

ORDINANCE NO. 2024-01

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN, TO CHANGE THE FUTURE LAND USE DESIGNATION OF ONE PARCEL OF LAND TOTALING APPROXIMATELY 0.0143 ACRES, LOCATED AT 6297 LAKE WORTH ROAD, FROM A PALM BEACH COUNTY DESIGNATION OF COMMERCIAL HIGH WITH AN UNDERLYING 5 UNITS PER ACRE (CH/5) TO A CITY OF GREENACRES DESIGNATION OF COMMERCIAL (CM), AS REQUESTED BY THE DEVELOPMENT & NEIGHBORHOOD SERVICES DEPARTMENT, AGENT FOR THE OWNER PALM BEACH COUNTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMERCE (FDOC); 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, Chapter 163.3187 provides for small-scale future land use amendments for properties fifty (50) acres or less; and

WHEREAS, the subject properties meet the requirements of 163.3187; 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 Commercial High, with an underlying 5 units per acre (CH/5) to a City of Greenacres future land use designation of Commercial (CM) for the subject property; and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on February 8, 2024, and has recommended approval of petition CPA-24-01 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-24-01 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 deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres.

NOW, THEREFORE, BE IT ORDAINED 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 Palm Beach County future land use designation of Commercial High, with and underlying 5 units per acre (CH/5) to a City of Greenacres future land use designation of Commercial (CM) for the property legally described as follows:

Legal Description

PCN: 00-42-44-22-00-000-5270

Being a portion of:

The Southeast one-quarter of the Southwest one-quarter of the Southeast one-quarter less the West 320' thereof of Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida.

Less however, that part lying within the right-of-way for Lake Worth road (SR 802) as recorded in road book 5, pages 125-138, inclusive, public records, Palm Beach County, Florida.

Said lands situate, lying, and being Palm Beach County, Florida. Containing 4.78 acres more or less.

Commence at the Southwest corner of said property; thence due East (on an assumed bearing) along the Northerly right-of-way line of Lake Worth Road, for 2.00 feet to the point of beginning of this description; thence continue due East for 25.00 feet; thence due North for 25.00 feet; thence due West for 25.00 feet; thence due South for 25.00 feet to the point of beginning.

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 0.0143 ACRES MORE OR LESS.

The above-described parcel is subject to road rights-of-way, easements and reservations of record.

The above-described real property is hereby annexed by and declared to be within the corporate limits of the City of Greenacres, Florida.

Section 2. Authorization to Make Changes.

That the Development & Neighborhood Services 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 FDOC.

The Development & Neighborhood Services Department shall send copies of the future land use amendment and Ordinance to the Treasure Coast Regional Planning Council (TCRPC) and the Florida Department of Commerce (FDOC).

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 effective date of this plan amendment shall be thirty-one (31) days following the adoption of this Ordinance in accordance with the provisions of Chapter 163.3187, F.S.

[The remainder of this page intentionally left blank.]

Passed on the first reading this ___ day of ____, 2024.

PASSED AND ADOPTED on the second reading this ___ day of ____, 2024.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

John Tharp, Deputy Mayor

Peter Noble, Council Member, District II

Judith Dugo, Council Member, District III

Suzy Diaz, Council Member, District IV

Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney