

ORDINANCE NO. 2024-04

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE AND OFFICIAL ZONING MAP AMENDMENT FOR TWO PARCELS OF LAND TOTALING APPROXIMATELY 3.5918 ACRES, LOCATED AT 4964 GARDNER LANE FROM A PALM BEACH COUNTY AGRICULTURAL RESIDENTIAL (AR) ZONING DESIGNATION TO CITY OF GREENACRES AGRICULTURAL RESIDENTIAL (AR), AS REQUESTED BY MCKENNA WEST OF COTLEUR HEARING, AGENT FOR THE OWNER 4964 GARDNER LANE 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, McKenna West are herein known as the "Petitioner(s)" for the herein described property; and

WHEREAS, the Petitioner is requesting a rezoning of one (1) parcel of land totaling approximately 3.5918 acres more or less, from a Palm Beach County zoning designation of Palm Beach County Agricultural Residential (AR) zoning designation to City of Greenacres Agricultural Residential (AR); and

WHEREAS, the Planning Commission has held a duly advertised public hearing on February 8, 2024 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 February 2, 2024, as revised; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing on March 19, 2024 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 February 2, 2024, as revised (attached), the proposed amendment changing the zoning district of two (2) parcels of land totaling approximately 3.5918 acres more or less, from a Palm Beach County Agricultural Residential (AR) zoning designation to City of Greenacres Agricultural Residential (AR); is in the best interest of the citizens of the City of Greenacres.

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

Section 1. Recitals. The foregoing recitals are incorporated into this Ordinance as true and correct findings of the City Council of the City of Greenacres.

Section 2. Zoning Change and Zoning Map Amendment.

The request by the Petitioner to change the zoning designation for a parcel of land totaling approximately 3.5918 acres more or less, from a Palm Beach County Agricultural Residential (AR) zoning designation to City of Greenacres Agricultural Residential (AR), is hereby granted for the property located at 4964 Gardner Lane, 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.

That the Planning, GIS, and Engineering Division 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

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The provisions of this Ordinance shall become effective consistent with the effective date of Ordinance No. 2024-03, which is the companion small scale comprehensive plan amendment ordinance (changing the Future Land Use designation for the property).

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Passed on the first reading this 6th day of May, 2024.

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

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk

Judith Dugo, *Deputy Mayor*

John Tharp, Council Member, *District I*

Peter Noble, Council Member, *District II*

Susy Diaz, Council Member, *District IV*

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney