

ORDINANCE NO. 2021-14

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, MORE SPECIFICALLY TO ADOPT A PROPERTY RIGHTS ELEMENT, IN ITS ENTIRETY 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, House Bill 59 (2021) was approved by the Governor requiring local governments to include a private Property Rights Element in their Plan; 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 add a new Property Rights 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 Property Rights 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 Property Rights Element of the City of Greenacres is hereby added as outlined in Exhibit A, , which is attached hereto and incorporated herein by reference.

Section 2. Authorization to Make Changes.

That the Planning, Building 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 Development and Neighborhood Services 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.

(Remainder 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

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