

ORDINANCE NO. 2024-23

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A REZONING AND OFFICIAL ZONING MAP AMENDMENT FOR TWO PARCELS OF LAND TOTALING APPROXIMATELY 6.56 ACRES, LOCATED AT 6240 DODD ROAD AND ADJACENT VACANT PARCEL TO THE SOUTH FROM A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL MEDIUM-2 (RM-2) (7 UNITS PER ACRE) AND COMMERCIAL GENERAL (CG) TO A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL HIGH (RH), AS REQUESTED BY THE PETITIONER, JMORTON PLANNING/LANDSCAPE ARCHITECTURE, AGENT FOR THE OWNERS, MORIJA EVANGELICAL ALLIANCE CHURCH INC. OF DELRAY AND LAKE WELLINGTON PROFESSIONAL CENTER INC.; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Petitioner, JMorton Planning/Landscape Architecture, agent for the property owners, Morija Evangelical Alliance Church, Inc. of Delray and Lake Wellington Professional Center Inc, is requesting a Rezoning of two (2) parcels of land totaling approximately 6.56 acres more or less, from a City of Greenacres zoning designation of Residential Medium -2 (RM-2) (7 units per acre) and Commercial General (CG) to a City of Greenacres zoning designation of Residential High (RH); and

WHEREAS, the Planning and Zoning Board of Appeals held a duly advertised public hearing on August 8, 2024, and reviewed the application for a Zoning Change as detailed in the Development Review Committee Staff Report and Recommendation, Exhibit "A", dated July 25, 2024, incorporated herein by reference (as revised) and recommends [*approval by a unanimous vote of 5-0*]; and

WHEREAS, the City Council of the City of Greenacres conducted first reading on September 16, 2024 and a duly advertised public hearing for the second reading on October 7, 2024 and considered all testimony and evidence presented and other comments made

Ordinance No. 2024-23 | Astoria Towns Rezoning

Page No. 2

concerning the proposed Rezoning and amendment to the Official Zoning Map 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.

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with Exhibit "A", "Development Review Committee Report and Recommendation", dated July 25, 2024 (as revised), the proposed Rezoning and Zoning Map amendment to change the zoning designation of two (2) parcels of land totaling approximately 6.56 acres more or less, from a City of Greenacres zoning designation of Residential Medium -2 (RM-2) (7 units per acre) and Commercial General (CG) to a City of Greenacres zoning designation of Residential High (RH); is in the best interests of the City and serves a valid public purpose.

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. Rezoning and Zoning Map Amendment.

The request by the Petitioner to change the zoning designation for two (2) parcels of land totaling approximately 6.56 acres more or less, from a City of Greenacres zoning designation of Residential Medium -2 (RM-2) (7 units per acre) and Commercial General (CG) to a City of Greenacres zoning designation of Residential High (RH); to a City of Greenacres zoning designation of Residential High (RH), is hereby granted for the property located at 6240 Dodd Road and adjacent vacant parcel, legally described as follows:

Legal Description

6240 Dodd Road – (PCN: 18-42-44-22-00-000-5120)

Ordinance No. 2024-23 | Astoria Towns Rezoning

Page No. 3

The North 528 feet of the West ½ of the Northwest ¼ of the Southeast ¼ of the Southeast ¼ of Section 22, Township 44 South, Range 42 East, in Palm Beach County, Florida, all in its “As-Is, Where-Is” condition in all respects with no representations or warranties whatsoever except as provided hereinbelow.

Less and Excepting, the North 25 feet thereof for a Right-of-Way.

Adjacent Vacant Parcel (PCN: 18-42-44-22-00-000-5090)

The South 132 feet of the West Half (W ½) of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of the Southeast Quarter (Se ¼) and the North 180 feet of the West half (W ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) in Section 22, Township 44 South, Range 42 East, lying and being in Palm Beach County, Florida; together with a 20 foot easement for ingress and egress over the East 20 feet of the following described property: The South 480 feet of the West Half (W ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 22, Township 44 South, Range 42 East.

CONTAINING A TOTAL OF 6.56 ACRES MORE OR LESS.

MAP



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

The provisions of this Ordinance shall become effective consistent with the effective date of Ordinance No. 2024-23, which is the companion small scale comprehensive plan amendment ordinance (changing the Future Land Use designation for the property).

Passed on the first reading this 16th day of September, 2024.

PASSED AND ADOPTED on the second reading this 7th day of October 2024.

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Judith Dugo, Deputy Mayor

Voted:
John Tharpe, 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