

**ORDINANCE NO. 2021-08**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE FOR 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 DEVELOPMENT-ORIGINAL SECTION (MXD-OS) TO A DESIGNATION OF RESIDENTIAL LOW-3 (RL-3), AS REQUESTED BY THE PETITIONER, MANAGED LAND ENTITLEMENTS, AGENT FOR THE OWNER, TURK INVESTMENTS, LLC; 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 Petitioner is requesting a rezoning of one (1) parcel of land totaling approximately 0.2986 acres more or less, from a City designation of Mixed Development-Original Section (MXD-OS) to a City designation of Residential Low-3 (RL-3) and

**WHEREAS**, the Planning Commission has held a duly advertised public hearing on August 18, 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 July 14, 2021, as revised; and

**WHEREAS**, the City Council of the City of Greenacres has conducted a duly advertised public hearing on September 7, 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 July 14, 2021, as revised (attached), the proposed amendment changing the zoning district of one (1) parcel of land totaling approximately 0.2986 acres more or less, from a designation of Mixed Development-Original Section (MXD-OS) to a designation of Residential Low-3 (RL-3).

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1. Zoning District Amendment.**

The request by the petitioner to change the Official Zoning Map to include a zoning change of one (1) parcel of land totaling approximately 0.2986 acres more or less, from a designation of Mixed Development-Original Section (MXD-OS) to a designation of Residential Low-3 (RL-3) is hereby granted for the property located on the west side of Martin Avenue approximately 80 feet north of 10<sup>th</sup> Avenue North, 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 directed to make the necessary changes to the City of Greenacres Official Zoning Map to reflect the changes 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. Effective Date.**

The provisions of this Ordinance shall become effective upon adoption.

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

PASSED AND ADOPTED on the second reading this 22<sup>nd</sup> day of September, 2021.

\_\_\_\_\_  
**Joel Flores**, Mayor

**Attest:**

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

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

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

\_\_\_\_\_  
**Jonathan Pearce**, Council Member, *District IV*

\_\_\_\_\_  
**Paula Bousquet**, Council Member, *District V*

**Approved as to Form and Legal Sufficiency:**

\_\_\_\_\_  
**Glen J. Torcivia**, City Attorney