

	<b>DEVELOPMENT &amp; NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION</b>
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**Subject/Agenda Item:**

**Ordinance 2024-04: ZC-24-02 4964 Gardner Lane**

**Recommendation to City Council:** A city-initiated request for a Zoning Change approval for a 3.5918-acre parcel, located at 4964 Gardner Lane and the adjacent Lake Worth Drainage District (LWDD) parcel from Palm Beach County Agricultural Residential (AR) zoning designation to City of Greenacres Agricultural Residential (AR).

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<p><b>Originating Department: Planning &amp; Engineering</b></p> <p>Project Manager</p> <p>_____</p> <p>Gionni Gallier, Senior Planner</p>	<p><b>Reviewed By:</b></p> <p>Director of Development &amp; Neighborhood Services (DNS)</p> <p>_____</p> <p>Denise Malone, AICP, Director DNS</p>
<p><b>Approved By:</b></p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p>	<p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required</p> <p><input type="checkbox"/> Not Required</p> <p>Dates: 1/25/24, 2/22/24, 3/7/24</p> <p>Paper: Lake Worth Herald</p> <p><input checked="" type="checkbox"/> Required</p> <p><input type="checkbox"/> Not Required</p> <p>Notice Distance: _ 300'</p>

<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Ordinance 2024-05</li> <li>• Aerial Map</li> <li>• Existing and Proposed Zoning Map</li> </ul>	<p><b>City Council Action:</b></p> <p><input checked="" type="checkbox"/> <b>Approval</b></p> <p><input type="checkbox"/> <b>Approve with conditions</b></p> <p><input type="checkbox"/> <b>Denial</b></p> <p><input type="checkbox"/> <b>Continued to:</b> _____</p>
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**I. Executive Summary**

The proposed Zoning Change or Rezoning from PBC Agricultural Residential (AR) to City Agricultural Residential (AR) involves a parcel, totaling approximately 3.5918 acres, concurrently annexing into the city boundary through voluntary annexation (ANX-23-02), and concurrently requesting a small-scale Future Land Use Map Amendment (CPA-24-02).

**II. Site Data:**

<b>Existing Use:</b>	One (1) single-family home with accessory structures utilized as a wholesale nursesey, with a accessory use of landscape services
<b>Proposed Use:</b>	Maintain existing uses
<b>Parcel Control Numbers:</b>	00-42-44-25-00-000-7176;
<b>Parcel Size:</b>	3.5918 acres
<b>Existing Future Land Use Designation:</b>	PBC LR-2, Low Residential, 2 units per acre
<b>Proposed Future Land Use Designation:</b>	Residential Low density (RS-LD)
<b>Existing Zoning District:</b>	PBC Agricultural Residential (AR)
<b>Proposed Zoning District:</b>	Agricultural Use (AR)

<b>Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:</b>			
<b>Direction</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning District</b>
<i>North</i>	Unincorporated Residential Development	PBC Residential Low 2 (PBC LR-2)	PBC Agricultural Use (City AR)
<i>South</i>	Tradewinds Middle School	City Public Institutional (PI)	City Government Use (GU)
<i>East</i>	Unincorporated Residential Development	PBC Residential Low 2 (PBC LR-2)	PBC Agricultural Use (City AR)
<i>West</i>	Military Crossing Plaza	City Commercial (City CM)	City Commercial Intensive (City CI)

**III. Annexation/Zoning History:**

This property, currently part of unincorporated Palm Beach County, encompasses (1) one 3.5918-acre parcel including a single-family home incorporating a Wholesale Nursesey business through the Palm Beach County approval of a Concurrency Reservation (CONR-2016-561) and a Special Permit (SPWN-2016-816), and an accessory Landscape Services business through the Palm Beach County approval of (PCN-2015-2463). The single-family parcel is currently developed with a 4,344 square foot residence constructed in 1970. The property owners intend to continue with the approved principal and accessory uses on the site.

The parcels have a Palm Beach County (PBC) Land Use Designation of LR-2, Low Residential, 2 units per acre and a Palm Beach County Zoning Designation of Agricultural Residential (AR). This application is a request for a Zoning Change or Rezoning from PBC Agricultural Residential (PBC AR) to City

Agricultural Residential (COG AR). Planning applications for this parcel, including a small-scale Future Land Use Map Amendment (CPA-24-02), are being considered, and processed concurrently with the annexation (ANX-23-02) of the parcel.

