



# CITY COUNCIL FY 2022 BUDGET HEARING

## City of Greenacres, Florida

Wednesday, September 08, 2021 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

### AGENDA

#### Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Jonathan G. Pearce, Councilmember, District IV

Paula Bousquet, Councilmember, District V

#### Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

#### CALL TO ORDER AND ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### AGENDA APPROVAL

#### COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

#### First Hearing - Fiscal Year 2022 Proposed Budget.

- 1. PUBLIC HEARING: Ordinance 2021-12:** First Reading; Establishing a taxable valuation and levying an ad valorem tax property located within the corporate limits of Greenacres, Florida, as of the year ending December 31, 2021; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Teri Beiriger, Finance Director.
- 2. PUBLIC HEARING: Ordinance 2021-13:** First Reading; Adopting an operating budget for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Teri Beiriger, Finance Director.

#### SPECIAL BUSINESS - None.

#### CONSENT AGENDA

- 3. Official Minutes:** City Council Meeting Minutes, August 16, 2021. - Quintella L. Moorer, City Clerk.
- 4. Award of Property & Casualty and Worker's Compensation Insurance:** Award to Preferred Governmental Insurance Trust (PGIT) in the amount of \$492,196. - Suzanne Skidmore, Human Resources Director.
- 5. Proclamation:** Firefighter Appreciation Month, September 2021. - Brian Fuller, Fire Rescue Chief.

6. **Proclamation:** Hispanic Heritage Month, September 2021. - Andrea McCue, City Manager.
7. **Proclamation:** Hunger Action Month, September 2021. - Michele Thompson, Parks and Recreation Services Director.

## REGULAR AGENDA

8. **Ordinance 2021-07:** First Reading; 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 0.2986 acres, located on the west side of Martin Avenue approximately 80 feet north of 10th Avenue north, from a designation of Mixed Use (MU) to a designation of Residential-Low Density (RS-LD), as requested by the petitioner, Managed Land Entitlements, Agent for the Owner, Turk Investments, LLC; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Department of Economic Opportunity; providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Kara Ferris-Irwin, Building, Planning & Engineering Director.
9. **QUASI-JUDICIAL PUBLIC HEARING: Ordinance 2021-08:** First Reading; Approving a zoning change for one parcel of land totaling approximately 0.2986 acres, located on the west side of Martin Avenue approximately 80 feet North of 10th Avenue North, from a designation of Mixed Development-Original Section (MXD-OS) to a designation of Residential Low-3 (RL-3), as requested by the petitioner, Managed Land Entitlements, Agent for the Owner, Turk Investments, LLC; providing for changes to the Official Zoning Map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Kara Ferris-Irwin, Building, Planning & Engineering Director.
10. **PUBLIC HEARING: Ordinance 2021-09:** Second Reading; Adopting Chapter 4 Buildings and Building Regulations, Section 4-5, as the Unsafe Building Abatement Code, providing for purpose, authority, establishment of a district, definitions, enforcement, emergencies, abatement, collection of cost, appeals and other purposes; providing for conflicts, severability, codification, and effective date. - Kara L. Irwin-Ferris, Director of Building, Planning and Engineering.
11. **PUBLIC HEARING: Ordinance 2021-10:** Second Reading; Amending Section 2-270 Definition; Non-ad Valorem assessment to include additional section for demolitions; providing for conflicts, severability, codification, and an effective date. - Kara Irwin-Ferris, Director of Building, Planning and Engineering.

## DISCUSSION ITEM

12. Employee Vaccinations and Vaccination Incentive Programs. - Andrea McCue, City Manager.

## COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

### CITY MANAGER'S REPORT

### CITY ATTORNEY'S REPORT

### MAYOR AND CITY COUNCIL REPORT

**ADJOURNMENT****Upcoming Council Meetings**

Wednesday, September 22, 2021 at 6PM

Monday, October 4, 2021 at 6PM

**Meeting Records Request**

Any person requesting the appeal of a decision of the City Council will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to FS. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of Greenacres does not prepare or provide such verbatim record.

**Notice of Council Meetings and Agendas**

The first and third Monday of each month are regular meeting dates for the City Council; special or workshop meetings may be called, whenever necessary. Council Agendas are posted on the City's website on the Friday prior to each Council meeting. A copy of the meeting audio and the complete agenda may be requested at [CityClerk@greenacresfl.gov](mailto:CityClerk@greenacresfl.gov) or 561-642-2006.

**Americans with Disabilities Act**

In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting City Clerk Quintella Moorner at Greenacres City Hall, 5800 Melaleuca Lane, Greenacres, Florida. Phone No. 561-642-2006. Hearing Assistance: If any person wishes to use a Listen Aid Hearing Device, please contact the City Clerk prior to any meeting held in the Council Chambers.

# *City of Greenacres*

## *Budget Meeting*

*September 8, 2021*

**GENERAL FUND  
REVENUE AND EXPENDITURE SUMMARY**

<b>CATEGORY</b>	<b>FY 2021 BUDGET</b>	<b>FY 2022 ADOPTED</b>	<b>CHANGE FROM PRIOR YR</b>	<b>% CHANGE</b>	<b>% OF TOTAL BUDGET</b>
<b>REVENUES</b>					
Ad Valorem Taxes	\$ 13,170,892	\$13,892,004	\$ 721,112	5.5%	41.3%
Utility Service Taxes	2,752,901	3,032,000	279,099	10.1%	9.0%
Other Taxes	2,222,932	2,321,710	98,778	4.4%	6.9%
Permits and Fees	2,557,391	2,690,798	133,407	5.2%	8.0%
Intergovernmental	4,506,500	4,918,502	412,002	9.1%	14.6%
Charges for Services	5,388,409	5,956,687	568,278	10.5%	17.7%
Fines & Forfeitures	97,456	85,569	(11,887)	-12.2%	0.3%
Interest Income	161,800	15,837	(145,963)	-90.2%	0.0%
Rent and Royalties	308,900	323,271	14,371	4.7%	1.0%
Interfund Transfers (In)	0	227,856	227,856	0.0%	0.7%
Miscellaneous Income	117,052	144,642	27,590	23.6%	0.4%
<b>TOTAL REVENUE</b>	<b>\$ 31,284,233</b>	<b>\$33,608,876</b>	<b>\$ 2,324,643</b>	<b>7.4%</b>	<b>100%</b>
<b>EXPENDITURES</b>					
Personnel Services	\$ 14,634,666	\$15,794,278	\$ 1,159,612	7.9%	47.5%
Operating	3,020,362	3,456,785	436,423	14.4%	10.4%
PBSO Contract	10,236,354	10,372,836	136,482	1.3%	31.2%
Capital Outlay	53,109	80,120	27,011	50.9%	0.2%
Grants and Aids	28,000	130,500	102,500	366.1%	0.4%
Solid Waste Collection	2,172,622	2,251,609	78,987	3.6%	6.8%
Insurance	377,903	312,568	(65,335)	-17.3%	0.9%
Interfund Transfers	585,000	635,000	50,000	8.5%	1.9%
Contingency	109,457	100,000	(9,457)	-8.6%	0.3%
Other Obligations	90,308	90,308	0	0.0%	0.3%
<b>TOTAL EXPENDITURE</b>	<b>\$ 31,307,781</b>	<b>\$33,224,004</b>	<b>\$ 1,916,223</b>	<b>6.1%</b>	<b>100%</b>
Excess Revenue Over (under) Expenditures	(23,548)	384,872			



**GENERAL FUND**  
**REVENUE AND EXPENDITURE SUMMARY**  
**2021 FORECAST TO 2022 PROPOSED**

CATEGORY	FY 2021 FORECAST *	FY 2022 ADOPTED	CHANGE FROM PRIOR YR	% CHANGE	% OF TOTAL BUDGET
<b>REVENUES</b>					
Ad Valorem Taxes	\$ 13,213,309	\$ 13,892,004	\$ 678,695	5.1%	41.3%
Utility Service Taxes	3,097,861	3,032,000	(65,861)	-2.1%	9.0%
Other Taxes	2,414,406	2,321,710	(92,696)	-3.8%	6.9%
Permits and Fees	2,826,741	2,690,798	(135,943)	-4.8%	8.0%
Intergovernmental	5,088,491	4,918,502	(169,989)	-3.3%	14.6%
Charges for Services	4,863,364	5,956,687	1,093,323	22.5%	17.7%
Fines & Forfeitures	79,665	85,569	5,904	7.4%	0.3%
Interest Income	58,767	15,837	(42,930)	-73.1%	0.0%
Rent and Royalties	355,398	323,271	(32,127)	-9.0%	1.0%
Interfund Transfers (In)	0	227,856	227,856	0.0%	0.7%
Miscellaneous Income	212,503	144,642	(67,861)	-31.9%	0.4%
<b>TOTAL REVENUE</b>	<b>\$ 32,210,505</b>	<b>\$33,608,876</b>	<b>\$ 1,398,371</b>	<b>4.3%</b>	<b>100%</b>
<b>EXPENDITURES</b>					
Personnel Services	\$ 14,607,463	\$ 15,794,278	\$ 1,186,815	8.1%	47.5%
Operating	3,061,804	3,456,785	394,981	12.9%	10.4%
PBSO Contract	10,236,351	10,372,836	136,485	1.3%	31.2%
Capital Outlay	96,316	80,120	(16,196)	-16.8%	0.2%
Grants and Aids	33,558	130,500	96,942	288.9%	0.4%
Solid Waste Collection	2,173,082	2,251,609	78,527	3.6%	6.8%
Insurance	413,209	312,568	(100,641)	-24.4%	0.9%
Interfund Transfers (Out)	585,000	635,000	50,000	8.5%	1.9%
Contingency	100,497	100,000	(497)	-0.5%	0.3%
Other Obligations	91,242	90,308	(934)	-1.0%	0.3%
<b>TOTAL EXPENDITURE</b>	<b>\$ 31,398,522</b>	<b>\$ 33,224,004</b>	<b>\$ 1,825,482</b>	<b>5.8%</b>	<b>100%</b>

Excess Revenue Over (under)      811,983      384,872  
Expenditures

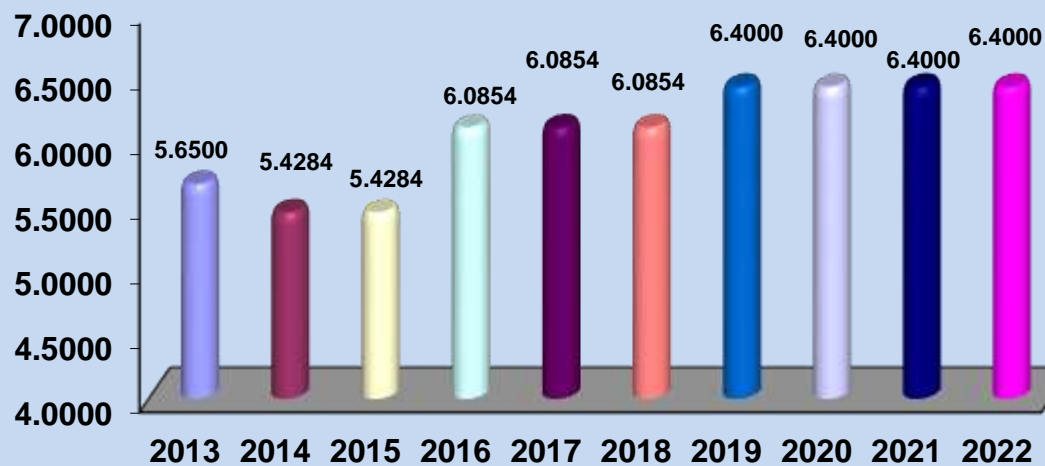
\* Forecast as of 6/30/21

**BUDGET SUMMARY ALL FUNDS**

	<b>GENERAL FUND</b>	<b>SPECIAL REVENUE FUNDS*</b>	<b>DEBT SERVICE FUNDS</b>	<b>CAPITAL PROJECTS FUNDS</b>	<b>TOTAL</b>
<b><u>ESTIMATED REVENUES:</u></b>					
Taxes: Millage Per \$1,000					
Ad Valorem Taxes 6.4000	13,892,004				<b>13,892,004</b>
Utility Service Tax	3,032,000				<b>3,032,000</b>
Other Taxes	2,321,710			130,000	<b>2,451,710</b>
Permits and Fees	2,690,798			902,280	<b>3,593,078</b>
Intergovernmental Revenues	4,918,502	417,604		7,559,303	<b>12,895,409</b>
Charges for Services	5,956,687	187,481			<b>6,144,168</b>
Fines and Forfeitures	85,569				<b>85,569</b>
Miscellaneous Revenues					
Interest Earned	15,837	509	387	2,963,472	<b>2,980,205</b>
Rent and Royalties	323,271			309,842	<b>633,113</b>
Other Miscellaneous Revenues	144,642	960			<b>145,602</b>
Total Revenues	<u>\$33,381,020</u>	<u>\$606,554</u>	<u>\$387</u>	<u>\$11,864,897</u>	<u><b>\$45,852,858</b></u>
Other Financing Sources					
Debt Proceeds					
Interfund Transfers - IN	227,856	170,594	350,000	150,000	<b>898,450</b>
Appropriated use of Fund Balance (increase)	(384,872)	99,041	52,873	2,976,403	<b>2,743,445</b>
Total Estimated Revenues and Financing Sources	<u><b>\$33,224,004</b></u>	<u><b>\$876,189</b></u>	<u><b>\$403,260</b></u>	<u><b>\$14,991,300</b></u>	<u><b>\$49,494,753</b></u>
<b><u>EXPENDITURES, USES AND RESERVES:</u></b>					
General Government	6,395,293			545,500	<b>6,940,793</b>
Public Safety	20,526,627	93,091		2,526,737	<b>23,146,455</b>
Transportation	1,475,402			3,965,713	<b>5,441,115</b>
Culture / Recreation	1,940,073	776,098		1,819,703	<b>4,535,874</b>
Physical Environment	2,251,609	7,000		5,870,197	<b>8,128,806</b>
Debt Service			403,260		<b>403,260</b>
Total Expenditures	<u>\$32,589,004</u>	<u>\$876,189</u>	<u>\$403,260</u>	<u>\$14,727,850</u>	<u><b>\$48,596,303</b></u>
Other Financing Uses					
Interfund Transfers - OUT	635,000			263,450	<b>898,450</b>
Total Appropriated Expenditures and other Uses	<u><b>\$33,224,004</b></u>	<u><b>\$876,189</b></u>	<u><b>\$403,260</b></u>	<u><b>\$14,991,300</b></u>	<u><b>\$49,494,753</b></u>

\*Several funds within this fund are restricted. See Special Revenue Funds for details. Forfeitures Fund revenues are not budgeted per Chapter 32, Florida Statutes, which prohibits budgeting of these revenues.

## TAX MILLAGE RATES





**ORDINANCE NO. 2021-12**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ESTABLISHING A TAXABLE VALUATION AND LEVYING AN AD VALOREM TAX ON PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF GREENACRES, FLORIDA, AS OF THE YEAR ENDING DECEMBER 31, 2021; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with Chapter 200.065 F.S., the Palm Beach County Property Appraiser has certified the tax roll for the City of Greenacres for the purpose of computing an ad valorem tax rate for the fiscal year beginning October 1, 2021 and ending September 30, 2022; and

**WHEREAS**, in the preparation of the operating budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022, the City of Greenacres Council has utilized the certified taxable valuation in computing the ad valorem tax rate necessary to fund the operating budget.

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

**SECTION 1.** For the purpose of setting an ad valorem tax rate for the operating budget, the effective taxable value for all real and personal property for the year 2021 was certified on July 1, 2021 to be \$2,261,068,339. The 2021 certified value was higher by \$117,368,545 (5.48%) than the 2020 final certified value of \$2,143,699,794.

**SECTION 2.** For the purpose of funding the operating budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022, the effective taxable value as listed above will be and is hereby taxed at the total rate of 6.400 mills.

**SECTION 3.** The millage rate of 6.400 mills applicable to the General Fund Levy, for Fiscal Year 2021 is 5.39% greater than the calculated rolled-back millage rate pursuant to Section 200.065(1) F.S. of 6.0727 mills that generates the same amount of property tax revenue as last year on existing real and personal property.

**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 October 1, 2021 in accordance with the laws of the State of Florida.

