

ORDINANCE NO. 2021-03

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE FOR 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 AGRICULTURAL RESIDENTIAL (PBC AR) TO A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL MEDIUM DENSITY-2 (RM-2), 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 CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres Planning and Engineering Department is herein known as the "Petitioner" for the herein described property; and

WHEREAS, the Petitioner is requesting a rezoning of three (3) parcels of land totaling approximately 10.58 acres more or less, from a Palm Beach County zoning designation of Agricultural Residential (AR) to a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2) and

WHEREAS, the Planning Commission has held a duly advertised public hearing on February 17, 2021 and reviewed the application for compliance with the staff findings relevant to the criteria for a Zoning Change as detailed in the Land Development Staff Report and Recommendation, Exhibit "A", dated January 28, 2021, as revised; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing on March 15, 2021 and has considered all comments received concerning the proposed amendment to the Official Zoning Map as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed zoning change ordinance is consistent with the City's Comprehensive Plan, said Plan being adopted pursuant to the

Local Government Comprehensive Planning and Land Development Regulation Act and certified by the State of Florida Division of Community Development; and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with Exhibit "A", "Land Development Staff Report and Recommendation", dated January 28, 2021, as revised (attached), the proposed amendment changing the zoning district of three (3) parcels of land totaling approximately 10.58 acres more or less, from a Palm Beach County zoning designation of Agricultural Residential (AR) to a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2) and.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. Zoning District Amendment.

The request by the petitioner to change the Official Zoning Map to include a zoning change of three (3) parcels of land totaling approximately 10.58 acres more or less, from a Palm Beach County zoning designation of Agricultural Residential (AR) to a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2) and:

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 $\frac{1}{4}$) 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. Zoning District Amendment.

The request by the petitioner to change the Official Zoning Map to include a zoning change of three (3) parcels of land totaling approximately 10.58 acres more or less, from a Palm Beach County zoning designation of Agricultural Residential (AR) to a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2).

Section 3. Authorization to Make Changes.

That the Planning and Engineering Department is further directed to make the necessary changes to the City of Greenacres Official Zoning Map to reflect the changes authorized by this Ordinance.

Section 4. 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 5. 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 6. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 15th day of March, 2021.

PASSED AND ADOPTED on the second reading this ___ day of _____,
2021.

Voted

Joel Flores
Mayor

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John Tharp
Deputy Mayor

Attest:

Quintella Moorer
City Clerk

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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

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia
City Attorney