**IV. Applicable Comprehensive Plan Provisions:**

The Comprehensive Plan includes the following planning objectives and policies related to this proposed zoning change request:

**1. Future Land Use Element**

**Objective 8, Policy c)**

Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for residential densities and commercial intensities as indicated below:

*\* \* \* (4 through 16 omitted for brevity) \* \* \**

- (1) Agricultural Residential - 1.0 residential unit per two and one-half (2½) net acres;
- (2) Estate Residential - 1.0 residential unit per net acre;
- (3) Low Density Residential - 3.0 to 5.0 residential units per net acre;

**Objective 11, Policies a, b, & c)**

The City shall discourage the proliferation of urban sprawl by following established land use patterns, promoting appropriate infill and designating future land use densities based upon levels of services and the availability of services and facilities.

**Policy a)**

Urban Sprawl will be discouraged by permitting only development that is consistent and compatible with the established land use pattern. “Consistent and compatible with the established land use pattern” shall mean:

- (1) Only uses permitted within the Plan's land use designation and the implementing zoning district shall be approved.
- (2) Only development within the designated density range and intensity regulations of the implementing zoning district will be approved.
- (3) Adequate facilities and services shall be available and concurrent to accommodate the proposed development.

**Policy b)**

Infill development shall be promoted within existing areas to discourage the harmful effects of leapfrog development.

Policy c)

Future timing of appropriate land use densities and intensities will be determined by the established levels of services and the availability of services and facilities to meet the established levels.

## **V. Applicable City Code Provisions:**

Section 16-153(a)(1) of the Code relating to rezoning of property states that the proposed zoning change should not be contrary to the future land use map, and it should not have an adverse effect on the Comprehensive Plan.

### **Division 2. Agricultural Residential (AR) (Section 16-254 through 16-264)**

The provisions of the agricultural residential (AR) zoning district are primarily intended to provide for both very low density residential development and limited agricultural activities within close proximity to each other, and in a manner that will not adversely impact adjacent land uses while allowing for a semi-rural residential lifestyle within the municipal boundaries.

## **VI. Staff Analysis:**

### ***Background:***

This Zoning Change is needed in order to replace the existing Palm Beach County Agricultural Residential Zoning Designation with an appropriate City of Greenacres Zoning Designation of Agricultural Residential. The applicant is not proposing to redevelop the property upon annexation and will continue the uses approved by Palm Beach County for the property.

The site proposed for the Zoning Change contains one (1) parcel including a single-family home incorporating a Wholesale Nursey business through the Palm Beach County approval of a Concurrency Reservation (CONR-2016-561) and a Special Permit (SPWN-2016-816), and an accessory Landscape Services business through the Palm Beach County approval of (PCN-2015-2463). The sites are contiguous to the City's boundary on the east and south perimeter. City Future Land Use and Zoning Designations will be applied to the property which includes the Wholesale Nursery and Landscape Services business through the concurrent applications being processed for the (CPA-24-02) Future Land Use Map Amendment to transition from County Low Residential – 2 units per Acre to City Residential Low Density and for the (ZC-24-02) Rezoning to transition from County Agricultural Residence to City Agricultural Residence. The site will be annexed and continue to operate as currently developed. The Landscape Services activity is permitted and conducted in conformance with Palm Beach County's Unified Land Development Code (ULDC) at this time. However, this use is not specifically mentioned in the City of Greenacres Code of Ordinances and the City designates a use as a Prohibited Use if it is not specifically, or by reasonable implication permitted, or permissible by Special Exception, consequently, the Landscape Services activity will be deemed a legal non-conforming use by the City upon annexation. Conversely, any use or activity conducted contrary to Palm Beach County's ULDC at the effective date of annexation and not constituting a legal non-conforming use under the County ULDC, shall not be considered a legal non-conforming use by the City.

Palm Beach County’s Unified Land Development Code (ULDC) defines a Wholesale Nursery as “The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch, and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.”

Regarding the Wholesale Nursery, the City of Greenacres permits Commercial Nurseries under Section 16-257(1) with specific standards. Upon annexation, these standards will be applied to and govern the Wholesale Nursery Use on the property, with supplemental standards being retained from Palm Beach County's regulations to ensure the continuity of the harmony and compatibility with the surrounding residential areas. The decision to retain and apply certain County standards alongside those of the City of Greenacres is again aimed for the continuity of the harmony and compatibility with the neighboring residential as the nursery's initial approval and subsequent operations were in accordance with those County regulations. The standards that will apply to the Wholesale Nursery after annexation include the following:

a. Sales limited to wholesale operations only to exporters, distributors, landscape contractors, and retailers.

b. All nursery operations, including storage, to be set back a minimum of 25 feet; *the supplemental standards from Palm Beach County's ULDC Article 5.B.1.A.3 Outdoor Storage and Activities as outlined below will continue to be applicable to ensure continued compatibility with the neighboring residential. In instances where there exists a conflict between this standard and the supplemental standards outlined in Palm Beach County's ULDC Article 5.B.1.A.3 Outdoor Storage and Activities, the more restrictive requirement shall apply to ensure continued compatibility with neighboring residential areas.*

1) Specifically, the standards for Outdoor Storage and Activities from Palm Beach County will be carried over from PBC ULDC Article 5.B.1.A.3 as a supplemental standard to continue to be applied to this specific use of this property upon Annexation as the City Code does not include standards to such extent. Outdoor bulk storage in residential zoning districts shall be setback a minimum of 50 feet or the district setback, whichever is greater.

#### PBC ULDC Article 5.B.1.A.3 Outdoor Storage and Activities

Outdoor storage of merchandise, inventory, vehicles and trailers used in operation of a business, equipment, refuse, or similar materials, and outdoor activities associated with a use operation in all zoning districts shall be subject to the following standards, unless stated otherwise, standards follow:

a. General

Outdoor Storage and Activities may only be allowed when incidental to the use located on the premises.

b. Location

Outdoor Storage and Activity areas shall not be located in any of the required setbacks. Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.

c. Height

Outdoor Storage material shall not exceed 15 feet in height or the height of the screening, whichever is less.

d. Screening

Outdoor Storage and Activity areas shall be completely screened from all property lines by landscaping, fences, walls, or buildings.

e. Industrial FLU Designation, Zoning Districts or Uses standards omitted for brevity and non-applicability.

f. Exceptions

The following uses or material are exempt from this:

1) Storage and sales of landscape plant material.

2) Temporary storage of material used for road construction on a lot directly adjacent to the roadway under construction.

g. Parking/Storage

The parking and storage of vehicles and trailers, used in operation of a business, shall be on an improved surface.

c. Shade houses permitted as accessory structures, meeting specific criteria.

d. All heavy equipment and truck operations limited to daytime operations only, without encroaching into easements, rights-of-way, or setbacks; *operations prohibited between 7 p.m. and 6 a.m., in accordance with current Palm Beach County approved standards.*

1) Specifically, the limitation with no operations between 7pm to 6am, aligning with current Palm Beach County standards will be carried over from PBC ULDC Article 4.B.6.14.i. Hours of Operation as a supplemental standard to continue to be applied to this specific use of the property upon Annexation as the City Code does not include any specific hours of operations. Art 4.B.6.14.i. Hours of Operation states “Operation of commercial vehicles over one-ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7p.m. to 6a.m. is prohibited.”

e. No aerial application of chemicals permitted.

f. Notification of agricultural operations to South Florida Water Management District.

g. One residential dwelling unit permitted per agricultural operation for office use.

Palm Beach County’s Unified Land Development Code (ULDC) separately defines Landscape Services as “An establishment engaged in the maintenance or installation of landscaping. The typical On-Site Activities includes administrative office; customer and employee parking; and, storage or parking of landscape vehicles, chemicals, fertilizers, landscape materials, and equipment. The typical Off-Site Activities may include but are not limited to: lawn mowing; trimming of vegetation including trees, shrubs, or hedges; irrigation; fertilizer application; leaf blowing; landscaping design; maintenance; or, installation.” The Landscape Services were allowed by Palm Beach County as an accessory use to a Retail and/or Wholesale Nursery on a minimum of three acres.

