

**ORDINANCE NO. 2021-02**

**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 THREE PARCELS OF LAND TOTALING APPROXIMATELY 10.58 ACRES, LOCATED ON THE WEST SIDE OF RANCHETTE ROAD AT 1281, 1283 AND 1351 RANCHETTE ROAD, FROM A PALM BEACH COUNTY DESIGNATION OF MEDIUM RESIDENTIAL 5 UNITS PER ACRE (PBC MR-5) TO A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL-MEDIUM DENSITY (RS-MD), AS REQUESTED BY THE PETITIONER, URBAN DESIGN KILDAY STUDIOS, AGENT FOR THE OWNERS, JAMES H. HENRY AND ELONA I. HENRY REVOCABLE TRUST/HENRY HOLDINGS, INC., AND JOSEPH AND VICKI BYRNE; 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 City of Greenacres Planning and Engineering Department is herein known as the "Petitioner" for the herein described properties; and

**WHEREAS**, the petitioner is requesting to change the City of Greenacres Future Land Use Map from a Palm Beach County future land use designation of Medium Residential 5 (MR 5) to a City of Greenacres land use designation of Residential-Medium Density (RS-MD) for the subject properties; and

**WHEREAS**, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on February 17, 2021, and has recommended approval of petition CPA-20-03 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-20-03 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 ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:**

**Section 1. Future Land Use Map Designation.**

That the Future Land Use Map designation is hereby amended from a Palm Beach County future land use designation of Medium Residential 5 (MR 5) to a City of Greenacres land use designation of Residential-Medium Density (RS-MD) for the property legally described as follows:

Legal Description

**PCNs: 00-42-44-10-00-000-1070**

The North Half of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 10, Township 44 South, Range 42 East; Less the East 30 feet thereof heretofore conveyed to the County of Palm Beach, in the State of Florida, for road right-of-way. LESS AND EXCEPT the following: West two feet six inches of the North Half ( N ½) of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of the Northeast Quarter ( N ¼) of Section 10, Township 44 South, Range 42 East, lying and situate in Palm Beach County, Florida; LESS AND EXCEPT the North 14 feet six inches thereof.

PCNs: 00-42-44-10-00-000-1020

The North 125.90 feet of the South  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ,  
Section 10, Township 44 South, Range 42 East, Public Records of Palm  
Beach County, Florida, less and except the East 30 feet thereof.

PCNs: 00-42-44-10-00-000-1010

The south  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of  
Section 10, Township 44 South, Range 42 East, Palm Beach County, Florida,  
Less the East 30 feet thereof and Less the North 125.90 feet thereof.

AND:

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 10.58 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 DCD.**

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 State Division of Community Development (DCD).

**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 15th day of March, 2021.

PASSED AND ADOPTED on the second reading this 17th day of May, 2021.

Voted

\_\_\_\_\_  
Joel Flores  
Mayor

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John Tharp  
Deputy Mayor

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Attest:

\_\_\_\_\_  
Quintella Moorer  
City Clerk

\_\_\_\_\_  
Peter Noble  
Council Member, District II

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\_\_\_\_\_  
Judith Dugo  
Council Member, District III

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Jonathan G. Pearce  
Council Member, District IV

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Paula Bousquet  
Council Member, District V

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Approved as to Form and Legal Sufficiency:

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Glen J. Torcivia  
City Attorney