

## ORDINANCE NO. 2023-07

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE AND OFFICIAL ZONING MAP AMENDMENT FOR A PARCEL OF LAND TOTALING APPROXIMATELY 4.993 ACRES, LOCATED AT 6645 CHICKASAW ROAD FROM A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL MEDIUM-2 (RM-2) TO A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL HIGH (RH), AS REQUESTED BY THE PETITIONER, COTLEUR & HEARING, AGENT FOR THE OWNER, MF ASSOCIATES GREENACRES LLC; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Petitioner, Cotleur & Hearing (agent for MF Associates Greenacres LLC), is requesting a Zoning Change of one (1) parcel of land totaling approximately 4.993 acres more or less, from a City of Greenacres zoning designation of Residential Medium -2 (RM-2) 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 May 11, 2023, and reviewed the application for a Zoning Change as detailed in the Development Review Committee Staff Report and Recommendation, Exhibit "A", dated April 24, 2023, incorporated herein by reference (as revised) and recommends [*approval by a vote of 2-1 or by a unanimous vote*]; and

**WHEREAS**, the City Council of the City of Greenacres conducted first reading on June 5, 2023 and a duly advertised public hearing for the second reading on July 17, 2023) and considered all testimony and evidence presented and other comments made concerning the proposed Zoning Change 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 April 24, 2023 (as revised), the proposed Zoning Change and Zoning Map amendment to change the zoning designation of one (1) parcel of land totaling approximately 4.993 acres more or less, from a City of Greenacres zoning designation of Residential Medium-2 (RM-2) 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. Zoning Change and Zoning Map Amendment.**

The request by the Petitioner to change the zoning designation for one (1) parcel of land totaling approximately 4.993 acres more or less, from a City of Greenacres zoning designation of Residential Medium-2 (RM-2) to a City of Greenacres zoning designation of Residential High (RH), is hereby granted for the property located at 6645 Chickasaw Road, legally described as follows:

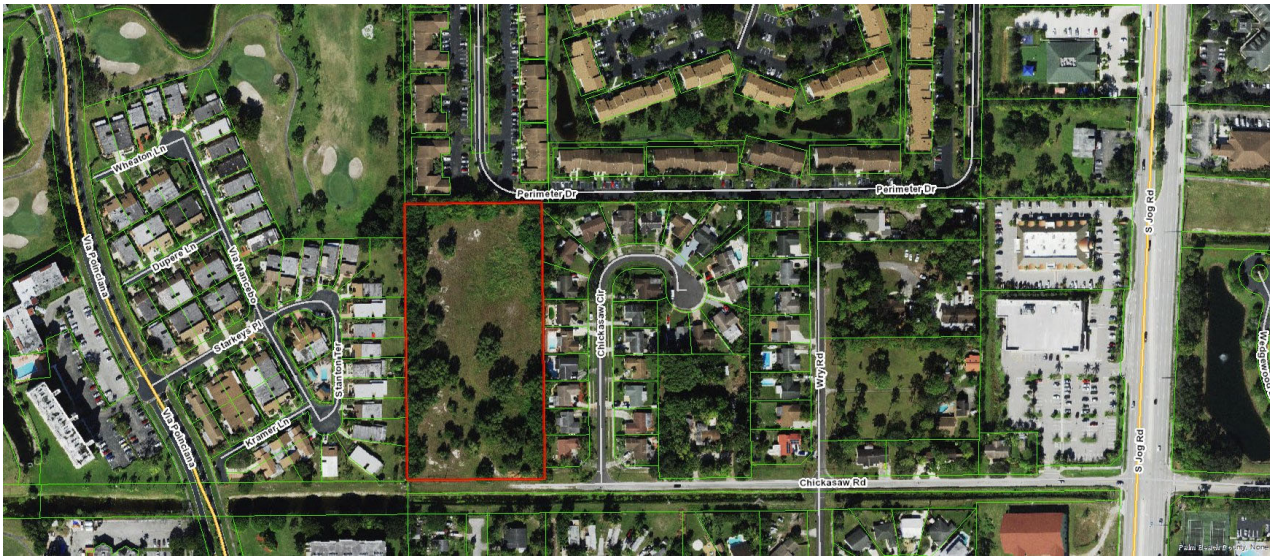
**Legal Description**

6645 Chickasaw Road (PCN: 18-42-43-27-05-022-0360)

TRACT 36, BLOCK 22, "PALM BEACH FARMS COMPANYS PLAT NO. 3" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

SAID LANDS SITUATED IN THE CITY OF GREENACRES, PALM BEACH COUNTY, FLORIDA AND CONTAIN 4.993 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. 2023-07, 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 5<sup>th</sup> day of June, 2023.

**PASSED AND ADOPTED** on the second reading this 6<sup>th</sup> day of July, 2023.

Voted:

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

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

**Attest:**

Voted:

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

\_\_\_\_\_  
**Peter Noble**, Deputy Mayor

Voted:

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

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