



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, March 06, 2023 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

Susy Diaz, 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

SPECIAL BUSINESS

1. **Proclamation:** Bike Month March 2023. - Brian Ruscher, Deputy Director of Multimodal, Palm Beach Transportation Planning Agency.
2. **Proclamation:** Let's Move Palm Beach County Month. - Wil Romelus, Digital Vibez.
3. **Proclamation:** Women's History Month. - CaraJoy Nash, President, Susan Kaplan, Vice President and Selena Samios, Executive Director of Women's Chamber of Commerce of Palm Beach County.

CONSENT AGENDA

4. **Official Meeting Minutes:** City Council Special Meeting, February 1, 2023, and City Council Meeting, February 6, 2023. - Quintella L. Moorer, City Clerk.

REGULAR AGENDA

5. **PUBLIC HEARING: Ordinance 2022-35: Second Reading:** Amending Chapter 16, Article 3, District Regulations, Division 11, Commercial Intensive, Section 16-499(30) to allow for outside car detailing at standalone car washes within the Commercial Intensive (CI) zoning district; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in Code; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.
6. **QUASI-JUDICIAL PUBLIC HEARING: Ordinance 2022-36: Second Reading:** Approving a zoning change and official zoning map amendment for three parcels of land totaling approximately 3.62 acres, located on the south side of Lake Worth Road

approximately 200 feet west of Empire Way at 4840 Lake Worth Road, from a City of Greenacres designation of Commercial General (CG) to a City of Greenacres designation of Commercial Intensive (CI), as requested by the Petitioner, Schmidt and Nichols, Agent for the owner, Mint Eco Car Wash Acquisition Co., LLC; providing for changes to the official zoning map, repeal of conflicting ordinances, severability; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

- 7. PUBLIC HEARING: Ordinance 2022-37: Second Reading:** Amending Chapter 4 "Buildings and Building Regulations," Article 1 "in General," by deleting Section 4-4, "Greenacres Property Maintenance Code," and creating a new Chapter 7, Article 8, to be entitled, "Greenacres Property Maintenance Code," and amending provisions of the Greenacres Property Maintenance Code; providing for severability, conflicts, codification and an effective date. - Caryn Gardner-Young, Zoning Administrator.
- 8. PUBLIC HEARING: Ordinance 2023-01: Second Reading:** Amending Chapter 16 "Zoning Regulations," Article 6, "Signs Regulation." Division 5, Sign Regulation by Zoning District, Section 16-983, Identification Signs, to clarify the maximum sign copy area; providing for severability, conflicts, codification, and an effective date. - Caryn Gardner-Young, Zoning Administrator.
- 9. QUASI-JUDICIAL PUBLIC HEARING: Resolution 2023-06:** Approving the petition for a Special Exception to allow a standalone car wash in a Commercial Intensive (CI) zoning district, located at 4840 Lake Worth Road, as requested by the petitioner, Josh Nichols, Agent for Mint Eco Car Wash Acquisition CO., LLC; providing for repeal of conflicting resolutions; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.
- 10. Resolution 2023-07:** Approving a site and development plan to allow for a standalone car wash in a Commercial Intensive (CI) zoning district, located at 4840, Lake Worth Road, as requested by the Petitioner, Josh Nichols, Agent for the contract purchaser, Mint Eco Car Wash Acquisition CO. LLC; providing for repeal of conflicting resolutions; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.
- 11. QUASI-JUDICIAL: PUBLIC HEARING: Ordinance 2023-03: First Reading:** Approving a zoning change for six parcels of land totaling approximately 7.9636 acres, located at the southeast corner of Lake Worth Road and Jog Road at 6492, 6350, and 6323, Lake Worth Road, and 4148, 4080, and 4020, Jog Road, from a Palm Beach County zoning designation of General Commercial (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI) as requested by the Planning, GIS and Engineering Division; providing for changes to the official zoning map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.
- 12. PUBLIC HEARING: Ordinance 2023-04: 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 six parcels of land totaling approximately 7.9636 acres, located at the Southeast corner of Lake Worth Road and Jog Road at 6492, 6350, and 6323, Lake Worth Road and 4148, 4080 and 4020 S. Jog Road, from a Palm Beach County designation Commercial High (CH) to a City of Greenacres designation of Commercial (CM) as requested by the Planning, GIS and Engineering Division; providing for repeal of conflicting ordinances, severability, transmittal, inclusion in the Comprehensive Plan; and an effective date. - Caryn Gardner-Young, Zoning Administrator.

DISCUSSION ITEM - None.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

CITY MANAGER'S REPORT

- [13.](#) CRS Department Report.
- [14.](#) Development and Neighborhood Services Report.
- [15.](#) Finance Report.
- [16.](#) Fire Rescue Report.
- [17.](#) Information Technology Report.
- [18.](#) Palm Beach Sheriff's Office District 16 Report.
- [19.](#) Public Works Report.
- [20.](#) Purchasing Report.
- [21.](#) Youth Programs Report.

CITY ATTORNEY'S REPORT

MAYOR AND CITY COUNCIL REPORT

ADJOURNMENT

Upcoming City Council Meetings

March 20, 2023.

April 3, 2023.

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 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 COUNCIL SPECIAL MEETING

City of Greenacres, Florida

Wednesday, February 01, 2023 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

Susy Diaz, 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

Mayor Flores called the meeting to order at 6PM and City Clerk Moorer called the roll.

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 Diaz, and Councilmember Bousquet.

REGULAR AGENDA

- 1. Comprehensive Plan Evaluation and Review (EAR) Workshop:** In accordance with DEO requirements, the City must transmit its EAR-based Amendments no later than September 1, 2023. The process started almost a year ago with numerous actions being taken since including the hiring of consultants to assist City Staff with this project, holding of stakeholders and community meetings, and obtaining input from the Planning and Zoning Board of Appeals. Late last year, the Development and Neighborhood Services Department provided an update to the City Council on the progress of the Comprehensive Plan Review and Amendments. During that presentation, the City Council asked for a Workshop to provide input early in the EAR Amendment process. - Caryn Gardner-Young, Zoning Administrator.

Mayor Flores read the workshop title into the record.

Ms. Gardner-Young stated the intent was to seek the Council's input, ensure Staff was proceeding correctly.

She stated the actions taken place was community engagement which included meetings and surveys, expertise support including input from appropriate outside agencies and then the work begun with consultants' support and staff review of consultant work.

She stated the timeline was from March 2022 to August 2023, the City was on target. The deadline was September 1, 2023.

Ms. Gardner-Young stated the elements were grouped into four elements and included, goals, objective and policies.

Ms. Gardner-Young reviewed all of the elements that would be discussed such as Land Use and Annexation, Conservation, Economic Development, Healthy Communities, Housing, Recreation and Open Space, and Transportation.

As it relates to the Land Use and Annexation element the Council agreed to round off the borders of the City which included annexing South to Lantana, North to Summit, West to Turnpike and East to Military Trail.

The Council agreed to creating a greener City which would include more education, sustainable investments such as charging stations, septic to sewer, encouraging solar panels, and creating community gardens as it relates to the Conservation Element.

Ms. McCue mentioned the City was currently using various greener options such as LED lighting and charging stations.

Economic Development was the next element to discuss. Some recommendations were to perform a marketing study, and ways to get businesses to come into the City.

Mayor Flores stated a walkable or downtown area would be nice, he felt an investment to create the vision would be nice.

Ms. McCue stated the City was currently working towards creating road mods, roundabouts and some updates from the marketing alliance from 2019. She also stated City incentives were needed for redevelopment in the City.

Councilmember Dugo wanted the City to help new businesses stay in compliance so they may succeed in the City. Deputy Mayor Tharp felt the City needed to be able to support the initiative financially and he agreed with the Mayor the City needed a destination area.

Ms. Gardner-Young stated the next element was Healthy Communities and the subcommittee felt the City should focus on physical activity, obesity, and mental health.

Mayor Flores discussed implementing complete streets. Ms. McCue stated the City received a \$150 thousand dollar grant to develop a comprehensive strategy to develop a plan to review complete street opportunities.

Mayor Flores felt as it related to mental health it would be important for the City to engage more with the local schools.

Councilmember Noble suggested cooking classes for better diets and designating certain roads for biking. He also recommended more senior programs.

Councilmember Diaz echoed complete streets and the need for safety on the roads for students and assisting the elderly as it relates to mental health.

Ms. Gardner-Young and the Council continued to discuss the pros and cons of complete streets.

Ms. Gardner-Young moved into the Housing element. She stated the committee discussed mix use development which was inclusive of commercial, warehouse and residential and attainable housing.

Mayor Flores and Deputy Mayor Tharp suggested increasing the height of City buildings. Councilmember Bousquet suggested incentivizing redevelopment in the City.

Recreation and open space was the next element of discussion. Mayor Flores mentioned adding roofs for the courts and play areas and increasing parking. Deputy Mayor Tharp felt the coverings were a great idea due to the heat and he also suggested misting stations to cool off.

Deputy Mayor Tharp said he would love to add a dog park to the City. Councilmember Diaz suggested looking into a splash park for kids.

Councilmember Noble suggested adding more volleyball courts and acquiring more land. Mayor Flores said a venue for events would be nice with parking.

Transportation was the last element discussed. The Council talked about mobility, congestion, pedestrian/bike traffic and school drop off and pick up traffic, signal coordination, and better street lighting

Councilmember Diaz and Mayor Flores thanked Staff for a great presentation.

Ms. Gardner-Young stated they would be working with the consultant to finalize the goals and data. Staff would return with the final results and then submitted to State and back to Council for the last final results. Residents and Council would still be able to submit concerns or questions.

ADJOURNMENT

8:02PM.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



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City of Greenacres, Florida

Monday, February 06, 2023 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

Susy Diaz, 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

Mayor Flores called the meeting to order at 6PM and City Clerk Moorer called the roll.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion made by Councilmember Diaz, Seconded by Councilmember Dugo to approve the agenda.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

SPECIAL BUSINESS

- 1. Proclamation:** Black History Month. - Dr. Philip C. Harris, President of National Forum of Black Public Administrators, South Florida Chapter.

Ms. Moorer read the proclamation by title.

Dr. Harris thanked the City for the proclamation and highlighted the NFBPA organization, mentioning the founders, members across counties and the great success it had on the members and communities.

Photos were taken.

- 2. Proclamation:** Random Acts of Kindness, February 17, 2023. - Benjamin Dexter, Youth Programs Supervisor.

Ms. Moorer read the proclamation by title.

- 3. Proclamation:** Pink Shirt Day, February 22, 2023. Benjamin Dexter, Youth Programs Supervisor.

Ms. Moorer read the proclamation by title.

Mr. Dexter thanked the Council for the acknowledgement and stated their goal was to promote and educate the youth in the City.

Photos were taken.

CONSENT AGENDA

- 4. Official Meeting Minutes:** City Council Meeting Minutes, January 9, 2023. - Quintella L. Moorer, City Clerk.
- 5. Solid Waste Write-Off:** Request to write-off the outstanding Solid Waste balance of \$2,980.37. - Teri Beiriger Director of Finance.
- 6. Resolution 2023-05:** Approving and authorizing the execution of the Traffic Control Jurisdiction Agreement between the City of Greenacres and the Catalina Estates Homeowners' Association, Inc.; and providing for transmittal and effective date. - Caryn Gardner-Young, Zoning Administrator.

Motion made by Councilmember Bousquet, Seconded by Councilmember Dugo to approve the Consent Agenda.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

REGULAR AGENDA

- 7. PUBLIC HEARING: Ordinance 2023-01: First Reading:** Amending Chapter 16 "Zoning Regulations," Article 6, "Signs Regulation." Division 5, Sign Regulation by Zoning District, Section 16-983, Identification Signs, to clarify the maximum sign copy area; providing for severability, conflicts, codification, and an effective date. - Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. Gardner-Young stated the sign regulation was previously approved but the sign copy area was left out of the language, the ordinance now included the language that was missing.

Staff recommended approval.

Motion made by Councilmember Dugo, Seconded by Councilmember Diaz to approve Ordinance 2023-01 on First Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

- 8. Ordinance 2022-37: First Reading:** Amending Chapter 4 "Buildings and Building Regulations," Article 1 "in General," by deleting Section 4-4, "Greenacres Property Maintenance Code," and creating a new Chapter 7 Article 8 to be entitled "Greenacres Property Maintenance Code," and amending provisions of the Greenacres Property Maintenance Code; providing for severability, conflicts, codification and an effective date. - Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. Gardner-Young stated the main focus of the ordinance was to maintain property value and standards. She mentioned in 2019, the City adopted the reference to the property maintenance Code which was listed as a separate document. In order to ensure transparency and easy access for residents the ordinance requests the specific regulations be added to the Code of Ordinances.

Staff recommended approval.

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-37 on First Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

9. Ratification of the Planning and Zoning Board of Appeals Board: Reappointing Emily Jacob-Robarts to serve another three (3) year term.

Mayor Flores thanked Ms. Robarts for her service.

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to approve Ms. Jacob-Robarts to serve another three (3) year term.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

DISCUSSION ITEM - None.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None.

CITY MANAGER'S REPORT

Ms. McCue stated the regular City Council Meeting for February 20, 2023, would be cancelled due to the President's Day holiday therefore the next City Council Meeting would be March 6.

Let's Talk Conversation next event would be held February 8 and 22, 2023 at the Community Center.

CITY ATTORNEY'S REPORT

None.

MAYOR AND CITY COUNCIL REPORT

Councilmember Diaz - congratulated the Fire Rescue Department for winning the Chili Cook-Off, also great job on the Artzy Event. She also mentioned the school district was moving forward with no changes to the high school boundaries in Greenacres in spite of the City's resolution. She asked the Council to continue to advocate for the City's children. Councilmember Diaz introduced Ms. Samantha White, student. She asked the Council and residents to take a few minutes to speak to her about government.

Deputy Mayor Tharp - congratulated the Artzy Events and Fire Rescue.

Mayor Flores - echoed Councilmember Diaz relating to the school district mapping. He encouraged the Council to speak to our School Board representatives. He felt it was difficult to have five high schools in our community.

ADJOURNMENT

6:29PM.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



ITEM SUMMARY

MEETING DATE: March 6, 2023

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2022-35, ZTA-22-17**
Mint Eco Standalone Car Wash Zoning Text Amendment

BACKGROUND

On September 15, 2008, the City Council adopted Ordinance 2008-02 which provided for three (3) changes to the Zoning Code: provided a definition of “Stand Alone Car Wash Facility”, incorporated Stand-Alone Car Wash Facilities into the Commercial Intensive (CI) zoning district as a Special Exception use, and provided for off-street parking and loading requirements for this specific use. Before the amendments, car washes were only approved as accessory uses to existing full-service fuel stations and car dealerships, not as a standalone use. The amendments allowed for a car wash to develop on a property provided it was located adjacent to an existing or planned full-service fuel station and provided cross access easements to the gas station.

In 2022, the City received a privately initiated zoning text amendment to amend the code to allow for a Standalone Car Wash use as a Special Exception within the Commercial Intensive (CI) zoning district that is not required to be co-located adjacent to a full-service fuel station or gas station. The proposed language increased the distance requirement between car wash facilities from 1,500 feet to 3,000 feet, prohibited exterior detailing and waxing, and required a landscape buffer for accessory equipment in the parking area of the site. These zoning amendments were approved by the City Council through Ordinance 2022-07.

The City has now received a privately initiated zoning text amendment to allow outside car detailing for Standalone Car Washes.

The Development Review Committee has reviewed the text amendment and is recommending approval, followed by the Planning and Zoning Board of Appeals recommending approval by a vote of 4-0 at their meeting on December 8, 2022. The City Council voted four (4) to zero (0) to recommend approval of Zoning Text Amendment ZTA-22-17 as presented by staff on December 19, 2022.

ANALYSIS

The applicant has submitted a Site Plan application for the subject properties requesting permission to build a Standalone Car Wash with outdoor car detailing. Unfortunately, the City’s existing Zoning Code does not allow outdoor car detailing. Thus, to operate the proposed Standalone Car Wash with the applicant’s model, they require the proposed privately initiated

zoning text amendment. The proposed amendments will allow for car detailing at a Standalone Car Wash which is presently prohibited.

Car detailing is an advanced version of a regular car wash. It is a more thorough process that goes beyond what a car wash can accomplish. A car detailing service focuses not only on deep cleaning, but also on light cosmetic paint restoration and high-tech protective coatings. The applicant claims that car detailing is a critical part of their car washing operations which other car washing operations do not include.

The applicant is addressing the impacts of such operations by providing a landscape hedge and 6' wall abutting any residential properties. Given that there is a market demand for this use within the city, the proposed amendment is acceptable.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2022-17 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of ZTA-22-01 through the adoption of Ordinance 2022-17.

ZTA-22-17 (Ordinance 2022-35)
 Exhibit "A"
 Date: September 26, 2022

Revised: 11/10/2022
12/08/2022
12/19/2022

	DEVELOPMENT REVIEW COMMITTEE REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Ordinance 2022-35: ZTA-22-17 – Stand Alone Car Wash

First Reading: A privately initiated Zoning Text Amendment from Schmidt Nichols, agent for Mint Eco Car Wash Acquisition Co., LLC for changes to the existing code requirements to allow outside car detailing at Stand-Alone Car Washes in the Commercial Intensive (CI) zoning district.

-
- Recommendation to APPROVE
 Recommendation to DENY
-
- Quasi-Judicial
 Legislative
 Public Hearing
-

<p>Originating Department:</p> <p>Planning & Engineering</p> <p>Project Manager</p> <p>_____</p> <p>Caryn Gardner-Young, AICP</p>	<p>Reviewed By:</p> <p>Director of Development and Neighborhood Services</p> <p>_____</p> <p>Denise Malone</p>
<p>Approved By:</p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p>	<p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required</p> <p>PC Dates: 12/8/22, 2/23/23</p> <p>Papers: Palm Beach Post</p> <p>Mailing:</p> <p><input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required</p> <p>Notice Distance: _____</p>

<p>Attachments:</p> <ul style="list-style-type: none"> • Ordinance 2022-35 	<p>City Council Action:</p> <p><input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____</p>
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I. Executive Summary

A privately initiated request to amend the City’s Zoning Code to revise the established criteria for a standalone car wash to allow outside car detailing activities which the current regulations prohibit. The previously approved zoning text amendments were regulating express car washes which typically have a wash tunnel and vacuums only or the patron exits the site. The applicant is requesting the proposed changes to address full-service car washes which typically go over and above an express car wash by providing the highest level of customer service including comprehensive car detailing.

The applicant has submitted concurrent applications for a Zoning Map Change (from CG to CI), Special Exception, and Site Plan Approval for a Stand-Alone Car Wash located at 4840 Lake Worth Road. Should this proposed zoning text amendment be adopted, the proposed activities in the Site Plan would be permitted by special exception.

II. Background

On September 15, 2008, the City Council adopted Ordinance 2008-02 which provided for three (3) changes to the Zoning Code: provided a definition of “Stand Alone Car Wash Facility”, incorporated Stand-Alone Car Wash Facilities into the Commercial Intensive (CI) zoning district as a Special Exception use, and provided for off-street parking and loading requirements for this use. Before the amendment, car washes were only approved as accessory uses to existing full-service fuel stations and car dealerships, not as a standalone use. The amendment allowed for a car wash to develop on a property provided it was located adjacent to an existing or planned full-service fuel station and provided cross access easements to the gas station. The City Council concurrently approved a Stand-Alone car wash as a special exception, Sparkles, submitted by the same applicant that was to be developed at 4605 Melaleuca Lane, adjacent to an existing Texaco gas station. The car wash was never developed, and the approvals expired on September 15, 2010.

The city earlier this year received an application to amend the code to allow for a stand-alone car wash use as a special exception within the Commercial Intensive (CI) zoning district that is not required to be co-located adjacent to a full-service fuel station or gas station. The proposed language increased the distance requirement between car wash facilities from 1,500 feet to 3,000 feet, prohibited exterior detailing and waxing, and required a landscape buffer for accessory equipment in the parking area of the site. These zoning amendments were approved by the City Council through Ordinance 2022-07. A concurrent application for approval of a stand-alone car wash at 6200 Lake Worth Road is pending.

III. Proposed Zoning Code Amendments:

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Text shown in ~~strikethrough~~ is to be deleted. Text shown in underline (proposed by applicant) and double underline (proposed by staff) is to be added:

Proposed Change #1

ARTICLE III. DISTRICT REGULATIONS

DIVISION 11. COMMERCIAL INTENSIVE (CI)

Sec. 16-499. Special Exceptions.

The following are special exceptions, subject to the provisions of section 16-474 et seq. in the Commercial Intensive (CI) district:

[(1) thru (29) and (31) Omitted for Brevity]

(30) Stand-alone car wash facility:

- a. There shall be a minimum distance of three thousand (3,000) feet shortest airline measurement between the nearest points of any two (2) parcels of land, located within city limits, occupied or to be occupied for stand-alone car wash facilities.
- b. Stand-alone car wash facilities shall be limited to urban principle arterial roadway systems.
- c. Outdoor storage is prohibited. All merchandise, parts and supplies shall be located within a completely enclosed building.
- d. Outdoor display of merchandise is prohibited. All merchandise, parts and supplies shall be located within a completely enclosed building.
- e. Hours of operation shall be limited through conditions of approval to promote compatibility with surrounding uses.
- f. A stand-alone car wash facility shall have staff on site at all times during the hours of operation.
- g. Off-street loading space(s) which are provided for the delivery of materials, merchandise, or any similar accessory or product, shall be in accordance with section 16-1336. In those instances where a loading zone is not required per section 16-1336, a Loading Zone Management Plan shall be submitted and approved by the city prior to site plan approval.
- h. Exterior loudspeakers or paging equipment are prohibited.
- i. All stand-alone car wash facilities must comply with the following architectural standards:
 - i. Exterior building material shall be stucco or a similar material presenting a high-quality appearance.
 - ii. Buildings shall be designed to have the same architectural style and decorative elements on all sides.
 - iii. The colors of the building and accessory structures shall be compatible with the general character of the area.
 - iv. Elevations showing architectural details and colors shall be submitted as part of both the site and development plan and special exception applications.
- j. To protect landscape buffers and prevent unplanned access, a raised curb of at least six (6) inches in height shall be erected along all street property lines except for driveways.

- k. The car wash equipment shall use a ninety (90) percent water recycling system, utilizing one hundred (100) percent of the waste water.
- l. All washing facilities and equipment shall be within an enclosed building except that vacuuming facilities and air pumps may be located outside the building, subject to a limitation allowing operation of the exterior vacuum facilities and air pumps only during the hours of operation permitted for the stand-alone car wash facility under Section 16-499(30)e of this code.
- m. Exterior detailing and waxing shall be prohibited when abutting residentially zoned properties unless screened from view at the adjoining property line. If screening is not already required by other portions of this code, screening shall consist of a six (6) foot wall, which shall be compatible with the proposed or existing architectural features on-site. The screening shall also include a continuous hedge maintained at a minimum height of six (6) feet located on the outside of the wall within the required landscape buffer unless an alternative landscape plan has been as approved by the development and neighborhood services director or his /her designee. Property lines adjacent to rights-of-way, commercial, or public institution zoned properties shall be upgraded to include a hedge maintained at a minimum of six (6) feet in height unless an alternative landscape plan has been as approved by the development and neighborhood services director or his/her designee.
- n. Special landscape treatment shall be considered to mitigate the visual impact of exterior vacuum equipment on any adjacent right-of-way.
- o. If the opening of the car wash facility faces the adjacent right-of-way, then the opening shall be screened from view of the adjacent right-of-way to the greatest extent possible so that pass-by traffic cannot view the mechanical washing equipment inside the building.

IV. Staff Analysis:

The proposed amendment was submitted by an applicant that also has submitted a concurrent development application for a stand-alone car wash in the city. The proposed amendments will allow for car detailing at a stand-alone car wash which is presently prohibited. Car detailing is an advanced version of a regular car wash. It is a more thorough process that goes beyond what a car wash can accomplish. A car detailing service focuses not only on deep cleaning, but also on light cosmetic paint restoration and high-tech protective coatings. The applicant is addressing the impacts of such operations by providing a landscape hedge abutting any residential properties. Given that there is a market demand for this use within the city, and it is already allowed, the proposed amendments are acceptable.

Development Review Committee Comments:

The petition was reviewed by the Development Review Committee on September 9, 2022, and recommended for approval.

Planning, GIS and Engineering Division:	No objections
Building Division:	No objections
Fire Rescue Department:	No objections
Public Works Department:	No objections

PBSO District #16
Community and Recreation Services Dept.

No objections
No objections

V. Zoning Text Amendment Criteria:

A. *The need and justification for these changes:*

The principal intent of the proposed text amendment to the Zoning Code is to allow for car detailing at stand-alone car wash facilities. Given that there is a market demand for this use within the city, the applicant is addressing the impacts of the service, and stand-alone car washes are already allowed, the proposed amendment is acceptable.

B. *The relationship of the proposed amendments to the purpose and objectives of the City’s Comprehensive Plan, and whether the proposed change will further the purposes of the City’s Zoning Code regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.*

The proposed amendment is consistent with the Goals, Objectives, and Policies of the City’s Comprehensive Plan, specifically, Goal 1 of the Future Land Use Element. This states that it shall be the goal of the City of Greenacres to achieve a high-quality living environment by ensuring that the character and location of land use maximizes the potential for economic benefit and the enjoyment of natural and man-made resources by the citizenry while respecting the integrity of the natural environment by minimizing the threat to health, safety and welfare posed by incompatible land use and environmental degradation. Furthermore, the proposed amendments is consistent with Objective 1 Policy b) of the Future Land Use Element that states that higher intensities and densities of development shall be located within spheres of activity and along major corridors where public facilities are available (such as Commercial Intensive zoned properties).

Overall, the proposed zoning text amendment will enhance economic opportunities while ensuring that appropriate regulations are incorporated to ensure the health, safety, and welfare of the residents of the City, thus assuring consistency with both the Comprehensive Plan and the Zoning Code.

VI. Staff Recommendation:

Approval of ZTA-22-17 through the adoption of Ordinance 2022-35.

**PLANNING AND ZONING BOARD OF APPEALS
RECOMMENDATION – November 10, 2022**

The Planning and Zoning Board of Appeals meeting was cancelled due to impacts from Hurricane Nicole.

**PLANNING AND ZONING BOARD OF APPEALS
RECOMMENDATION – December 8, 2022**

The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Board Member Litowsky, voting four (4) to zero (0), *recommended approval* of Zoning Text Amendment ZTA-22-17, as presented by staff.

CITY COUNCIL ACTION First Reading – December 19, 2022

The City Council on a motion made by Council Member Bousquet and seconded by Council Member Dugo, voting four (4) to zero (0), *approved* zoning text amendment ZTA-22-17 (*Standalone Car Wash – Car Detailing*), on first reading, through *Ordinance 2022-35*, as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – March 6, 2022

ORDINANCE NO. 2022-35

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ARTICLE III, DISTRICT REGULATIONS, DIVISION 11, COMMERCIAL INTENSIVE, SECTION 16-499(30) TO ALLOW FOR OUTSIDE CAR DETAILING AT STAND-ALONE CAR WASHES WITHIN THE COMMERCIAL INTENSIVE (CI) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Josh Nichols of Schmidt and Nichols, agent for Mint Eco Car Wash Acquisition Co., LLC, has submitted a request for a zoning text amendment to revise Chapter 16, Article III, Division 11, Section 16-499(30) to allow outside car detailing at stand-alone car washes; and

WHEREAS, it has been determined, in accordance with the Development Review Committee Staff Report and Recommendation, attached hereto as Exhibit “A” (dated September 26, 2022), that the proposed amendment to the City’s zoning regulations is appropriate; and

WHEREAS, the Planning and Zoning Board of Appeals, on November 10, 2022, held a duly advertised public hearing and recommended approval of ZTA-22-17 and adoption of Ordinance 2022-35 as presented by staff; and

WHEREAS, the City Council of Greenacres has held two (2) duly advertised public hearings to review this request; and

WHEREAS, the City Council of Greenacres finds that it is in the best interests of the citizens of the City of Greenacres that the provisions of Chapter 16, Article III, Division II, Section 16-499(30) of the City's Zoning Code be amended; and

Ordinance No. 2022-35 | Standalone Car Wash

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WHEREAS, the City Council deems approval of this Ordinance as serving a valid public purpose.

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

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

SECTION 2. Chapter 16, Article III, Division 11, Section 16-499(30) of the City of Greenacres Code of Ordinances is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by ~~strikeout~~):

ARTICLE III. DISTRICT REGULATIONS**DIVISION 11. COMMERCIAL INTENSIVE (CI)****Sec. 16-499. Special Exceptions.**

The following are special exceptions, subject to the provisions of section 16-474 et seq., in the commercial intensive (CI) district:

[(1) thru (29) and (31) Omitted for Brevity]

(30) Stand-alone car wash facility:

- a. There shall be a minimum distance of three thousand (3,000) feet shortest airline measurement between the nearest points of any two (2) parcels of land, located within city limits, occupied or to be occupied for stand-alone car wash facilities.
- b. Stand-alone car wash facilities shall be limited to urban principle arterial roadway systems.
- c. Outdoor storage is prohibited. All merchandise, parts and supplies shall be located within a completely enclosed building.
- d. Outdoor display of merchandise is prohibited. All merchandise, parts and supplies shall be located within a completely enclosed building.
- e. Hours of operation shall be limited through conditions of approval to promote compatibility with surrounding uses.
- f. A stand-alone car wash facility shall have staff on site at all times during the hours of operation.
- g. Off-street loading space(s) which are provided for the delivery of materials, merchandise, or any similar accessory or product, shall be in accordance with section 16-1336. In those instances where a loading zone is not required per section 16-1336, a Loading Zone Management Plan shall be submitted and approved by the city prior to site plan approval.

Ordinance No. 2022-35 | Standalone Car Wash

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- h. Exterior loudspeakers or paging equipment are prohibited.
- i. All stand-alone car wash facilities must comply with the following architectural standards:
 - i. Exterior building material shall be stucco or a similar material presenting a high-quality appearance.
 - ii. Buildings shall be designed to have the same architectural style and decorative elements on all sides.
 - iii. The colors of the building and accessory structures shall be compatible with the general character of the area.
 - iv. Elevations showing architectural details and colors shall be submitted as part of both the site and development plan and special exception applications.
- j. To protect landscape buffers and prevent unplanned access, a raised curb of at least six (6) inches in height shall be erected along all street property lines except for driveways.
- k. The car wash equipment shall use a ninety (90) percent water recycling system, utilizing one hundred (100) percent of the waste water.
- l. All washing facilities and equipment shall be within an enclosed building except that vacuuming facilities and air pumps may be located outside the building, subject to a limitation allowing operation of the exterior vacuum facilities and air pumps only during the hours of operation permitted for the stand-alone car wash facility under Section 16-499(30)e of this code.
- m. Exterior detailing and waxing shall be prohibited when abutting residentially zoned properties unless screened from view at the adjoining property line. If screening is not already required by other portions of this code, screening shall consist of a six (6) foot wall, which shall be compatible with the proposed or existing architectural features on-site. The screening shall also include a continuous hedge maintained at a minimum height of six (6) feet located on the outside of the wall within the required landscape buffer unless an alternative landscape plan has been approved by the development and neighborhood services director or his /her designee. Property lines adjacent to rights-of-way, commercial, or public institution zoned properties shall be upgraded to include a hedge maintained at a minimum of six (6) feet in height unless an alternative landscape plan has been approved by the Development and neighborhood services director or his/her designee.
- n. Special landscape treatment shall be considered to mitigate the visual impact of exterior vacuum equipment on any adjacent right-of-way.
- o. If the opening of the car wash facility faces the adjacent right-of-way, then the opening shall be screened from view of the adjacent right-of-way to the greatest extent possible so that pass-by traffic cannot view the mechanical washing equipment inside the building.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances and resolutions or parts thereof, which conflict with or are 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 unconstitution; 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. Inclusion in Code

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 Code of Laws and Ordinances 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 6. Effective Date

The provisions of this Ordinance shall become effective upon adoption.

(Remaining page is intentionally left blank)

Passed on the first reading this 19th day of December, 2022.

PASSED AND ADOPTED on the second reading this 6th day of March, 2023.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: March 6, 2023

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2022-36, ZC-22-01**
Zoning Change for Mint Eco Car Wash

BACKGROUND

Josh Nichols of Schmidt and Nichols, agent for Mint Eco Car Wash Acquisition Co. Inc. to approve a zoning change request from a Commercial General (CG) zoning district to a Commercial Intensive (CI) zoning district. The site is located at 4840 Lake Worth Road and the two vacant parcels to the south of 4840 Lake Worth Road.

A request by the applicant for a change in the zoning designation (ZC-22-01) of three parcels of land totaling 3.62 acres from City Commercial General (CG) to City Commercial Intensive (CI). The parcel fronting Lake Worth Road is currently developed with a vacant restaurant structure (La Granja Aruba Foods). The two parcels in the rear are vacant and there is no proposed development of them at this time. The zoning change is needed since the proposed use for the parcels is a Standalone Car Wash which can only be built in a Commercial Intensive Zoning District.

The Development Review Committee has reviewed the text amendment and is recommending approval, followed by the Planning and Zoning Board of Appeals recommending approval by a vote of 4-0 at their meeting on December 8, 2022. The City Council voted four (4) to zero (0) to recommend approval of Zoning Change ZC-22-01 as presented by staff on December 19, 2022.

ANALYSIS

Staff has determined that the proposed Commercial Intensive (CI) zoning district is consistent with the property's Commercial future land use designation. With Lake Worth Road being the city's main thoroughfare, the Commercial Intensive zoning district is the most appropriate zoning for the subject parcels. Although the subject parcels fall under the Lake Worth Road Urban Corridor, there are no specific sub-district regulations applicable to the parcels at this time.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2022-36 was prepared in accordance with all applicable State Statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of ZC-22-01 through the adoption of Ordinance 2022-36.

ZC-22-01
 Exhibit "A"
 Date: September 26, 2022

Revised: 11/10/2022
12/08/2022
12/19/2022

	DEVELOPMENT REVIEW COMMITTEE REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Ordinance 2022-36: ZC 22-01: Rezoning at 4840 Lake Worth Road

First Reading & Quasi-Judicial Public Hearing: A request from Josh Nichols of Schmidt and Nichols, agent for the contract purchaser, Mint Eco Car Wash Acquisition Co. Inc. to approve a zoning change request from the Commercial General (CG) zoning district to the Commercial Intensive (CI) zoning district. The site is located at 4840 Lake Worth Road.

Recommendation to APPROVE
 Recommendation to DENY

Quasi-Judicial
 Legislative
 Public Hearing

<p>Originating Department: Planning & Engineering</p> <p>Project Manager</p> <p>_____</p> <p>Caryn Gardner-Young, AICP</p>	<p>Reviewed By:</p> <p>Director of Development & Neighborhood Services</p> <p>_____</p> <p>Denise Malone</p>
<p>Approved By:</p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p>	<p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required</p> <p>Date: 10/27/22, 11/24/22, 2/23/23</p> <p>Paper: Lake Worth Herald, Palm Beach Post</p> <p>Mailing</p> <p><input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required</p>

<p>Attachments:</p> <ul style="list-style-type: none"> • Aerial • Zoning Map 	<p>City Council Action:</p> <p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Approve with conditions</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Continued to: _____</p>
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II. Executive Summary

A request by the contract purchaser for a change in the zoning designation (ZC-22-01) of three parcels of land totaling 3.62 acres from City Commercial General (CG) to City Commercial Intensive (CI). The parcel fronting Lake Worth Road is currently developed with a vacant restaurant structure (La Granja Aruba Foods). The two parcels in the rear are undeveloped. The site and development plan for the restaurant was approved on September 8, 2000. The applicant intends to demolish the existing restaurant building and develop a standalone car wash, which is permitted as a special exception use within the CI zoning district. No development is proposed for the two undeveloped parcels.

III. Site Data:

Existing Use:	Former restaurant / Undeveloped
Proposed Use:	Stand Alone Car Wash
Parcel Control Number:	18-42-44-15-00-000-3260, 3080 and 3081
Parcel Size:	3.62 acres
Existing Future Land Use Designation:	Commercial
Existing Zoning District:	Commercial General (CG)
Proposed Zoning District:	Commercial Intensive (CI)

Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Medical Office	Commercial (CM)	Commercial General (CG)
<i>South</i>	Canal/ Single-Family Residence	Residential Low Density (RS-LD)	Residential Low (RL-3)
<i>East</i>	Dairy Queen/ Single Family Residences	Commercial (CM)/Residential Low Density (RS-LD)	Commercial General (CG)/ Residential Low (RL-3)
<i>West</i>	Office/ Single Family Residences	Commercial (CM) and Residential Low Density (RS-LD)	Commercial General (CG) and Residential Low 3 (RL-3)

IV. Annexation/Zoning History:

The subject parcel sites are located on the south side of Lake Worth Road, approximately 200 feet west of Empire Way. The subject sites have a future land use designation of Commercial (CM) and a zoning designation of Commercial General (CG). The parcel fronting Lake Worth Road was originally developed as “Bud’s Chicken”, through petition SE-80-02, which vacated this site for another site to the east in 1991. In 1995, the site was issued a building permit for an auto parts store (Kirby’s), which was subsequently renamed to Whitey’s Auto Parts. The building was vacant for seven years. Then in 2000, a Site Plan Amendment (Class III) was received to approve a sit-

down restaurant (La Granja). This restaurant closed in 2018 and the building has been vacant since. The back two parcels are undeveloped with no plans submitted by the applicant. The current owner is now requesting a site and development plan amendment to build a standalone car wash mainly on the subject parcel fronting Lake Worth Road.

V. Applicable Comprehensive Plan Provisions:

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

1. Future Land Use Element

Objective 1, Policy b)

Higher intensities and densities of development shall be located within spheres of activity (as depicted on Map No. 5) and along major corridors where public facilities are available and land use compatibility can be achieved.

Objective 2 Policy c) and d)

Policy c)

The City shall adopt measures to promote redevelopment that include the potential establishment of a Transportation Concurrency Exception Area (TCEA) and/or a Corridor Master Plan for Lake Worth Road, including appropriate redevelopment densities and intensities and mix of uses.

Policy d)

In order to maximize compatibility and preserve commercial opportunity, economic vitality, and the tax base, the City shall restrict future land uses in the Lake Worth Road corridor to commercial and mixed-use designations.

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:

**** (1 through 9 and 12 through 16 omitted for brevity) ****

(10) Commercial General - 30% lot coverage, 0.35 FAR;

(11) Commercial Intensive - 30% lot coverage, 0.35 FAR

Objective 11, Policies b) and c)

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

VI. 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 11. Commercial Intensive (*Section 16-496 through 16-506*)

The Commercial Intensive (CI) district is intended for intensive, highly automotive oriented uses that require a conspicuous and accessible location along thoroughfares designated as major arterials in the Comprehensive Plan. Permitted uses and special exceptions within this designation require larger land areas with ample off-street parking and off-street loading space. This district provides the greatest variety of uses among commercial districts and serves a geographical area that extends beyond the city limits. This district may accommodate certain light manufacturing, processing, wholesaling and storage and warehousing uses when it is clearly demonstrated that such uses are compatible with other uses in the district. It is not the intent of this district that it shall be used to encourage the extension of strip commercial areas.

Division 17. Urban Corridor Overlay District (*Section 16-590 through 16-593*)

The purpose and intent of the Lake Worth Road Urban Corridor overlay zoning district is to encourage redevelopment and provide enhanced property development standards and patterns within the Lake Worth Road commercial corridor. This overlay district will help implement the City's vision for the area and create solutions for land development along Lake Worth Road. Objectives are to: facilitate redevelopment, manage over time the transition from residential uses to commercial uses, protect adjacent residential uses, enhance the economic viability of the commercial corridor, encourage pedestrian access and efficient vehicular movement, and enhance physical appearance and market success through landscaping and architectural design guidelines. The standards within this district will ensure that any new development or expansion of an existing development is compatible with the surrounding area and supportive of the overall viability of the corridor.

Division 7 Transitional Areas (Section 16-736 through Section 16-737)

Transitional areas shall be provided in all CI and CG zoned areas which are contiguous to residentially zoned areas in order to adequately screen, buffer, and separate objectionable commercial uses from residential uses. The transitional area is not intended to preclude the use of commercial intensive (CI) and commercial general (CG) zoned lands, but to provide reasonable alternatives to commercial development next to residentially zoned areas.

VII. Staff Analysis:

Development Review Committee Comments:

The petition was reviewed by the Development Review Staff on September 9, 2022, and no objections were received.

Planning and Engineering Dept.:	Incorporated into the staff report
Building Department:	No comments
Fire Rescue Department:	No comments
Public Works Department:	No comments
PBSO District 16:	No comments
Community and Recreation Services	No comments

Zoning Change Criteria and Findings of Fact:

Section 16-153. Planning and Zoning Board of Appeals Report: The Planning and Zoning Board of Appeals shall submit a report to the City Council which shows that the Board 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 Commercial Intensive (CI) zoning district is consistent with the property's Commercial future land use designation. With Lake Worth Road being the city's main thoroughfare, the Commercial Intensive zoning district is the most appropriate zoning for the subject parcels. Although the subject parcels fall under the Lake Worth Road Urban Corridor, there are no specific sub-district regulations applicable to the parcels at this time.

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

Finding: The proposed Commercial Intensive (CI) zoning district is consistent with the existing land use pattern in the area. The portion of the subject property where the

standalone car wash would be located is bound by commercial uses to the east, west, and north so its impacts would not affect the single-family residences that are located further east, west, or south.

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

Finding: The proposed zoning change would not create an isolated district unrelated to adjacent and nearby districts. The zoning designations to the north, west and east are designated as Commercial already and support the high intensity use typically found along a major thoroughfare. Although the existing zoning districts are CG, most of the Lake Worth Road corridor possesses a CI zoning designation which these parcels would become compatible with.

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

Finding: The proposed rezoning is a change from one commercial designation to another so there is no expected increase or overtaxing of the land on public facilities. However, any future development of the site would need to receive concurrency for special exception and site plan approval.

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

Finding: The proposed rezoning is a change from one commercial designation to another so the boundaries are already drawn as commercial. Thus, the proposed CI zoning designation is compatible and a logical district boundary in relation to the existing conditions in the area.

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

Finding: The site was previously utilized as a restaurant and there have not been any potential buyers for another restaurant since La Granja closed in 2018. According to the Comprehensive Plan, the proposed CI zoning district is best suited along major thoroughfares such as Lake Worth Road, Military Trail, and Forest Hill Boulevard. As noted, the proposed rezoning will not only allow for the proposed use of a standalone car wash but will provide a wider array of possible uses which can better serve the community.

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

Finding: According to the traffic study provided, the proposed rezoning will have an insignificant impact on the surrounding roadways. The standalone car wash is expected

to generate 166 trips per day, or 12 am peak hour trips and 14 pm peak hour trips. Since this is less than 20 peak hour trips, the city's traffic consultant has determined that no excessive increased traffic will be generated by the proposed zoning change.

(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 CI zoning district allows for the most intensive commercial uses in the Zoning Code which the Comprehensive Plan has indicated is appropriate along Lake Worth Road. Further, the project will need to meet the more stringent Transitional Area regulations which were adopted to provide additional protect to residential properties which are adjacent to commercial projects. Based upon the proposed layout of the project, landscape buffering, the property being already zoned commercial and overall open space adjacent to residential properties, the neighborhood living conditions are not expected to be affected.

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

Finding: There is a substantial reason why the property cannot be used in accord with the existing zoning district. The applicant is proposing the rezoning to Commercial Intensive (CI) in order to develop a standalone car wash which is not permitted in a Commercial General zoning district.

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

Finding: The proposed change would not constitute a special privilege for the property owner. The Comprehensive Plan proposes that the property along Lake Worth Road will be zoned Commercial Intensive in order to continue the development of the corridor and allow for a broader mix of uses that can better service the community along a major thoroughfare.

VIII. Staff Recommendation:

Approval of ZC-22-01.

PZBA RECOMMENDATION – November 10, 2022

The Planning Zoning Board of Appeals meeting was cancelled due to impacts from Hurricane Nicole.

PZBA RECOMMENDATION – December 8, 2022

The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Board Member Litowsky, voting four (4) to zero (0), *recommended approval* of Zoning Change **ZC-22-01**, as presented by staff.

CITY COUNCIL ACTION First Reading – December 19, 2022

The City Council on a motion made by Council Member Dugo and seconded by Deputy Mayor Tharp, voting four (4) to zero (0), *approved* zoning change **ZC-22-01** (*Mint Eco Standalone Car Wash*), on first reading, through *Ordinance 2022-36*, as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – March 6, 2023

ORDINANCE NO. 2022-36

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE AND OFFICIAL ZONING MAP AMENDMENT FOR THREE PARCELS OF LAND TOTALING APPROXIMATELY 3.62 ACRES, LOCATED ON THE SOUTH SIDE OF LAKE WORTH ROAD APPROXIMATELY 200 FEET WEST OF EMPIRE WAY AT 4840 LAKE WORTH ROAD, FROM A CITY OF GREENACRES DESIGNATION OF COMMERCIAL GENERAL (CG) TO A CITY OF GREENACRES DESIGNATION OF COMMERCIAL INTENSIVE (CI), AS REQUESTED BY THE PETITIONER, SCHMIDT AND NICHOLS, AGENT FOR THE OWNER, MINT ECO CAR WASH ACQUISITION CO., LLC; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Petitioner, Schmidt and Nichols (agent for Mint Eco Car Wash Acquisition, Co., LLC), is requesting a Zoning Change of three (3) parcels of land totaling approximately 3.62 acres more or less, from a City of Greenacres zoning designation of Commercial General (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI); and

WHEREAS, the Planning and Zoning Board of Appeals held a duly advertised public hearing on December 8, 2022, and reviewed the application for a Zoning Change as detailed in the Development Review Committee Staff Report and Recommendation, Exhibit "A", dated September 26, 2022, incorporated herein by reference (as revised) and recommends [*approval by a vote of 4-0 or by a unanimous vote*]; and

WHEREAS, the City Council of the City of Greenacres conducted a duly advertised public hearing on December 19, 2022 (and second reading on February 6, 2023) and considered all testimony and evidence presented and other comments made concerning the proposed Zoning

Ordinance No. 2022-36 | ZC-22-01 Mint Eco Car Wash
Page No. 2

Change and 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 and all state requirements and local ordinances;
and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with Exhibit "A", "Development Review Committee Report and Recommendation", dated September 26, 2022 (as revised), the proposed Zoning Change and Zoning Map amendment to change the zoning designation of three (3) parcels of land totaling approximately 3.62 acres more or less, from a City of Greenacres zoning designation of Commercial General (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI) is in the best interests of the City and serves a valid public purpose.

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

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

SECTION 2. Zoning Change and Zoning Map Amendment.

The request by the Petitioner to change the zoning designation for three (3) parcels of land totaling approximately 3.62 acres more or less, from a City of Greenacres zoning designation of Commercial General (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI), is hereby granted for the property located on the south side of Lake Worth Road and approximately 200 feet west of Empire Way, legally described as follows:

Legal Description

Parcel 1 – 4840 Lake Worth Road (PCN: 18424425000003260)

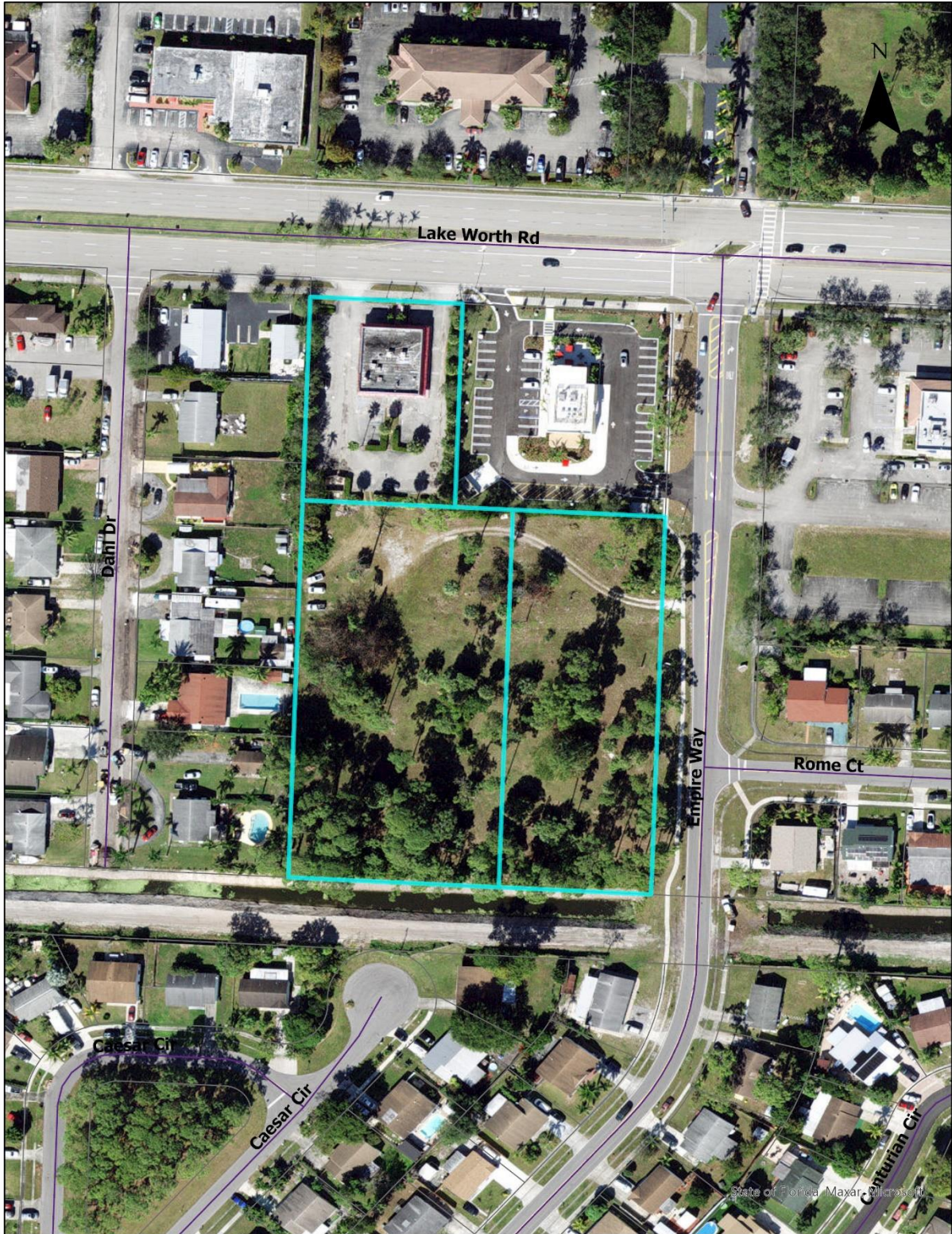
The West 140 feet of the North 281 feet of the West Half of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, less the North 73 feet thereof for Right of Way for Lake Worth Road (State Road No. 802)

Parcel 2 – (PCN: 18424425000003080)

The West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida less the North 281 feet and the East 140 feet thereof. Together with the right of ingress and egress over the South 20 feet of the East 140 feet of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 25

Parcel 3 – (PCN: 18424425000003081)

The East 140 feet of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 25, Township 44 South, Range East, Palm Beach County, Florida less the North 281 feet thereof. Subject to an easement for ingress and egress over the South 20 feet thereof.



SECTION 3. Authorization to Make Changes.

That the Planning, GIS, and Engineering Division is further directed to make the necessary changes to the City of Greenacres Official Zoning Map to reflect the changes authorized by this Ordinance.

SECTION 4. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 5. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 6. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 19th day of December, 2022.

PASSED AND ADOPTED on the second reading this 6th day of March, 2023.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Suzy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

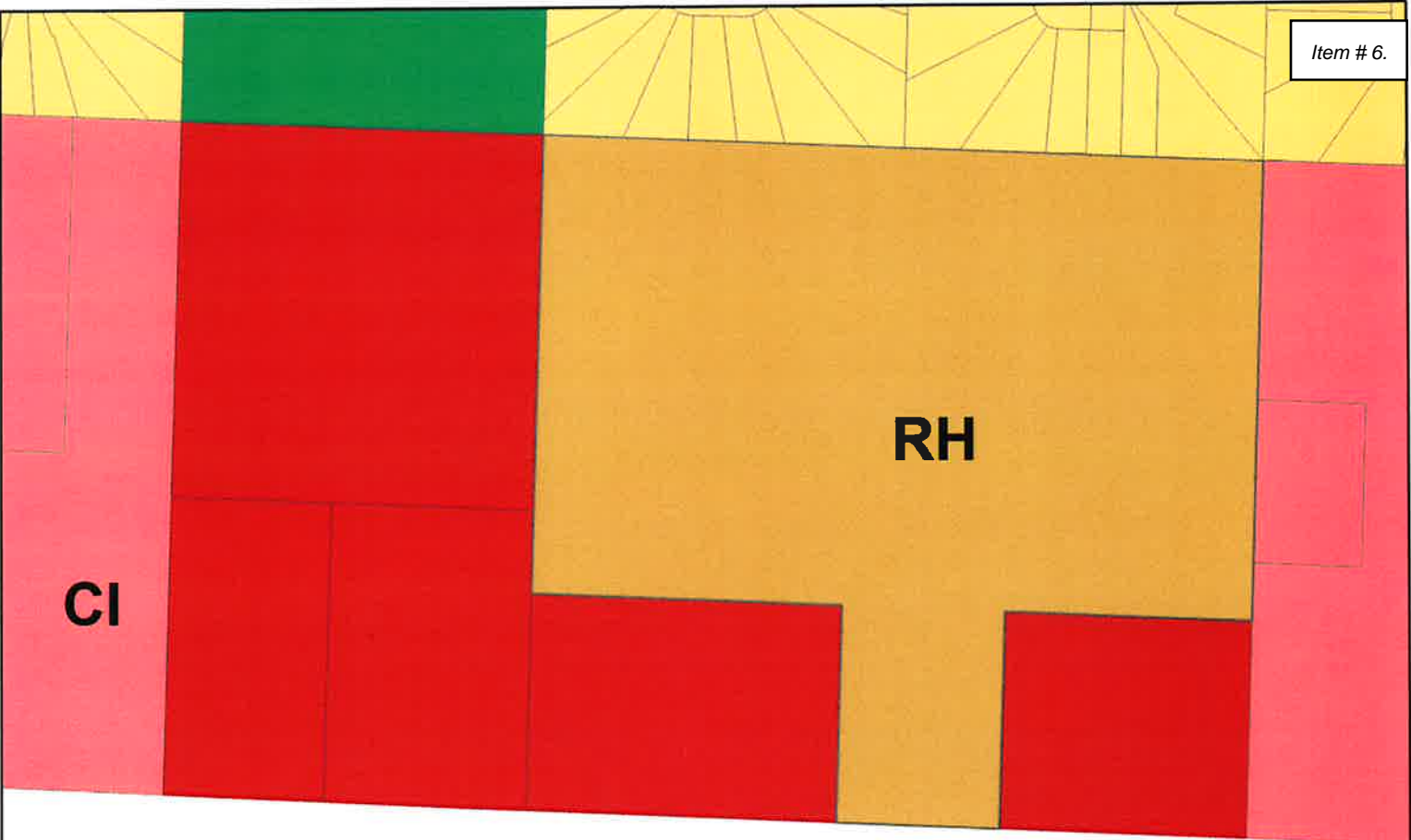
Glen J. Torcivia, City Attorney










Mint Eco Car Wash
ZC-22-01

Prepared By:
 Planning Department
 City of Greenacres
 5800 Melaleuca Lane
 Greenacres, FL 33463

↑



Legend

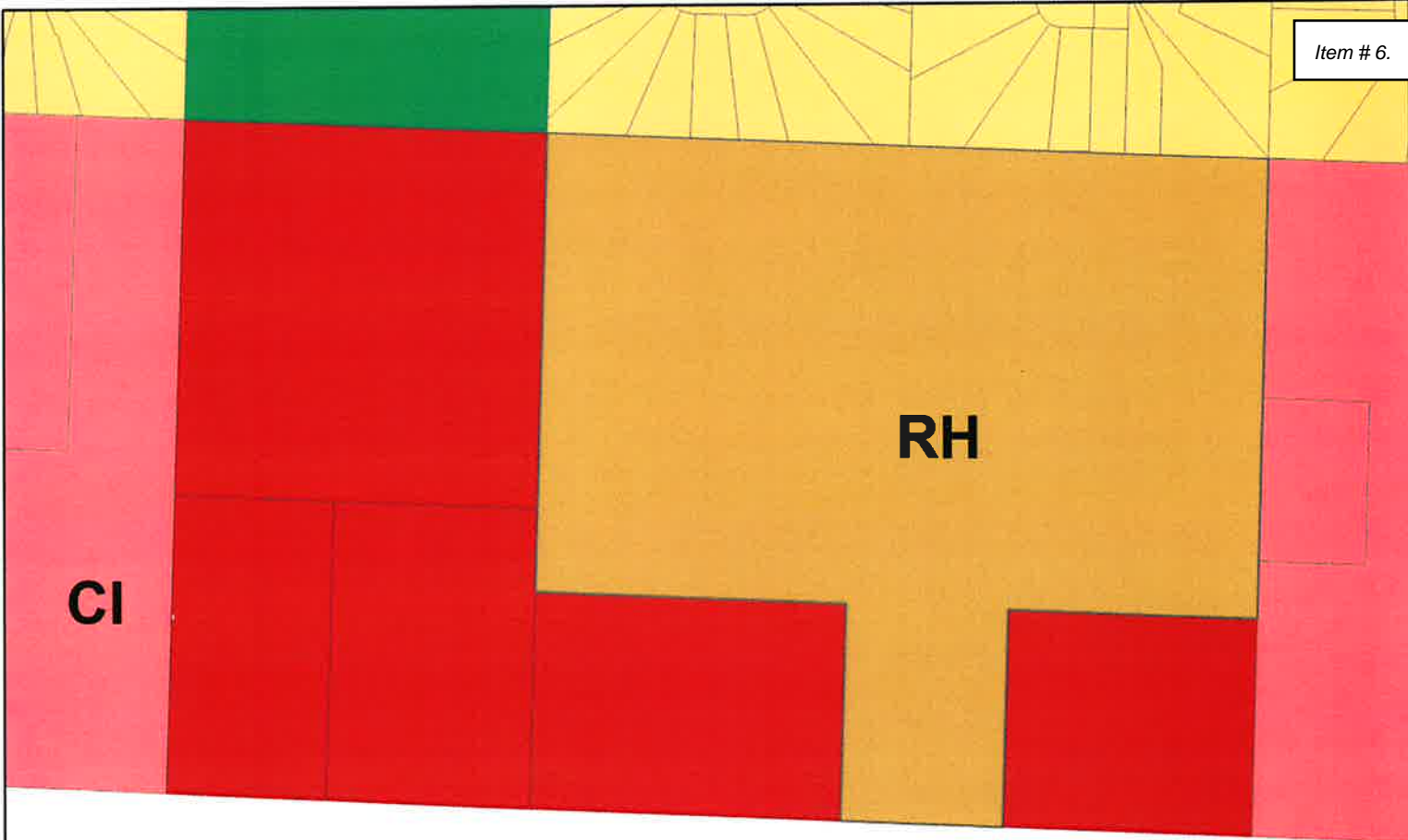
-  Site - 4840 Lake Worth Road
-  Parcels
-  City Boundary
-  Commercial General (CG)
-  Commercial Intensive (CI)
-  Residential Low Density (RL-3)
-  Residential High Density (RH)

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.










Proposed Zoning Map

Mint Eco
ZC-2



Legend

-  Site - 4840 Lake Worth Road
-  Parcels
-  City Boundary
-  Commercial General (CG)
-  Commercial Intensive (CI)
-  Residential Low Density (RL-3)
-  Residential High Density (RH)

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.



Existing Zoning Map

Mint Eco
 ZC-2
 Page 41



**Justification Statement
Mint Eco Car Wash LWR
Rezoning Request
City of Greenacres
Original Submittal: August 19, 2022**

Request

On behalf of the applicant, Mint Eco Car Wash Acquisition Co., LLC (“Applicant”), Schmidt Nichols respectfully requests your consideration of this application for a rezoning for the project known as Mint Eco Car Wash LWR. The 3.62-acre subject property (PCN: 18-42-44-25-00-000-3260; 3080; 3081) is located at 4840 Lake Worth Road in the City of Greenacres (“subject properties”). The parcel fronting along Lake Worth Road currently supports a vacant restaurant structure. The parcels to the rear are currently vacant. The proposed use of Stand-Alone Car Wash Facility is situated at the north end of the properties with 4,414 s.f. supporting the car wash tunnel, indoor lounge, and offices.

The Applicant requests consideration of the following:

Request 1: Rezoning from General Commercial (GC) to Commercial Intensive (CI)

Site Aerial



Justification Statement
 Mint Eco Car Wash LWR
 City of Greenacres Zoning Application
 Original Submittal: August 19, 2022
 Page 2 of 4

Companion Applications:

1. Zoning Text Amendment relating to outdoor detailing.
2. Special Exception Use Approval for a Stand-Alone Car Wash Facility

Currently, the subject properties support a Future Land Use Atlas (FLUA) designation of Commercial (CM) and are currently within the General Commercial (GC) Zoning District.

Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property (Proposed)	Stand Alone Car Wash Facility	CM	CI
North	Office	CM	GC
South	Canal / Residential Single Family	RS-LD	RL-3
East	Commercial	RS-LD & CM	RL-3 & GC
West	Single-Family Residential	RS-LD & CM	RL-3 & GC

JUSTIFICATION:

The proposed rezoning must conform to following findings:

- A. That the proposed request is in compliance with all elements of the Comprehensive Plan.

Response: The proposed rezoning is consistent and generally compatible with the existing Future Land Use designation. The proposed rezoning would be consistent with other properties along the Lake Worth Road corridor and would not have an adverse effect on the Comprehensive Plan.

- B. That the proposed amendment is consistent with the existing land use pattern.

Response: The subject parcels are currently zoned as General Commercial and the change to Commercial Intensive provides for the ability to request the proposed use as a Special Exception use. The

proposed zoning is consistent with the corridor and Commercial Intensive zoning designations throughout the corridor. The land use pattern consists of similar commercial uses on both the north and south sides of Lake Worth Road.

- C. That the creation of an isolated district unrelated to adjacent and nearby districts will not occur.

Response: The proposed rezoning will not create an isolated district unrelated to adjacent and nearby districts. The zoning designations immediately to the north, west, east currently are designated as Commercial and support commercial uses along the corridor. The zoning change to Commercial Intensive would be consistent with the corridor and adjacent properties.

- D. That the proposed amendment does not conflict with the population density pattern nor will it cause possible increase or overtaxing of the land on public facilities such as schools, utilities, streets, etc.

Response: The proposed rezoning is a change from one commercial designation to another and there are no additional impacts anticipated.

- E. That the existing district boundaries are illogically drawn in relation to the existing conditions on the property proposed for change.

Response: The district boundaries are not necessary illogically drawn, however, the Lake Worth Road corridor is the geographic location within the City which encourages commercial growth and the proposed use is only permissible within the Commercial Intensive district which requires the rezoning. A mixture of commercial zoning should be provided along the Lake Worth Road corridor.

- F. That changed or changing conditions make the passage of the proposed amendment necessary.

Response: The site was previously utilized as a restaurant and there have not been any potential buyers/tenants for another restaurant over the past several years. The proposed rezoning will allow for not only the proposed use but a wider array of uses to better serve the community and create a more robust diversity of businesses along the corridor.

- G. That the proposed change will not create or excessively increase traffic congestion or otherwise affect public safety.

Justification Statement
 Mint Eco Car Wash LWR
 City of Greenacres Zoning Application
 Original Submittal: August 19, 2022
 Page 4 of 4

Response: The proposed change in zoning and the proposed use as detailed in the Traffic report prepared by Simmons and White indicates that the project will have an insignificant impact on the surrounding roadways and will not create or increase traffic congestion or otherwise affect public safety.

- H. That the proposed change will not adversely influence living conditions in the neighborhood.

Response: The proposed rezoning will not negatively influence living conditions in the neighborhood. Based on the proposed site plan layout and landscape buffering, access, and overall open space provided there are no negative impacts anticipated by way of this map amendment. As previously discussed, the rezoning opens up a wider array of commercial uses to create more opportunities for businesses to come into the community and create job growth, help sustain the tax base, and provide a diversity of uses along the corridor.

- I. That there are substantial reasons why the property cannot be used in accord with existing zoning.

Response: The zoning code doesn't provide for the proposed use within the General Commercial zoning designation.

- J. That the proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Response: The proposed rezoning will not grant special privilege to an individual owner. The proposed rezoning is a change necessary to continue with the development along the corridor and allow for a broader mix of uses that can better serve the community. The proposed rezoning is consistent with the Future Land Use designation and is found in several locations along the Lake Worth corridor and allows for transitional uses and a range of commercial uses.

On behalf of the applicant, Schmidt Nichols respectfully requests your approval of this Special Exception Use and Site Plan application for Mint Eco Car Wash LWR.



ITEM SUMMARY

MEETING DATE: March 6, 2023

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2022-37, ZTA-22-14**
Property Maintenance Regulations

BACKGROUND

The proposed code amendment is a city-initiated request to codify and update property maintenance regulations. A property maintenance code deals with the conditions of existing housing and non-residential property. It moves the maintenance of an existing building and the surrounding property from an option to a legal requirement for a responsible property owner. City staff initiated this code change proactively to provide property owners, tenants, and property managers with objective and specific maintenance standards for structures and hardscape. The desired result is to keep all properties in acceptable state of repair; thereby maintaining property values.

In 2019, the City adopted a property maintenance code through reference (Chapter 4, Article I, Section 4-4). However, the specific regulations were only listed in a separate document (2019 Greenacres Property Maintenance Code) which is not posted but available in the Office of the City Clerk. To ensure that there is transparency and the ability of the residents to easily review the property standards, this amendment requests that the specific regulations be added to the Code of Ordinances Chapter 7. In addition, the proposed property maintenance regulations were reviewed by the Building Division, Code Enforcement Division, Fire Department, and legal counsel which resulted in the regulations being updated.

The City Council voted five (5) to zero (0) to recommend approval of Zoning Text Amendment ZTA-22-14 as presented by staff on February 6, 2023.

ANALYSIS

The proposed changes establish minimum requirements for the maintenance of existing buildings through code provisions that contain clear and specific maintenance and property improvement provisions. The code amendments establish regulations that protect the public health, safety, and welfare of the Greenacres citizens. By placing the specific language in the code, the city is being user friendly and transparent. In addition, the code provisions have been reviewed by multiple city staff and legal counsel to ensure that it is up to date and addresses any concerns which have occurred since its adoption in 2019.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2022-37 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed by the City Attorney.

STAFF RECOMMENDATION

Approval of ZTA-22-14 through the adoption of Ordinance 2022-37.

ZTA-22-14 (Ordinance 2022-37)
Exhibit "A"
Date: December 30, 2022

Revised: 2/6/2023

	DEVELOPMENT REVIEW COMMITTEE REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Ordinance 2022-37: ZTA-22-14 – Property Maintenance regulations

Public Hearing, First Reading, and Adoption: A City-initiated text amendment to the Code Of Ordinances Chapter 7 to codify and update property maintenance regulations.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Caryn Gardner-Young	Reviewed By: Development and Neighborhood Services Director _____ Denise Malone
Approved By: City Manager _____ Andrea McCue	Public Notice: <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required PC Dates: Papers Mailing: <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____

Attachments: <ul style="list-style-type: none"> • Ordinance 2022-37 	City Council Action: <input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____
---	---

I. Executive Summary

The proposed code amendment is a city-initiated request to codify and update property maintenance regulations. A property maintenance code deals with the conditions of existing housing and non-residential property. It moves the maintenance of an existing building and the surrounding property from an option to a legal requirement for a responsible property owner. City staff initiated this code change proactively to provide property owners, tenants, and property managers with objective and specific maintenance standards for structures and hardscape. The desired result is to keep all properties in acceptable state of repair; thereby maintaining property values.

II. Background

In 2019, the city adopted a property maintenance code through reference (Chapter 4, Article I, Section 4-4). However, the specific regulations were only listed in a separate document (2019 Greenacres Property Maintenance Code) which is not posted but available in the office of the city clerk. To ensure that there is transparency and the ability of the residents to easily review the property standards, this amendment requests that the specific regulations be added to the Code of Ordinances. In addition, the proposed property maintenance regulations were reviewed by the Building Division, Code Enforcement Division, Fire Department, and legal counsel which resulted in the regulations being updated.

III. Proposed Code Amendments:

The proposed Code Amendment will delete the entire reference to the 2019 Property Maintenance Code and add the language which is attached as Exhibit A.

IV. Staff Analysis:

City staff initiated this code change to address the need for strengthening code regulations for issues that were occurring within the city relative to property maintenance and to ensure that the regulations were easily available and legally enforceable.

Development Review Committee Comments:

The petition was reviewed by the Development Review Committee on January 12, 2023, and January 19, 2023, and recommended for approval.

Planning and Engineering Division:	No objections
Building Division:	No objections
Fire Rescue Department:	No objections
Public Works Department:	No objections
PBSO District #16	No objections
Community and Recreation Services Department:	No objections

V. Zoning Text Amendment Criteria:

A. *The need and justification for these changes:*

The proposed change establishes minimum requirements for the maintenance of existing buildings through code provisions that contain clear and specific maintenance and property improvement provisions. The code amendments establish regulations that protect the public health, safety, and welfare of the Greenacres citizens. By placing the specific language in the code, the city is being user friendly and transparent. In addition, the code provisions have been reviewed by multiple city staff and legal counsel to ensure that it is up to date and addresses any concerns which have occurred since its adoption in 2019.

B. *The relationship of the proposed amendments to the purpose and objectives of the City’s Comprehensive Plan, and whether the proposed change will further the purposes of the City’s Zoning Code regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.*

The proposed amendments are consistent with the City’s Comprehensive Plan and will further the purposes of the City’s Zoning Code regulations and other City codes.

VI. Staff Recommendation:

Approval of ZTA-22-14.

CITY COUNCIL ACTION First Reading – February 6, 2023

The City Council on a motion made by Council Member Bousquet and seconded by Deputy Mayor Tharp, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-22-14** as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – March 6, 2023

ORDINANCE NO. 2022-37

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 4 “BUILDINGS AND BUILDING REGULATIONS,” ARTICLE I “IN GENERAL,” BY DELETING SECTION 4-4, “GREENACRES PROPERTY MAINTENANCE CODE,” AND CREATING A NEW CHAPTER 7 ARTICLE VIII TO BE ENTITLED “GREENACRES PROPERTY MAINTENANCE CODE,” AND AMENDING PROVISIONS OF THE GREENACRES PROPERTY MAINTENANCE CODE; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

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

WHEREAS, in 2019 consistent with its general police powers, the City Council of the City of Greenacres adopted the 2019 Greenacres Property Maintenance Code (“2019 PMC”) setting forth objective maintenance standards for all properties within the City; and

WHEREAS, the City did not codify the entire 2019 PMC into the City’s Code of Ordinances but rather adopted the 2019 PMC by reference and made the 2019 PMC available by request at the City Clerk’s office; and

WHEREAS, since the 2019 PMC sets objective maintenance standards for all properties within the City, the 2019 PMC should be readily available within the City’s Code of Ordinances and fully accessible online at all times; and,

WHEREAS, in addition to incorporating the entire 2019 PMC into the City’s Code of Ordinances, the City is amending the 2019 PMC to update and clarify certain provisions; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Greenacres and serves a valid public purpose.

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

SECTION 1. The foregoing recitals are hereby fully incorporated herein by reference as the legislative findings of the City Council of the City of Greenacres.

SECTION 2. The City of Greenacres Code of Ordinances is hereby amended at Chapter 4, "Buildings and Building Regulations," Article I, "In General," by deleting Section 4-4, "Greenacres Property Maintenance Code," as follows (additions are indicated by underscoring and deletions are indicated by strikeout):

~~Sec. 4-4. - Greenacres Property Maintenance Code Reserved.~~

~~The city hereby adopts by reference the 2019 Greenacres Property Maintenance Code, attached hereto and by this reference made part hereof. A copy of the 2019 Greenacres Property Maintenance Code shall be kept on file in the office of the city clerk.~~

SECTION 3. The City of Greenacres Code of Ordinances is hereby amended at Chapter 7, "Health, Sanitation, ~~and Nuisances,~~ and Property Maintenance", by creating a new Article VIII to be entitled "Property Maintenance Code" as follows:

ARTICLE VIII. – PROPERTY MAINTENANCE CODE

DIVISION 1 – GENERALLY.

Sec. 7-400 – Greenacres property maintenance code.

The city hereby adopts the Greenacres Property Maintenance Code (hereinafter in this Article referred to as the "PMC"), which shall apply within the city to all existing structures, both residential and commercial, and to all existing premises, and shall constitute minimum requirements and standards for premises, properties, structures, equipment, and facilities for light, ventilation, space, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the

responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Sec. 7-401. – Intent.

This PMC shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

Sec. 7-402. – Severability.

If a section, subsection, sentence, clause, or phrase of this PMC is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this PMC.

Sec. 7-403. – Applicability.

- (a) **General.** Where there is a conflict between a general requirement and a specific requirement in this PMC, the specific requirement shall govern. Where differences occur between provisions of this PMC and the referenced standards, the provisions of this PMC shall apply. Where, in a specific case, different sections of this PMC specify different requirements, the most restrictive shall govern.
- (b) **Maintenance.** Equipment, systems, devices and safeguards required by this PMC or a previous regulation or code, under which the structure or premises was constructed, altered or repaired, shall be maintained in good working order including all electrical, gas, mechanical, and plumbing systems and all parts thereof. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied building, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this PMC are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures, and premises.
- (c) **Application of Other Codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code and the Greenacres Amendments to the Florida Building Code, the Florida Fire Prevention Code, and any other codes or laws adopted by the city. Nothing in this PMC shall be construed to cancel, modify or set aside any provision of the aforementioned or the Greenacres Code.
- (d) **Existing Remedies.** The provisions in this PMC shall not be construed to abolish or impair existing remedies of the city relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.
- (e) **Workmanship.** Repairs, maintenance work, alterations or installations which are

caused directly or indirectly by the enforcement of this PMC shall be executed and installed in a workmanlike manner and installed in accordance with the Greenacres Code and all manufacturer's installation instructions.

- (f) **Referenced Codes and Standards.** The codes and standards referenced in this PMC shall be those that are listed herein and considered part of the requirements of this PMC to the prescribed extent of each such reference. Where differences occur between provisions of this PMC and the referenced standards, the most stringent provision shall apply. However, the following exceptions apply:
1. Where enforcement of a PMC provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.
 2. The provisions of this PMC shall not be deemed to nullify any provisions of local, state or federal law.

Sec. 7-404. - Requirements Not Covered By Code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this PMC, shall be determined by the building official.

Sec. 7-405. – Responsibility and Enforcement

- (a) **General.** The Development and Neighborhood Services Department, through the Building Division and the Code Compliance Division, shall have prime responsibility for the enforcement of this PMC.
- (b) **Violations.** All violations of this PMC shall be a violation of the Greenacres Code and may be enforced by and through the city's code compliance process and/or through any other legal means of enforcement at the option of the city.

DIVISION 2 – DEFINITIONS.

Sec. 7-406. - Generally.

- (a) **Scope.** Unless otherwise expressly stated, the following terms shall, for the purpose of this PMC, have the meanings shown in this article.
- (b) **Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- (c) **Terms Defined in Other Codes.** Where terms are not defined in this PMC and are defined in the Florida Building Code, the Florida Fire Prevention Code, the National Electrical Code, city local amendments to those codes, or the Greenacres Code, such terms shall have the meanings ascribed to them as in those codes.
- (d) **Terms Not Defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- (e) **Parts.** Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “structure,” “property,” “rooming house,” “rooming unit,” “house keeping unit,” or

“story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

Sec. 7-407. - General definitions.

The following definitions are applicable to this PMC:

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the building official or other authority having jurisdiction.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

BUILDING OFFICIAL. The official who is charged with the administration and enforcement of the Florida Building Code.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD or GUARDRAIL. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not generally considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises, of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unregistered, unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living, sleeping or working in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC RIGHT OF WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRUCTURE. That which is built or constructed or a portion thereof, whether fixed or portable, attached or detached, whether a main structure or an accessory structure, that includes but is not limited to all buildings, dwellings, garages, sheds, pools, fences, walls, screen rooms, screen enclosures, and other enclosures.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

DIVISION 3 - GENERAL MAINTENANCE REQUIREMENTS

Sec. 7-408. - GENERAL

- (a) **Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.
- (b) **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this PMC. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this PMC. Occupants of a dwelling unit, rooming house or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming house or housekeeping unit, or premises which they occupy and control.

Sec. 7-409. - Vacant Structures and Land

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 7-410. – Exterior Property Areas.

- (a) **Safety and Sanitation.** All exterior property and premises shall be maintained in a clean, orderly, safe and sanitary condition. The following is prohibited:
1. The outdoor storage, presence, accumulation, display, or otherwise keeping of any debris, appliances, tools, equipment, chemicals, automotive parts, furniture, building materials, household items, or other similar goods that are not designed for outside use, including without limitation, any abandoned, discarded, or tangible personal property in a state of disrepair; and,
 2. The outdoor storage, presence, accumulation, display, or otherwise keeping of any debris, appliances, tools, equipment, chemicals, automotive parts, building material, or other material of any kind on the ground, leaning against any building or structure, or upon the roof or top of any building or structure.

Sec. 7-411. - Grading and Drainage.

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. The exception to this requirement is an approved retention area and/or reservoir.

Sec. 7-412. - Walkways and Driveways.

All walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, free of debris, stains, mold, discoloration, deterioration and shall be kept clear of all obstacles and maintained free from hazardous conditions.

Sec. 7-413. – Landscaping and Uncontrolled Growth of Vegetation.

All yards exposed to public view must be landscaped. Landscaping shall be maintained so as to present a healthy, neat and orderly appearance, and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be kept free of visible signs of insects and disease and appropriately irrigated and fertilized to enable landscaping to be in a healthy condition.

Play areas, flowerbeds, driveways, walks, and similar areas not intended to have vegetative cover should be clearly defined, maintained free of uncultivated growth, and shall be edged to prevent encroachment from adjacent vegetated areas.

All premises and exterior of properties shall be maintained free from weeds or similar noxious plant growth in excess of 6 inches in height. All such weeds and noxious plant growth and prohibited species (as defined in the Greenacres Code) shall be removed. Any dead trees, tree stumps, dead and decaying plant material, trash and garbage shall be removed from the premises. Shrubbery and other landscape materials shall be trimmed to prevent encroachment onto sidewalks and other public rights-of-way, including waterways.

Sec. 7-414. - Stagnant Water.

The exterior of all properties shall be maintained free of all collection of water in which mosquitos breed or are likely to breed. The exception to this requirement is approved retention areas, reservoirs, and other similar areas required for proper stormwater management or other purposes as approved by the City.

Sec. 7-415. - Rodent and Pest Harborage.

All structures and exterior property shall be kept free from rodent and other pest harborage and infestation. Where rodents or other pests are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent and pest harborage and prevent re-infestation.

Sec. 7-416. - Exhaust Vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another owner or tenant.

Sec. 7-417. - Accessory Structures

All accessory structures, including but not limited to detached garages, storage buildings, sheds, fences, walls, driveways and driveway aprons, walkways, antennas, portable carports screen rooms, screen enclosures, and other enclosures shall be maintained structurally sound, in good repair, and have their exterior coatings and coverings maintained in a sound and uniform appearance free from rips, broken areas, algae, mildews, molds, dirt or other stains.

Sec. 7-418. – Gates

Gates which are required to be self-closing and self-latching in accordance with the Florida Building Code shall be maintained such that the gate will positively close and latch when released from a still position of six (6) inches from the gatepost.

Sec. 7-419. - Motor Vehicles.

Except as provided for in the Greenacres Code, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. The exception to this requirement is a vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes, and is not otherwise violating any other code or ordinance.

Sec. 7- 420. – Open Storage.

It shall be unlawful for the owner or occupant of a residential building or structure or property to utilize the premises for the open storage or any appliance or other item of personal property, building materials, rubbish or similar items.

Sec. 7-421. - Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Sec. 7-422. – Swimming pools, spas, and hot tubs.

- (a) **Swimming pools.** Swimming pools, spas, portable spas and hot tubs shall be

maintained in a clean and sanitary condition, and in good repair.

- (b) **Enclosures.** Swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall have barriers per the Florida Building Code. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Sec. 7-423. – Exterior Structure.

- (a) **General.** The exterior of all premises and every structure thereon where exposed to public view shall be maintained in good repair, structurally sound and sanitary, so as not to show evidence of deterioration nor pose a threat to the public health, safety or welfare. All surfaces shall be maintained free of weathering discoloration; ripping, tearing or other holes or breaks; broken glass; crumbling stone, brick or stucco; or other conditions reflective of deterioration or inadequate maintenance.
- (b) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Building Code Existing Building as required for existing buildings:
1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
 3. Structures or components thereof that have reached their limit state.
 4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
 5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
 6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
 9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
 10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted where approved by the building official.

- (c) **Protective Treatment** . All exterior surfaces, including but not limited to, walls, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition and generally accepted uniform appearance. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, moldy, severely chalked, deteriorated, dirty, stained or chipped paint or other coating shall be eliminated and surfaces repainted or recoated. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designated for stabilization by oxidation are exempt from the requirement.
- (d) **Structural Members**. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) **Foundation Walls**. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition. All foundation walls shall also prevent the entry of rodents and other pests.
- (f) **Exterior Walls**. All exterior walls, on main structures and accessory structures, shall be free from holes, breaks, mold, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (g) **Roofs and Drainage**. The roof and flashing shall be sound, tight, in good repair and condition. The roof and flashing shall not have defects that are a detriment to the roof's effectiveness or appearance. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water including A/C condensate shall not be discharged in a manner that creates a public nuisance.
- (h) **Decorative Features**. All cornices, belt courses, corbels, terra cotta trim, wall

facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition.

- (i) **Overhang Extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (j) **Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (k) **Chimneys and Towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (l) **Handrails and Guardrails.**
 1. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
 2. Every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.
Exception: Guards shall not be required where exempted by the Florida Building Code.
- (m) **Window, Skylight and Door Frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
- (n) **Glazing.** All glazing materials shall be maintained free from cracks and holes.
- (o) **Openable Windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (p) **Shutters and Impact Protection.** Hurricane protective devices on all buildings must be removed and/or opened no later than fourteen (14) days after the termination of the hurricane event (watch, warning, actual hurricane or tornado) unless another hurricane event is predicted to occur within the fourteen (14) day time period.
- (q) **Insect Screens.** Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and

- every swinging screened door shall have a self-closing device in good working condition. The exception to requirement for insect screens is where other approved and effective means, such as air curtains or insect repellent fans, are employed.
- (r) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with this PMC.
- (s) **Building Security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.
- (t) **Access Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.
- (u) **Windows.** Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with window sash locking devices.
- (v) **Skirting.** Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure. Replacement or new skirting shall be constructed of materials intended for exterior use and properly sized and mounted to prevent free access to the crawl space of the structure. Crawl space access grille or door and ventilation grilles shall be sized according to building code requirements.
- (w) **Gates.** Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

Sec. 7-424. – Interior structure.

- (a) **General.** The interior of a structure and the equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition.
- (b) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Building Code Existing Building as required for existing buildings:
1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Structural members are incapable of supporting nominal loads and load effects.
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
 2. Demolition of unsafe conditions shall be permitted where approved by the building official.
- (c) **Structural Members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- (d) **Interior Surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, dirty, stained or abraded paint or other coatings shall be repaired, removed, or replaced. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.
- (e) **Stairs and Walking Surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(f) **Handrails and Guardrails**

1. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
2. Every interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the Florida Building Code.

- (g) **Interior Doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jamba, headers or tracks as intended by the manufacturer of the attachment hardware.

Sec. 7-425. – Component Serviceability.

- (a) **General.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- (b) **Unsafe conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Building Code Existing Building as required for existing buildings:
1. Soils that have been subjected to any of the following conditions:
 - i. Collapse of footing or foundation system.
 - ii. Damage to footing, foundation, concrete or other structural element due to soil expansion.
 - iii. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
 - iv. Inadequate soil as determined by a geotechnical investigation.
 - v. Where the allowable bearing capacity of the soil is in doubt.
 - vi. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
 2. Concrete that has been subjected to any of the following conditions:
 - i. Deterioration.
 - ii. Ultimate deformation.
 - iii. Fractures.
 - iv. Fissures.
 - v. Spalling.
 - vi. Exposed reinforcement.
 - vii. Detached, dislodged or failing connections.
 3. Aluminum that has been subjected to any of the following conditions:
 - i. Deterioration.
 - ii. Corrosion.
 - iii. Elastic deformation.
 - iv. Ultimate deformation.
 - v. Stress or strain cracks.
 - vi. Joint fatigue.

- vii. Detached, dislodged or failing connections.
- 4. Masonry that has been subjected to any of the following conditions:
 - i. Deterioration.
 - ii. Ultimate deformation.
 - iii. Fractures in masonry or mortar joints.
 - iv. Fissures in masonry or mortar joints.
 - v. Spalling.
 - vi. Exposed reinforcement.
 - vii. Detached, dislodged or failing connections.
- 5. Steel that has been subjected to any of the following conditions:
 - i. Deterioration.
 - ii. Elastic deformation.
 - iii. Ultimate deformation.
 - iv. Metal fatigue.
 - v. Detached, dislodged or failing connections.
- 6. Wood that has been subjected to any of the following conditions:
 - i. Ultimate deformation.
 - ii. Deterioration.
 - iii. Damage from insects, rodents and other vermin.
 - iv. Fire damage beyond charring.
 - v. Significant splits and checks.
 - vi. Horizontal shear cracks.
 - vii. Vertical shear cracks.
 - viii. Inadequate support.
 - ix. Detached, dislodged or failing connections.
 - x. Excessive cutting and notching.

Exceptions:

- 1. Where substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted where approved by the building official.

Sec. 7-426. – Rubbish and garbage.

- (a) **Disposal of Rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- (b) **Refrigerators.** Refrigerators and similar appliances and equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors. Refrigerators and other household appliances not in operation shall not be stored on the exterior of a property or in an open carport or patio. All refrigerators and other household appliances shall be installed protected from the weather and per manufacturers specifications and recommendations.
- (c) **Disposal of Garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

Sec. 7-427– Extermination.

- (a) **Infestation.** All structures shall be kept free from insect, pest, and rodent infestation. All structures in which insects, pests, or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
- (b) **Owner.** The owner of any structure shall be responsible for extermination within the structure.

Sec. 7-428. – Light, Ventilation, and occupancy limitations.

- (a) **Responsibility.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.
- (b) **Alternative Devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.
- (c) **Light in Habitable Spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.
Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.
- (d) **Light in Common Halls and Stairways.** Every common hall and stairway in residential occupancies, other than in one and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied, with a minimum of 1 footcandle (11 lux) at floors, landings and treads.
- (e) **Light in other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.
- (f) **Ventilation in Habitable Spaces.** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 4-402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a

total floor area being ventilated.

- (g) **Ventilation in bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.
- (h) **Cooking Facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.
Exception: Where specifically approved in writing by the building official.
- (i) **Process Ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.
- (j) **Clothes Dryer Exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.
Exception: Listed and *labeled* condensing (ductless) clothes dryers.
- (k) **Minimum Room Widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension unless otherwise approved by the Florida Building Code and/or the building official. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.
- (l) **Minimum Ceiling Heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear height of not less than 7 feet (2134 mm).
Exceptions:
1. In one and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
 2. Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
 3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.
 4. As otherwise authorized by the Florida Building Code.
- (m) **Access from Bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.
Exception: Units that contain fewer than two bedrooms.
- (n) **Water Closet Accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- (o) **Prohibited Occupancy.** Kitchens and non-habitable spaces shall not be used for

sleeping purposes.

- (p) **Other Requirements.** Bedrooms shall comply with the applicable provisions of this PMC including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements; the electrical receptacle requirements; and the smoke detector and emergency escape requirements.
- (q) **Food Preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.
- (r) **Kitchen Facilities.** Every dwelling unit shall contain a kitchen equipped with the following minimum facilities:
1. Food preparation surfaces impervious to water and free of defects which could trap food or liquid.
 2. Shelving, cabinets, or drawers for the storage of food and cooking and eating utensils, all of which shall be maintained in good repair.
 3. Freestanding or permanently installed cookstove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.
 4. Mechanical refrigeration equipment for the storage of perishable foodstuffs.

Sec. 7-429. – Plumbing facilities and fixture requirements.

- (a) **Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.
- (b) **Dwelling Units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet, and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.
- (c) **Rooming Houses.** At least one water closet, lavatory, and bathtub or shower shall be supplied for each four rooming units.
- (d) **Hotels.** Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory, and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
- (e) **Employees' Facilities.** A minimum of one water closet, one lavatory, and one drinking facility shall be available to employees.
- (f) **Drinking Facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
- (g) **Public Facilities.** A minimum of one water closet and one lavatory shall be available to the public and such public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Florida Building Code Plumbing. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

- (h) **Toilet Rooms.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling. Toilet rooms and bathrooms serving hotel units, rooming units, dormitory units, or housekeeping units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway. Toilet facilities for employees shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities. **Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease, or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.
- (i) **Floor Surface.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, non-absorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

Sec. 7-430. – Plumbing systems and fixtures.

- (a) **General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks, and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary, and functional condition.
- (b) **Fixture Clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.
- (c) **Plumbing System Hazards.** Where it is found that a plumbing system for a structure or premises constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the defects shall be promptly corrected to eliminate the hazard.

Sec. 7-431. – Water system.

- (a) **General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Florida Building Code, Plumbing.
- (b) **Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- (c) **Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from

defects and leaks.

- (d) **Water Heating Facilities.** Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature or not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom, or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.
- (e) **Nonpotable water reuse systems.** Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with this PMC or the Florida Building Code.
- (f) **Abandonment of systems.** Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with this PMC or the Florida Building Code Plumbing.

Sec. 7-432. – Sanitary drainage system.

- (a) **General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (b) **Maintenance.** Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks, and defects.
- (c) **Grease interceptors.** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the building official.

Sec. 7-433. – Storm Drainage.

- (a) **General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance or is violation of the Greenacres Code.

Sec. 7-434. – Mechanical and electrical requirements.

- (a) **Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements and the Florida Building Code. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not provide mechanical or electrical facilities or equipment or such facilities or equipment that fail to comply with the requirements of this PMC or the Florida Building Code.
- (b) **Heating Facilities.**

1. **Residential Occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Florida Building Code, Plumbing. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
 2. **Heat Supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory, or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th through March 15th to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. **Exception:** When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Florida Building Code, Plumbing.
 3. **Occupiable Work Spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from November 15th through March 15th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied. **Exceptions:** Processing, storage, and operation areas that require cooling or special temperature conditions; and, areas in which persons are primarily engaged in vigorous physical activities
 4. **Room Temperature Measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.
- (c) **Mechanical Appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances, and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- (d) **Removal of Combustion Products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. **Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.
- (e) **Electrical facilities.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this PMC. All electrical systems shall provide electricity in safe condition.
1. **Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.
 2. **Electrical System Hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason in inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the defects shall be promptly corrected to eliminate the hazard.
 3. **Abatement of electrical hazards associated with water exposure.** Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors,

molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the Florida Building Code. **Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement: Enclosed switches, rated not more than 600 volts or less; busway, rated not more than 600 volts; panelboards, rated not more than 600 volts; switchboards, rated not more than 600 volts; fire pump controllers, rated not more than 600 volts; manual and magnetic motor controllers; motor control centers; alternating current high-voltage circuit breakers; low-voltage power circuit breakers; protective relays, meters and current transformers; low- and medium-voltage switchgear; liquid-filled transformers; cast-resin transformers; wire or cable that is suitable for wet locations and whose ends have not been exposed to water; wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water; luminaires that are listed as submersible; motors; and, electronic control, signaling and communication equipment.

4. **Abatement of electrical hazards associated with fire exposure.** Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Florida Building Code. **Exception:** Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.
 - (f) **Electrical equipment.** All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner. All required electric shall be maintained in working order. All un-used or abandoned electric including wiring shall be removed from the building or structure.
 - (g) **Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter if within six ft. from a sink. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.
 - (h) **Lighting Fixtures.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, and mechanical room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.
 - (i) **Wiring.** Flexible cords or extension cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

Sec. 7-435. – Elevators, escalators, and dumbwaiters.

- (a) **General.** Elevators, dumbwaiters, and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards and follow all local, state and federal laws, rules and regulations.

- (b) **Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing and servicing.

Sec. 7-436. – Duct systems. Duct systems shall be maintained free from obstructions and shall be capable of performing the required function.

Sec. 7-437. – Means of egress.

- (a) **General.** All required exits shall be maintained to provide a safe, continuous, and unobstructed path of travel from any point in a building or structure to the public way.
- (b) **Aisles.** The required width of aisles in accordance with all applicable law or code shall be unobstructed.
- (c) **Locked Doors.** All means of egress doors shall be readily openable from the side from which egress is to be made, without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by applicable law or code.
- (d) **Emergency Escape Openings.** Required emergency escape openings shall be maintained in accordance with the Florida Building Code and the following: required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools; bars, grills, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Florida Building Code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

Sec. 7-438.-Holiday Lights and Decorations.

Holiday lights and decorations shall only be erected during the appropriate respective holiday season and shall comply with all building and electrical codes. Holiday lights and decorations may be erected no earlier than six (6) weeks prior to the subject holiday. All holiday lights and decorations must be removed within three (3) weeks following the holiday.

* * *

SECTION 4. Repeal of Conflicting Ordinances. All ordinances or parts thereof 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. Codification. It is the intention of the City Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances 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 “Article”, “Division”, or “Section” or another word.

SECTION 7. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this _____ day of _____ 2023.

PASSED AND ADOPTED on the second reading this _____ day of _____, 2023.

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:

Susy Diaz, Council Member, District IV

Voted:

Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

2019 Greenacres Property Maintenance Code



CITY OF GREENACRES

Building Department

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CHAPTER 1 ADMINISTRATION

101 GENERAL

101.1 Title

These regulations shall be known as the *Greenacres Property Maintenance Code*, hereinafter referred to as “this code”.

101.2 Scope

The provisions of this code shall apply to all existing structures, both residential and nonresidential, and to all existing premises, and shall constitute minimum requirements and standards for premises, properties, structures, equipment, and facilities for light, ventilation, space, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability

If a section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

102 APPLICABILITY

102.1 General

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance

Equipment, systems, devices and safeguards required by this code or a previous regulation or code, under which the structure or premises was constructed, altered or repaired, shall be maintained in good working order including all electrical, gas, mechanical, and plumbing systems and all parts thereof. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied building, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of Other Codes

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code and the Greenacres Amendments to the Florida Building Code, the Florida Fire Prevention Code and any other codes or laws adopted by the City of Greenacres. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Greenacres City Code.

102.4 Existing Remedies

The provisions in this code shall not be construed to abolish or impair existing remedies of the City of Greenacres relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

102.5 Workmanship

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic Buildings

The provisions of this code shall not be mandatory for existing buildings or structures designated by the State of Florida or the City of Greenacres as historic buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced Codes and Standards

The codes and standards in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the most stringent provision shall apply.

Exceptions:

1. Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.
2. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.8 Requirements Not Covered By Code

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.

103 ORGANIZATION

103.1 General

The building department shall have prime responsibility for the enforcement of this code, and the executive official in charge thereof shall be known as the building official.

103.2 Appointment

The building official shall be appointed by the City Manager of the City of Greenacres.

103.3 Deputies

In accordance with the prescribed procedures of the City of Greenacres and with the concurrence

of the City Manager, the building official may appoint a deputy building official, other related technical officers, inspectors and other employees.

103.4 Liability

The building official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the building department, acting in good faith without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.5 Fees

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the City Code or by City Resolution.

104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

104.1 General

The building official shall enforce the provisions of this code.

104.2 Rule-making Authority

The building official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections

The building official, or his or her designee, shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the City Manager.

104.4 Right of entry

The building official is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the building official is authorized to pursue recourse as provided by law.

104.5 Identification

The building official and all code enforcement personnel shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and Orders

The building official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department Records

The building official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained as per Florida Statutes.

104.8 Coordination of Inspections

Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one person, i.e. the building official or building inspector or code enforcement inspector is involved, it shall be the duty of the city officials and inspectors involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors at different times, or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the city official or inspector having jurisdiction.

105 APPROVAL**105.1 Modifications**

Whenever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant minor modifications for individual cases, provided the building official shall first find that the special individual reason makes the strict letter of this code impractical, and the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative Materials, Methods and Equipment

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material or method of work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required Testing

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests to be made as evidence of compliance, at no expense to the City of Greenacres.

105.3.1 Test Methods

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures.

105.3.2 Testing Agency

All tests shall be performed by an approved agency.

105.3.3 Test Reports

Reports of tests shall be retained by the building official for the period required for retention of public records.

105.4 Material and Equipment Reuse

Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and approved by the building official.

106 VIOLATIONS

106.1 Unlawful Acts

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of Violation

The building official, or his or her designee, shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of Violation

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the building official or designee and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the building official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the City of Greenacres on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation Penalties

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of Violation

The imposition of the penalties herein prescribed shall not preclude any code enforcement officer of the City of Greenacres from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

107 NOTICES AND ORDERS

107.1 Notice to Owner or to Person or Persons Responsible

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 107.2 and 107.3 of this code and/or

in Sections 2-72 and 2-78 of the Greenacres City Code. Notices for condemnation procedures shall also comply with Section 108.3 of this code.

107.2 Forms

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the building or structure, or premises into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of Service

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally and signature obtained.
2. Sent by certified mail addressed to the last known address.
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice and posted also in a conspicuous place at City Hall.

107.4 Penalties

Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.5 Transfer of Ownership

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such building, structure or property to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the building department and shall furnish to the building official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General

When a structure or equipment is found by the building official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code and/or the Greenacres Amendments to Chapter One of the Currently adopted edition of the Florida Building Code.

108.1.1 Unsafe Structures

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment, or is severely damaged, decayed, dilapidated, or structurally unsafe as determined by the building official, or of such faulty construction or unstable foundation, that partial or complete collapse is

possible.

108.1.2 Unsafe Equipment

Unsafe equipment includes any appliance, boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structures unfit for Human Occupancy

A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful Structure

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code (see table 404.5) or the Greenacres City Code, or was erected, altered or occupied contrary to law.

108.1.5 Dangerous Structure or Premises

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof this is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any

specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

108.2 Closing of Vacant Structures

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the building official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the building official, with the concurrence of the City Manager, may cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.2.1 Authority to Disconnect Service Utilities

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

108.3 Notice

Whenever the building official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the general form prescribed in Section 107.2.

108.4 Placarding

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the building official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.5 Prohibited Occupancy

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Removal of Placard

The building official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. No other person may deface or remove a condemnation placard without the express approval of the building official.

109 EMERGENCY MEASURES**109.1 Imminent Danger**

When, in the opinion of the building official, there is imminent danger in or around a building or structure or to those in the proximity of any structure, the building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building official shall cause to be posted at each entrance to such structure a notice reading as follows: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary Safeguards

Notwithstanding other provisions of this code, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the building official, with the concurrence of the City Manager, may order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the building official deems necessary to meet such emergency.

109.3 Closing Streets

When necessary for public safety, the building official may temporarily close structures and, with the concurrence of the City Manager, may temporarily close sidewalks, streets, public ways and places adjacent to unsafe structures and prohibit the same from being utilized.

109.4 Emergency Repairs

For the purpose of this section, the building official shall, with the concurrence of the City Manager, employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of Emergency Repairs

Costs incurred in the performance of emergency work shall be paid by the City of Greenacres. The City's legal counsel shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appropriate board, be afforded a

hearing as described in this code.

110 DEMOLITION

110.1 General

The building official shall order the owner of any premises upon which is located any structure, which in the building official’s judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner’s option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

110.2 Notices and Orders

All notices and orders shall comply with Section 107 of this code.

110.3 Failure to Comply

If the owner of a premises fails to comply with a demolition order within the time prescribed, the building official with the concurrence of the City Manager may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage Materials

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

111 MEANS TO APPEAL

111.1 Application for Appeal

Any person directly affected by a decision of the building official or a notice or order issued under this code shall have the right to appeal to either the Code Enforcement Special Magistrate or the Building Board of Adjustments and Appeals, depending on the subject matter of the decision or notice or order. The Building Board of Adjustments and Appeals hears appeals regarding buildings or structures that have been determined to be unsafe, when the notices or orders require the buildings or structures to be repaired or demolished. All other notices or orders relate to violations that are brought to the Code Enforcement Special Magistrate for determination, assessment, and appeal. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

111.2 Membership of Boards

111.2.1 Code Enforcement Special Magistrate

Qualifications and appointment_details are contained in Section 2-54 of the Greenacres City Code.

111.2.2 Building Board of Adjustments and Appeals

Membership details are contained in Section 113 of the Greenacres Amendments to Chapter One of the current edition of the_Florida Building Code.

111.3 Open Hearing

All hearings before the boards or Special Magistrate shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

111.4 Records and Copies

The decision of the boards or Special Magistrate shall be recorded. Copies shall be furnished to the appellant, to the building official, and to the City Manager.

111.5 Administration

The building official shall take immediate action in accordance with the decision of the boards or the Special Magistrate.

111.6 Court Review

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law.

112 STOP WORK ORDER

112.1 Authority. Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

112.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

112.3 Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

CHAPTER 2**DEFINITIONS**

201 GENERAL

201.1 Scope

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings shown in this chapter.

201.2 Interchangeability

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms Defined in Other Codes

Where terms are not defined in this code and are defined in the Florida Building Code, the Florida Fire Prevention Code, the National Electrical Code, City Amendments to those codes, or the City Code of Ordinances, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms Not Defined

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts

Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “structure,” “property,” “rooming house,” “rooming unit,” “house keeping unit,” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection

APPROVED: Approved by the building official or other authority having jurisdiction.

BASEMENT: That portion of a building which is partly or completely below grade.

BATHROOM: A room containing plumbing fixtures including a bathtub or shower.

BEDROOM: Any room or space used or intended to be used for sleeping purposes.

BUILDING OFFICIAL: The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN: To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT: That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD or GUARDRAIL: A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not generally considered habitable spaces.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT: A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER: A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION: The presence, within or contiguous to, a structure or premises, of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE: A vehicle which cannot be driven upon the public streets for

reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED: Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET: To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY: The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT: Any individual living, sleeping or working in a building, or having possession of a space within a building.

