

ORDINANCE NO. 2021-17

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, MORE SPECIFICALLY TO UPDATE THE CITY OF GREENACRES 10 YEAR WATER SUPPLY FACILITIES WORK PLAN AS ADOPTED BY REFERENCE IN THE INTERGOVERNMENTAL AND PUBLIC FACILITIES ELEMENTS, AS CONTAINED HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body, pursuant to the authority vested in Chapter 163, Chapter 166 and Chapter 177, Florida Statutes, is authorized and empowered to consider changes to its Comprehensive Plan (Plan); and

WHEREAS, the City Council of the City of Greenacres, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, and in accordance with all of its terms and provisions, has prepared and adopted a Plan which has been certified by the State of Florida Division of Community Development; and

WHEREAS, the 2005 Legislature revised the Growth Management Act, along with Chapter 373, F.S., to improve the coordination of water supply planning and land use planning between local governments and the five water management districts in the State of Florida (the "State"); and

WHEREAS, in furtherance of the water supply planning process created thereby, all five water management districts are required to periodically evaluate whether adequate sources of water exist to supply all existing and future reasonable-beneficial uses and, in the event that existing sources of water supply were determined to not be adequate, to prepare regional water supply plans, ("RWSP"), which identified how water supply needs could be met for a 20-year planning period and are to be updated every five years; and

WHEREAS, , the Community Planning Act also requires that local comprehensive plans be coordinated with the appropriate water management district's RWSP developed pursuant to Section 373.709, F.S., and that all local comprehensive plan amendments be based on the availability of adequate water supplies and associated public facilities to meet projected growth demands, pursuant to Section 163.3177(4)(a), F.S., and Section 163.3177(6)(a), F.S., respectively; and

WHEREAS, Section 163.3177(6)(c), F.S., provides that local governments subject to a RWSP amend their local comprehensive plans to adopt a 10-year water supply work plan ("Work Plan") for building public, private, and regional water supply facilities, including development of alternative water supplies, which are necessary to serve existing and new development; said work plan to be updated within 18 months after the governing board of a water management district updates its RSWP; and

WHEREAS, although the City of Greenacres has no operational responsibility in providing potable water to City residents since this service is provided by Palm Beach County Water Utilities (PBCWU), by state statute, the City is still required to adopt a Water Supply Plan; and

WHEREAS, since PBCWU is the City's water provider, the City can adopt the PBCWU Water Supply Plan as its own Water Supply Plan; and

WHEREAS, in compliance with the Growth Management Act as amended in 2005 and in response to the 2006 Update to the Lower East Coast Regional Water Supply Plan (LECRWSP), the City by reference adopted PBCWU's 10-Year Water Facilities Work Plan in 2008, which was later updated in March 2015, in response to the 2013 Update of the LECRWSP; and

WHEREAS, the South Florida Water Management District amended its RWSP again in 2018 so the City's must amend its Plan to be in compliance with the new RWSP; and

WHEREAS, PBCWU has already amended its Water Supply Plan to be in compliance with the South Florida Water Management District 2018 document; and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on October 20, 2021, and has recommended approval of petition CPA-21-03 to amend the City's Intergovernmental and Infrastructure Comprehensive Elements so the City's Water Supply Plan is in compliance with state statute (attached as Exhibits "A", "B" and "C"); and

WHEREAS, the City Council of the City of Greenacres has conducted duly advertised public hearings to receive comments on the Intergovernmental and Infrastructure Element text amendments proposed by CPA-21-03 and has considered all comments received concerning the proposed amendments to the Plan as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed amendment is consistent with the City's Comprehensive Plan; and is in the best interest of the citizens of the City of Greenacres.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The Intergovernmental and Infrastructure Comprehensive Plan Elements of the City of Greenacres are hereby amended as outlined in the attached Exhibits, which are attached hereto and incorporated herein by reference (additions are indicated by underscoring and deletions are indicated by ~~strikeout type~~)

Section 2. Authorization to Make Changes.

That the Planning and Engineering Department is further authorized to make the necessary changes to the Comprehensive Plan to reflect the above-stated changes.

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. Transmittal to the DEO.

The Planning and Engineering Department shall transmit copies of the amendment and Ordinance to the Department of Economic Opportunity (DEO).

Section 6. Inclusion in the Comprehensive Plan.

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the City of Greenacres, Florida; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Section 7. Effective Date.

In accordance with Section 163.3184(3) and (5), Florida Statutes, the provisions of this Ordinance shall become effective 31 days after the State Land Planning Agency has determined that the amendment package is complete and provided that no challenge petition has been properly filed with the State Division of Administrative Hearings within 30 days of adoption.

(Reminder of page left blank)

Passed on the first reading this 1st day of November, 2021.

PASSED AND ADOPTED on the second reading this 3rd day of January, 2022.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Deputy Mayor

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Jonathan Pearce, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney