considered for development; and,

WHEREAS, at its meeting of August 9, 2012, the Town's Planning and Zoning Board, considered the request to rezone the Property, and recommended approval to the Town Council; and

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WHEREAS, the notice and hearing requirements for adoption of rezoning ordinances contained in the Florida Statutes and the Town’s Code of Ordinances have been satisfied; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a quasi-judicial hearing and considered the petition for rezoning, the recommendation of the Planning and Zoning Board, and the comments from the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct, and are hereby made a specific part of this Ordinance.

Section 2. The zoning of the property located on Southern Boulevard, approximately 900 feet east of “C” Road, Loxahatchee Groves, Florida, totaling approximately 1.76 acres, more or less, legally described, and as designated on the map, in Exhibit “A”, attached hereto, from Palm Beach County zoning designation Community Commercial (CC) to the Town’s zoning designation of Commercial Low (CL) is hereby approved.

Section 3. The Town Administration is hereby authorized and directed to make appropriate changes on the zoning map of the Town, to effectuate the purpose of this ordinance.

Section 4. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered eliminated and so not affecting the validity of the remaining portion or applications remaining in full force and effect.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-09

Section 5. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 6. This Ordinance shall take effect as provided by law.

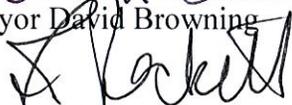
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 21st DAY OF AUGUST, 2012.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 20th DAY OF NOVEMBER, 2012.

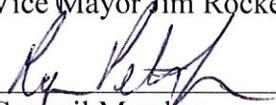
TOWN OF LOXAHATCHEE GROVES,
FLORIDA



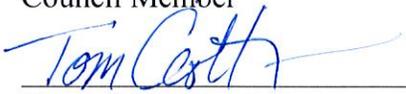
Mayor David Browning



Vice Mayor Jim Rockett



Council Member

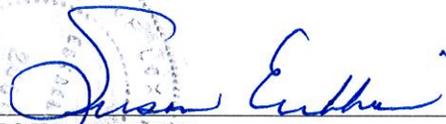


Council Member



Council Member

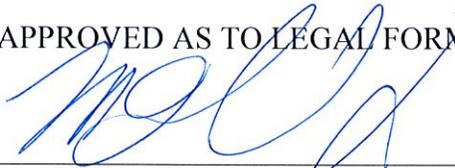
ATTEST:



TOWN CLERK



APPROVED AS TO LEGAL FORM:



Office of the Town Attorney

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ORDINANCE NO. 2012-09

EXHIBIT A

LEGAL DESCRIPTION

A map of the parcel location is attached.

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ORDINANCE NO. 2012-09

EXHIBIT A

LEGAL DESCRIPTION

THE EAST 425.51 FEET OF THE WEST 486.41 FEET OF THE SOUTH 331 FEET OF LOT 8, BLOCK I, LOXAHATCHEE GROVES, PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS THE RIGHT-OF-WAY FOR STATE ROAD 80 AS RECORDED IN DEED BOOK 1005, PAGE 577 AND LESS THAT PART DESCRIBED IN AN ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 5463, PAGE 1130, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF TRACT 8 IN BLOCK I OF SAID PLAT OF LOXAHATCHEE GROVES, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE SOUTH 01 DEGREES 21 MINUTES 04 SECONDS WEST, A DISTANCE OF 3415.35 FEET TO THE BASELINE OF SURVEY FOR STATE ROAD 80; THENCE SOUTH 88 DEGREES 26 MINUTES 59 SECONDS EAST, A DISTANCE OF 1240.33 FEET; THENCE NORTH 01 DEGREE 33 MINUTES 01 SECONDS EAST, A DISTANCE OF 50.00 FEET TO THE NORTHERLY EXISTING RIGHT-OF-WAY FOR STATE ROAD 80 AND THE POINT OF BEGINNING; THENCE NORTH 01 DEGREE 50 MINUTES 45 SECONDS EAST, A DISTANCE OF 120.0 FEET; THENCE NORTH 88 DEGREES 26 MINUTES 59 SECONDS WEST, A DISTANCE OF 680.23 FEET; THENCE SOUTH 02 DEGREES 10 MINUTES 35 SECONDS WEST, A DISTANCE OF 120.01 FEET TO THE NORTHERLY EXISTING RIGHT-OF-WAY FOR STATE ROAD 80; THENCE SOUTH 88 DEGREES 26 MINUTES 59 SECONDS EAST, A DISTANCE OF 680.92 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHT-OF-WAY, AND COVENANTS OF RECORD.

