

ORDINANCE NO. 2021-15

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, MORE SPECIFICALLY TO UPDATE THE 5 YEAR CAPITAL IMPROVEMENTS PLAN OF THE CITY OF GREENACRES AS OUTLINED IN THE CAPITAL IMPROVEMENT ELEMENT, 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, Section 163.3177(3)(a)5.(b), Florida Statutes, requires local governments, except where specifically exempted, to review on an annual basis and modify as necessary the Capital Improvements Element and 5-Year Capital Improvements Plan; and

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety and general welfare of the residents of the City to amend the Capital Improvements Element and 5-Year Capital Improvements Plan consistent with the requirements of Section 166.041, Florida Statutes; and

WHEREAS, in exercise of its authority the City Council has determined it necessary to adopt this amendment to the Plan, which is attached hereto as Exhibit "A" and by this reference made a part hereof, to insure the Plan is in full compliance with the laws of the State of Florida; 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-21-02, to amend the Capital Improvements Element to the City of Greenacres Comprehensive Plan; and

WHEREAS, the City Council of the City of Greenacres has conducted duly advertised public hearings to receive comments on the Capital Improvements Element text amendment proposed by CPA-21-02 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 Capital Improvements Element of the City of Greenacres is amended specifically for the annual update of the 5 Year Capital Improvements Plan. Said amendment is set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

Section 2. Authorization to Make Changes.

That the Development and Neighborhood Services 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. 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 6. Effective Date.

The provisions of this Ordinance shall become effective five (5) days after it adopted.

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

John Tharp, Deputy Mayor

Peter Noble, Council Member, *District II*

Judith Dugo, Council Member, *District III*

Jonathan Pearce, Council Member, *District IV*

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney