

## ORDINANCE NO. 2024-03

**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 TWO PARCELS OF LAND TOTALING APPROXIMATELY 3.5918 ACRES, LOCATED AT 4964 GARDNER LANE FROM A PALM BEACH COUNTY LR-2, LOW RESIDENTIAL, 2 UNIT PER ACRE TO CITY OF GREENACRES RESIDENTIAL LOW DENSITY (RS-LD), AS REQUESTED BY MCKENNA WEST OF COTLEUR HEARING, AGENT FOR THE OWNER 4964 GARDNER LANE LLC; 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**, McKenna West is herein known as the "Petitioner(s)" for the herein described property; 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 PBC LR-2, Low Residential, 2 unit per acre to a City Residential Low density (RS-LD) 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-24-02 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-24-02 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.** The foregoing recitals are incorporated into this Ordinance as true and correct finds of the City Council of the City of Greenacres.

**Section 2. Future Land Use Map Designation**

The Future Land Use Map in the City's Comprehensive Plan is hereby amended to change the designation of the subject properties from a PBC LR-2, Low Residential, 2 unit per acre to City Residential Low density (RS-LD) for the Property, which is legally described as follows:

**Legal Description**

**PCN: 00-42-44-25-00-000-7176**

The South one-half of the Southwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

Less the South 110 foot Lake Worth Drainage District L-14 Canal Right of Way per Deed Book 67, Page 561; Chancery Case 407 per Official Records Book 23602, Page 807, all of the Public records of Palm Beach County, Florida.

AND:

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 3.5918 ACRES MORE OR LESS.

**Section 3. Authorization to Make Changes.**

The Planning, GIS, and Engineering Division is authorized to make the necessary Future Land Use map change to the Comprehensive Plan to reflect the change 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. 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 State Land Planning Agency the Florida Department of Commerce (FDOC).

**Section 7. Inclusion in the Comprehensive Plan.**

It is the intention of the City Council, entered as hereby ordained, that the Comprehensive Plan of the City of Greenacres, Florida, shall be amended to include the amendment to the Future Land Use Map as stated herein.

**Section 8. Effective Date**

The effective date of this Comprehensive Plan amendment shall be thirty-one (31) days following the adoption of this Ordinance in accordance with the provisions of Chapter 163.3187(5)(c), Florida Statutes.

Passed on the first reading this 6<sup>th</sup> day of May, 2024.

PASSED AND ADOPTED on the second reading this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**Chuck Shaw**, Mayor

\_\_\_\_\_  
*Voted:*  
**Judith Dugo**, *Deputy Mayor*

**Attest:**

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

\_\_\_\_\_  
*Voted:*  
**John Tharp**, Council Member, *District I*

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

\_\_\_\_\_  
*Voted:*  
**Susy Diaz**, Council Member, *District IV*

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

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

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