

ORDINANCE NO. 2016-19

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 ONE PARCEL OF LAND TOTALING APPROXIMATELY 0.895 ACRES, LOCATED AT THE NORTHEAST CORNER OF LAKE WORTH ROAD AND SCOTT ROAD AT 6239 LAKE WORTH ROAD, FROM A PALM BEACH COUNTY DESIGNATION OF COMMERCIAL HIGH WITH AN UNDERLYING 5 UNITS PER ACRE (PBC CH 5) TO A CITY OF GREENACRES DESIGNATION OF COMMERCIAL (CM), AS REQUESTED BY THE PETITIONER, FERNANDO PRIETO, AGENT FOR THE OWNER, SOMA LAKE WORTH INVESTOR, LLC; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE DIVISION OF COMMUNITY DEVELOPMENT; 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 ten (10) acres or less; and

WHEREAS, the subject property meets the requirements of 163.3187; 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 Commercial High with an underlying 5 units per acre (CH 5) to a City of Greenacres future land use designation of Commercial (CM) for the subject property; and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on July 20, 2016, and has recommended approval of petition CPA-16-02 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-16-02 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 finds that the proposed amendment ordinance is consistent with the City's Comprehensive Plan and is in the best interest of the citizens of the City of Greenacres.

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

Section 1. Future Land Use Map Designation.

That the Future Land Use Map designation is hereby amended from a Palm Beach County future land use designation of Commercial High with an underlying 5 units per acre (CH 5) to a City of Greenacres future land use designation of Commercial (CM) for the property legally described as follows:

Legal Description

PCN: 00-42-44-22-00-000-5080

Beginning at the southwest corner of the west half of the southwest quarter of the southeast quarter of the southeast quarter of Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida; thence run northerly 80 feet more or less to a point on the northern right of way line of Lake Worth Road, the Point of Beginning; thence easterly along the right of way of Lake Worth Road a distance of 100 feet; thence northerly, a distance of 400 feet; thence westerly, a distance of 100 feet; thence southerly, a distance of 400

feet to the Point of Beginning. LESS that portion of above described land lying south of the north right of way line of Lake Worth Road as shown on the right of way map of Lake Worth Road in Road Plat Book 5, at pages 125 through 138, inclusive and as conveyed in O.R. Book 5082, Page 500 of the public records of Palm Beach County, Florida.

CONTAINING A TOTAL OF 0.895 ACRES MORE OR LESS.

Section 2. Authorization to Make Changes.

That the Planning and Engineering Department is further authorized to make the necessary map change to the Comprehensive Plan to reflect the change 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. Transmittal to the DCD.

The Planning and Engineering Department shall send copies of the future land use amendment and Ordinance to the Treasure Coast Regional Planning Council (TCRPC) and the State Division of Community Development (DCD).

Section 6. Inclusion in the Comprehensive Plan.

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the City of Greenacres, Florida; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Section 7. Effective Date.

The effective date of this plan amendment shall be thirty-one (31) days following the adoption of this Ordinance in accordance with the provisions of Chapter 163.3187, F.S.

Passed on the first reading this 1st day of August, 2016.

PASSED AND ADOPTED on the second reading this 15th day of August, 2016

Voted

Samuel J. Ferreri
Mayor

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Jonathan G. Pearce
Deputy Mayor

Attest:

Denise McGrew
City Clerk

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Lisa Rivera
Councilwoman, District I

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Peter Noble
Councilman, District II

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Judith Dugo
Councilwoman, District III

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Paula Bousquet
Councilwoman, District V

Approved as to Form and Legal Sufficiency:

James D. Stokes
City Attorney