***Development Review Committee Comments:***

The petition was informally reviewed by the Development Review Committee (DRC).

Planning and Engineering:	Incorporated into report
Building:	No objections
Public Works:	No objections
Fire Rescue:	No objections
PBSO District #16:	No objections

***Change Criteria and Findings of Fact:***

Section 16-153. Planning and Development Commission Report: The Planning, Zoning and Appeals Board shall submit a report to the City Council which shows that the Commission has studied and considered the proposed amendment for rezoning of property and change to the official zoning map in relation to the following, where applicable:

***Specific Criteria Findings:***

- (1) Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the Comprehensive Plan.**

***Finding:*** The proposed Agricultural Residential (AR) zoning district will be consistent with the property's proposed Residential Low Density (RS-LD) future land use designation. The AR district is intended for to provide for both very low density residential development and limited agricultural activities within close proximity to each other, and in a manner that will not adversely impact adjacent land uses while allowing for a semi-rural residential lifestyle. The zoning designation allows for a rural residential uses in support of the Goals, Objectives, and Policies of the Comprehensive Plan directing the city to separate urban and rural land uses by designating appropriate land use densities and intensities in accordance with approved zoning districts based on compatibility with surrounding land uses.

- (2) The existing land use pattern.**

***Finding:*** The proposed Agricultural Residential (AR) zoning designation is consistent with the existing land use pattern in the area. The Agricultural Residential (AR) Use designation and uses which surround the site to the east, north, and south are within a residential area that provides a location for servicing the adjacent residential community. The proposed zoning designation is consistent with the adjacent property located within Palm Beach County to the south and east and compatible with the character of the city institutional and commercial parcels to the north and west within the City.

**(3) The possible creation of an isolated district unrelated to adjacent and nearby districts.**

*Finding:* This proposed zoning change will not create an isolated zoning district. The parcels are located adjacent to the existing Agricultural Residential zoning.

**(4) The population density pattern and possible increase or overtaxing of the land on public facilities such as schools, utilities, etc.**

*Finding:* The subject site currently has a single-family home and accessory uses and is mostly surrounded by developed residential uses.

**(5) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

*Finding:* The properties were previously annexed into the City and therefore require an appropriate City zoning designation.

**(6) Whether changed or changing conditions make the passage of the proposed amendment necessary.**

*Finding:* The properties are being concurrently annexed into the City and therefore requires an appropriate City zoning designation.

**(7) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.**

*Finding:* The proposed change will provide for a compatible zoning designation for the annexed parcel and the existing development will continue with the existing uses of the site, therefore impacts will not change.

**(8) Whether the proposed change will adversely influence living conditions in the neighborhood.**

*Finding:* The proposed zoning change will not adversely affect living conditions in the area. The parcel is currently developed and is expected to continue in the current use.

**(9) Whether there are substantial reasons why the property cannot be used in accord with existing zoning.**

*Finding:* The property was previously annexed into the City and therefore require an appropriate City zoning designation.

**(10) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.**

*Finding:* As evidenced by the findings above, the proposed zoning change does not constitute a special privilege for the property owners because the change is consistent with existing land use patterns, the property's proposed future land use, the surrounding zoning designations.



**VII. Staff Recommendation:**

*Approval* of ZC-24-02 through the adoption of Ordinance 2024-04.

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**PLANNING & ZONING BOARD OF APPEALS RECOMMENDATION – February 8,  
2024**

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The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Board Member Fitzgerald, voting five (5) to zero (0), *recommended approval* of Zoning Change ZC-24-02, as presented by staff.