**Ordinance No. 2021-12 | Establishing a Taxable Value**  
Page No. 3

**Passed on the first reading this 8<sup>th</sup> day of September, 2021.**

*Voted:*

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

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

**Attest:**

*Voted:*

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

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

*Voted:*

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

*Voted:*

\_\_\_\_\_  
**Jonathan Pearce**, Council Member, *District IV*

*Voted:*

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

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

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

**ORDINANCE NO. 2021-13**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ADOPTING AN OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Manager, in accordance with provisions of State Law and the City Charter, has submitted a proposed budget to the City Council for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022; and

**WHEREAS**, the City Council has considered the recommendations of the City Manager and has made revisions thereto; and

**WHEREAS**, the City Council has complied with Chapter 200.065 F.S., in the setting of a proposed millage rate and the computation of a roll-back rate; and

**WHEREAS**, the City Council has scheduled and advertised public hearings on the proposed operating budget in accordance with Chapter 200.065, Florida Statutes.

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

**SECTION 1.** For the purpose of fixing the amount of appropriations for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022, it is estimated that revenues will be available to meet budgeted appropriations according to the following sources:

**R E V E N U E S****GENERAL FUND**

Ad Valorem Taxes .....	\$13,892,004
Utility Taxes .....	3,032,000
Other Taxes .....	2,321,710
Permits & Fees .....	2,690,798
Intergovernmental .....	4,918,502
Charges for Services .....	5,956,687
Fines & Forfeitures .....	85,569

Interest Income .....	15,837
Rents & Royalties .....	323,271
Miscellaneous .....	144,642
Interfund Transfer .....	227,856
Budgeted Fund Balance Surplus .....	(384,872)

**Total Revenues - General Fund .....** **\$33,224,004**

**SPECIAL REVENUE FUNDS**

**Forfeitures Fund**

Florida State Statute 932.7055 Prohibits Budgeting Anticipated Revenue .....	N/A
Use of Fund Balance .....	\$ 90,789

Sub-Total Forfeitures Fund .....\$ 90,789

**Arboreous Fund**

Revenue - Contributions, Interest Earned, Impact Fees .....	\$ 43
Use of Fund Balance .....	6,957

Sub-Total Arboreous Fund .....\$ 7,000

**Fire Rescue Donations and Contributions Fund**

Revenue - Contributions & Interest Earned .....	\$ 103
Use of Fund Balance .....	2,199

Sub-Total Public Safety Donation and Contributions Fund .....\$ 2,302

**Youth Programs Fund**

Revenue - Intergovernmental Grants, Fees, Contributions .....	\$ 777,002
Budgeted Fund Balance Surplus .....	(904)

Sub-Total Youth Programs Fund .....\$ 776,098

**Total Revenues - Special Revenue Funds .....** **\$ 876,189**

**DEBT SERVICE FUND**

**Public Facility Improvement Notes**

Interest Earned .....	\$ 387
Inter-fund Transfer .....	350,000
Budgeted Fund Balance Surplus .....	<u>52,873</u>
<b>Total Revenues - Debt Service Fund .....</b>	<b>\$ 403,260</b>

**CAPITAL PROJECTS FUNDS**

Revenue New Growth Fund .....	\$ 477,396
Revenue Parks and Recreation .....	628,787
Revenue Reconstruction & Maintenance .....	614,743
Revenue Infrastructure Surtax .....	7,375,121
Revenue American Rescue Plan .....	2,918,850
Use of Fund Balance .....	<u>2,976,403</u>
<b>Total Revenues - Capital Projects Funds .....</b>	<b>\$14,991,300</b>

**Total Revenues Available .....** **\$49,494,753**

**SECTION 2.** For the purpose of financing the operations of the City of Greenacres, Florida, for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022, there is hereby appropriated from taxes and other revenues and sources received by the City of Greenacres, the following amounts:

**A P P R O P R I A T I O N S**

**GENERAL FUND**

Administration .....	\$ 2,062,785
Finance .....	902,053
Purchasing .....	272,746
Information Technology .....	1,094,009
Development & Neighborhood Svc. ....	2,236,955
Public Works .....	2,949,752
Fire Rescue .....	<u>8,330,558</u>



Community and Recreation Services .....	1,197,429
Non-Departmental .....	13,442,717
Interfund Transfers .....	635,000
Contingency .....	<u>100,000</u>

**Total General Fund Appropriations .....\$33,224,004**

**SPECIAL REVENUE FUNDS**

Forfeitures Fund .....	\$ 90,789
Arboreous Fund .....	7,000
Public Safety Donation & Contribution Fund .....	2,302
Youth Programs Fund.....	<u>776,098</u>

**Total Special Revenue Appropriations .....\$ 876,189**

**DEBT SERVICE**

**Public Facility Imp. Notes**

Principal .....	\$ 361,348
Interest .....	<u>\$ 41,912</u>

**Total Debt Service Fund Appropriations .....\$ 403,260**

**CAPITAL IMPROVEMENT FUNDS**

New Growth .....	\$ 549,000
Parks and Recreation .....	266,500
Reconstruction & Maintenance .....	973,537
Infrastructure Surtax .....	10,293,813
American Rescue Plan .....	2,908,450
Inter-fund Transfer .....	<u>0</u>

**Total Capital Funds Appropriations .....\$14,991,300**

**Total Appropriations.....\$49,494,753**

## **SECTION 2. 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 3. 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 4. Effective Date**

The provisions of this Ordinance shall become effective October 1, 2021 in accordance with the laws of the State of Florida.

Passed on the first reading this 8<sup>th</sup> day of September, 2021.

Voted:

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

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

**Attest:**

Voted:

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

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

Voted:

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

Voted:

\_\_\_\_\_  
**Jonathan Pearce**, Council Member, *District IV*

Voted:

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

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

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



## CITY COUNCIL MEETING

### City of Greenacres, Florida

Monday, August 16, 2021 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

## MINUTES

### Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Jonathan G. Pearce, Councilmember, District IV

Paula Bousquet, Councilmember, District V

### Administration

Andrea McCue, City Manager

Christy Goddeau, City Attorney

Quintella Moorer, City Clerk

### CALL TO ORDER AND ROLL CALL

Mayor Flores called the meeting to order at 6:00PM.

### PLEDGE OF ALLEGIANCE

### AGENDA APPROVAL

Motion made by Councilmember Dugo, Seconded by Councilmember Bousquet to approve the agenda. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

### COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY- None.

### SPECIAL BUSINESS - None.

### CONSENT AGENDA

1. **Official Minutes:** Budget Workshop Meeting Minutes, July 19, 2021 and City Council Meeting Minutes, August 2, 2021. - Quintella Moorer, City Clerk.
2. **Resolution 2021-38:** Authorizing the execution of the Fiscal Year 2021-22 Community Development Block Grant (CDBG) Agreement for Phase 8 of the stormwater drainage enhancement in the Original Section; and providing for an effective date. - Kara Irwin-Ferris, Building, Planning and Engineering Director.
3. **Resolution 2021-41:** Authorizing participation in the Public Emergency Medical Transportation (PEMT) supplemental payment program for Medicaid managed care patients; delegating authority to execute letter(s) of agreement with the State of Florida relating to intergovernmental transfers to the State; and delegating authority to execute other documents necessary to participate in the program. - Teri Beiriger, Finance Director.

Motion made by Councilmember Bousquet, Seconded by Councilmember Noble to approve the Consent Agenda. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

## REGULAR AGENDA

- 4. PUBLIC HEARING: Ordinance 2021-11:** Second Reading: Amending the City's Charter without Referendum as authorized by Florida Statute to adjust the qualifying dates to accommodate the Supervisor of Elections; providing for severability, the repeal of laws in conflict, codification and an effective date. - Quintella L. Moorer, City Clerk.

City Clerk Moorer read Ordinance 2021-11 by title.

Ms. Moorer stated Ordinance 2021-11 passed by a 5-0 vote on August 2, 2021, to change the City's election qualifying dates to accommodate the recommendations and requirements from the Palm Beach County Supervisor of Elections. No additional changes had been made since the First reading. Staff recommended approval of Ordinance 2021-11.

Motion made by Councilmember Pearce, Seconded by Councilmember Bousquet to approve Ordinance 2021-11 on Second Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

- 5. Ordinance 2021-09:** First Reading; Adopting Chapter 4 Buildings and Building Regulations, Section 4-5, as the Unsafe Building Abatement Code, providing for purpose, authority, establishment of a district, definitions, enforcement, emergencies, abatement, collection of cost, appeals and other purposes; providing for conflicts, severability, codification, and effective date. - Kara L. Irwin-Ferris, Director of Building, Planning and Engineering.

City Clerk Moorer read Ordinance 2021-09 by title.

Ms. Ferris-Irwin stated the ordinance was specifically for demolition of unsafe structures within the City. She stated they were establishing processes, definitions and enforcement. Ms. Ferris-Irwin stated a process for cost and appeals would also be established.

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-09 on First Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

- 6. Ordinance 2021-10:** First Reading; Amending Section 2-270 Definition; Non-ad Valorem assessment to include additional section for demolitions; providing for conflicts, severability, codification, and an effective date. - Kara Irwin-Ferris, Director of Building, Planning and Engineering.

City Clerk Moorer read Ordinance 2021-10 by title.

Ms. Ferris-Irwin stated Ordinance 2021-10 went hand and hand with Ordinance 2021-09 and was an amendment to Section 2-270.

Motion made by Councilmember Pearce, Seconded by Councilmember Noble to approve Ordinance 2021-10 on First Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

**DISCUSSION ITEM****7. Building Safety Inspection Program. - Scott Wood, Building Official.**

Mr. Wood stated the Florida League of Cities created a committee composed of Building Officials in Palm Beach County. The Committee had various discussions regarding existing programs. He mentioned some changes had occurred which included a revised 20 year timeframe from the existing 40 year timeframe. He highlighted a major concern was waterproofing and the use of tiles on outdoor balconies. Mr. Wood stated inspection electrical reports would improve efficient and require submission to Building Departments throughout the County. The changes would effect any building over 3500 square feet with any occupancy greater than ten. Mr. Wood stated property owners were responsible for inspections and the City would provide a courtesy notification. April - September would be the timeframe for inspections which would cause a moderate impact to Staff.

Mr. Wood asked for any comments from Council to report back to the Committee.

Councilmember Dugo asked about the notification process. Mr. Wood explained the City would assist but the property owner was responsible.

Deputy Mayor Tharp asked how to educate residents on the maintenance of balconies. Mr. Wood stated permits were required for any changes to flooring. Ms. McCue suggested waiting to educate residents until all regulations were passed and then provide education to residents via various outlets. Councilmember Bousquet stated the Homeowner Associations were ultimately responsible.

Mayor Flores was pleased with the collaboration with the League of Cities.

**COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS - None.****CITY MANAGER'S REPORT****8. July Department Reports.**

Ms. McCue highlighted the draft results from the Census report stating the City's population increase to 43,990. She mentioned with the population increase redistricting would most likely be needed and conducted by FAU, which was done in the past.

Ms. McCue stated the City would receive a total of \$20.5 million dollars from the American Rescue Plan. Covid testing sites would be provided in the City Monday - Thursday at the Community Center. Ms. McCue stated Fire Rescue still had available vaccines. She reminded Council of the upcoming 9/11 Event, at the Community Center.

Councilmember Noble questioned cost and test result turnaround, Ms. McCue said no cost was associated with testing and rapid testing would be available.

Mayor Flores questioned the percentage of vaccinated employees. Ms. McCue stated around 50 percent of employees. Mayor Flores asked if a municipality could mandate mask wearing for employees. Ms. McCue stated there were various options for municipalities and the City was currently looking into options with the City Attorney.

Mayor Flores asked if any liabilities existed if a mandate was not in place and an employee got sick. Ms. Christy Goddeau, City Attorney stated laws were passed that provided immunity from litigation related to Covid, as long as CDC Guidelines were being followed.



Mayor Flores asked if the American Rescue Plan dollars could be used to incentivize employees to get vaccinated. Ms. McCue replied yes.

Mayor Flores requested a Discussion item on employee vaccinations and incentive programs be added to the September 8, 2021 agenda.

**CITY ATTORNEY'S REPORT** - None.

**MAYOR AND CITY COUNCIL REPORT**

**Councilmember Pearce:** Thanked Ms. McCue for assisting with a few issues in the City. He also thanked Mr. Carlos Cedeño, Public Works Director and Ms. Goddeau for their assistance.

**Mayor Flores:** Questioned the roof status at the Church of 7th Day. Ms. Ferris-Irwin said the church had an active permit, and before a Certificate of Occupancy was issued the roof must be corrected. She stated the church was not near completion. They were in the process of moving forward.

Councilmember Noble asked how unsafe the roof was. Ms. Ferris-Irwin said it was not unsafe, it was a matter of aesthetics, per Code. Councilmember Noble asked how to bypass on the requirement on the roof. Mayor Flores did not agree with passing on the Code requirement for the roof. Councilmember Noble suggested reconsidering the original Council approval and was in favor of the church maintaining the current roof.

Councilmember Dugo agreed with Councilmember Noble to allow the roof. Councilmember Bousquet questioned the legality of making exceptions to Code requirements. Ms. Goddeau stated the church needed to comply with the approved plan unless Council allowed an administrative revision.

Mayor Flores questioned the status of the incomplete sidewalk on 57th Avenue and asked whether it was due to the Water District. Ms. McCue stated yes, as the sidewalk covered water pipes, she mentioned conversations with the Lake Worth Water District and possibly Pine Ridge to get approvals on adding the sidewalk without taking ownership of the pipe. Mayor Flores suggested adding sidewalk issue signage for Residents.

**ADJOURNMENT**

Meeting adjourned at 6:50PM.

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**Joel Flores**  
Mayor

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**Quintella Moorer, CMC**  
City Clerk

**Date Approved:** \_\_\_\_\_



## ITEM SUMMARY

**MEETING DATE:** 09/08/2021

**FROM:** Suzanne Skidmore, Director of Human Resources

**SUBJECT:** Award of Property & Casualty and Workers' Compensation Insurance

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### BACKGROUND

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In August of 2019, the City of Greenacres entered into a 2-year rate guarantee program for its Property & Casualty and Workers' Compensation insurance policies. Fiscal Year 2021/2022 will mark the end of that 2-year rate lock. The City's staff requested that the Gehring Group submit the insurance programs back out to the market for coverage and premium comparisons.

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### ANALYSIS

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The City of Greenacres' budget projection of insurance premiums for FY 2021/2022 reflected an expected overall premium increase of 11.7% for all property & casualty, and workers' compensation insurance policies.

The Gehring Group sought out competitive proposals from insurance carriers willing to provide comparable coverages to the currently expiring program. They received two competitive responses. One from the incumbent carrier, Preferred Governmental Insurance Trust (PGIT), and another from the Florida Municipal Insurance Trust (FMIT). The proposal from PGIT resulted in an overall annual premium of \$492,196, a decrease of \$143,009, or -22.5%. The proposal from FMIT resulted in an overall annual premium of \$527,744, a decrease of \$107,461, or -17%. Both carriers provided policy premiums for comparable coverages that were below budget projections.

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### FINANCIAL INFORMATION

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Sufficient funds are available to provide for this award and this award resulted in a reduction in budgeted amounts.

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### LEGAL

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The recommendation for this award is in accordance with the requirements of the City policies and procedures

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### STAFF RECOMMENDATION

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Award lines of coverage program to PGIT at the proposed terms and conditions.

City of Greenacres  
Property & Casualty Insurance Program Renewal  
2021-2022 Coverage Evaluation



Coverage Type	Current			Renewal			Alternate 1		
	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium
Property	AOP - \$1,000 NS - 5%	\$28,452,614 TIV	\$ 173,404	AOP - \$1,000 NS - 5%	\$28,525,636 TIV	\$ 134,954	AOP - \$500 NS - 5%	\$28,940,532 TIV	\$ 179,261
Equipment Breakdown	1,000	\$28,452,614 TIV	Included in Property Premium	1,000	\$28,525,636 TIV	Included in Property Premium	500	\$28,940,532 TIV	Included in Property Premium
Flood Excess	\$ 500,000 \$500 up to \$50,000	5,000,000	Included in Property Premium	500,000	5,000,000	Included in Property Premium	\$ 7,500,000	Property Premium	Included in Property Premium
Inland Marine		1,502,110	5,287		1,502,110	5,287		1,365,726	Property Premium
Scheduled:	Various	853,644	Included in Property Premium	Various	853,644	Included in Property Premium	\$ 365,726	Property Premium	
Unscheduled:	500	648,466	Included in Property Premium	500	648,466	Included in Property Premium	\$ 1,000,000		
Deadly Weapons/Active Assailant	Not Included		1,141	-	1,000,000	1,141	-	All Relevant Costs	
Crime									
Employee Dishonesty:	1,000	250,000		1,000	250,000		1,000	250,000	Included in Property Premium
Theft or Disappearance:	1,000	250,000		1,000	250,000		1,000	250,000	
Faithful Performance:	1,000	250,000		1,000	250,000		1,000	250,000	
Funds Transfer Fraud:	1,000	250,000		1,000	250,000		1,000	250,000	
Sub Total - Property			\$ 179,832			\$ 141,382			\$ 179,261
General Liability	Deductible \$0 Payroll Basis:	1,000,000 9,696,592	72,838	Deductible \$0 Payroll Basis:	1,000,000 9,396,592	54,951	Deductible \$0 Payroll Basis:	1,000,000 9,396,592	37,694
Public Official Liability & Employment Practices	-	1,000,000	66,956	-	1,000,000	56,287	-	1,000,000	61,270
Cyber Liability	25,000	2,000,000	Included in GL	25,000	2,000,000	2,500	25,000	2,000,000	Included in GL
Auto Liability	-	1,000,000	15,337	-	1,000,000	13,299	-	1,000,000	35,358
Auto Physical Damage	500	75 Units	25,636	500	72 Units	24,235	500	72 Units	Included in AL
Sub Total - Liability			\$ 180,767			\$ 151,272			\$ 134,222
Workers' Comp	1,000	Statutory	271,302	1,000	Statutory	195,028	1,000	Statutory	209,647
Employers liability:	\$ 1,000,000			\$ 1,000,000			\$ 1,000,000		
Payroll Basis:	\$ 9,666,881			\$ 9,396,592			\$ 10,911,465		
Experience Mod:	1.26			1.25			1.25		
Sub Total - Workers' Comp			\$ 271,302			\$ 195,028			\$ 209,647
Storage Tank Liability	10,000	\$1,000,000	1,561	10,000	\$1,000,000	1,561	10,000	\$1,000,000	1,561
Statutory AB&D			1,743			1,743			1,743
In the Line of Duty:		75,000.00			75,000.00			75,000.00	
Fresh Pursuit:		75,000.00			75,000.00			75,000.00	
Arson & Intentional Death:		225,000.00			225,000.00			225,000.00	
Death by Pandemic Disease	Not Included			-	75,000.00	1,210	-	75,000.00	1,210
Sub Total - Accillaries			\$ 3,304			\$ 4,514			\$ 4,514
Total Annual Premium:			\$ 635,205			\$ 492,196			\$ 527,744
\$ Increase or Decrease			N/A			(143,009)			(107,461)
% Increase or Decrease			N/A			-22.5%			-17%



## ITEM SUMMARY

**MEETING DATE:** September 8, 2021

**FROM:** Kara Irwin-Ferris, AICP, Building, Planning & Engineering Director

**SUBJECT:** **Ordinance 2021-07, CPA-21-01**  
Zoning Change for Martin Avenue Lot 1

### BACKGROUND

Managed Land Entitlements, as agent for Turk Investments, LLC, the owner of one parcel of land totaling approximately 0.2986 acres, is requesting a small-scale future land use amendment from City Mixed Use (MU) to City Residential Low-Density (RS-LD). The parcel is located on the west side of Martin Avenue approximately 80 feet north of 10<sup>th</sup> Avenue North. Currently, the site is vacant. Also, a request for a zoning change (ZC-21-01) is also under review by the City.

The Land Development Staff has reviewed this proposal and recommended approval, followed by the Planning Commission recommending approval by a vote of 6-0 at their meeting on August 18, 2021.

### ANALYSIS

Staff has determined that the proposed Residential Low-Density (RS-LD) designation is compatible with the adjacent designations and uses to the north, south, east, and west of the site; and as such, they will not be adversely impacted by the proposed future land use amendment.

In addition, the amendment meets Level of Service (LOS) standards for concurrency and is consistent with the provisions of the Comprehensive Plan and Chapter 163, Florida Statutes. Overall, the proposed Residential Low Density (RS-LD) future land use category is compatible with adjacent land uses, meets concurrency requirements, and is consistent with the City's Comprehensive Plan, the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan and Chapter 163, Florida Statutes.

### FINANCIAL INFORMATION

N/A

### LEGAL

Ordinance 2021-07 was prepared in accordance with all applicable State Statutes and City Code requirements.

### STAFF RECOMMENDATION

*Approval* of CPA-21-01 through the adoption of Ordinance 2021-07.

**ORDINANCE NO. 2021-07**

**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 0.2986 ACRES, LOCATED ON THE WEST SIDE OF MARTIN AVENUE APPROXIMATELY 80 FEET NORTH OF 10<sup>TH</sup> AVENUE NORTH, FROM A DESIGNATION OF MIXED USE (MU) TO A DESIGNATION OF RESIDENTIAL-LOW DENSITY (RS-LD), AS REQUESTED BY THE PETITIONER, MANAGED LAND ENTITLEMENTS, AGENT FOR THE OWNER, TURK INVESTMENTS, LLC; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; 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**, the petitioner is requesting to change the City of Greenacres Future Land Use Map from a City future land use designation of Mixed Use (MU) to a City land use designation of 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 August 18, 2021, and has recommended approval of petition CPA-21-01 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-21-01 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 RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1. Future Land Use Map Designation.**

That the Future Land Use Map designation is hereby amended from a future land use designation of Mixed Use (MU) to a land use designation of Residential-Low Density (RS-LD) for the property legally described as follows:

**Legal Description**

**PCN: 18-42-44-23-17-000-0010**

Lot 1, being all of the Plat of Martin Avenue Complex, according to the map or plat thereof as recorded in Plat Book 55, Page 183, Public Records of Palm Beach County, Florida.

AND

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 0.2986 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 DEO.**

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 Department of Economic Opportunity (DEO).

**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.**

**Ordinance No. 2021-01 | CPA-21-01 Martin Avenue Residential**  
Page No. 4

The provisions of this ordinance shall become effective when, in accordance with the provisions of Chapter 163.3184(4) F.S., the state land planning agency has issued a Final Order determining the adopted amendment to be in compliance with Chapter 163.3184 F.S.

**[The remainder of this page intentionally left blank.]**

**Passed on the first reading this 8<sup>th</sup> day of September, 2021.**

**PASSED AND ADOPTED on the second reading this \_\_\_ day of \_\_\_, 2021.**

*Voted:*

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

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

**Attest:**

*Voted:*

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

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

*Voted:*

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

*Voted:*

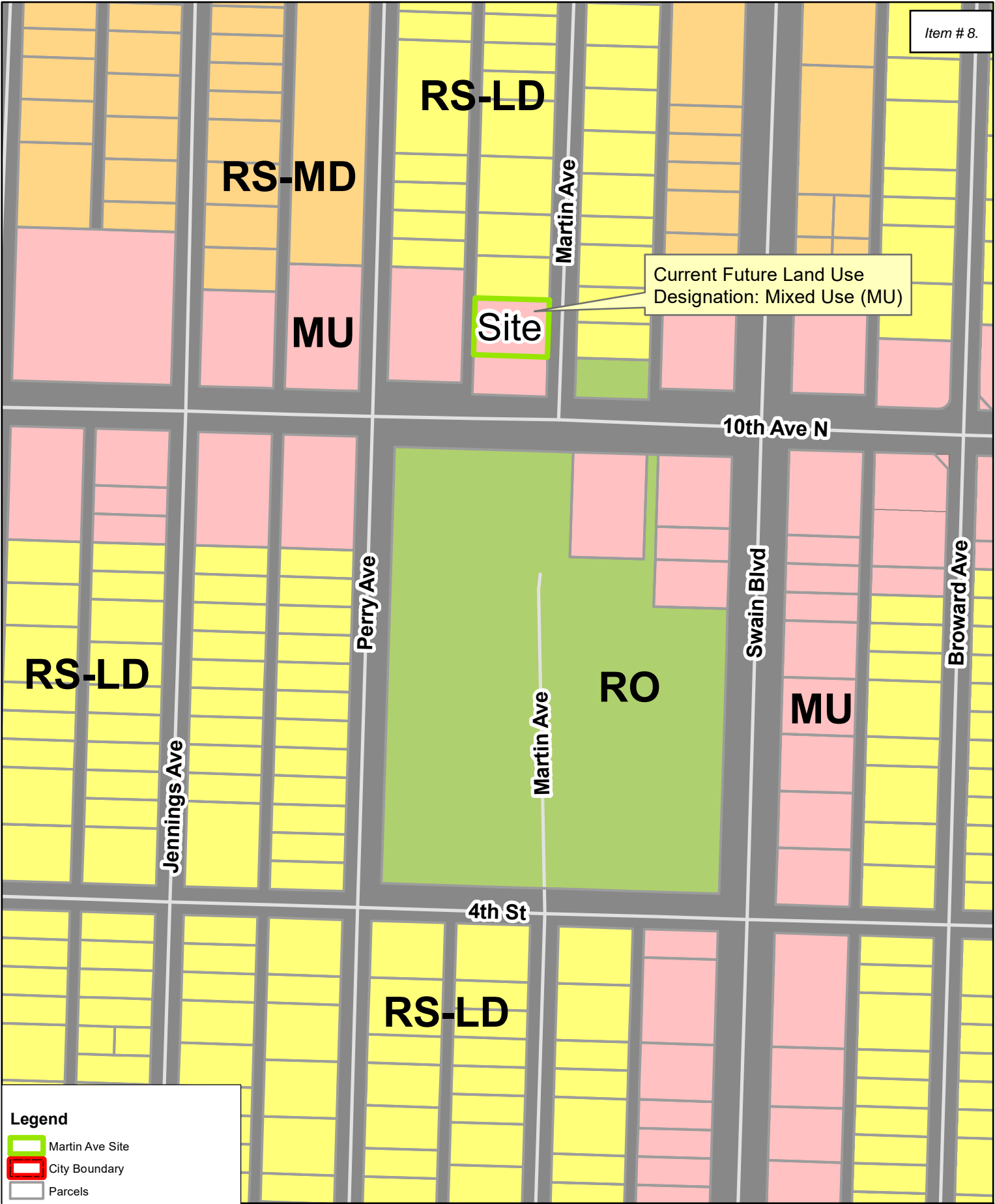
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**Jonathan Pearce**, Council Member, *District IV*

*Voted:*









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

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

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



**Legend**

-  Martin Ave Site
-  City Boundary
-  Parcels
-  MIXED USE
-  RECREATION OPEN SPACE
-  RESIDENTIAL LOW DENSITY
-  RESIDENTIAL MEDIUM DENSITY
-  RIGHT OF WAY

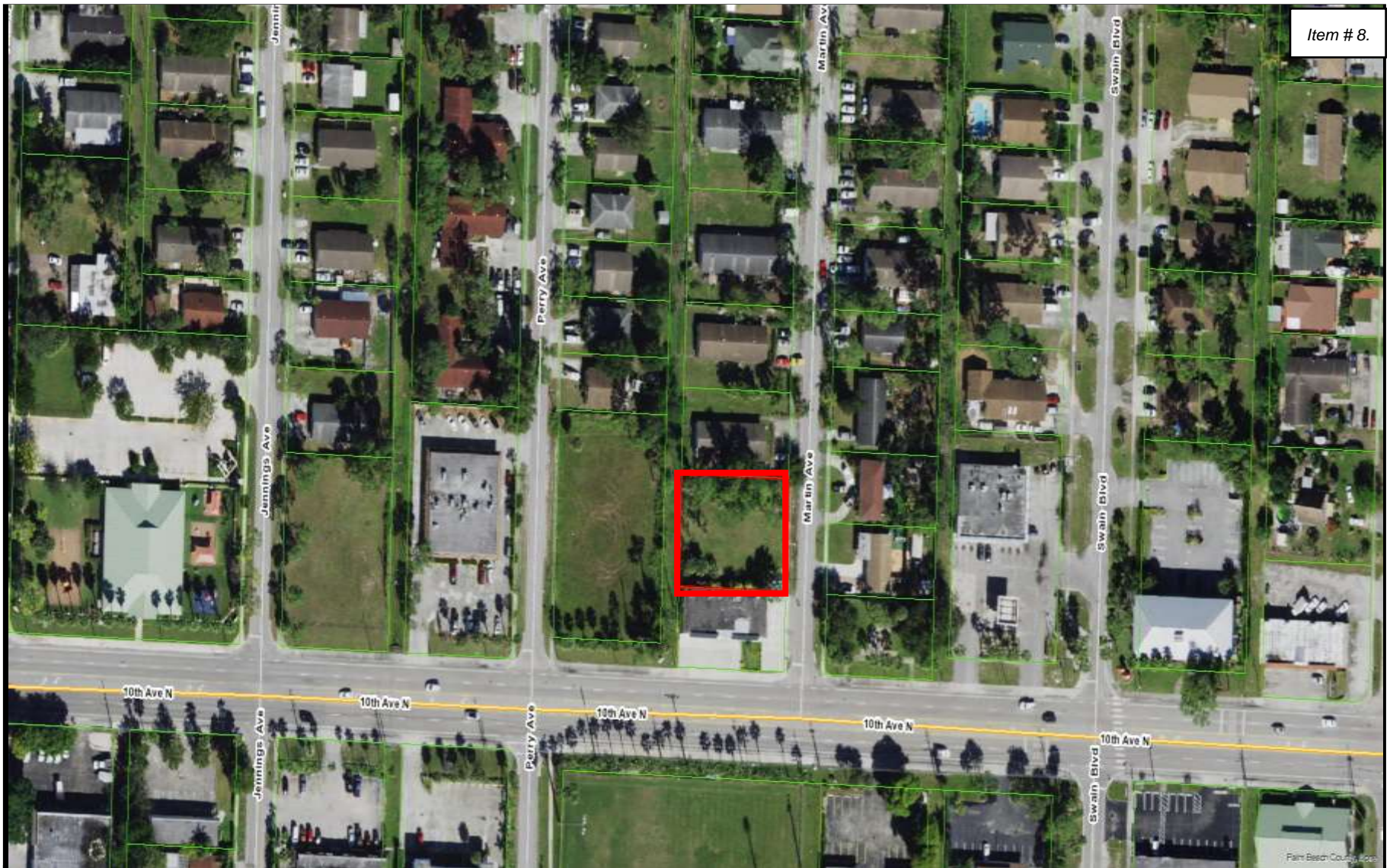
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0 50 100 200 300 Feet



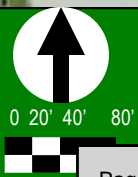
**Existing Future  
Land Use Map**

Martin Avenue  
CPA- Page 30

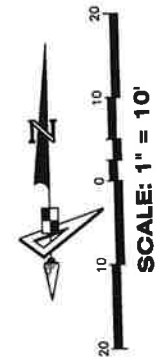
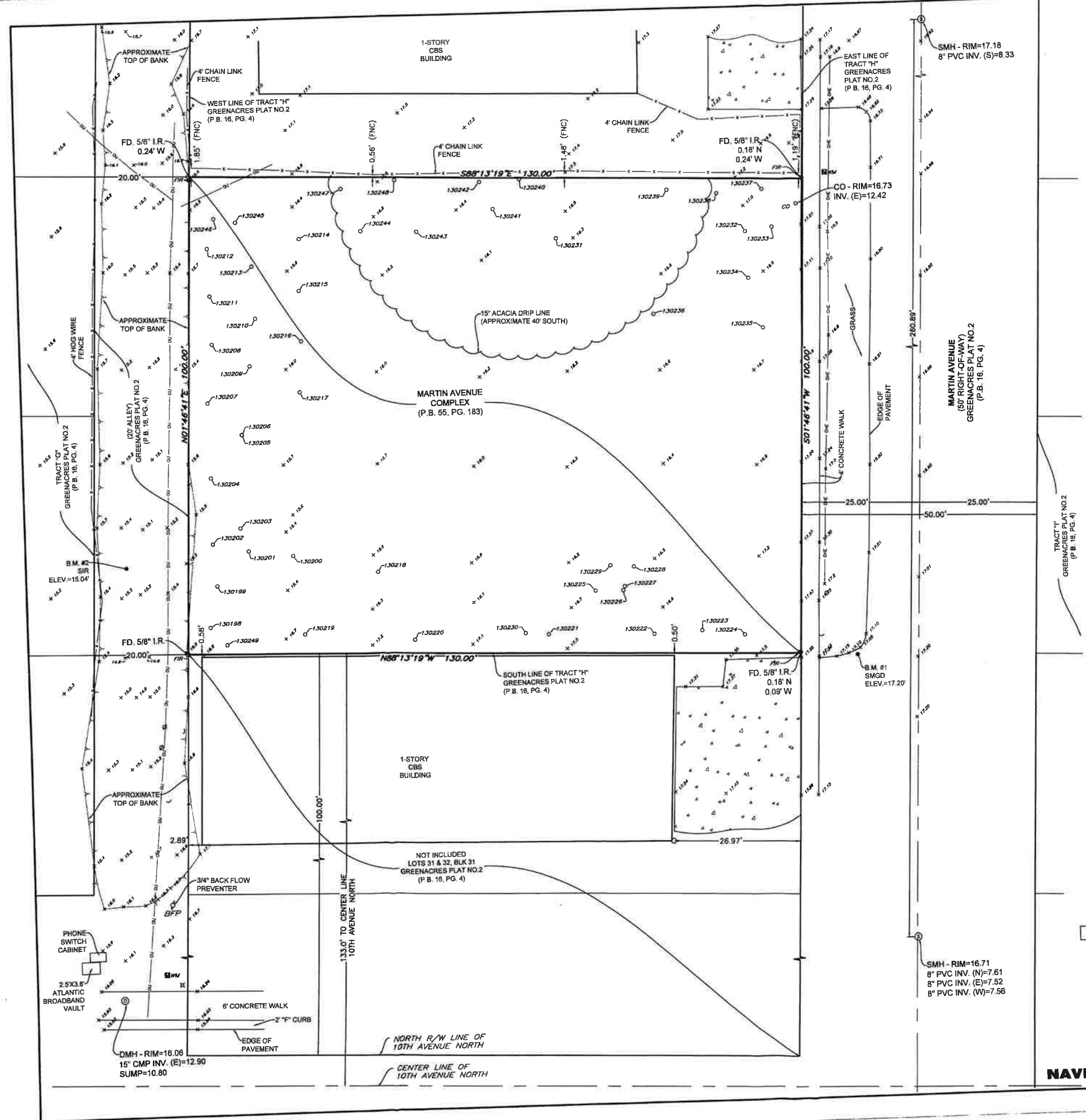


## Martin Avenue Residential CPA-20-01 & ZC-21-01

Prepared By:  
Planning and Engineering Department







**LOCATION MAP  
NO SCALE**

DESCRIPTION:  
LOT 1, MARTIN AVENUE COMPLEX, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 55, PAGE 183.

**SURVEYOR'S NOTES:**

- 1) THE LEGAL DESCRIPTION WAS PROVIDED BY THE CLIENT.
- 2) THE SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- 3) THE SYMBOLS ARE NOT AT THE SAME SCALE AS THE DRAWING IN ORDER TO SHOW GREATER DETAIL.
- 4) THIS SURVEY IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL ALONG WITH THE SURVEYOR'S SIGNATURE.
- 5) BUILDING FOUNDATIONS, FOOTERS, TREES, AND UNDERGROUND UTILITIES NOT LOCATED.
- 6) THE SUBJECT PARCEL LIES IN FLOOD ZONE "X", AND ZONE "AE" (ELEVATION 16.3), ACCORDING TO FLOOD INSURANCE RATE MAP, MAP NO. 12099C0566F FOR THE CITY OF GREENACRES, COMMUNITY NO. 120203, PALM BEACH COUNTY, FLORIDA, DATED OCTOBER 5, 2017 AND ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- 7) BEARINGS SHOWN HEREON ARE BASED ON WEST RIGHT-OF-WAY OF MARTIN AVENUE, BEING S 01° 46' 41" W. (ASSUMED).
- 8) ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), BASED ON NATIONAL GEODETIC SURVEY BENCHMARK "CHEDDAR", HAVING A PUBLISHED ELEVATION OF 17.97 FEET (NAVD 88).

TREE TABLE		TREE TABLE		TREE TABLE	
TREE #	TREE TYPE/SIZE	TREE #	TREE TYPE/SIZE	TREE #	TREE TYPE/SIZE
130198	MFP 4"	130216	TP 4"	130234	PDP 6"
130199	TP 6"	130217	TP 9"	130235	UNK
130200	CP 18"	130218	CP 11"	130236	SL 14"
130201	CP 15"	130219	TP 8"	130237	RM 5"
130202	CP 4"	130220	TP 4.5"	130238	LI 4"
130203	TP 4"	130221	TP 5.5"	130239	LI 6"
130204	TP 6"	130222	RP 10"	130240	AC 15"
130205	TP 7"	130223	BP 17"	130241	CP 14"
130206	TP 6"	130224	PDP 10"	130242	CP 20"
130207	TP 6"	130225	CTP 4"	130243	MFP 5"
130208	TP 6.5"	130226	CTP 4"	130244	MFP 5"
130209	TP 5"	130227	CTP 4"	130245	MFP 8"
130210	TP 7.5"	130228	CTP 4"	130246	SL 16"
130211	TP 8"	130229	CTP 4"	130247	SL 11"
130212	TP 9"	130230	CTP 4"	130248	SL 17"
130213	TP 5"	130231	BP 11"	130249	RP 3"
130214	TP 6"	130232	UNK		
130215	TP 4"	130233	UNK		

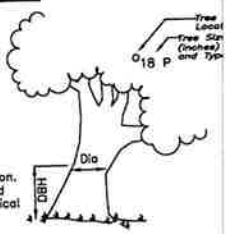
**LEGEND**

- P.B. ----- PLAT BOOK
- PG(S) ----- PAGE(S)
- FR ----- FOUND 5/8" IRON ROD
- FR ----- FOUND IRON PIPE
- FD ----- FOUND
- SIR ----- SET 5/8" IRON ROD LB 7768
- SMGD ----- SET MAG NAIL & DISK LB 7768
- LB ----- LICENSED BUSINESS
- B.M. ----- BENCH MARK
- FNC ----- FENCE
- CMP ----- CORRUGATED METAL PIPE
- ELEV. ----- ELEVATION
- INV. ----- INVERT
- Ø ----- UTILITY POLE
- GUY ANCHOR
- WATER METER
- CO ----- SANITARY SEWER CLEAN OUT
- BFP ----- BACK FLOW PREVENTER
- Sanitary Sewer Manhole
- Storm Drainage Manhole
- CONCRETE
- LOCATION OF READING
- SPOT ELEVATION

**TREE LEGEND**

- AC ----- ACACIA
- BP ----- BISMARCK PALM
- CTP ----- CHINESE THATCH PALM
- CP ----- CABBAGE PALM (SABAL PALM)
- LI ----- LIVE OAK
- MFP ----- MEXICAN FAN PALM
- PDP ----- PIGMY DATE PALM
- RM ----- RED MAPLE
- RP ----- ROYAL PALM
- SL ----- SLASH PINE (YELLOW PINE)
- TP ----- TRIANGLE PALM

NOTE: Trees by nature are irregular in size and shape. Every effort is made to accurately locate trees. The tree size is determined at diameter breast height. The tree location is the center of the tree. This location may be different if located from a different direction. All tree locations should be field checked if critical to design.



**LINE TYPE LEGEND**

- CHAIN LINK FENCE
- OVERHEAD UTILITY LINES
- OVERHEAD ELECTRIC LINES
- TOP OF BANK

**MARTIN AVENUE COMPLEX  
BOUNDARY AND TOPOGRAPHIC SURVEY**

REVISIONS			Prepared For: PATIO COURT TOWNHOMES, LLC	
No.	Date	Description	Drawn	Checked

**SURVEYOR'S CERTIFICATE**  
This certifies that a survey of the herein described property was made under my supervision and meets the Standards of Practice set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 55-17.000, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.  
  
Gary A. Rager  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. LS4828  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

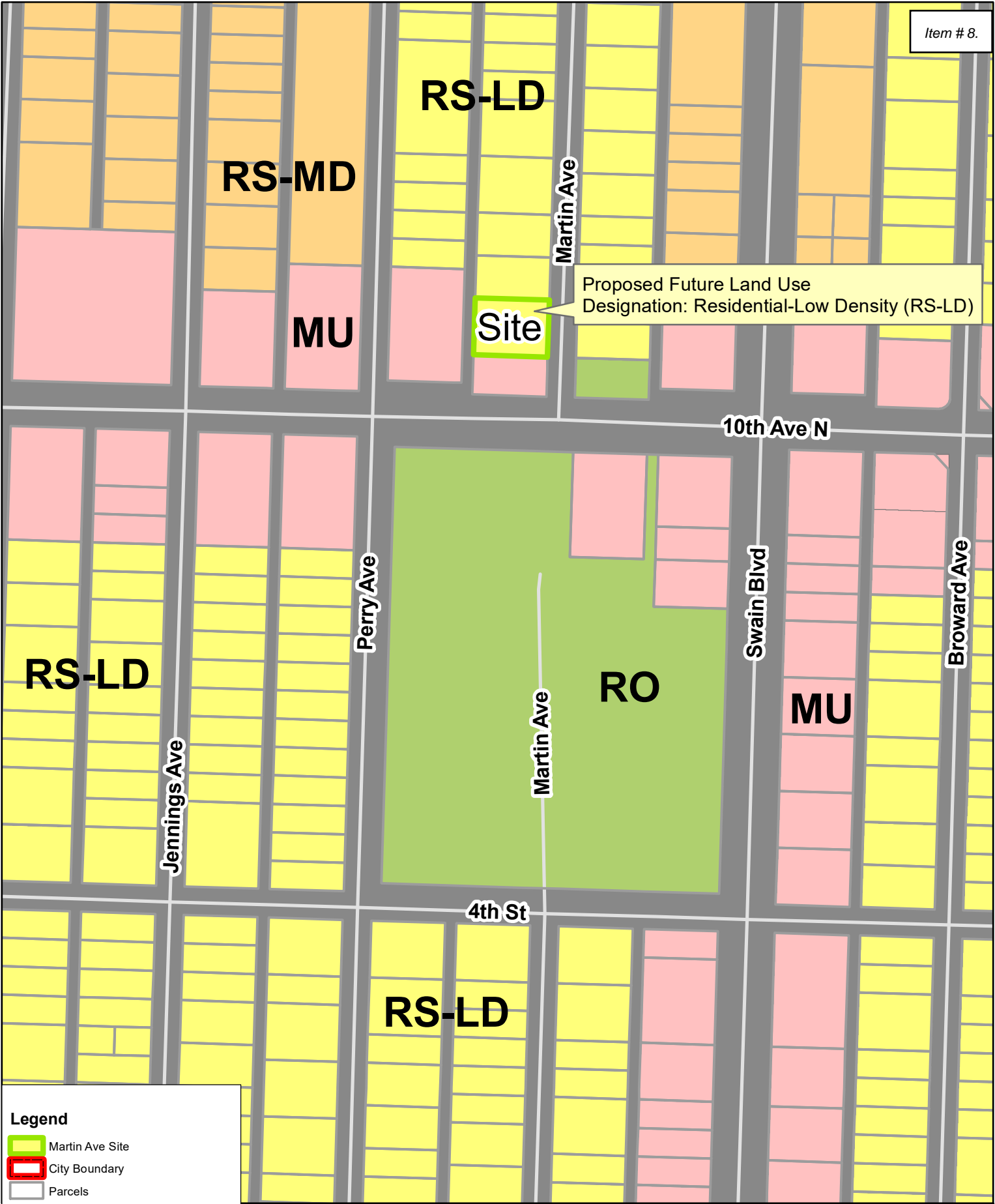
**GeoPoint  
Surveying, Inc.**  
4152 W. Blue Heron Blvd., Suite 105  
Riviera Beach, FL 33404  
Phone: (561) 444-2727  
www.geopointsurveying.com  
Florida License Number: 12021-12024-28  
Check: G.A.R. P.C.: JS  
Field Book: 2021-12024-28  
Sections: 23 Twn. 44S Rng. 42E Job # Martin Av

NAVD88









Sheet No. 1 of 1 Sheets

CPA-21-01





**Legend**

-  Martin Ave Site
-  City Boundary
-  Parcels
-  MIXED USE
-  RECREATION OPEN SPACE
-  RESIDENTIAL LOW DENSITY
-  RESIDENTIAL MEDIUM DENSITY
-  RIGHT OF WAY

The requestor/viewer of this data acknowledges and accepts the limitations of the data shown, including the fact that the data is dynamic and is in a constant state of maintenance, correction and update. Contact the City of Greenacres Planning and Engineering Department for current information or interpretation.

0 50 100 200 300 Feet



**Proposed Future Land Use Map**

Martin Avenue  
CPA- Page 33

CPA-21-01 (Ordinance 2021-07)  
Exhibit "A"  
Date: July 14, 2021

Revised: 02/21/2021



## LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

### Subject/Agenda Item:

#### **Ordinance 2021-07: CPA-21-01 Martin Avenue Lot 1**

**First Reading:** A request from Michael Sanchez of Managed Land Entitlements, agent for the owner Turk Investments LLC, for a small-scale Future Land Use Amendment for approximately 0.2986 acres from City Mixed Use (MU) to City Residential Low Density (RS-LD). The site is located on the west side of Martin Avenue approximately 80 feet north of 10<sup>th</sup> Avenue North.



☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

<b>Originating Department: Planning &amp; Engineering</b>  Project Manager   Kara Ferris, Director	<b>Reviewed By:</b> Director of Planning & Engineering   Kara L. Irwin-Ferris, AICP
<b>Approved By:</b>  City Manager  _____ Andrea McCue	<b>Public Notice:</b> <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 7/8/2021, 8/5/2021 Paper: Lake Worth Herald  <b>Mailing</b> <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Notice Distance: 300'
<b>Attachments:</b> <ul style="list-style-type: none"> <li>• Aerial</li> <li>• Survey</li> <li>• Location Map</li> </ul>	<b>City Council Action:</b> <input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____

## **I. Executive Summary**

A request for a small-scale Future Land Use Amendment for approximately 0.2986 acres from City Mixed Use (MU) to City Residential Low Density (RS-LD). The subject site is currently one parcel, but the owner intends to subdivide the lot into two (2) single-family lots according to the applicable zoning regulations. A zoning change application (ZC-21-01) is being processed concurrently with this request.

The site is located on the west side of Martin Avenue approximately 80 feet north of 10<sup>th</sup> Avenue North.

## **II. Site Data:**

<b>Existing Use:</b>	Vacant
<b>Proposed Use:</b>	Two Single-Family Residences
<b>Parcel Control Numbers:</b>	18-42-44-23-17-000-0010
<b>Parcel Size:</b>	0.2986 acres (13,007 square feet)
<b>Existing Future Land Use Designation:</b>	Mixed Use (MU)
<b>Proposed Future Land Use Designation:</b>	Residential-Low Density (RS-LD)
<b>Existing Zoning:</b>	Mixed Use Development - Original Section (MXD-OS)
<b>Proposed Zoning:</b>	Residential Low - 3 (RL-3)

<b>Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:</b>			
<b>Direction</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning District</b>
<i>North</i>	Duplex	City Residential-Low Density (City RS-LD)	City Residential Low-3 (RL-3)
<i>South</i>	Commercial Plaza (Seaglades Plaza)	City Mixed Use (MU)	City Mixed Use Development-Original Section (MXD-OS)
<i>East</i>	Single-Family	City Residential-Low Density (City RS-LD)	City Residential Low-3 (RL-3)
<i>West</i>	Vacant	City Mixed Use (MU)	City Mixed Use Development-Original Section (MXD-OS)

## **III. Annexation/Zoning History:**

The Mixed Use Development – Original Section (MXD-OS) zoning district was approved on October 7, 2003 and was intended to encourage the consolidation of small lots into large lots for

non-residential development along the 10<sup>th</sup> Avenue Corridor. Originally, the zoning district still permitted the development of single-family homes. An existing single-family residence was built in 2014 at 549 Fleming Avenue, to the west of the site, in conformance with MXD-OS zoning district rules in place at that time. Subsequent to this, the MXD-OS district was amended (ZTA-14-03) to delete single-family residential as a use. Under current code requirements, the vacant site would be required to develop as a commercial use that does not have frontage on 10<sup>th</sup> Avenue North.

A concurrent petition for zoning change (ZC-21-01) is being processed for the site.

#### **IV. Data and Analysis:**

This small-scale future land use amendment is required to replace the Mixed Use (MU) future land use designation with an appropriate Future Land Use designation that allows the development of single-family homes on the site. Currently, the entire site is within the Commercial Zone of the Mixed-Use zoning district because the lot to the south, which fronts on 10<sup>th</sup> Avenue North, has a lot width of less than 100 feet. The subject site has no connectivity to the parcel along 10<sup>th</sup> Avenue North and without that connectivity would not be an appropriate location for a stand-alone mixed-use development.

The current Mixed Use (MU) future land use designation allows a maximum residential development density of 6 dwelling unit per acre, the proposed City of Greenacres RS-LD future land use designation allows a maximum residential development density of between 0.4 to 5 dwelling units per net acre, depending on which zoning district is assigned. The proposed Residential Low-3 (RL-3) zoning designation allows up to 5 units per acre. This equates to a maximum density decrease of one dwelling unit per acre gross density, however, since the lot sizes will not change, and the RL-3 zoning designation allows one dwelling unit for each original 1925 platted lot, there is no actual change in residential density.

#### ***Project Description:***

The parcel is currently vacant. The subject site can be subdivided into two (2) single-family lots that meet the lot requirements of the proposed land use and proposed compatible zoning district.

#### ***Land Use Analysis:***

After a review of the proposed land use amendment, staff has determined that the application is consistent with the provisions of Chapter 163, F.S., because it is compatible with adjacent properties, meets concurrency requirements, and is consistent with the provisions of the City's Comprehensive Plan. Specifically, these are as follows:

##### ***A. Compatibility:***

A review of the adjacent existing and anticipated land uses (see attached Aerial Photo) shows that the proposed land use is compatible with the adjacent properties.

*East:* Across Martin Avenue is an existing single-family home. The property has a future land use designation of Residential-Low Density (RS-LD) and a zoning designation of Residential Low-3 (RL-3), which is consistent with the density and intensity of development compared to the proposed designation for the subject site. As such, there will not be an adverse impact from the proposed future land use amendment.

*South:* Directly to the south of the subject site is a small 0.209-acre parcel developed with a 3,900 square foot office plaza. The property has a future land use designation of Mixed Use (MU) and a zoning designation of Mixed Use Development - Original Section (MXD-OS). The maximum density permitted in the Mixed Use district is nearly identical to the one proposed and the associated zoning district has features specifically designed to enhance compatibility with the RL-3 district. As such, the property will not be adversely impacted by the proposed future land use amendment.

*North:* To the north is an existing single-family attached (duplex) home. The property has a future land use designation of Residential-Low Density (RS-LD) and a zoning designation of Residential Low-3 (RL-3), which is consistent with the density and intensity of development compared to the proposed designation for the subject site. As such, there will not be an adverse impact from the proposed future land use amendment.

*West:* To the west of the subject site is a 0.5971-acre vacant parcel. The property has a future land use designation of Mixed Use (MU) and a zoning designation of Mixed Use Development - Original Section (MXD-OS). The maximum density permitted in the Mixed Use district is nearly identical to the one proposed and the associated zoning district has features specifically designed to enhance compatibility with the RL-3 district. As such, the property will not be adversely impacted by the proposed future land use amendment.

*Conclusions:* Reviewing the adjacent existing development shows that the proposed Residential-Low Density (RS-LD) future land use designation is compatible with the surrounding properties.

## ***B. Concurrency:***

Any future changes to the parcels will be evaluated for compliance with Level of Service standards by all relevant agencies. The proposed change in future land use designation has no impact on overall concurrency considerations since the parcels are currently used or anticipated to be used for single-family residential uses and the proposed land use designation actually decreases the maximum density by one dwelling unit per acre.

## ***C. Consistency with City's Comprehensive Plan:***

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, specifically:

### **1. Future Land Use Element**

#### **Objective 8, Policy c)**

Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for residential densities and commercial intensities as indicated below:

\* \* \* (4 through 16 omitted for brevity) \* \* \*

- (1) Agricultural Residential - 1.0 residential unit per two and one-half (2½) net acres;
- (2) Estate Residential - 1.0 residential unit per net acre;
- (3) Low Density Residential – 3.0 to 5.0 residential units per net acre

#### **Objective 11, Policies a, b & c)**

The City shall discourage the proliferation of urban sprawl by following established land use patterns, promoting appropriate infill and designating future land use densities based upon levels of services and the availability of services and facilities.

##### **Policy a)**

Urban Sprawl will be discouraged by permitting only development that is consistent and compatible with the established land use pattern. “Consistent and compatible with the established land use pattern” shall mean:

- (1) Only uses permitted within the Plan's land use designation and the implementing zoning district shall be approved.
- (2) Only development within the designated density range and intensity regulations of the implementing zoning district will be approved.
- (3) Adequate facilities and services shall be available and concurrent to accommodate the proposed development.

##### **Policy b)**

Infill development shall be promoted within existing areas to discourage the harmful effects of leapfrog development.

##### **Policy c)**

Future timing of appropriate land use densities and intensities will be determined by the established levels of services and the availability of services and facilities to meet the established levels.

## **2. Housing Element**

#### **Objective 1, Policy d)**

The City shall work cooperatively with the private sector to ensure the provision of adequate and affordable housing by creating a diversity of housing types through enhancement and development of cost effective development techniques, streamlining the review process, revising appropriate land development ordinances and inducing the development of additional single family detached units to meet

the needs of existing and future residents of the City of Greenacres, including households with special needs.

Policy d)

The City shall continue to support the private sector in developing additional single family detached units to meet the existing need to balance with the multifamily inventory.

#### **V. Consistency with the Treasure Coast Regional Planning Council SRPP:**

The proposed future land use amendment represents a means of developing infill rather than encouraging sprawl. This is consistent with the intent of the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan (SRPP) Regional Goal 2.1 which discourages urban sprawl development patterns and Regional Goal 5.1 that states that redevelopment, revitalization, and infill of existing neighborhoods and districts should be encouraged. The proposed Residential-Low Density (RS-LD) future land use designation is also consistent with the intent of Regional Goal 8.1, which states that development should take place concurrent with or after the provision of necessary infrastructure and services. As a result, the proposed future land use amendment is consistent with the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan (SRPP) concerning appropriate development patterns.

#### **VI. Consistency with Chapter 163, Florida Statutes:**

The amendment is consistent with the provisions of Chapter 163.3184 and 163.3187 F.S. concerning the processing of a small-scale future land use amendment to the Comprehensive Plan, as well as providing all applicable data and analysis to support the amendment.

In summary, this small-scale future land use amendment to the City's Comprehensive Plan is compatible with adjacent land uses, adequately addresses concurrency issues, and is consistent with the City's Comprehensive Plan, the Regional Planning Council's SRPP and Chapter 163, F.S.

#### **VII. Staff Recommendation:**

*Approval* of CPA-21-01 through the adoption of Ordinance 2021-07.

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**LOCAL PLANNING AGENCY ACTION – July 21, 2021**

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No action taken, meeting did not have a quorum.

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**LOCAL PLANNING AGENCY ACTION – August 18, 2021**

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The Local Planning Agency on a motion made by Commissioner Charles and seconded by Commissioner Edmundson, by a vote of six (6) to zero (0), ***recommended approval*** of Comprehensive Plan Amendment ***CPA-21-01*** (Martin Ave), as presented by staff.

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**CITY COUNCIL ACTION First Reading – September 8, 2021**

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**CITY COUNCIL ACTION Adoption Hearing –**

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## ITEM SUMMARY

**MEETING DATE:** September 8, 2021  
**FROM:** Kara Irwin-Ferris, AICP, Building, Planning & Engineering Director  
**SUBJECT:** **Ordinance 2021-08, ZC-21-01**  
 Zoning Change for Martin Avenue Lot 1

### BACKGROUND

Managed Land Entitlements, as agent for Turk Investments, LLC, the owner of one parcel of land totaling approximately 0.2986 acres, is requesting a zoning change from City Mixed Development – Original Section (MXD-OS) to City Residential Low-3 (RL-3). The parcel is located on the west side of Martin Avenue approximately 80 feet north of 10<sup>th</sup> Avenue North. Currently, the site is vacant. Also, a request for a comprehensive plan amendment (CPA-21-01) is also under review by the City.

The Land Development Staff has reviewed this proposal and recommended approval, followed by the Planning Commission recommending approval by a vote of 6-0 at their meeting on August 18, 2021.

### ANALYSIS

Staff has determined that the proposed rezoning from City Mixed Development – Original Section (MXD-OS) to City Residential Low-3 (RL-3) is consistent with the site's proposed Residential Low Density future land use designation. In addition, the proposed Residential Low-3 zoning designation is compatible with the surrounding existing and future land uses in the area by matching the designation to the west and south. Furthermore, the proposed rezoning meets all concurrency requirements and complies with the zoning change criteria in the Code.

### FINANCIAL INFORMATION

N/A

### LEGAL

Ordinance 2021-08 was prepared in accordance with all applicable State Statutes and City Code requirements.

### STAFF RECOMMENDATION

*Approval of ZC-21-01 through the adoption of Ordinance 2021-08.*

**ORDINANCE NO. 2021-08**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE FOR ONE PARCEL OF LAND TOTALING APPROXIMATELY 0.2986 ACRES, LOCATED ON THE WEST SIDE OF MARTIN AVENUE APPROXIMATELY 80 FEET NORTH OF 10<sup>TH</sup> AVENUE NORTH, FROM A DESIGNATION OF MIXED DEVELOPMENT-ORIGINAL SECTION (MXD-OS) TO A DESIGNATION OF RESIDENTIAL LOW-3 (RL-3), AS REQUESTED BY THE PETITIONER, MANAGED LAND ENTITLEMENTS, AGENT FOR THE OWNER, TURK INVESTMENTS, 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**, the Petitioner is requesting a rezoning of one (1) parcel of land totaling approximately 0.2986 acres more or less, from a City designation of Mixed Development-Original Section (MXD-OS) to a City designation of Residential Low-3 (RL-3) and

**WHEREAS**, the Planning Commission has held a duly advertised public hearing on August 18, 2021 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 July 14, 2021, as revised; and

**WHEREAS**, the City Council of the City of Greenacres has conducted a duly advertised public hearing on September 7, 2021 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 July 14, 2021, as revised (attached), the proposed amendment changing the zoning district of one (1) parcel of land totaling approximately 0.2986 acres more or less, from a designation of Mixed Development-Original Section (MXD-OS) to a designation of Residential Low-3 (RL-3).

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

**SECTION 1. Zoning District Amendment.**

The request by the petitioner to change the Official Zoning Map to include a zoning change of one (1) parcel of land totaling approximately 0.2986 acres more or less, from a designation of Mixed Development-Original Section (MXD-OS) to a designation of Residential Low-3 (RL-3) is hereby granted for the property located on the west side of Martin Avenue approximately 80 feet north of 10<sup>th</sup> Avenue North, legally described as follows:

**Legal Description**

**PCN: 18-42-44-23-17-000-0010**

Lot 1, being all of the Plat of Martin Avenue Complex, according to the map or plat thereof as recorded in Plat Book 55, Page 183, Public Records of Palm Beach County, Florida.

AND

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 0.2986 ACRES MORE OR LESS

**SECTION 2. Authorization to Make Changes.**

That the Planning and Engineering Department 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 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. Effective Date.**

The provisions of this Ordinance shall become effective upon adoption.

**Passed on the first reading this 8<sup>th</sup> day of September, 2021.**

**PASSED AND ADOPTED on the second reading this DD day of Month, 2021.**

*Voted:*

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

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

**Attest:**

*Voted:*

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

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

*Voted:*

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

*Voted:*

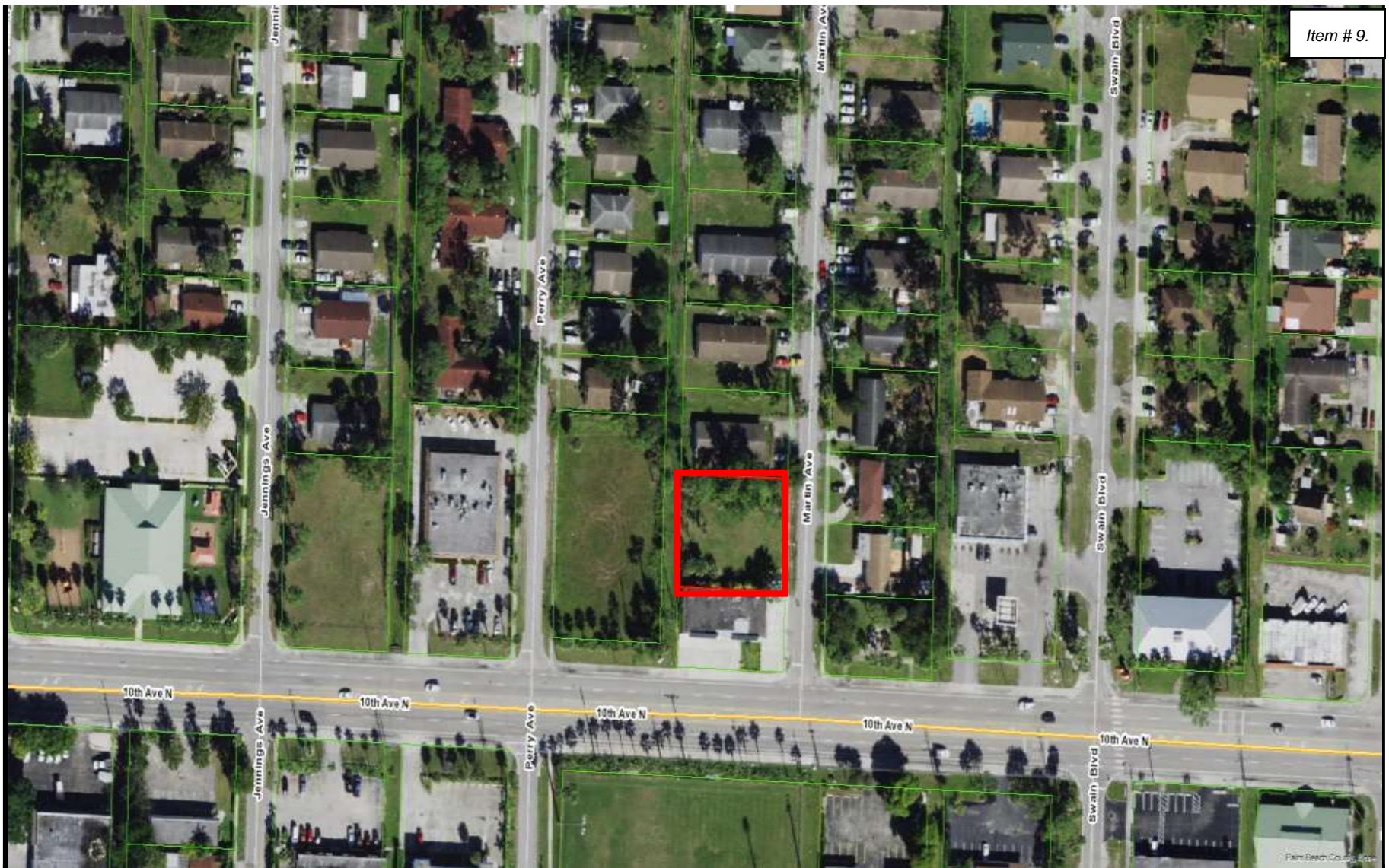
\_\_\_\_\_  
**Jonathan Pearce**, Council Member, *District IV*

*Voted:*

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

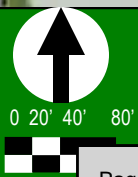
**Approved as to Form and Legal Sufficiency:**

