

## **ORDINANCE NO. 2021-07**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, TO CHANGE THE FUTURE LAND USE DESIGNATION OF ONE PARCEL OF LAND TOTALING APPROXIMATELY 0.2986 ACRES, LOCATED ON THE WEST SIDE OF MARTIN AVENUE APPROXIMATELY 80 FEET NORTH OF 10<sup>TH</sup> AVENUE NORTH, FROM A DESIGNATION OF MIXED USE (MU) TO A DESIGNATION OF RESIDENTIAL-LOW DENSITY (RS-LD), AS REQUESTED BY THE PETITIONER, MANAGED LAND ENTITLEMENTS, AGENT FOR THE OWNER, TURK INVESTMENTS, LLC; 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 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 Comprehensive Plan which has been certified by the State of Florida Division of Community Development; and

**WHEREAS**, the petitioner is requesting to change the City of Greenacres Future Land Use Map from a City future land use designation of Mixed Use (MU) to a City land use designation of Residential-Low Density (RS-LD) for the subject property; and

**WHEREAS**, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on August 18, 2021, and has recommended approval of petition CPA-21-01 to amend the Comprehensive Plan; and

**WHEREAS**, the City Council of the City of Greenacres has conducted a duly advertised public hearing to receive comments on CPA-21-01 concerning the proposed amendment to the Comprehensive Plan and has considered all comments received as required by state law and local ordinance; and

**WHEREAS**, the City Council finds that the proposed amendment ordinance 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. Future Land Use Map Designation.**

That the Future Land Use Map designation is hereby amended from a future land use designation of Mixed Use (MU) to a land use designation of Residential-Low Density (RS-LD) for the property legally described as follows:

**Legal Description**

**PCN: 18-42-44-23-17-000-0010**

Lot 1, being all of the Plat of Martin Avenue Complex, according to the map or plat thereof as recorded in Plat Book 55, Page 183, Public Records of Palm Beach County, Florida.

AND

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 0.2986 ACRES MORE OR LESS

**SECTION 2. Authorization to Make Changes.**

That the Planning and Engineering Department is further authorized to make the necessary map change to the Comprehensive Plan to reflect the change authorized by this Ordinance.

**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 send copies of the future land use amendment and Ordinance to the Treasure Coast Regional Planning Council (TCRPC) and 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.**

The provisions of this ordinance shall become effective when, in accordance with the provisions of Chapter 163.3184(4) F.S., the state land planning agency has issued a Final Order determining the adopted amendment to be in compliance with Chapter 163.3184 F.S.

**[The remainder of this page intentionally left blank.]**

Passed on the first reading this 8<sup>th</sup> day of September, 2021.

PASSED AND ADOPTED on the second reading this \_\_\_ day of \_\_\_, 2021.

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**Joel Flores**, Mayor

**Attest:**

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**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:**

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**Glen J. Torcivia**, City Attorney