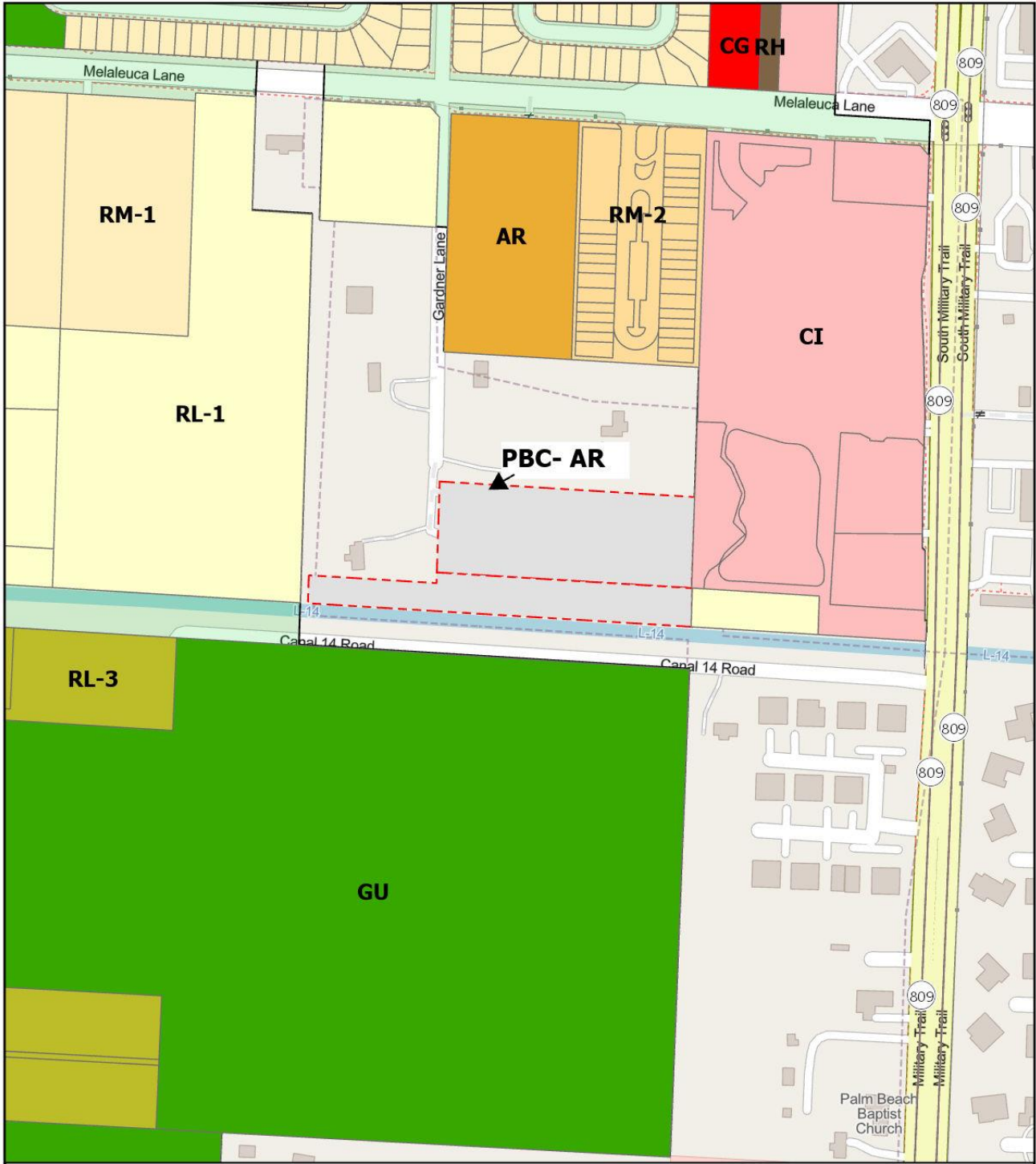
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**CITY COUNCIL ACTION First Reading – April 15, 2024**

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**CITY COUNCIL ACTION Adoption Hearing**

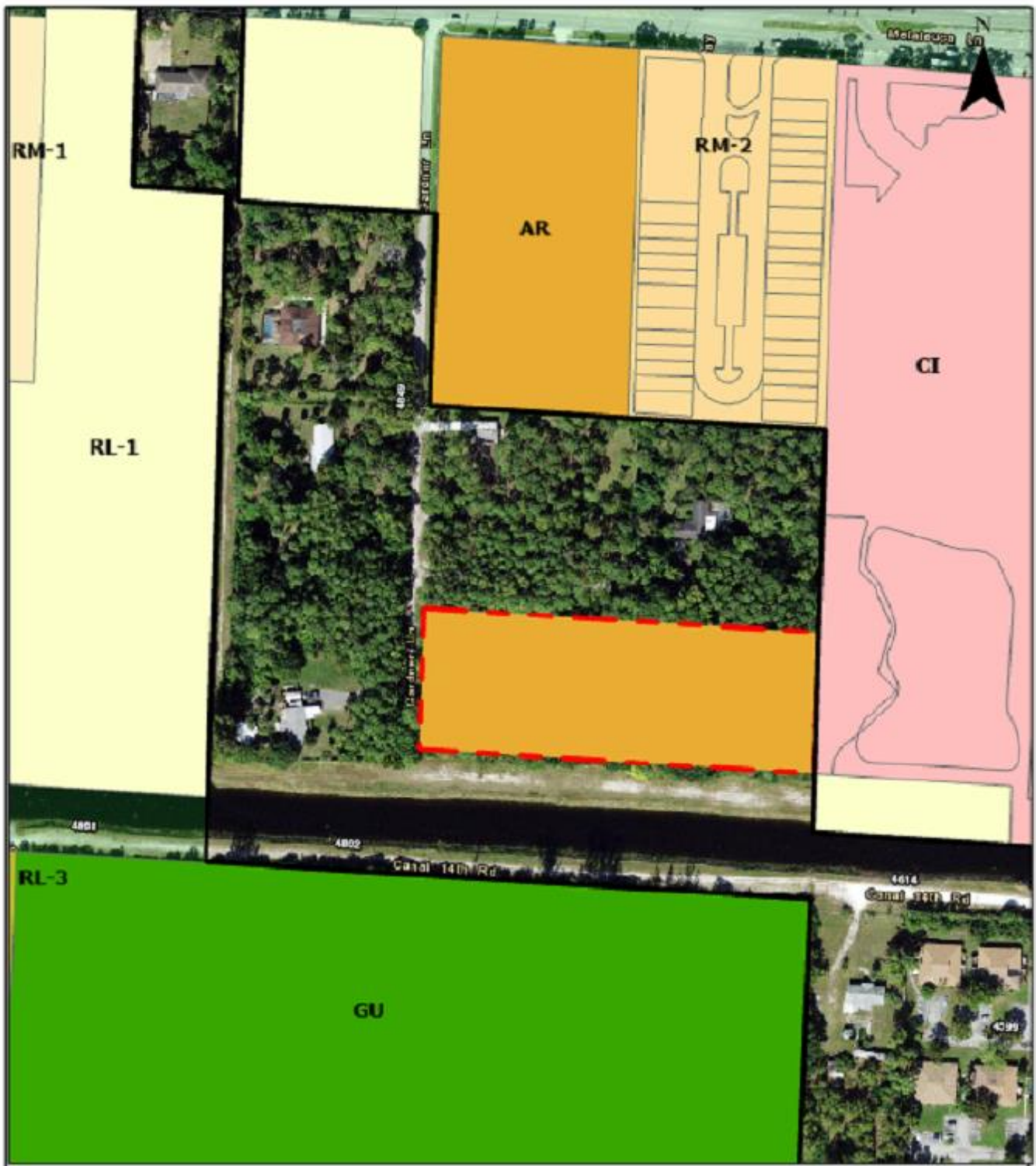
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Date: 2/2/2024  
 City of Greenacres - Department of  
 Development & Neighborhood Services

City of Greenacres





AGRICULTURAL RESIDENTIAL - A UNITS/ACRES (AU)	COMMERCIAL GENERAL (CG)	HOUSING DEVELOPMENT - COMMERCIAL (HDC-C)	HOUSING DEVELOPMENT - OFFICE (HDC-O)	HOUSING DEVELOPMENT - OFFICE (HDC-O)	HOUSING DEVELOPMENT - RESIDENTIAL (HDC-R)	HOUSING DEVELOPMENT - RESIDENTIAL (HDC-R)	HOUSING DEVELOPMENT - RESIDENTIAL (HDC-R)	HOUSING DEVELOPMENT - RESIDENTIAL (HDC-R)	HOUSING DEVELOPMENT - RESIDENTIAL (HDC-R)	HOUSING DEVELOPMENT - RESIDENTIAL (HDC-R)	HOUSING DEVELOPMENT - RESIDENTIAL (HDC-R)
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<p>Date: 2/2/2024 City of Greenacres - Department of Development &amp; Neighborhood Services</p>	<p>Future Zoning Map City of Greenacres</p>	
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