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

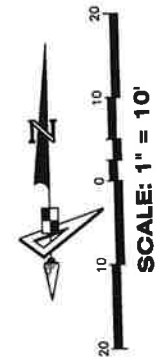
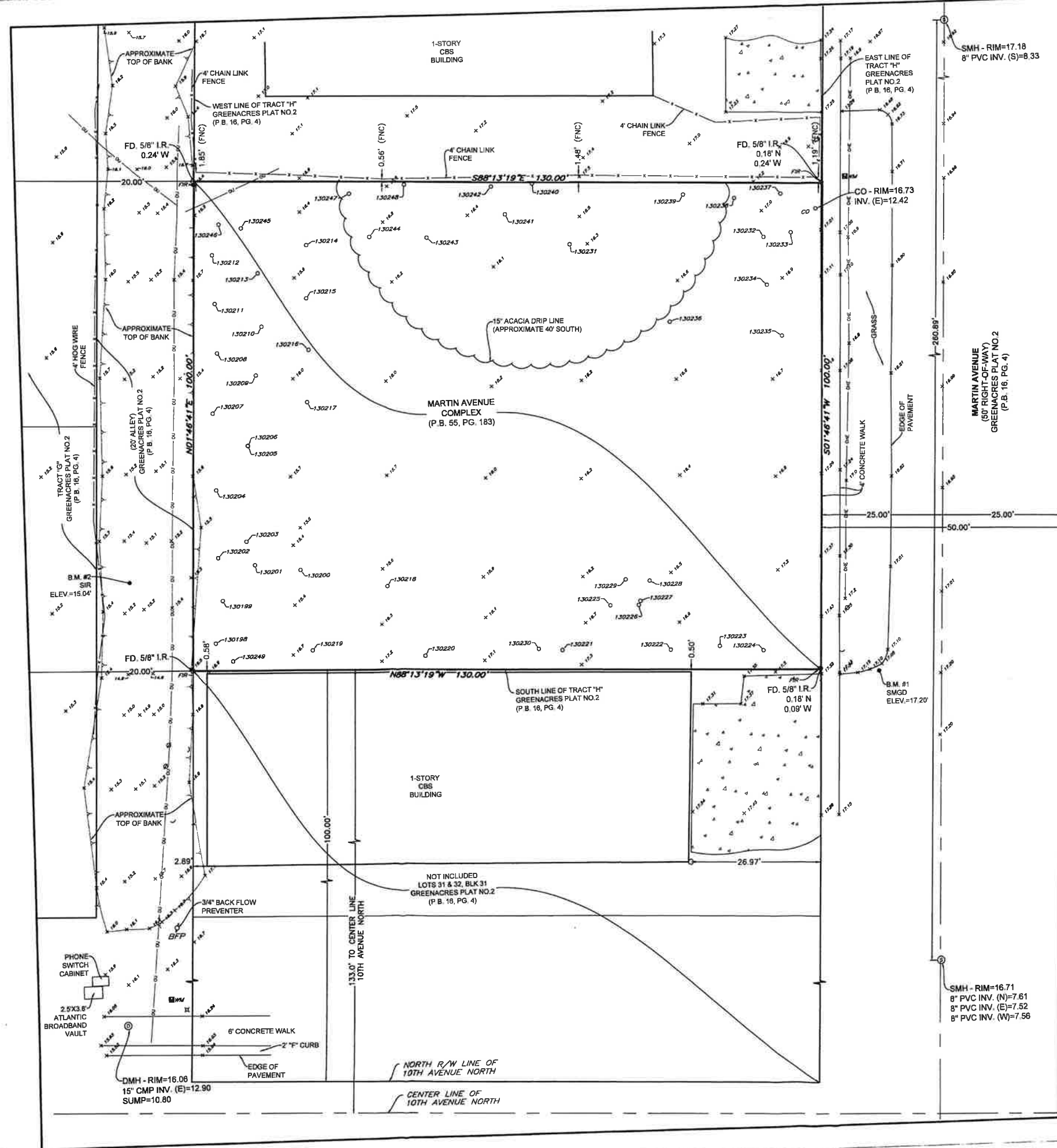


## Martin Avenue Residential CPA-20-01 & ZC-21-01

Prepared By:  
Planning and Engineering Department







**LOCATION MAP  
NO SCALE**

DESCRIPTION:  
LOT 1, MARTIN AVENUE COMPLEX, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 55, PAGE 183.

**SURVEYOR'S NOTES:**

- 1) THE LEGAL DESCRIPTION WAS PROVIDED BY THE CLIENT.
- 2) THE SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- 3) THE SYMBOLS ARE NOT AT THE SAME SCALE AS THE DRAWING IN ORDER TO SHOW GREATER DETAIL.
- 4) THIS SURVEY IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL ALONG WITH THE SURVEYOR'S SIGNATURE.
- 5) BUILDING FOUNDATIONS, FOOTERS, TREES, AND UNDERGROUND UTILITIES NOT LOCATED.
- 6) THE SUBJECT PARCEL LIES IN FLOOD ZONE "X", AND ZONE "AE" (ELEVATION 16.3), ACCORDING TO FLOOD INSURANCE RATE MAP, MAP NO. 12099C0569F FOR THE CITY OF GREENACRES, COMMUNITY NO. 120203, PALM BEACH COUNTY, FLORIDA, DATED OCTOBER 5, 2017 AND ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- 7) BEARINGS SHOWN HEREON ARE BASED ON WEST RIGHT-OF-WAY OF MARTIN AVENUE, BEING S 01° 46' 41" W. (ASSUMED).
- 8) ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), BASED ON NATIONAL GEODETIC SURVEY BENCHMARK "CHEDDAR", HAVING A PUBLISHED ELEVATION OF 17.97 FEET (NAVD 88).

TREE TABLE		TREE TABLE		TREE TABLE	
TREE #	TREE TYPE/SIZE	TREE #	TREE TYPE/SIZE	TREE #	TREE TYPE/SIZE
130198	MFP 4"	130216	TP 4"	130234	PDP 6"
130199	TP 6"	130217	TP 9"	130235	UNK
130200	CP 18"	130218	CP 11"	130236	SL 14"
130201	CP 15"	130219	TP 8"	130237	RM 5"
130202	CP 4"	130220	TP 4.5"	130238	LI 4"
130203	TP 4"	130221	TP 5.5"	130239	LI 6"
130204	TP 6"	130222	RP 10"	130240	AC 15"
130205	TP 7"	130223	BP 17"	130241	CP 14"
130206	TP 6"	130224	PDP 10"	130242	CP 20"
130207	TP 6"	130225	CTP 4"	130243	MFP 5"
130208	TP 6.5"	130226	CTP 4"	130244	MFP 5"
130209	TP 5"	130227	CTP 4"	130245	MFP 8"
130210	TP 7.5"	130228	CTP 4"	130246	SL 16"
130211	TP 8"	130229	CTP 4"	130247	SL 11"
130212	TP 9"	130230	CTP 4"	130248	SL 17"
130213	TP 5"	130231	BP 11"	130249	RP 3"
130214	TP 6"	130232	UNK		
130215	TP 4"	130233	UNK		

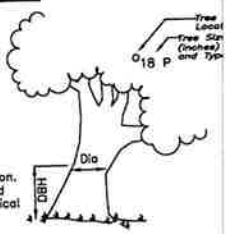
**LEGEND**

- P.B. ----- PLAT BOOK
- PG(s) ----- PAGE(S)
- FR ----- FOUND 5/8" IRON ROD
- FR ----- FOUND IRON PIPE
- FD ----- FOUND
- SIR ----- SET 5/8" IRON ROD LB 7768
- SMGD ----- SET MAG NAIL & DISK LB 7768
- LB ----- LICENSED BUSINESS
- B.M. ----- BENCH MARK
- FNC ----- FENCE
- CMP ----- CORRUGATED METAL PIPE
- ELEV. ----- ELEVATION
- INV. ----- INVERT
- Ø ----- UTILITY POLE
- GUY ANCHOR
- WATER METER
- CO ----- SANITARY SEWER CLEAN OUT
- BFP ----- BACK FLOW PREVENTER
- Sanitary Sewer Manhole
- Storm Drainage Manhole
- CONCRETE
- LOCATION OF READING
- SPOT ELEVATION

**TREE LEGEND**

- AC ----- ACACIA
- BP ----- BISMARCK PALM
- CTP ----- CHINESE THATCH PALM
- CP ----- CABBAGE PALM (SABAL PALM)
- LI ----- LIVE OAK
- MFP ----- MEXICAN FAN PALM
- PDP ----- PIGMY DATE PALM
- RM ----- RED MAPLE
- RP ----- ROYAL PALM
- SL ----- SLASH PINE (YELLOW PINE)
- TP ----- TRIANGLE PALM

NOTE: Trees by nature are irregular in size and shape. Every effort is made to accurately locate trees. The tree size is determined at diameter breast height. The tree location is the center of the tree. This location may be different if located from a different direction. All tree locations should be field checked if critical to design.



**LINE TYPE LEGEND**

- CHAIN LINK FENCE
- OVERHEAD UTILITY LINES
- OVERHEAD ELECTRIC LINES
- TOP OF BANK

**MARTIN AVENUE COMPLEX  
BOUNDARY AND TOPOGRAPHIC SURVEY**

REVISIONS			Prepared For: PATIO COURT TOWNHOMES, LLC	
No.	Date	Description	Drawn	Check

Surveyor's Certificate  
This certifies that a survey of the herein described property was made under my supervision and meets the Standards of Practice set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 55-17.000, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Gary A. Rager  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. LS4828  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

**GeoPoint  
Surveying, Inc.**

4152 W. Blue Heron Blvd., Suite 105  
Riviera Beach, FL 33404  
Phone: (561) 444-2777  
www.geopointsurveying.com  
Florida License Number: 12021-12024-28

Check: GARY A. RAGER  
P.C.: JS  
Field Book: 2021-12024-28  
Sections: 23 Twn. 44S Rng. 42E Job # Martin Av

NAVD88

Sheet No. 1 of 1 Sheets

CPA-21-01

ZC-21-01 (Ordinance 2021-08)  
 Exhibit "A"  
 Date: July 14, 2021

Revised: 02/21/2021  
08/18/21



## LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

### Subject/Agenda Item:

#### **Ordinance 2021-08: ZC-21-01 Martin Avenue Lot 1**

**Public Hearing & First Reading:** A request from Michael Sanchez of Managed Land Entitlements, agent for the owner Turk Investments LLC, for zoning change for approximately 0.2986 acres from City Mixed Development – Original Section (MXD-OS) to City Residential Low-3 (RL-3). The site is located on the west side of Martin Avenue approximately 80 feet north of 10<sup>th</sup> Avenue North.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☒ Quasi-Judicial

☐ Legislative

☒ Public Hearing

#### **Originating Department: Planning & Engineering**

Project Manager

*Kara Ferris*

Kara Ferris, Director

#### **Reviewed By:**

Director of Planning & Engineering

*Kara L. Irwin-Ferris*

Kara L. Irwin-Ferris, AICP

#### **Approved By:**

City Manager

Andrea McCue

#### **Public Notice:**

☒ Required ☐ Not Required

Date: 7/8/2021, 8/5/2021

Paper: Lake Worth Herald

#### **Mailing**

☒ Required ☐ Not Required

Notice Distance: 300'

#### **Attachments:**

- Aerial
- Survey
- Location Map

#### **City Council Action:**

☐ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: \_\_\_\_\_



## **I. Executive Summary**

A request for a zoning change for approximately 0.2986 acres from City Mixed Development – Original Section (MXD-OS) to City Residential Low-3 (RL-3). The subject site is currently one parcel, but the owner intends to subdivide the lot into two (2) single-family lots according to the applicable zoning regulations. A small-scale land use amendment application (CPA-21-01) is being processed concurrently with this request.

The site is located on the west side of Martin Avenue approximately 80 feet north of 10<sup>th</sup> Avenue North.

## **II. Site Data:**

<b>Existing Use:</b>	Vacant
<b>Proposed Use:</b>	Two Single-Family Residences
<b>Parcel Control Numbers:</b>	18-42-44-23-17-000-0010
<b>Parcel Size:</b>	0.2986 acres (13,007 square feet)
<b>Existing Future Land Use Designation:</b>	Mixed Use (MU)
<b>Proposed Future Land Use Designation:</b>	Residential-Low Density (RS-LD)
<b>Existing Zoning:</b>	Mixed Use Development - Original Section (MXD-OS)
<b>Proposed Zoning:</b>	Residential Low - 3 (RL-3)

<b>Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:</b>			
<b>Direction</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning District</b>
<i>North</i>	Duplex	City Residential-Low Density (City RS-LD)	City Residential Low-3 (RL-3)
<i>South</i>	Commercial Plaza (Seaglades Plaza)	City Mixed Use (MU)	City Mixed Use Development-Original Section (MXD-OS)
<i>East</i>	Single-Family	City Residential-Low Density (City RS-LD)	City Residential Low-3 (RL-3)
<i>West</i>	Vacant	City Mixed Use (MU)	City Mixed Use Development-Original Section (MXD-OS)

### **III. Annexation/Zoning History:**

The Mixed Use Development – Original Section (MXD-OS) zoning district was approved on October 7, 2003 and was intended to encourage the consolidation of small lots into large lots for non-residential development along the 10<sup>th</sup> Avenue Corridor. Originally, the zoning district still permitted the development of single-family homes. An existing single-family residence was built in 2014 at 549 Fleming Avenue, to the west of the site, in conformance with MXD-OS zoning district rules in place at that time. Subsequent to this, the MXD-OS district was amended (ZTA-14-03) to delete single-family residential as a use. Under current code requirements, the vacant site would be required to develop as a commercial use that does not have frontage on 10<sup>th</sup> Avenue North.

### **IV. Applicable Comprehensive Plan Provisions:**

The Comprehensive Plan includes the following planning objectives and policies related to this proposed zoning request:

#### **1. Future Land Use Element**

##### **Objective 8, Policy c)**

Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for residential densities and commercial intensities as indicated below:

*\* \* \* (4 through 16 omitted for brevity) \* \* \**

- (1) Agricultural Residential - 1.0 residential unit per two and one-half (2½) net acres;
- (2) Estate Residential - 1.0 residential unit per net acre;
- (3) Low Density Residential – 3.0 to 5.0 residential units per net acre

##### **Objective 11, Policies a, b & c)**

The City shall discourage the proliferation of urban sprawl by following established land use patterns, promoting appropriate infill and designating future land use densities based upon levels of services and the availability of services and facilities.

##### **Policy a)**

Urban Sprawl will be discouraged by permitting only development that is consistent and compatible with the established land use pattern. “Consistent and compatible with the established land use pattern” shall mean:

- (1) Only uses permitted within the Plan's land use designation and the implementing zoning district shall be approved.
- (2) Only development within the designated density range and intensity regulations of the implementing zoning district will be approved.

- (3) Adequate facilities and services shall be available and concurrent to accommodate the proposed development.

Policy b)

Infill development shall be promoted within existing areas to discourage the harmful effects of leapfrog development.

Policy c)

Future timing of appropriate land use densities and intensities will be determined by the established levels of services and the availability of services and facilities to meet the established levels.

## 2. Housing Element

### Objective 1, Policy d)

The City shall work cooperatively with the private sector to ensure the provision of adequate and affordable housing by creating a diversity of housing types through enhancement and development of cost effective development techniques, streamlining the review process, revising appropriate land development ordinances and inducing the development of additional single family detached units to meet the needs of existing and future residents of the City of Greenacres, including households with special needs.

Policy d)

The City shall continue to support the private sector in developing additional single family detached units to meet the existing need to balance with the multifamily inventory.

## **V. Applicable City Code Provisions:**

Section 16-153(a)(1) of the Code relating to rezoning of property states that the proposed zoning change should not be contrary to the future land use map, and it should not have an adverse effect on the Comprehensive Plan.

### **Division 4. Residential Low Density (*Section 16-301 through 16-313*)**

The residential low density (RL) district is established as a designation whereby the principal use of land is single-family dwellings of low density. Uses and structures designed to serve governmental, educational, religious, noncommercial and recreational uses that are compatible with residential development of this density are permitted or are permissible as special exceptions within such district, subject to restrictions and requirements necessary to preserve and protect the single-family residential character. Variation among RL-1, RL-2, and RL-3 is limited to requirements for density, lot area, width and certain yards.

## **VI. Staff Analysis:**

### ***Land Development Staff Comments:***

The petition was reviewed by the Land Development Staff on May 13, 2021, and recommended for approval.

Planning and Engineering Dept.:	No objections
Building Department:	No objections
Public Safety Department:	No objections
Public Works Department:	No objections

### ***Zoning Change Criteria and Findings Of Fact:***

Section 16-153. Planning Commission Report: The Planning Commission shall submit a report to the City Council which shows that the Commission has studied and considered the proposed amendment for rezoning of property and change to the official zoning map in relation to the following, where applicable:

### ***Specific Criteria Findings:***

- (1) Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the Comprehensive Plan.**

***Finding:*** The proposed Residential Low -3 zoning will be consistent with the property's proposed Residential - Low Density future land use designation. The RL-3 district is intended for single-family oriented uses and allows the provision of uses and structures compatible with residential development of this density.

- (2) The existing land use pattern.**

***Finding:*** The proposed Residential Low - 3 (RL-3) zoning district is compatible with the existing mix of uses in the area. This designation is the predominant zoning district for the majority of the properties located within the Original Section of the City.

- (3) The possible creation of an isolated district unrelated to adjacent and nearby districts.**

***Finding:*** This proposed zoning change will not create an isolated zoning district. The parcels are located adjacent to identical residential uses and districts to the east and south of the site.

- (4) The population density pattern and possible increase or overtaxing of the land on public facilities such as schools, utilities, etc.**

***Finding:*** No change in potential population density will be caused by the proposed zoning change since the proposed maximum residential density is virtually identical to the existing maximum. Therefore, the residential density potential of the parcels will not create any

significant impact on services.

- (5) **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

*Finding:* The proposed boundary is logically drawn along the property line.

- (6) **Whether changed or changing conditions make the passage of the proposed amendment necessary.**

*Finding:* The vacant property is isolated from adjacent commercial properties and therefore require an appropriate City zoning designation. The development of the subject site as Mixed-Use was contingent upon the consolidation of the subject site with adjacent properties that front on 10<sup>th</sup> Avenue North. Conditions of current development have not supported the consolidation of the smaller parcels into larger parcels.

- (7) **Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.**

*Finding:* The proposed change will replace the existing mixed-use zoning designation with a City residential zoning designation, which allows an almost identical residential density. Thus traffic and public safety will not be negatively impacted.

- (8) **Whether the proposed change will adversely influence living conditions in the neighborhood.**

*Finding:* The proposed zoning change will not adversely affect living conditions in the area. The proposed single-family development will be required to include adequate landscaping, setbacks, and buffering. Furthermore, the predominant use in the area is detached single-family residential.

- (9) **Whether there are substantial reasons why the property cannot be used in accord with existing zoning.**

*Finding:* The property is too small to be developed for other on-residential uses and does not front on the 10<sup>th</sup> Avenue North commercial corridor. Therefore, they require an appropriate City zoning designation.

- (10) **Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.**

*Finding:* As evidenced by the findings above, the proposed zoning change does not constitute a special privilege for the property owner because the change is consistent with existing land use patterns, the property's proposed future land use, the surrounding zoning designations, and the existing use of the property.

**VII. Staff Recommendation:**

*Approval* of ZC-21-01 through the adoption of Ordinance 2021-08.

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**PLANNING COMMISSION RECOMENDATION – July 21, 2021**

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No action taken, meeting did not have a quorum.

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**PLANNING COMMISSION RECOMENDATION – August 18, 2021**

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The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Charles, by a vote of six (6) to zero (0), *recommended approval* of Zoning Change **ZC-21-01** (Martin Ave), as presented by staff.

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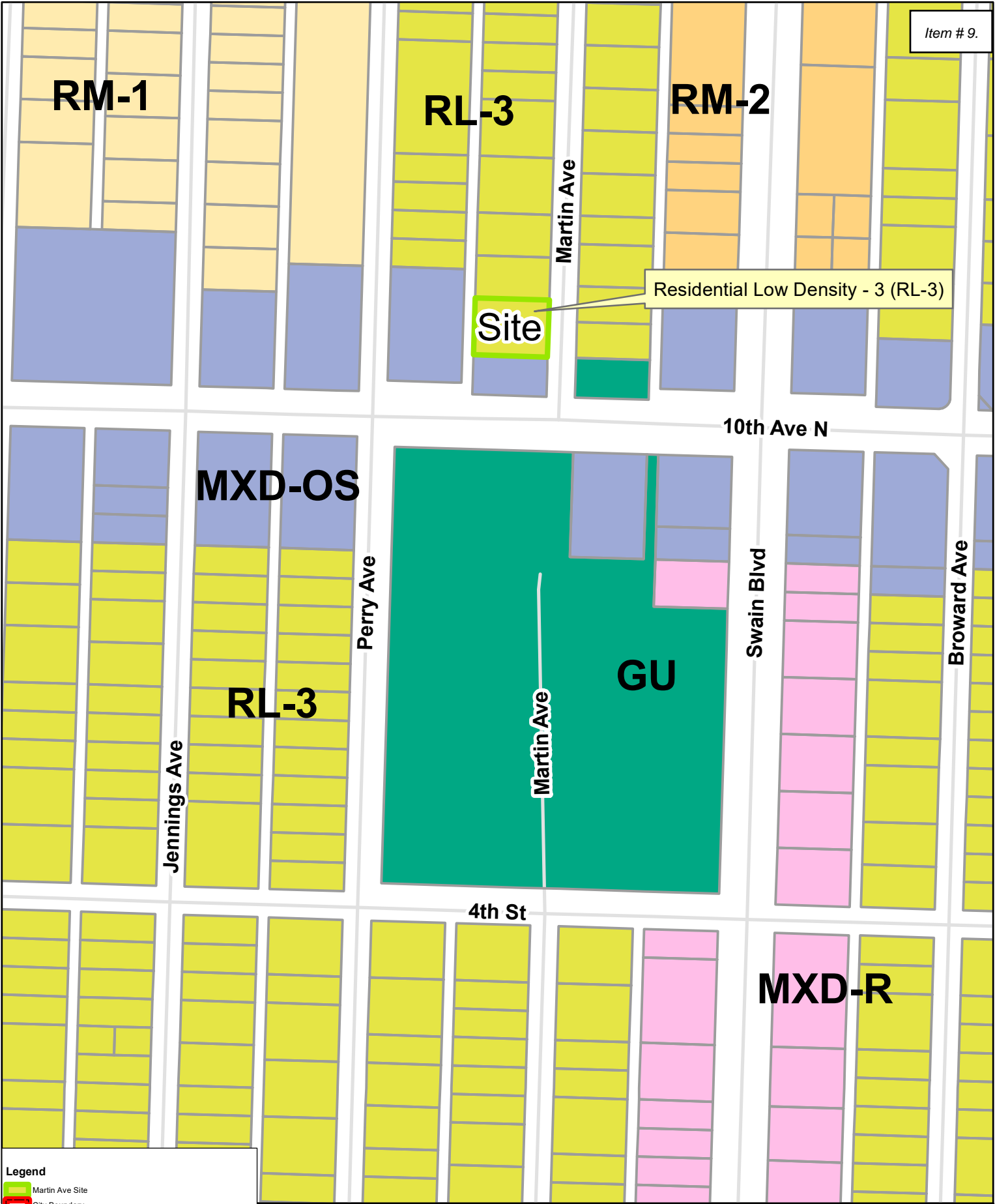
**CITY COUNCIL ACTION First Reading – September 8, 2021**

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**CITY COUNCIL ACTION Adoption Hearing**

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**Legend**

- Martin Ave Site
- City Boundary
- GOVERNMENT USE (GU)
- MIXED DEVELOPMENT - ORIGINAL SECTION (MXD-OS)
- MIXED DEVELOPMENT - RESIDENTIAL (MXD-R)
- RESIDENTIAL LOW-3 (5 UNITS/ACRE) (RL-3)
- RESIDENTIAL MEDIUM-1 (6 UNITS/ACRE) (RM-1)
- RESIDENTIAL MEDIUM-2 (7 UNITS/ACRE) (RM-2)
- RIGHT OF WAY

The requestor/viewer of this data acknowledges and accepts the limitations of the data shown, including the fact that the data is dynamic and is in a constant state of maintenance, correction and update. Contact the City of Greensboro Planning and Engineering Department for current information or interpretation.

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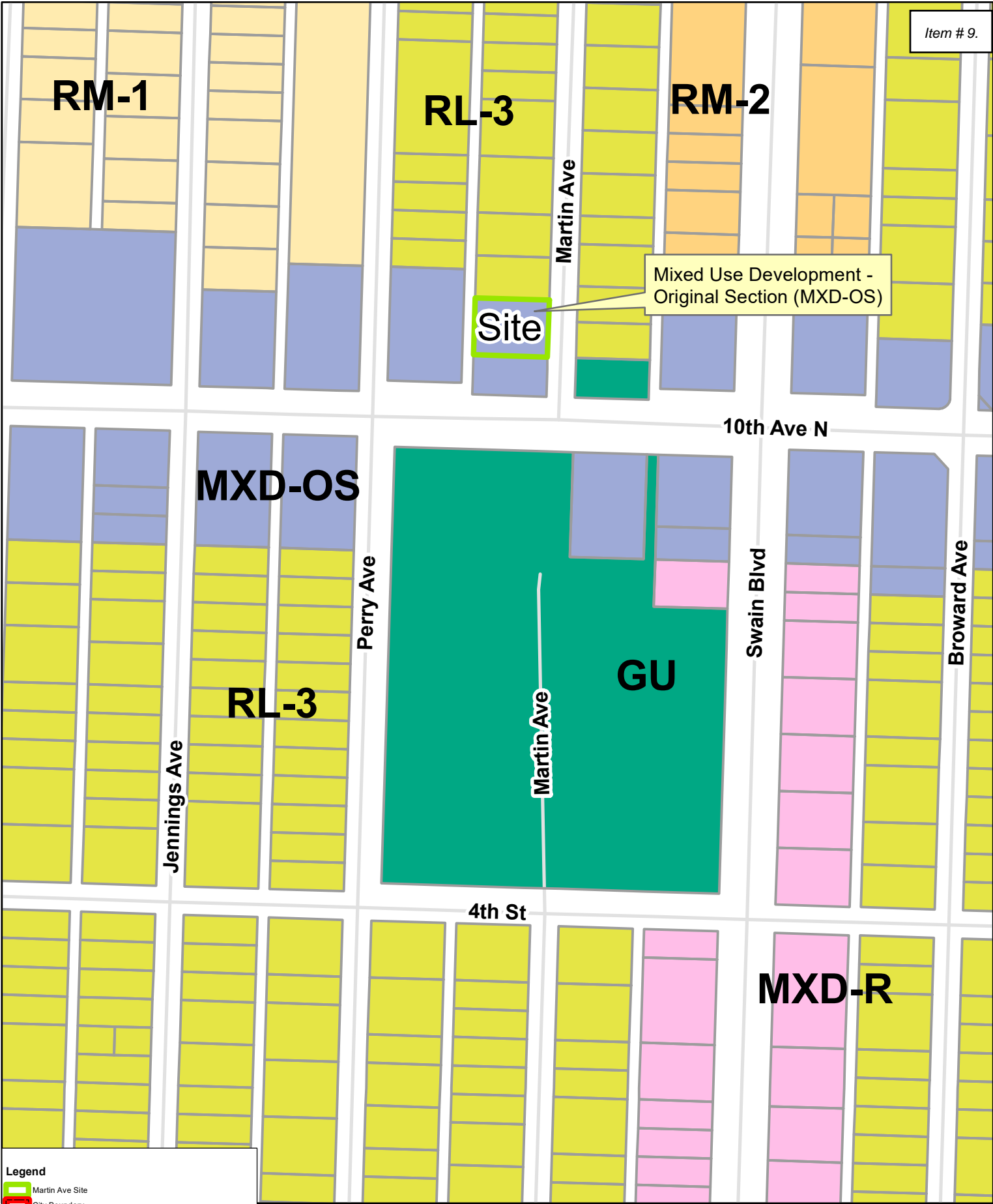
**Proposed Zoning Map**

Martin Avenue

ZC-2

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Item # 9.

Legend

Martin Ave Site

City Boundary

GOVERNMENT USE (GU)

MIXED DEVELOPMENT - ORIGINAL SECTION (MXD-OS)

MIXED DEVELOPMENT - RESIDENTIAL (MXD-R)

RESIDENTIAL LOW-3 (5 UNITS/ACRE) (RL-3)

RESIDENTIAL MEDIUM-1 (6 UNITS/ACRE) (RM-1)

RESIDENTIAL MEDIUM-2 (7 UNITS/ACRE) (RM-2)

RIGHT OF WAY

The requestor/viewer of this data acknowledges and accepts the limitations of the data shown, including the fact that the data is dynamic and is in a constant state of maintenance, correction and update. Contact the City of Greenacres Planning and Engineering Department for current information or interpretation.

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CITY OF GREENACRES

FOR EACH COMMUNITY A GOOD PLACE TO LIVE

Existing Zoning Map

Martin Avenue

ZC-2

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## ITEM SUMMARY

**MEETING DATE:** September 8, 2021

**FROM:** Kara L. Irwin-Ferris, AICP, Director of Building, Planning, & Engineering

**SUBJECT:** Ordinance 2021-09: Unsafe Building Abatement Code

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### BACKGROUND

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In 2019, the Municipal Codes of the City of Greenacres were updated to include measures for the enforcement of codes and the abatement of nuisances in the City. Previously, the City had not undertaken many nuisance abatement projects since the costs the City expended on these projects were often unrecoverable as resulting liens are typically inferior to mortgages or other liens. Concurrent with the Code changes for nuisance abatement, the City adopted a code to provide for the legal requirements for the levy and collection of nuisance abatement services as non-ad valorem assessments. This provided a mechanism to recoup the money spent on nuisance abatement by the City.

Currently, the City seeks to provide for the identification and abatement of unsafe buildings throughout the City. There is a concurrent text change to the code to add those Unsafe Building abatement costs incurred through the enforcement so that such costs may be collected using the existing special assessment in Chapter 2 of the Code of Ordinances.

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### ANALYSIS

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The purpose of this Code amendment is to provide a mechanism to address, through demolition, unsafe buildings and structures within the City considered a nuisance. Currently, the City code does not address unsafe buildings that have not been maintained adequately and where the City has exhausted all other remedies without compliance.

The purpose is to secure the public health, safety and welfare by ensuring that all buildings are structurally sound and that such premise provide adequate egress, sanitation, light and ventilation for the protection of life and property and are free from fire and other hazards incidental to their construction, alteration, use and occupancy. The provisions of this section shall apply to all unsafe buildings and shall apply equally to new and existing conditions.

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### FINANCIAL INFORMATION

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No financial impact expected.

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## LEGAL

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The Ordinance has been prepared in compliance with City Code and Florida State Statutes.

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## STAFF RECOMMENDATION

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*Approval* of Ordinance 2021-09 amending City Code Chapter 4 Buildings and Building Regulations.

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Kara L. Irwin-Ferris, AICP  
Director of Building, Planning and Engineering

Attachments:

1. Ordinance No. 2021-09

## ORDINANCE NO. 2021-09

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ADOPTING CHAPTER 4 BUILDINGS AND BUILDING REGULATIONS, SECTION 4-5, AS THE UNSAFE BUILDING ABATEMENT CODE, PROVIDING FOR PURPOSE, AUTHORITY, ESTABLISHMENT OF A DISTRICT, DEFINITIONS, ENFORCEMENT, EMERGENCIES, ABATEMENT, COLLECTION OF COSTS, APPEALS AND OTHER PURPOSES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Greenacres (the “City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the City may, under its police powers regulate, restrain, and abate activities or conditions which are dangerous to the public health, safety or welfare; and

**WHEREAS**, the City wishes to provide for the identification and abatement of unsafe buildings throughout the City; and

**WHEREAS**, the City Council hereby finds that this Ordinance serves a public purpose and is in the best interest of the public health, safety and welfare.

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

**Section 1.** Findings. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby incorporated as findings of the City Council of the legislative intent of this ordinance.

**Section 2.** Chapter 4 Buildings and Building Regulations, Section 4-5 is hereby adopted to read as follows:

**Sec. 4-5. – Unsafe building abatement code.**

**(a) General matters.**

**(1) Purpose and scope.** This section is declared to be remedial in nature. The purpose of this section is to secure the public health, safety and welfare by ensuring that all buildings, as defined herein, within the city are structurally sound and that such premises provide adequate egress, sanitation, light and ventilation for the protection of life and property and are free from fire

and other hazards incidental to their construction, alteration, use and occupancy. The provisions of this section shall apply to all unsafe buildings and shall apply equally to new and existing conditions.

(2) *Authority.* The city, acting through its city council and/or its designee, shall have authority pursuant to its home rule and police powers and Article VIII, Section 2(b) of the Florida Constitution to determine and declare the existence of a public nuisance in the form of an unsafe building and shall have the authority to provide for the abatement of the same. The abatement of such unsafe buildings constitutes a municipal service, which specifically benefits the property, and the assessment of the costs incurred by the city in abating an unsafe building is deemed fair and reasonable. These costs of abatement may be levied as a special assessment. The enforcement of this section is an alternative to the procedures set forth in the “Amendments to Chapter One of the 2020 Florida Building Code (7<sup>th</sup> Edition)” adopted pursuant to Section 4-2(b) of this Code.

(3) *District established.* The city, in its entirety, as its city boundaries exist on the date of enactment of this section and as they may be expanded or contracted from time to time, is hereby declared a special assessment district for the purposes of abating and remedying unsafe buildings. Individual properties within the city’s boundaries, as they may exist from time to time, may be assessed for the costs incurred by the city in abating and remedying violations of this section.

(4) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.

*Interested parties.* Interested parties mean the owner, as determined by the records of the Palm Beach County Tax Collector, the occupant of the building, and any other person or entity having a legal or equitable interest in the building, including but not limited to, any mortgage holder, judgement holder or other lien holders of record.

Unsafe building means any building, structure, existing equipment, or service systems or portion thereof that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance. A vacant structure that is not secured against entry shall also be deemed unsafe.

(b) Enforcement; inspection.

(1) Enforcement. The provisions of this section shall be enforced by the building official or designee.

(2) Inspection.

a. Generally. The building official or designee, may inspect, or cause to be inspected, any building which is or may be unsafe. The building official shall carry proper identification when inspecting buildings or premises in the performance of duties under this section. If, after inspection, the building official finds that the building is unsafe, he/she shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation or demolition, or any combination thereof.

b. Right of entry.

i. Where it is necessary to make an inspection to enforce the provisions of this section, or where the building official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this section which makes the building or premises unsafe, dangerous or hazardous, the building official is authorized to enter the building or premises at reasonable times to inspect or to perform the duties imposed by this section, provided that if such building or premises is occupied, that credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control

of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

- ii. When the building official obtains a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of the building or premises, shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this section and any other applicable law.

(c) Notice of violation; recording; service; posting and publication; placard posting.

(1) Notice of violation. Whenever the building official has determined that a building is unsafe, he/she shall prepare a written notice of violation to the owner of record and all interested parties regarding the defects thereof.

- a. The notice shall require the owner or other interested party, within a stated time, either to complete specified repairs or improvements, or to demolish and remove the building or portion thereof (including existing equipment or service systems or portion thereof). The notice shall include a statement that if the building is not brought into compliance in accordance with the notice or a hearing is not timely requested, the notice of violation may be recorded in the public records. If necessary, the notice shall also require the building, existing equipment or services systems or portion thereof to be vacated and/or disconnected, and not reoccupied and/or reconnected until the specified repairs and improvements are completed, inspected and approved by the building official.
- b. The notice shall give interested parties fifteen (15) days after the notice of violation is received to deliver a written request for a hearing to the building official. If the written request for a hearing is not received within the 15 days, the right to such hearing is waived. The written request shall include the interested party's name and interest in the property, street

address of the unsafe building, current mailing address (for hearing notice) and telephone number.

- c. The notice should state that if the violation is not timely complied and no hearing is requested, the building official may cause the work to be done and the costs of the work, together with all costs of inspection, administration and other related costs shall be a special assessment lien against the property and said lien shall be equal in dignity to taxes.

(2) Recording of notice of violation. If the building is not brought into compliance in accordance with the notice or a hearing is not timely requested, the notice of violation will be recorded in the official records of Palm Beach County. When the conditions rendering the building unsafe have been abated, the building official shall file a new notice indicating that corrective action has been taken and the building is no longer unsafe based upon the previously noticed conditions.

(3) Service of notice. The notice of violation shall be served either personally (hand-delivery) or by regular mail and certified mail, return receipt requested, to each owner and to all other known interested parties. The failure of any person to receive proper notice as described herein, other than the owner of record, shall not invalidate any proceedings. Service by certified mail shall be effective on the date notice was received as indicated on the return receipt or as otherwise documented.

(4) Posting and publication. In the event the certified mail is unclaimed or refused or the return receipt is not otherwise returned within twenty-one (21) days of mailing or there is no mailing address for an interested party, the notice shall be posted at the property and city hall for ten (10) days and a notice of condemnation will be published once a week for two (2) consecutive weeks in a newspaper of general circulation within the city. For properties that are published and posted, the notice shall be deemed received the day the notice was last published. Notice by posting and publication may run concurrently with, or may follow, an attempt to provide hand-delivery or by mail as set forth above. Evidence that an attempt has



been made to hand-deliver or mail notice as provided above, together with proof of publication and posting, shall be sufficient to show that the notice requirements have been met, without regard to whether or not the owner or other interested party actually received such notice.

(5) *Placard posted.* If the building official determines that the unsafe building, structure, electrical, gas, mechanical, plumbing equipment or service systems or portion thereof must be vacated and/or disconnected and not reoccupied and/or reconnected until repairs and improvements are completed, inspected and approved by the building official, a notice shall be posted at each exit and entrance to the building or structure and shall substantially state the following: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL. PURSUANT TO CITY OF GREENACRES CODE SECTION 4-5(C)(5), IT IS UNLAWFUL FOR ANY PERSON TO ENTER, OCCUPY OR RESIDE IN THIS BUILDING AND VIOLATORS WILL BE SUBJECT TO ARREST. Such notice shall remain posted until the property is no longer unsafe, and it shall be unlawful for any person to remove such notice or for any person to enter the building except for the purpose of making the required repairs or demolishing such building. Any violation of this provision shall be prosecuted as a misdemeanor of the second degree and punished by a fine of not more than five hundred dollars (\$500.00) and/or imprisonment in the county jail for not more than sixty (60) days. Each day of violation shall be considered a separate offense.

(6) *Extension of time to comply.* The building official may, upon written request of the property owner or any other interested party, grant an extension of time as the building official may determine to be reasonable to complete the required remedial action.

(d) *Hearing.*

(1) *Special Magistrate.* The city council shall appoint a special magistrate to conduct all hearings contemplated by this section. In the alternative, the

special magistrate appointed to hear code enforcement hearings may be used to conduct these hearings.

(2) Notice of hearing. Upon receipt of a timely request for a hearing, the building official or designee shall schedule a hearing before the special magistrate as soon as is practicable. Written notice of the date, time and location of the hearing shall be delivered personally or mailed, regular U.S. mail, to the owner or interested party requesting the hearing at the address provided on the request for hearing.

(3) Procedure.

a. Generally. A hearing before the special magistrate shall offer the requesting interested party a reasonable opportunity to be heard on any matter or issue that is relevant to the proceeding. All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. The requesting interested party may appear at the hearing or through an attorney or other designated representative (with valid power of attorney). Failure of any person to appear or otherwise be represented at a scheduled hearing shall constitute a waiver of that person's right to a hearing. The special magistrate may issue subpoenas for the attendance of witnesses or the production of evidence at a hearing.

b. Orders. After the hearing, the special magistrate shall issue a written order:

- i. Finding an unsafe condition does not exist and dismissing the violation;
  - ii. Finding an unsafe condition exists and requiring the abatement of the same and the vacation of all occupants within a time certain along with any other conditions deemed appropriate, and, if such abatement is not timely made, authorizing the building official to abate the same and to charge the property owner for the costs;
- or

- iii. Finding an unsafe condition exists and authorizing the building official to vacate and abate the same and charge the property owner for the costs. This order shall also require the recording of the notice of violation in the official records of Palm Beach County, unless already recorded, as set forth above.

(e) Emergency action.

- (1) Generally. If the building official or designee finds that a building is likely to fully or partially collapse, posing an immediate hazard to life or to the safety of the general public, the building shall be deemed an emergency and ordered demolished immediately by the building official by affidavit attesting to the unsafe condition and by letter of authorization by the city manager.

(2) Notice.

- a. Generally. Prior to such demolition, notice shall be given to the owner of record and to any other interested party by hand-delivery or, if hand-delivery is not reasonably possible, by posting the property and mailing the notice by regular mail and certified mail, return receipt requested. Notice so posted may run concurrently with, or may follow, an attempt or attempts to provide notice by hand-delivery or by mail.
- b. Contents. Such notice shall include the affidavit of the building official and give the owner of the property and any other interested party five (5) business days to deliver a written request for a hearing to the building official.
- c. Receipt of notice. Notice shall be deemed received upon hand-delivery or, if not hand-delivered, upon the date the return receipt was signed or otherwise documented as delivered. If the returned receipt is not received within ten (10) days of mailing, the notice shall be deemed received ten (10) days after it is first posted. Evidence that an attempt was made to hand-deliver or mail notice as provided above, together with proof of posting, shall be sufficient to show that the notice requirements have been met, without regard to whether or not the owner or other interested party actually received such notice.

d. *Imminent threat.* Nothing herein precludes the exercise of emergency powers otherwise available in the face of an imminent threat to public safety.

(3) *Procedures.* If a hearing is timely requested, the hearing procedures set forth in subsection (d) above shall apply. If no hearing is timely requested, or as otherwise authorized in a special magistrate order, the building official may take action to repair the building, cause the building to be boarded and secured or demolish the building. The costs of such abatement shall be calculated and collected as set forth in subsection (f) below.

(f) *Abatement; costs.*

(1) *Abatement of unsafe condition.* If the notice of violation is not timely complied with and a hearing is not timely requested or as otherwise authorized in a special magistrate order, the building official may take action to repair the building, cause the building to be boarded and secured or demolish the building.

(2) *Costs.*

a. *Abatement costs.* Whenever an unsafe building is abated by the city, all costs incurred by the city, including but not limited to, the costs of abatement, title work, publication, service and postage, and any other cost or fee attributable to the unsafe building (collectively, "Abatement Costs"), shall be assessed to the owner of the property and shall be a special assessment lien against such property. The city shall mail an invoice of the Abatement Costs to the property owner and request payment in full by a date certain.

b. *Lien.* The Abatement Costs shall be a special assessment lien equal in rank and dignity with taxes and other non-ad valorem assessments and superior in dignity to all other liens, mortgages, judgments, encumbrances, titles, and claims until paid. The city council may, by the adoption of a resolution levying such charges, document such lien in the amount of the outstanding Abatement Costs, or such greater or lesser amount as the city council shall decide is just and fair. The amount of

the Abatement Costs may also include any costs incurred after the initial billing, any costs incurred that were inadvertently omitted, and any costs to be incurred for the recording of the special assessment in the public records. Such assessment may be recorded in the public records. Said assessment shall bear interest at the current legal rate of interest per annum as provided by law and shall constitute a lien upon the property from the date of the assessment.

c. *Collection.* The Abatement Costs assessments are collectible in the same manner as liens for taxes and special assessments. The city may choose to use the uniform method to collect such non-ad valorem assessments as authorized under section 197.3632, Florida Statutes, as amended from time to time. These assessments may also be foreclosed upon in accordance with law or collected by any other procedure authorized by law.

(g) *Appeal.* An aggrieved party, including the city, may appeal a final order of the special magistrate by filing a petition for writ of certiorari with the circuit court. Said appeal must be filed within thirty (30) days from the effective date of the special magistrate's written order.

**Section 3. Repeal of Conflicting Ordinances.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**Section 4. Inclusion in Code.** It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Greenacres.

**Section 5. Severability.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Greenacres that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the

inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**Section 6.** Effective Date. This Ordinance shall take effect upon passage of this Ordinance.

**[The remainder of this page intentionally left blank.]**

Passed on the first reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ADOPTED on the second reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

Voted

\_\_\_\_\_  
Joel Flores  
Mayor

\_\_\_\_\_  
( )  
John Tharp  
Deputy Mayor

Attest:

\_\_\_\_\_  
Quintella Moorer, CMC  
City Clerk

\_\_\_\_\_  
( )  
Peter A. Noble  
Council Member, District II

\_\_\_\_\_  
( )  
Judith Dugo  
Council Member, District III

\_\_\_\_\_  
( )  
Jonathan G. Pearce  
Council Member, District IV

\_\_\_\_\_  
( )  
Paula Bousquet  
Council Member, District V

Approved as to Form  
and Legal Sufficiency:

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



## ITEM SUMMARY

**MEETING DATE:** September 8, 2021

**FROM:** Kara L. Irwin-Ferris, AICP, Director of Building, Planning, & Engineering

**SUBJECT:** Ordinance 2021-10: Amendment to Chapter 2 to add Unsafe Building Abatement Demolition to Special Assessment

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### BACKGROUND

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In 2019, the City adopted Code changes to provide for all of the legal requirements for the levy and collection of nuisance abatement services as non-ad valorem assessments. Previously, the City had not undertaken many nuisance abatement projects since the costs the City expended on these projects were often unrecoverable as resulting liens are typically inferior to mortgages or other liens. The changes provided a mechanism to recoup the money spent on nuisance abatement by the City.

Currently, the City is adopting an Unsafe Building Abatement Ordinance to demolish unsafe structures in the City. This amendment seeks to add this process by reference to Chapter 2, so that the City may levy and assess the demolition of a structure determined to be unsafe in the City in order to recoup the expenditure.

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### ANALYSIS

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Any costs expended by the city for certain nuisance abatement activities on a particular property are considered municipal services that specifically benefit that property. The costs may then be levied against the property as a special assessment lien that will be superior to most other liens and encumbrances. The assessments may then be certified to the tax collector for collection purposes.

The proposed code amendment adds those abatement costs incurred through the enforcement of the newly adopted Section 4-5 of the Code for Unsafe Structures to the Code so that such costs may be collected using the existing uniform method.

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### FINANCIAL INFORMATION

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No financial impact expected.

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## LEGAL

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The Ordinance has been prepared in compliance with City Code and Florida State Statutes.

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## STAFF RECOMMENDATION

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*Approval* of Ordinance 2021-10 amending City Code Chapter 2 Administration.

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Kara L. Irwin-Ferris, AICP  
Director of Building, Planning and Engineering

Attachments:

1. Ordinance No. 2021-10

**ORDINANCE NO. 2021-10**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING SECTION 2-270 DEFINITION; NON-AD VALOREM ASSESSMENT TO INCLUDE ADDITIONAL SECTION FOR DEMOLITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Greenacres (the “City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, pursuant to Chapter 4, Article I, Section 4-5 of the City’s Code of Ordinances (the “Code”), the City has adopted alternative procedures to address and abate unsafe buildings; and

**WHEREAS**, Section 4-5 authorizes the City to assess the unpaid costs for such abatement services as a special assessment; and

**WHEREAS**, the City Council finds that the provision of these demolition services provides a direct, special benefit to the assessed real property; and

**WHEREAS**, the City Council finds that there is a logical relationship between the provision of demolition and other abatement services by the City and an enhancement in the value and desirability of the assessed real property; and

**WHEREAS**, the City Council finds that assessing the costs incurred by the city for abating unsafe buildings against the violating properties is fair and reasonable; and

**WHEREAS**, pursuant to Chapter 2, Article VII, Division 6 of the Code, the City has adopted an ordinance providing for the levy and collection of unpaid nuisance abatement services assessments as non-ad valorem assessments; and

**WHEREAS**, the City Council wishes to add those abatement costs incurred through the enforcement of the newly adopted Section 4-5 of the Code to this ordinance so that such costs may be collected using the uniform method; and

**WHEREAS**, the City Council hereby finds that this Ordinance serves a public purpose and is in the best interest of the public health, safety and welfare.

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

**Section 1.** Findings. The foregoing recitals are hereby ratified and conformed as being true and correct and are hereby incorporated as findings of the City Council of the legislative intent of this ordinance.

**Section 2.** Section 2-270 of the City of Greenacres Code of Ordinances is hereby amended to read as follows:

**Sec. 2-270. – Definition; non-ad valorem assessment.**

- (a) *Definition.* “Nuisance abatement services costs,” when used in this division, shall include the costs incurred by the city to abate the following nuisances:
- (1) Lot cleanings pursuant to sections 7-34, 7-35, and 7-36 of this code;
  - (2) Boarding and securing of structures pursuant to sections 7-34, 7-35, and 7-36 of this code; and
  - (3) Demolition of structures pursuant to section 4-5 of this code and section 116 of the city’s Amendments to the Florida Building Code, as amended from time to time.
- (b) *Non-ad valorem assessment.* Any nuisance abatement service costs that remain delinquent and unpaid as of June 1<sup>st</sup> of each year shall be a special assessment levied against the benefitted real property as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, title and claims upon the benefitted real property and equal in rank and dignity with a lien for ad valorem taxes.

**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 or 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.** Inclusion in Code. It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Greenacres; 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 6.** Effective Date. This Ordinance shall take effect upon passage of this Ordinance.

**[The remainder of this page intentionally left blank.]**

Passed on the first reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ADOPTED on the second reading this \_\_\_\_ day of \_\_\_\_\_,  
2021.

Voted

\_\_\_\_\_  
Joel Flores  
Mayor

\_\_\_\_\_  
( )  
John Tharp  
Deputy Mayor

Attest:

\_\_\_\_\_  
Quintella Moorer, CMC  
City Clerk

\_\_\_\_\_  
( )  
Peter A. Noble  
Council Member, District II

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( )  
Judith Dugo  
Council Member, District III

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Jonathan G. Pearce  
Council Member, District IV

\_\_\_\_\_  
( )  
Paula Bousquet  
Council Member, District V

Approved as to Form  
and Legal Sufficiency:

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