OPENABLE AREA: That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER: Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON: An individual, corporation, partnership or any other group acting as a unit.

PREMISES: A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY: Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two-family dwelling.

ROOMING UNIT: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRICT LIABILITY OFFENSE: An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally

required to do.

STRUCTURE: That which is built or constructed or a portion thereof, whether fixed or portable, attached or detached, whether a main structure or an accessory structure, that includes but is not limited to all buildings, dwellings, garages, sheds, pools, fences, walls, screen rooms, screen enclosures, and other enclosures.

TENANT: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE: Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD: An open space on the same lot with a structure.

CHAPTER 3

GENERAL REQUIREMENTS

301 GENERAL

301.1 Scope

The provisions of this chapter shall govern the minimum conditions and the responsibilities of

persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming house or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming house or housekeeping unit, or premises which they occupy and control.

301.3 Vacant Structures and Land

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

302 EXTERIOR PROPERTY AREAS

302.1 Safety and Sanitation

All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

302.2 Grading and Drainage

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and Driveways

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, free of all obstacles and maintained free from hazardous conditions.

302.3.1

Public sidewalks shall be maintained by the property owners who are adjacent to the sidewalk. (The maintenance of sidewalks is intended to include sweeping or cleaning and keeping the sidewalks free from obstacles. Maintenance would only include repairing or replacing cracked or broken sidewalks if the property owner was directly responsible for the damage.) Grassed areas between sidewalks and the edge of roadway pavement, or between lot line and edge of pavement if a sidewalk does not exist, shall also be maintained by the adjacent property owners and kept free and clear of trees, shrubs, and other obstructions except trees and shrubs approved by the city prior to May 2, 2011, and which are not located in a safe sight visibility area and which do not interfere with underground or aboveground utilities or use of the roadway or sidewalk may remain provided that they are maintained by the adjacent property owner (See Sections 11-67 and 11-68 of the Greenacres City Code.) Unobstructed passage through road and alley right-of-way shall be provided. (See Section 16-1245(b)(1)(i)).

302.4 Uncontrolled Growth of Vegetation

All premises and exterior of properties shall be maintained free from weeds or similar plant growth in excess of 12 inches (one foot) in height. All noxious weeds and invasive species (see City Code Table 16-1312(a)) shall be prohibited. "Noxious weeds" are defined by Section 32 of the Federal Noxious Weed Act (1974) as "any living stage (including but not limited to, seeds and reproductive parts) of any parasitic or other plant of a kind, or subdivision of a kind, which is of foreign origin, is new to or not widely prevalent in the United States, and can directly or indirectly

injure crops, other useful plants, livestock, or poultry or other interests of agriculture, including irrigation, or navigation or the fish or wildlife resources of the United States or the public health.” Invasive species are prohibited species as contained in Section 369.251(1), Florida Statutes, of the Florida Aquatic Weed Control Act. “Weeds” shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens (see City Code Section 7-27).

302.4.1 Stagnant Water

The exterior of all properties shall be maintained free of all collection of water in which mosquitos breed or are likely to breed.

Exception: Approved retention areas, reservoirs and other similar areas required for proper stormwater management or other purposes as approved by the building official.

302.5 Rodent Harborage

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.6 Exhaust Vents

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory Structures

All accessory structures, including detached garages, sheds, fences, walls, portable carports screen rooms, screen enclosures, and other enclosures shall be maintained structurally sound, in good repair, and have their exterior coatings and coverings maintained in a sound and uniform appearance free from algae, mildews, molds, dirt or other stains.

302.7.1 Storage /Shipping Containers

The use of shipping containers, portable storage containers or any type or brand of portable/mobile storage container shall not be located on any property without first obtaining permission from the city by way of the permitting process.

302.8 Motor Vehicles

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes, and is not otherwise violating any other code or ordinance.

302.9 Parking

Motor vehicles are to be parked in a garage/carport or on a driveway that has been designed and permitted for that purpose. Motor vehicles may not be parked on lawns or on areas designed and planned for vegetation or in front or side yards unless part of an approved driveway system as per city code 16-1334(11)(a.)

Exception: For homes in Greenacres Plat No 2 and Greenacres Plat No 2 Replat, that were constructed without a driveway and are not undergoing a major renovation, addition or change in use may continue parking on a designated unpaved area that can be shown to have been historically used as parking for that home. This exception shall be limited to a maximum of four vehicle spaces. The property owner will be required to designate, in writing, the properties historical parking area within two weeks of a request from the building official and such area will be subject to the building officials approval.

302.9.1 Motor vehicles may not be parked across public sidewalks; public sidewalks are to remain open for pedestrian traffic at all times. [See City Code Section 16-1335 (7)b].

302.10 Defacement of Property

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. (See City Code Section 9-7).

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools

Swimming pools, spas, portable spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall have barriers per the Florida Building Code. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

304 EXTERIOR STRUCTURE

304.1 General

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary, so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Building Code Existing Building as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the building official.

304.2 Protective Treatment

All exterior surfaces, including but not limited to, walls, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition and generally accepted uniform appearance as determined by the Building Official. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, moldy, severely chalked, deteriorated, dirty, stained or chipped paint or other coating shall be eliminated and surfaces repainted or recoated. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designated for stabilization by oxidation are exempt from the requirement.

304.3 Premises Identification

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural Members

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation Walls

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior Walls

All exterior walls, on main structures and accessory structures, shall be free from holes, breaks, mold, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and Drainage

The roof and flashing shall be sound, tight and not have defects that are a detriment to the roof's effectiveness or appearance. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water including ac condensate shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative Features

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition.

304.9 Overhang Extensions

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and Towers

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and Guardrails

1. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
2. Every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the

landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

304.13 Window, Skylight and Door Frames

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing

All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable Windows

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.13.3 Shutters and Impact Protection

Hurricane protective devices on all occupied buildings must be removed no later than fourteen (14) days after the termination of the hurricane event (watch, warning, actual hurricane or tornado) unless another hurricane event is predicted to occur within the fourteen (14) day time period.

304.14 Insect Screens

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging screened door shall have a self-closing device in good working condition.

Exception: Screens and screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Building Security

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.16.1 Doors

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

304.16.2 Windows

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with window sash locking devices.

304.17 Skirting

304.17.1

Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure.

304.17.2

Replacement or new skirting shall be constructed of materials intended for exterior use and properly sized and mounted to prevent free access to the crawl space of the structure. Crawl space access grille or door and ventilation grilles shall be sized according to building code requirements.

304.19 Gates.

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

305 INTERIOR STRUCTURE

305.1 General

The interior of a structure and the equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition.

305.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Building Code Existing Building as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Structural members are incapable of supporting nominal loads and load effects.
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the building official.

305.2 Structural Members

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior Surfaces

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, dirty, stained or abraded paint or other coatings shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

305.4 Stairs and Walking Surfaces

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and Guardrails

1. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

2. Every interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

305.6 Interior Doors

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

306 Component Serviceability

306.1 General

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

305.1.1 Unsafe conditions.

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Building Code Existing Building as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system.
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
 - 1.4. Inadequate soil as determined by a geotechnical investigation.
 - 1.5. Where the allowable bearing capacity of the soil is in doubt.
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:
 - 2.1.Deterioration.
 - 2.2.Ultimate deformation.
 - 2.3.Fractures.
 - 2.4.Fissures.
 - 2.5.Spalling.
 - 2.6.Exposed reinforcement.
 - 2.7.Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1.Deterioration.
 - 3.2.Corrosion.
 - 3.3.Elastic deformation.
 - 3.4.Ultimate deformation.
 - 3.5.Stress or strain cracks.
 - 3.6.Joint fatigue.
 - 3.7.Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
 - 4.1.Deterioration.
 - 4.2.Ultimate deformation.
 - 4.3.Fractures in masonry or mortar joints.
 - 4.4.Fissures in masonry or mortar joints.
 - 4.5.Spalling.
 - 4.6.Exposed reinforcement.
 - 4.7.Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1.Deterioration.
 - 5.2.Elastic deformation.
 - 5.3.Ultimate deformation.
 - 5.4.Metal fatigue.
 - 5.5.Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1.Ultimate deformation.
 - 6.2.Deterioration.
 - 6.3.Damage from insects, rodents and other vermin.
 - 6.4.Fire damage beyond charring.
 - 6.5.Significant splits and checks.
 - 6.6.Horizontal shear cracks.
 - 6.7.Vertical shear cracks.
 - 6.8.Inadequate support.
 - 6.9.Detached, dislodged or failing connections.
 - 6.10.Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the building official.

307 RUBBISH AND GARBAGE

307.1 Accumulation of Rubbish or Garbage

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. (See City Code Section 7-27) and 7-33.

307.2 Disposal of Rubbish

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

307.2.1 Rubbish Storage Facilities

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

307.2.2 Refrigerators

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors. Refrigerators and other household appliances not in operation shall not be stored on the exterior of a property or in an open carport or patio. All refrigerators and other household appliances shall be installed protected from the weather and per manufacturers specifications and recommendations.

307.3 Disposal of Garbage

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. Garbage containers placed at the curb for curbside pickup may be set out no sooner than 3:00 pm the day prior to the scheduled pickup day and must be removed no later than 11:00 am of the day after collection.

307.3.1 Garbage Facilities

The owner of every dwelling shall supply an approved leak-proof, covered, outside garbage container.

307.3.2 Containers

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

308 EXTERMINATION

308.1 Infestation

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

308.2 Owner

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

308.3 Single Occupant

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises. This section does not alleviate the owner of the property from code enforcement procedures.

308.4 Multiple Occupancy

The owner of a structure containing two or more dwelling units, a rooming house, or a multi-tenant nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination. This section does not alleviate the owner of the property from code enforcement procedures.

308.5 Occupant

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

CHAPTER 4**LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS****401 GENERAL****401.1 Scope**

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative Devices

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical

ventilation complying with the Florida Building Code shall be permitted.

402 LIGHT

402.1 Habitable Spaces

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common Halls and Stairways

Every common hall and stairway in residential occupancies, other than in one and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied, with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other Spaces

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

403 VENTILATION

403.1 Habitable Spaces

Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and Toilet Rooms

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

403.3 Cooking Facilities

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the building official.

403.4 Process Ventilation

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

403.5 Clothes Dryer Exhaust

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

404 OCCUPANCY LIMITATIONS

404.1 Privacy

Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum Room Widths

A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension unless otherwise approved by the Florida Building Code and/or the building official. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

404.3 Minimum Ceiling Heights

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear height of not less than 7 feet (2134 mm).

Exceptions:

1. In one and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.
4. As otherwise authorized by the Florida Building Code.

404.4 Bedroom Requirements

Every bedroom shall comply with the requirements of Section 404.4.1 through 404.4.6.

404.4.1 Area for Sleeping Purposes

Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area,

and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

404.4.2 Access from Bedrooms

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water Closet Accessibility

Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited Occupancy

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

404.4.5 Other Requirements

Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

Table 404.5 Minimum Area Requirements

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 OCCUPANTS	3-5 OCCUPANTS	6 OR MORE OCCUPANTS
Living Room a,b	No requirements	120	150
Dining Room a,b	No requirements	80	100
Kitchen b	50	50	60
Bedrooms	Shall comply with Section 404.4		

a. See Section 404.5.2 for combined living room/dining room spaces.
 b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined Spaces

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living/dining room.

404.6 Efficiency Unit

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food Preparation

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

404.7.1 Kitchen Facilities

Every dwelling unit shall contain a kitchen equipped with the following minimum facilities:

1. Food preparation surfaces impervious to water and free of defects which could trap food or liquid.
2. Shelving, cabinets, or drawers for the storage of food and cooking and eating utensils, all of which shall be maintained in good repair.
3. Freestanding or permanently installed cookstove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.
4. Mechanical refrigeration equipment for the storage of perishable foodstuffs.

Exception: Nothing herein shall preclude a written agreement between an owner and tenant that the tenant will furnish mechanical refrigeration equipment and/or a cookstore as required in this section. It shall be an affirmative defense available to an owner charged with a violation of this section if such an agreement exists.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

501 GENERAL

501.1 Scope

The provisions of this chapter shall govern the minimum plumbing systems, facilities, and plumbing fixtures to be provided.

501.2 Responsibility

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

502 REQUIRED FACILITIES

502.1 Dwelling Units

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet, and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming Houses

At least one water closet, lavatory, and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels

Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory, and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' Facilities

A minimum of one water closet, one lavatory, and one drinking facility shall be available to employees.

502.4.1 Drinking Facilities

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public Facilities

A minimum of one water closet and one lavatory shall be available to the public and such public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Florida Building Code Plumbing. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises

503 TOILET ROOMS

503.1 Privacy

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location

Toilet rooms and bathrooms serving hotel units, rooming units, dormitory units, or housekeeping units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of Employee Toilet Facilities

Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease, or control,

shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor Surface

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, non-absorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

504 PLUMBING SYSTEMS AND FIXTURES

504.1 General

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks, and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary, and functional condition.

504.2 Fixture Clearances

Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing System Hazards

Where it is found that a plumbing system for a structure or premises constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the building official shall require the defects to be corrected to eliminate the hazard.

505 WATER SYSTEM

505.1 General

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Florida Building Code, Plumbing.

505.2 Contamination

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water Heating Facilities

Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature or not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom, or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and

pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

505.5 Nonpotable water reuse systems.

Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.5.1.

505.5.1 Abandonment of systems.

Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the Florida Building Code Plumbing.

506 SANITARY DRAINAGE SYSTEM

506.1 General

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance

Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks, and defects.

506.3 Grease interceptors.

Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the building official.

507 STORM DRAINAGE

507.1 General

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

601 GENERAL

601.1 Scope

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

602 HEATING FACILITIES

602.1 Residential Occupancies

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Florida Building Code, Plumbing. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.2 Heat Supply

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory, or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th through March 15th to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Florida Building Code, Plumbing.

602.3 Occupiable Work Spaces

Indoor occupiable work spaces shall be supplied with heat during the period from November 15th through March 15th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.4 Room Temperature Measurement

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

603 MECHANICAL EQUIPMENT

603.1 Mechanical Appliances

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances, and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of Combustion Products

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances

All required clearances to combustible materials shall be maintained.

603.4 Safety Controls

All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion Air

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy Conservation Devices

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

604 ELECTRICAL FACILITIES

604.1 Facilities Required

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical System Hazards

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason in inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the building official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the Florida Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Florida Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

605 ELECTRICAL EQUIPMENT

605.1 Installation

All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner. All required electric shall be maintained in working order. All un-used or abandoned electric including wiring shall be removed from the building or structure.

605.2 Receptacles

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter if within six ft. from a sink. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Lighting Fixtures

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, and mechanical room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

606 ELEVATORS, ESCALATORS AND DUMBWAITERS**606.1 General**

Elevators, dumbwaiters, and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards and follow all local, state and federal laws, rules and regulations.

606.2 Elevators

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing and servicing.

607 DUCT SYSTEMS**607.1 General**

Duct systems shall be maintained free from obstructions and shall be capable of performing the required function.

CHAPTER 7**FIRE SAFETY REQUIREMENTS****701 GENERAL****701.1 Scope**

The provisions of this chapter shall govern minimum conditions and standards for fire safety relating to existing structures and exterior premises, including fire safety facilities and equipment to be provided.

701.1.1

In the event of a conflict between this chapter and the FFPC, NFPA, or the Life Safety Code, the FFPC, NFPA, or the Life Safety Code shall govern.

701.2 Responsibility

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another to occupy any premises that do not comply with the requirements of this chapter.

702 MEANS OF EGRESS

702.1 General

All required exits shall be maintained to provide a safe, continuous, and unobstructed path of travel from any point in a building or structure to the public way.

702.2 Aisles

The required width of aisles in accordance with the FFPC shall be unobstructed.

702.3 Locked Doors

All means of egress doors shall be readily openable from the side from which egress is to be made, without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the FBC or the FFPC.

702.4 Emergency Escape Openings

Required emergency escape openings shall be maintained in accordance with the Florida Building Code existing Building , and the following; Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grills, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

703 FIRE-RESISTANCE RATING

703.1 Fire-Resistance-Rated Assemblies

The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

703.2 Unsafe conditions.

Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 111.1.1 of the Florida Fire Prevention Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Section 111.2 of the Florida Fire Prevention Code.

703.3 Maintenance.

The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such

elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

703.3.1 Fire blocking and draft stopping.

Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

703.3.2 Smoke barriers and smoke partitions.

Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

703.3.3 Fire walls, fire barriers, and fire partitions.

Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80.

703.4 Opening Protectives

Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

703.4.1 Signs.

Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR – DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

703.4.2 Hold-open devices and closers.

Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

703.4.3 Door operation.

Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

703.5 Ceilings.

The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

703.6 Testing.

Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

703.7 Vertical shafts.

Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the Florida Fire Prevention Code. New floor openings in existing buildings shall comply with the Florida Building Code.

703.8 Opening protective closers.

Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

704 FIRE PROTECTION SYSTEMS**704.1 Inspection, testing and maintenance.**

Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in accordance with the Florida Fire Prevention Code in an operative condition at all times, and shall be replaced or repaired where defective.

704.1.1 Installation.

Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection where the building is altered or enlarged. Alterations to fire protection systems shall be done in accordance with applicable standards.

704.1.2 Required fire protection systems.

Fire protection systems required by this code, the Florida Fire Prevention Code or the Florida Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection system for which a design option, exception or reduction to the provisions of this code, the Florida Fire Prevention Code or the Florida Building Code has been granted shall be considered to be a required system.

704.1.3 Fire protection systems.

Fire protection systems shall be inspected, maintained and tested in accordance with the following the Florida Fire Prevention Code requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.12.5.
3. Automatic water mist extinguishing systems, see Section 904.11.

4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.
13. Single- and multiple-station smoke alarms, see Section 907.10.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.20.
16. Wet-chemical extinguishing systems, see Section 904.5.

704.2 Standards.

Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

**TABLE 704.2
FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS**

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A

Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

704.2.1 Records.

Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

704.2.2 Records information.

Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

704.3 Systems out of service.

Where a required fire protection system is out of service, the fire department and the fire marshal shall be notified immediately and, where required by the fire marshal, either the building shall be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the the Florida Fire Prevention Code to bring the systems back in service.

704.3.1 Emergency impairments.

Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the Florida Fire Prevention Code 704.4 Removal of or tampering with equipment.

It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system or other fire appliance required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

704.4.1 Removal of or tampering with appurtenances.

Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire marshal shall not be removed, unlocked, destroyed or tampered with in any manner.

704.4.2 Removal of existing occupant-use hose lines.

The fire marshal is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

1. The installation is not required by the the Florida Fire Prevention Code or the the Florida Florida Building Code.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

704.4.3 Termination of monitoring service.

For fire alarm systems required to be monitored by the the Florida Fire Prevention Code , notice shall be made to the fire marshal whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

704.5 Fire department connection.

Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire marshal.

704.5.1 Fire department connection access.

Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5of the Florida Fire Prevention Code and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

704.5.2 Clear space around connections.

A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

704.6 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

704.6.1 Where required.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.6.1.1 Group R-1.

Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.2 Groups R-2, R-3, R-4 and I-1.

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.3 Installation near cooking appliances.

Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.6.1.1 or 704.6.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

704.6.1.4 Installation near bathrooms.

Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

704.6.2 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.6.3 Power source.

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

704.6.4 Smoke detection system.

Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the Florida Fire Prevention Code.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the Florida Fire Prevention Code.
3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory

signal is generated and monitored in accordance with Section 907.6.6 of the Florida Fire Prevention Code.

704.7 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

SECTION 705 CARBON MONOXIDE ALARMS AND DETECTION

705.1 General.

Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the Florida Fire Prevention Code, except that alarms in dwellings covered by the Florida Residential Code shall be installed in accordance with Section R315 of that code.

705.2 Carbon monoxide alarms and detectors.

Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

CHAPTER 8

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The application of the referenced standards shall be specified in Section 102.7.

Standard Reference	Title
FBC/B	Florida Building Code, Building Volume
FBC/P	Florida Building Code, Plumbing Volume
FBC/M	Florida Building Code, Mechanical Volume
NEC FFPC	National Electrical Code; FBC/B Chapter 27 Florida Fire Prevention Code

ASME American Society of Mechanical Engineers Two Park Avenue New York NY 10016-5990

ASME A17.1—2016/CSA B44—16 Safety Code for Elevators and Escalators 606.1

ASTM ASTM International 100 Barr Harbor Drive, P.O. Box C700 West Conshohocken PA 19428-2959

F1346—91 (2010) Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs 303.2

NFPA National Fire Protection Association 1 Batterymarch Park Quincy MA 02169-7471

10—17 Standard for Portable Fire Extinguishers Table 704.2

12—15 Standard on Carbon Dioxide Extinguishing Systems Table 704.2

12A—15 Standard on Halon 1301 Fire Extinguishing Systems Table 704.2

17—17 Standard for Dry Chemical Extinguishing Systems Table 704.2

17A—17 Standard for Wet Chemical Extinguishing Systems Table 704.2

25—17 Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems Table 704.2

70—17 National Electrical Code 102.3.201.3.604.2

72—16 National Fire Alarm and Signaling Code Table 704.2

80—16 Standard for Fire Doors and Other Opening Protectives 703.3.3703.4

105—16 Standard for Smoke Door Assemblies and Other Opening Protectives 703.3.2

204—15 Standard for Smoke and Heat Venting Table 704.2

720—15 Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment [F] 705.2

750—14 Standard on Water Mist Fire Protection Systems Table 704.2

2001—15 Standard on Clean Agent Fire Extinguishing Systems Table 704.2

UL Underwriters Laboratories, LLC 333 Pfingsten Road Northbrook IL 60062

268—09 Smoke Detectors for Fire Alarm Systems 704.6.4



ITEM SUMMARY

MEETING DATE: March 6, 2023
FROM: Caryn Gardner-Young, Zoning Administrator
SUBJECT: Ordinance 2023-01, ZTA-22-18
Sign Regulations

BACKGROUND

On September 23, 2022, the City Council adopted updated sign regulations to be in compliance with state, federal and county regulations. Unfortunately, during the rewrite, inadvertently sign copy area for residential and non-residential signs was omitted. The intent of this zoning text amendment is to include in the zoning code the sign copy area with no proposed changes to the square footage previously allowed.

The Planning and Zoning Board of Appeals voted four (4) to zero (0) to recommended approval of Zoning Text Amendment ZTA-22-07 as presented by staff on January 12, 2023. The City Council approved Ordinance 2023-01 on first reading February 6, 2023, by a vote of 5-0.

ANALYSIS

The principal intent of these proposed text amendments to the Zoning Code is to include sign copy area which was inadvertently omitted during the last zoning text amendment round. The proposed language is not recommending any changes to the previously approved sign copy area square footage.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2023-01 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed by the City Attorney.

STAFF RECOMMENDATION

Approval of ZTA-22-18 through the adoption of Ordinance 2023-01.

ZTA-22-18 (Ordinance 2023-01)
 Date: December 21, 2022

Revised: 1/12/2023
2/6/2023

	DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION
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ZTA-22-18: Sign Regulations

Recommendation to City Council: A City-initiated request for a text amendment to include sign copy area for all signs permitted in each zoning district .

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<p>Originating Department:</p> <p>Planning & Engineering</p> <p>Project Manager</p> <p>_____</p> <p>Caryn Gardner-Young, Zoning Administrator</p>	<p>Reviewed By:</p> <p>Director of Development and Neighborhood Services</p> <p>_____</p> <p>Denise Malone</p>
<p>Approved By:</p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p>	<p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required</p> <p><input type="checkbox"/> Not Required</p> <p>Dates: 12/29/22; 1/26/23, 2/23/23</p> <p>Paper: The Lake Worth Herald, Palm Beach Post</p> <p>Mailing</p> <p><input type="checkbox"/> Required</p> <p><input checked="" type="checkbox"/> Not Required</p> <p>Notice Distance: _____</p>
<p>Attachments:</p> <ul style="list-style-type: none"> • Ordinance 2023-01 	<p>City Council Action:</p> <p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Approve with conditions</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Continued to: _____</p>

I. Executive Summary

On September 23, 2022, the City Council adopted updated sign regulations to be in compliance with state, federal and county regulations. Unfortunately, during the rewrite, inadvertently sign copy area for residential and non-residential signs was omitted. The intent of this zoning text amendment is to include in the zoning code the sign copy area with no proposed changes to the square footage allowed.

II. Proposed Zoning Text Amendments:

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Items which are proposed for deletion are in ~~Strike-Through~~, items proposed for addition are in Single Underline.

Proposed Change

Chapter 16, Zoning Regulations, Article VI, Sign Regulations, to be amended as follows (underlined language is added):

DIVISION 5. SIGN REGULATION BY ZONING DISTRICT.

Sec. 16-983. Identification signs.

(a) *Residential districts.*

- (1) In residential districts, non-residential uses are allowed one (1) identification wall sign.
- (2) For planned residential developments and subdivisions, one free-standing sign per major access is allowed. Two (2) signs with one (1) copy side each may be permitted in place of a single sign with two (2) copy areas.
- (3) The maximum copy area per sign face shall be 32 sq. ft.

(b) *Non-residential districts.* Except as provided in subsections (1), (2) and (3) below, in commercial and other non-residential districts, one (1) free standing sign and one (1) wall sign shall be allowed per frontage, provided that the signs are not located within two hundred (200) feet of each other on the same lot as measured along the frontage line.

- (1) For single-use stores with over forty thousand (40,000) sq. ft. of floor area, three (3) wall signs with copy area not to exceed the maximum copy area allowed.
- (2) Multi-tenant commercial properties are allowed one (1) freestanding sign per frontage and one (1) wall sign per tenant space.
- (3) Outparcels and outbuildings within a unified development are allowed one (1) free-standing monument sign with a maximum height of eight (8) feet and with a maximum copy area of forty (40) sq. ft. per sign face.

- (4) Time and temperature signs not exceeding two (2) feet in height, located in the bottom portion of the sign, may be included as an integral part of the identification sign copy area in CG districts for banks and financial institutions with drive-thrus.
- (5) Electronic changeable copy gas station price signs not exceeding twelve (12) square feet may be included as an integral part of the freestanding sign copy area for gas stations located in the CG and CI districts provided, they are LED style and the sign copy is only for fuel prices.
- (6) Electronic changeable copy signs for Government users are limited to messages that serve a public purpose and are not permitted to promote commercial messages of any kind. No advertising for off-site businesses is permitted in any form.
- (7) The allowable copy area per sign face for each wall sign shall be one and one half (1 ½) sq. ft. per linear foot of building or tenant frontage, not to exceed the following maximum copy area by zoning district:

<u>Zoning District</u>	<u>Maximum Wall Sign Copy Area</u>
<u>OPI, MXD-O</u>	<u>60 sq. ft.</u>
<u>CN, MXD-OS</u>	<u>75 sq. ft.</u>
<u>CG, CI, GU</u>	<u>240 sq. ft.</u>
<u>MXD-R, MXD-C</u>	<u>30 sq. ft.</u>

- (8) The allowable copy area per sign face for each freestanding sign shall be 25% of parcel linear footage, not to exceed the following maximum copy area by zoning district:

<u>Zoning District</u>	<u>Maximum Freestanding Sign Copy Area</u>
<u>OPI</u>	<u>60 sq. ft.</u>
<u>CN, MXD-OS</u>	<u>75 sq. ft.</u>
<u>CG</u>	<u>240 sq. ft.</u>
<u>MXD-R, MXD-C</u>	<u>12 sq. ft.</u>
<u>MXD-O</u>	<u>90 sq. ft.</u>
<u>CI, GU</u>	<u>400 sq. ft.</u>

(c) *General provisions – wall signs.*

- (1) There shall be a minimum separation of three (3) feet between wall signs.
- (2) Side wall building signage shall not exceed fifty (50) percent of max. sq. ft. of allowable building sign copy area, or twenty-five (25) percent of max. sq. ft. of allowable building signs copy area when adjacent to residential parcels.
- (3) All wall signs shall be no closer than twelve (12) inches from the side lines of the premises storefront and six (6) inches to the top and bottom of the premises sign area.

- (4) The height of any wall sign cannot exceed the top elevation of the structure.
- (5) Building signs shall be consistent in color with those of the freestanding sign.
- (6) Unless otherwise approved as part of the Master Sign Plan, site, and development plan approval, or as necessary to maintain consistency with the majority of the existing signs in the plaza, wall signs shall be internally illuminated with individual channel letters or reverse channel letters. The trim cap and returns of the building wall sign shall be the same color as the letters and the illumination shall be with clear neon or LED tubing. No raceways or box signs will be permitted. A maximum of fifty (50) percent of the area of each wall sign may incorporate a logo of any color, the logos shall not exceed the total height of the sign on the building and shall meet the requirements of distance from the premise area.

(d) *General provisions – freestanding signs.*

- (1) Free-standing identification signs shall be designed as monument signs, and oriented perpendicularly to the frontage on which they are situated. The maximum height for free-standing signs shall be eight (8) feet except as otherwise provided in this Chapter.
- (2) Free-standing signs must be located within the general area of the major vehicular access points and must include the name of the development prominently displayed. Free-standing identification signs for commercial developments must also include the full range of street addresses located onsite (this will not be included as part of the copy area).
- (3) Freestanding signs shall be consistent in color with those on the building. All freestanding signs shall be designed with an opaque background, so that light or a light source cannot penetrate through the sign with the exception of through the letters and logo associated with said sign. The architectural design shall be consistent with the design of the building, sharing materials, colors, and design motifs.
- (4) Free-standing monument signs may include a leasing sign not exceeding twelve (12) square feet incorporated into the base of the monument sign. Letter size shall be no less than five (5) inches using no more than two (2) colors and consistent with the design of the rest of the sign.

- (e) All signage located within any development shall maintain architectural consistency with itself, as well as with all structures, located onsite. The development may get a master sign program approval which incorporates multiple colors, fonts, and logos provided it is included in part of a theme that provides architectural consistency for the project as a whole and is formally approved by the city.

III. Zoning Text Amendment Criteria:

A. *The need and justification for these changes:*

The principal intent of these proposed text amendments to the Zoning Code is to include sign copy area which was inadvertently omitted during the last zoning text amendment round. The proposed language is not proposing any changes to the previous sign copy area square footage.

- B. *The relationship of the proposed amendments to the purpose and objectives of the City's Comprehensive Plan, and whether the proposed change will further the purposes of the City's Zoning Code regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.*

The proposed amendments are consistent with the City's Comprehensive Plan and will further the purposes of the City's Zoning Code regulations and other City codes.

IV. Staff Analysis:

The Development Review Committee Staff met on January 12, 2023, to discuss the proposed amendment. No objections were received.

Planning, GIS, and Engineering Division:	No objections
Building Division,	No objections
Fire Rescue Department	No objections
Public Works Department	No objections
PBSO District #16	No objections
Recreation and Community Services Department	No objections

IV. Staff Recommendation:

Approval of ZTA- 22-18 through the adoption of Ordinance 2023-01.

PLANNING ZONING BOARD OF APPEALS RECOMMENDATION – January 12, 2023

The Planning and Zoning Board of Appeals on a motion made by Board Member Litowsky and seconded by Board Member Fitzgerald, by a vote of five (5) to zero (0) *recommended approval* of Zoning Text Amendment ZTA 22-18, as presented by staff.

CITY COUNCIL ACTION First Reading – February 6, 2023

The City Council on a motion made by Council Member Dugo and seconded by Council Member Diaz, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-22-18** as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – March 6, 2023

ORDINANCE NO. 2023-01

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16 “ZONING REGULATIONS,” ARTICLE VI, “SIGN REGULATION,” DIVISION 5, SIGN REGULATION BY ZONING DISTRICT, SECTION 16-983, IDENTIFICATION SIGNS, TO CLARIFY THE MAXIMUM SIGN COPY AREA; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, on September 28, 2022, the City Council adopted Ordinance No. 2022-25 to modify and update the City’s regulation of signs in Chapter 16, Article VI, Sign Regulation, of the City of Greenacres Code of Ordinances; and

WHEREAS, there is a need to further amend Section 16-983, subsections (a) and (b) of the newly adopted sign regulations to clarify the maximum allowable sign copy area for certain identification signs; and

WHEREAS, in accordance with the requirements of Chapter 163, Florida Statutes, the City’s Local Planning Agency has reviewed the proposed Ordinance and has determined that the proposed regulation is consistent with the City’s Comprehensive Plan; and

WHEREAS, the City Council conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and

participation by interested members of the public and staff, the City Council has determined that this Ordinance is consistent with the City's Comprehensive Plan; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres.

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

SECTION 1. Legislative Findings, Intent and Purpose. The WHEREAS clauses contained herein are legislatively determined to be true and correct and are incorporated herein and represent the legislative findings of the City Council.

SECTION 2. The City Council hereby amends the City of Greenacres Code of Ordinance at Chapter 16, Zoning Regulations, Article VI, Sign Regulation, Division 5, Sign Regulation by Zoning District, Section 16-983, by amending subsections (a) and (b) to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

CHAPTER 16. ZONING REGULATIONS.

ARTICLE VI. SIGN REGULATIONS

DIVISION 5. – SIGN REGULATION BY ZONING DISTRICT

Sec. 16-983. Identification signs.

(a) Residential districts.

- (1) In residential districts, non-residential uses are allowed one (1) identification wall sign.
- (2) For planned residential developments and subdivisions, one free-standing sign per major access is allowed. Two (2) signs with one (1) copy side each may be permitted in place of a single sign with two (2) copy areas.

(3) The maximum copy area per sign face shall be 32 sq. ft.

(b) *Non-residential districts.* Except as provided in subsections (1), (2) and (3) below, in commercial and other non-residential districts, one (1) free standing sign and one (1) wall sign shall be allowed per frontage, provided that the signs are not located within two hundred (200) feet of each other on the same lot as measured along the frontage line.

(1) For single-use stores with over forty thousand (40,000) sq. ft. of floor area, three (3) wall signs with copy area not to exceed the maximum copy area allowed.

(2) Multi-tenant commercial properties are allowed one (1) freestanding sign per frontage and one (1) wall sign per tenant space.

(3) Outparcels and outbuildings within a unified development are allowed one (1) free-standing monument sign with a maximum height of eight (8) feet and with a maximum copy area of forty (40) sq. ft. per sign face.

(4) Time and temperature signs not exceeding two (2) feet in height, located in the bottom portion of the sign, may be included as an integral part of the identification sign copy area in CG districts for banks and financial institutions with drive-thrus.

(5) Electronic changeable copy gas station price signs not exceeding twelve (12) square feet may be included as an integral part of the freestanding sign copy area for gas stations located in the CG and CI districts provided, they are LED style and the sign copy is only for fuel prices.

(6) Electronic changeable copy signs for Government users are limited to messages that serve a public purpose and are not permitted to promote commercial messages of any kind. No advertising for off-site businesses is permitted in any

form.

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(c) *General provisions – wall signs.*

- (1) There shall be a minimum separation of three (3) feet between wall signs.
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- (e) All signage located within any development shall maintain architectural consistency with itself, as well as with all structures, located onsite. The development may get a master sign program approval which incorporates multiple colors, fonts, and logos provided it is included in part of a theme that provides architectural consistency for the project as a whole and is formally approved by the city.

SECTION 3. Repeal of Conflicting Ordinances. All other ordinances or parts thereof or parts of the Code conflicting or inconsistent with this Ordinance are hereby cancelled, repealed, or revised to be consistent with provisions and elements of this Ordinance.

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.

SECTION 5. Codification.

It is the intention of the City Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances 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 6. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 6th day of February, 2023.

PASSED AND ADOPTED on the second reading this 6th day of March, 2023.

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:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: March 6, 2023

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Resolution 2023-06, SE-22-03**
Mint Eco Car Wash Special Exception

BACKGROUND

Josh Nichols, agent for Mint Eco Car Wash Acquisitions Co., LLC, is proposing to demolish a vacant fast food restaurant facility and replace it with a standalone car wash. The subject site is located approximately 200 feet west of the intersection of Empire Way and Lake Worth Road on the south side of Lake Worth Road at 4840 Lake Worth Road and the two vacant parcels to the south. The applicant is requesting Special Exception approval to permit a standalone car wash located within a Commercial Intensive zoning district. A Zoning Text Amendment to permit outside car detailing, a Zoning Change to allow the property to be zoned Commercial Intensive from Commercial General and Site Plan approval petitions are being processed concurrently.

ANALYSIS

The proposal is to develop the site in two phases. The first phase is the construction of the standalone car wash which will be located on the northern portion of the site. Phase 2 will be developed at a later time and its proposed use is unknown at this time.

As for the proposed car wash, ingress and egress to the site will be provided from a driveway location on Lake Worth Road and Empire Way which will provide adequate access to the subject property. The petitioner is proposing to provide fifty-five parking spaces which is forty-one parking spaces above the required number of parking spaces. All car washing facilities and equipment will be located within the enclosed building except for the vacuuming facilities, air pumps and car detailing activities. However, there will be considerable screening of the outside facilities and equipment to address any potential nuisances.

The Development Review Committee reviewed this proposal and recommended approval, followed by the Planning and Zoning Board of Appeals which recommended approval by a vote of 5-0 at their meeting on January 12, 2023.

The proposal has satisfied the Special Exception criteria and findings of fact as indicated in the staff report with eight conditions of approval. Specifically, the proposed use will not create a nuisance factor detrimental to the adjacent and nearby properties since it will provide enhanced landscaping, it is compatible with the existing character of this commercial area, the use has been reviewed by staff for automobile, pedestrian, and fire safety, and the

proposed use meets all applicable Code requirements and maintains safe and efficient traffic at this site.

FINANCIAL INFORMATION

N/A

LEGAL

Resolution 2023-06 was prepared in accordance with all applicable State statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of SE-22-03 through the adoption of Resolution 2023-06.

SE-22-03
 Exhibit "A"
 Date: December 29, 2022

Revised: 1/12/2023

	DEVELOPMENT REVIEW COMMITTEE REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Resolution 2023-06: SE-22-03 Mint Eco Stand Alone Car Wash

Consideration of Approval: A Special Exception request from Josh Nichols, agent for Mint Eco Car Wash Acquisition Co., LLC., for approval of a standalone car wash. The project consists of a standalone car wash taking over the vacant La Granja site. The subject site is located approximately 200 feet west of the intersection of Empire Way and Lake Worth Road on the south side of Lake Worth Road at 4840 Lake Worth Road.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<p>Originating Department:</p> <p>Planning, GIS & Engineering</p> <p>Project Manager</p> <p>_____</p> <p>Caryn Gardner-Young, Zoning Administrator</p>	<p>Reviewed By:</p> <p>Director of Development and Neighborhood Services</p> <p>_____</p> <p>Denise Malone</p>
<p>Approved By:</p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p>	<p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required</p> <p><input type="checkbox"/> Not Required</p> <p>Dates: 12/29/22 and 2/23/2023</p> <p>Paper: The Lake Worth Herald, Palm Beach Post</p> <p>Mailing</p> <p><input checked="" type="checkbox"/> Required</p> <p><input type="checkbox"/> Not Required</p> <p>Notice Distance: <u>300'</u></p>

<p>Attachments:</p> <ul style="list-style-type: none"> • Resolution 2023-06 • Concept Plan • Aerial Map • Survey • Petitioner's Justification Statement 	<p>City Council Action:</p> <p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Approve with conditions</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Continued to: _____</p>
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I. Executive Summary

The applicant is requesting a special exception approval for a standalone car wash in the Commercial Intensive (CI) zoning district. The applicant will demolish the previously approved La Granja restaurant and completely redevelop the site.

II. Site Data

Existing Use: Vacant Restaurant
Proposed Use: Standalone Car Wash
Parcel Control Numbers: 18-42-44-25-00-000-3260, 3080 and 3081
Parcel Size: 3.62 acres
Existing Future Land Use Designation: Commercial (CM)
Existing Zoning District: In process - Commercial Intensive (CI)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	<i>Existing Land Use</i>	<i>Future Land Use</i>	<i>Zoning District</i>
<i>North</i>	Medical Offices	Commercial (CM)	Commercial General (CG)
<i>South</i>	Palm Beach Villas II	Residential Low Density (RS-LD)	Residential Low (RL-3)
<i>East</i>	Dairy Queen Palm Beach Villas II	Commercial (CM) Residential Low Density (RS-LD)	Commercial General (CG) Residential Low (RL-3)
<i>West</i>	Dahl Park Office Building	Residential Low Density (RS-LD) Commercial (CM)	Residential Low (RL-3) Commercial General (CG)

III. Annexation/Zoning History:

The subject parcel site is located on the south side of Lake Worth Road, approximately 200 feet west of Empire Way. The subject site has a future land use designation of Commercial (CM) and is proposing a zoning designation of Commercial Intensive (CI). The subject site was originally developed as a “Bud’s Chicken” through SE-80-02, but the company vacated this site for another site to the east in 1991. In 1995, the site was issued a building permit for an auto parts store (Kirby’s), which was subsequently renamed to Whitey’s Auto Parts. The building became vacant during the late 1990s and the new owner Aruba Foods obtained approval for a site plan amendment to construct a sit-down restaurant. The subject site was developed as a “La Granja” restaurant through SP 00-03(A) which was approved on September 8, 2000. The La Granja restaurant closed and the site has remained vacant since. The current owner is now requesting a site and development plan amendment to refurbish this site for use as a standalone car wash.

IV. Applicable Comprehensive Plan Goals, Objectives, and Policies:

1. Future Land Use Element

Objective 1

Development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet the level of service standards are available concurrent with the impacts of the development.

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:

** * * (1 through 10 and 11 through 16 omitted for brevity) * * **

(11) Commercial Intensive - 30% lot coverage, 0.35 FAR

Objective 11, Policies a)

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.

2. Transportation Element

Objective 2 Policy a-d)

Provide adequate design standards to improve safety, reduce congestion, and reduce maintenance.

Policy a)

Further develop and maintain design standards that are compatible with the County and State design standards.

Policy b)

Require private development to conform to the Manual on Uniform Traffic Control Devices for on-site traffic control.

Policy c)

Require engineering review for safe vehicular and non-vehicular traffic flow and parking arrangements in private development.

Policy d)

Improve the safety and operation of City streets, through site-access control, and other traffic operation improvements.

3. Infrastructure Element

Objective 1

The City of Greenacres, through its LDS review process will continue to ensure that at the time a development permit is issued, adequate public facilities are available or will be available when needed to serve the development.

A Standalone Car Wash is a use that requires the approval of a Special Exception in the CI zoning district, so while regulated more than permitted uses, they are not prohibited if they meet the conditions of approval as outlined in the City's Zoning Code Section 16-499(30).

The request meets the requirements of the City's Comprehensive Plan Transportation Element Goals, Objectives, and Policies through the process of review via the Development Review Committee (DRC) process and the outside agencies review process. The process requires the proposed development of the site to meet the requirements of having adequate facilities and services. The DRC members and outside agencies have not provided any comments to the site that would warrant concern of having inadequate facilities and services on site. The density of the site plan proposal is consistent with the existing Future Land Use designation and Zoning district.

V. Applicable City Code and Statutory Provisions:

Sec. 16-171 through 16-178 pertaining to Special Exceptions

Sec. 16-496 through 16-508 pertaining to the CI zoning district

Sec. 16-877 pertaining to Zoning districts.

A Standalone Car Wash is permissible as a special exception in the CI district, subject to the findings in section 16-499 et seq. and requirements contained in this division.

The proposed development is located within the Commercial Intensive (CI) zoning district, which is consistent with the existing zoning regulations.

In addition, Article II, Division 8, Sections 16-171 through 16-178 establish the criteria for the approval of Special Exceptions in the City. (see Section VI. of staff report)

VI. Staff Analysis:

Background:

The applicant is proposing to demolish a vacant restaurant facility and replace it with a standalone car wash. Ingress and egress to the site will be provided from a driveway location on Lake Worth Road and Empire Way which will provide adequate access to the subject property. The petitioner is proposing to provide fifty-five parking spaces which is forty-one parking spaces above the required number of parking spaces. All car washing facilities and equipment will be located within the enclosed building except for the vacuuming facilities, air pumps and car detailing activities. However, there will be considerable screening of the outside facilities and equipment to address any potential nuisances.

On September 9 and 16, 2022, the Development Review Committee reviewed this petition and recommended approval.

Development Review Committee Comments:

Planning and Engineering Dept.:	Incorporated into the staff report.
Traffic Engineering	Incorporated into the staff report
Civil Engineering	Incorporated into the staff report
Building Division:	No comments.
Fire Rescue Department:	No comments
Public Works Department:	No comments.
PBSO District 16:	No comments.
Community and Recreation Division	No comments.

Other Agencies:

PBC Traffic Division:	Project meets traffic performance standards.
PBC Water Utilities:	Service is available. The applicant must enter into a Standard Developers Agreement with Palm Beach County.
MPO / Palm Tran:	Sufficient mass transit capacity exists to serve the project.
LWDD:	Incorporated into the civil engineering plans.

Summary of Proposed Conceptual Plan Details:

The petitioner's concept plan depicts the following:

1. Phasing of the site with Phase 1 construction of the standalone car wash and Phase 2 to be determined later
2. A total land area of 3.62 acres
3. A 4,414S.F. building

4. Access to Lake Worth Road and Empire Way
5. The site has 55 parking spaces including 1 handicap space
6. Dry retention area.
7. Perimeter buffers around the entire project.

VII. Special Exception Criteria and Findings of Fact (Sec. 16-173):

1. The proposed use complies with all relevant elements of the Comprehensive Plan;

Finding: The proposed Standalone Car Wash use complies with Future Land Use Element Goal 1, Objectives 1 and 6; Transportation Element Goal 1, Objective 4; and Objective 1 of the Infrastructure Element within the City of Greenacres' Comprehensive Plan directing growth, development, and redevelopment activities to appropriate areas.

2. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe will not be adversely affected by the proposed special exception;

Finding: The proposed Special Exception will have adequate ingress and egress to the site through one (1) vehicular access point from Lake Worth Road and one (1) vehicular access point from Empire Way. The site plan has been reviewed by staff for automobile, pedestrian, and fire safety, and meets all applicable Code requirements. The City's traffic engineering consultant has reviewed the proposed project's traffic flow and control of the site for compliance with City Code and safety standards and has determined that it meets all necessary requirements.

3. Off-street parking and loading is provided where required, with particular attention to the items in (2) above will not adversely affect public health and safety;

Finding: The off-street parking provided on the site exceeds the minimum parking requirements. Specifically, the 55 parking spaces, including one (1) handicapped space, exceeds the City's Zoning Code requirements. No loading zone is required for this use.

4. Refuse and service areas provided with particular reference to items (2) & (3) above will not adversely affect public health and safety;

Finding: The site will have a dumpster enclosure and the City's franchise hauler will serve this site for all refuse collection. Trash generation by the proposed use is not expected to be excessive in comparison to previous restaurant use.

5. The proposed use will not create a nuisance factor detrimental to adjacent and nearby properties and the City as a whole;

Finding: The proposed Standalone Car Wash is compatible with the surrounding area along Lake Worth Road. A Standalone Car Wash is permitted as a Special Exception in the Commercial Intensive (CI) zoning district. The surrounding area to the west, north and east possess a Commercial General (CG) zoning, which is similar in nature to a Commercial Intensive (CI) zoning. Thus, the commercial nature of the standalone car wash

would not create a nuisance factor. Some of the properties to the south, west and east are residential in nature but they have been adjacent to a commercial use for many years. Further, the properties to the south are buffered from any nuisances by a Lake Worth Water Management District canal. To address any nuisances, the proposed landscape plan has enhanced the landscape located on-site especially screening the facilities entrance which can be seen from Lake Worth Road. Substantial landscaping buffers and the location of the vacuuming facilities and the detailing operations closer to Lake Worth Road and further west on the site and no outdoor speakers will address any nuisance concerns to adjacent and nearby residential properties.

6. The location, availability, and compatibility of utilities for the requested use will not adversely affect public health and safety;

Finding: All utilities are currently provided underground. The site is currently served by Palm Beach County Water Utilities. All other utilities are also currently provided to the site, and the applicant will be required to meet the Level of Service (LOS) as established in the Comprehensive Plan.

7. The screening and buffering of the requested use are consistent with the applicable zoning requirements relative to type, dimension, and character;

Finding: The applicant is enhancing the landscape buffer, foundation plantings and especially the landscaping along Lake Worth Road including in front of the car wash building opening.

8. Signs and proposed exterior lighting are provided with reference to glare, traffic safety and economic effect, and compatibility and harmony with properties in the district;

Finding: All proposed signs shall meet the requirements of the City's Zoning Code. The proposed lighting for the internal site will provide adequate lighting for safety and will be shielded to prevent glare onto adjacent properties. Signs will be located in accord with safe visibility requirements at the time of site plan approval and all signs shall be approved through the building permit process.

9. The requested use appears to meet the required yards and other open space;

Finding: The project complies with interior and perimeter landscaping and open space requirements of the Zoning Code, as well as the setback requirements for the zoning district and transitional zone. Sixty-five percent of the site is designated as open space.

10. Proposed general use is compatible with adjoining properties and other properties in the district;

Finding:

As noted above, the applicant is proposing to develop the 3.62-acre site as a Standalone Car Wash from the previous commercial restaurant. A review of the adjacent existing land uses shows that the site plan is compatible with the adjacent properties, specifically:

South, East and West: The subject site itself is abutted to the south by a residential community called Palm Beach Villas II on the south and east and Dahl Park on the west. The residential communities are single-family homes but the landscaping plan proposes a landscape buffer and an opaque wall to screen the commercial use of the standalone car wash. The developer has been in contact with the Dahl Road residents and discussed the project extensively with them and the residents to the south are distanced from the car wash activities by a Lake Worth Water Management canal.

West, East and North: The sites abutting the subject site along Lake Worth Road are a Dairy Queen and Office Buildings. All possess a future land use designation of City Commercial (CM) and zoning designation of Commercial General (CG). A standalone car wash is a special exception use within the CI zoning district and is compatible with the adjacent parcels which are commercial in nature.

11. The change suggested is not out-of-scale with the needs of the neighborhood or the City;

Finding: The proposed Standalone Car Wash is in scale with the needs of the surrounding community. The proposed use will be available to serve the residents of the surrounding neighborhoods.

12. The requested use and structure is consistent with any special requirements set out in the Schedule of District Regulations for the particular use and structure involved;

Finding: The Standalone Car Wash is in compliance with the regulations for such a use by locating all facilities and equipment in an enclosed building except for vacuuming facilities, air pumps and car detailing which are being mitigated by substantial landscaping and a solid perimeter wall adjacent to residential properties.

VIII. Staff Recommendation:

Approval of SE-22-03 through adoption of Resolution 2023-06 with the following conditions:

1. The most stringent requirements of Exhibit "A" Development Review Committee Staff Report and Recommendation dated December 29, 2022 as amended from time to time, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit "B"
 - a. Architectural Plans prepared by GCP Architecture LLC (A1-A2) stamp-dated August 19, 2022
 - b. Site Plan prepared by Schmidt Nichols (PSP-1) stamped-dated January 24, 2023
 - c. Landscape Plans prepared by Schmidt Nichols (LI-1, LP 1-3 and TD-1) stamp-dated January 24, 2023
 - d. Conceptual Engineering Plans prepared by Simmons & White (1-5) stamp-dated February 3, 2023
2. The Special Exception shall be implemented within 12 months of City Council approval.

3. The Special Exception shall only be applicable to the applicant.
4. Site and Development Plan approval is required prior to the issuance of development permits. (Planning)
5. The Special Exception is limited to a standalone car wash with 4,414 square foot building. Any increase in the square footage of the building or change in type of Special Use will require modification of this Special Exception. (Planning)
6. Non-compliance with any of the conditions of approval will result in withholding of building permits, building permit final inspections and/or a Certificate of Occupancy or Completion. (Planning and Building)
7. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the “City of Greenacres”.
8. All terms, conditions, safeguards, and stipulations made at the time of Special Exception approval shall be binding upon the applicant or any successors in interest. Deviation from any portion of the approved site plan, or failure to comply with any requirement, condition or safeguard imposed by the City during the approval procedure shall render the Special Exception approval null and void upon determination by the City Council.(Planning)

PZBA RECOMMENDATION – January 12, 2023

The Planning and Zoning Board of Appeals on a motion made by Board Member Hayes and seconded by Board Member Litowsky, by a vote of five (5) to zero (0) ***recommended approval*** of Special Exception for approval of a Standalone Car Wash ***SE-22-03 (Mint Eco Standalone Car Wash)*** as presented by staff.

CITY COUNCIL ACTION– March 6, 2023

RESOLUTION NO. 2023-06

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE PETITION FOR A SPECIAL EXCEPTION TO ALLOW A STANDALONE CAR WASH IN A COMMERCIAL INTENSIVE (CI) ZONING DISTRICT, LOCATED AT 4840 LAKE WORTH ROAD, AS REQUESTED BY THE PETITIONER, JOSH NICHOLS, AGENT FOR MINT ECO CAR WASH ACQUISITION CO., LLC; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Josh Nichols, hereafter “Petitioner”, as agent for the contractor purchaser, Mint Eco Car Wash Acquisition Co., LLC, has submitted a petition for a Special Exception approval to allow a standalone car wash to be located within a Commercial Intensive (CI) zoning district, located at 4840 Lake Worth Road, pursuant to Section 16-499, Commercial Intensive (CI) regulations of the Zoning Code; and

WHEREAS, the Petitioner presented this matter to the Development Review Committee of the City of Greenacres which provided comments to the Development and Neighborhood Department which, in turn, recommended approval of the Special Exception to allow for a Standalone Car Wash within a Commercial Intensive (CI) zoning district, with the conditions identified in the Development Review Committee Staff Report and Recommendation, Exhibit “A” dated December 29, 2022, as revised; and

WHEREAS, the Planning and Zoning Board of Appeals reviewed the petition in a public hearing on January 12, 2023, for compliance with the Special Exception Criteria as indicated by the Findings of Fact contained in the Development Review Committee Staff Report and Recommendation and has found that the project is in compliance with said criteria; and

WHEREAS, the Planning and Zoning Board of Appeals made a recommendation on the petition to the City Council for approval; and

WHEREAS, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Special Exception to allow for a Standalone Car Wash within a Commercial Intensive (CI) zoning district subject to the conditions stipulated in the Development Review Committee Report.

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

SECTION 1. The Petition, SE-22-03, a Special Exception to allow for a Standalone Car Wash within a Commercial Intensive (CI) zoning district, is hereby approved.

SECTION 2. The approval of Petition SE-22-03 is subject to all conditions contained in the Development Review Committee Staff Report and Recommendation, Exhibit "A", dated December 29, 2022, as revised (attached).

SECTION 3. All resolutions in conflict herewith are hereby repealed.

SECTION 4. This resolution shall be effective upon its adoption subject to the conditions of Petition SE 22-03 and SP 22-04.

[The remainder of this page intentionally left blank.]

RESOLVED AND ADOPTED this 6th day of March, 2023

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



Mint Eco Car Wash

SE-22-03

Prepared By:
 Planning Department
 City of Greenacres
 5800 Melaleuca Lane
 Greenacres, FL 33463

↑





**Justification Statement
Mint Eco Car Wash LWR
Special Exception Use & Site Plan Review Request
City of Greenacres
Original Submittal: August 19, 2022**

Request

On behalf of the applicant, Mint Eco Car Wash Acquisition Co., LLC (“Applicant”), Schmidt Nichols respectfully requests your consideration of this application for a Special Exception Use approval for the project known as Mint Eco Car Wash LWR. The 3.62-acre subject property (PCN: 18-42-44-25-00-000-3260; 3080; 3081) is located at 4840 Lake Worth Road in the City of Greenacres (“subject properties”). The parcel fronting along Lake Worth Road currently supports a vacant restaurant structure. The parcels to the rear are currently vacant. The proposed use of Stand-Alone Car Wash Facility is situated at the north end of the properties with 4,414 s.f. supporting the car wash tunnel, indoor lounge, and offices.

The Applicant requests consideration of the following:

Request 1: Special Exception Use for a Stand-Alone Car Wash Facility

Site Aerial



Justification Statement
 Mint Eco Car Wash LWR
 City of Greenacres Zoning Application
 Original Submittal: August 19, 2022
 Page 2 of 6

Companion Applications:

1. Zoning Text Amendment relating to outdoor detailing.
2. Rezoning from General Commercial (GC) to Commercial Intensive (CI)

Currently, the subject properties support a Future Land Use Atlas (FLUA) designation of Commercial (CM) and are currently within the General Commercial (GC) Zoning District.

Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property (Proposed)	Stand Alone Car Wash Facility	CM	CI
North	Office	CM	GC
South	Canal / Residential Single Family	RS-LD	RL-3
East	Commercial	RS-LD & CM	RL-3 & GC
West	Single-Family Residential	RS-LD & CM	RL-3 & GC

JUSTIFICATION:

The proposed Stand-Alone Car Wash Facility as proposed within the Commercial Intensive zoning is required to be reviewed as a Special Exception use and must comply with the following standards:

- A. That the proposed request is in compliance with all elements of the Comprehensive Plan.

Response: The proposed Special Exception use is subject to the supplemental regulations of the use as prescribed within Section 16-499. The City’s Comprehensive Plan provides for zoning designations to support commercial uses along the Lake Worth Corridor to encourage a mix of uses to serve the needs of the surrounding community. The proposed request is in compliance with applicable elements of the Comprehensive Plan.

- B. That satisfactory provisions have been made for ingress and egress to the property and proposed structures therein with particular reference to

automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Response: The subject site currently supports two (2) points of ingress/egress along Lake Worth Road. The proposed site plan eliminates one of those driveways creating a more efficient and safe traffic flow and eliminates conflict with the driveway immediately to the east of the site. The proposed site plan also indicates a point of ingress/egress along Empire Way which also increases the site efficiency and provides for the ability for fire access throughout the site.

- C. That off-street parking and loading areas have been provided where required with particular attention to the items in (B) above.

Response: The proposed site plan has clearly identified employee parking as well as detailing bays for customer use with specific attention made to ensure efficiency in traffic flow, clear access to the site and to ensure fire access throughout the property. The site plan provides for 6 additional parking spaces above the code required for a car wash facility.

- D. That refuse and services areas have been provided with particular reference to items (B) and (C) above.

Response: A code compliant dumpster and recycling enclosure has been provided on the proposed site plan with particular attention paid to ensure ease of access to service the dumpster and safely exit the site.

- E. That the proposed request will not create nuisance factors detrimental to adjacent and nearby properties and the City as a whole. Nuisance factors shall include but not necessarily be limited to noise, odor, smoke, glare, electrical interference and/or mechanical vibrations.

Response: The proposed use has been designed in such a way to reduce any potential impacts from the adjacent residential uses to the west by adhering to the required landscape buffers and locating the building toward the north within the property near the similar commercial uses which are prominent along Lake Worth Road. The car wash tunnel has been oriented north/south to avoid any noise impacts to adjacent properties along with positioning the central vacuum facilities along the east property line abutting Empire Way to again avoid any potential impacts to the adjacent residential properties. The proposed use does not anticipate any odor, smoke, glare noise or electrical and/or mechanical vibrations emanating from the proposed use. Significant landscaping is proposed along all perimeter property lines to ensure a visual screen into and out of the property.

- F. That utilities have been provided with reference to location, availability and compatibility.

Response: The project civil engineer has confirmed that adequate public facilities and infrastructure exists to serve the property.

- G. That satisfactory provisions have been made for screening and buffering with reference to type, dimensions, and character.

Response: The City's Zoning regulations are very specific as it relates to landscape buffers when adjacent to residential parcels and ROWs. The ROW landscape buffer also requires a 2' undulating berm which has been provided where feasible as the site contains existing utility infrastructure within the ROW landscape area which must remain. The owner/operator of this facility as it says in their name is very ecologically conscious and has gone to great lengths on other sites with this site no different to create a spa like experience for their customers and to provide as much landscape as possible to change the perception of what a car wash experience can be vs. the traditional facilities.

- H. That signs and proposed exterior lighting have been provided with consideration of glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

Response: The signage as proposed includes a monument sign along Lake Worth Road and wall signage on the north, south, and east facades of the building. These proposed signs along with the directionalized LED lighting throughout the site as required by code have all considered glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

- I. That required yards and other open space have been provided.

Response: The site plan has been designed to comply with all required yard setbacks as well as open space requirements.

- J. That the proposed request will ensure general compatibility with adjacent properties and other property in the district.

Response: The site plan has been designed in such a way for compatibility with the general land use pattern along the Lake Worth corridor with a mixture of commercial uses. The proposed use will be generally compatible with the surrounding uses. The access, traffic flow, landscaping, and orientation of on-site improvements has taken into

account the adjacent properties to ensure that there are no negative impacts to those surrounding properties.

- K. That the change proposed is not out of scale with the needs of the neighborhood or the City.

Response: The proposed use is not out of scale with the needs of the community and further compliments the surrounding area by providing a service which is in demand, providing living wage jobs to local residents, and is not physically out of scale with the development along Lake Worth Road. This corridor has predominately been developed with commercial uses of varying nature including retail, fueling, restaurants, etc. The proposed use fits within the urban fabric and seeks to bring needed jobs and a service-based business to the community.

- L. That any special requirement set out in the schedule of district regulations for the particular use involved have been met.

Response: The applicant has reviewed and complied with all of the supplemental requirements for a stand-alone car wash facility within the Commercial Intensive zoning district. These standards include separation from another similar use by a measurement of 1,500 feet, the facility must be staffed, no exterior loudspeakers, four-sided architecture which is consistent with the corridor, water recycling requirements, and landscaping to ensure no visual impacts to adjacent properties.

Employment Opportunities

The proposed development will generate approximately 35-40 jobs (20-25 per shift) consisting of entry-level jobs to skilled jobs. The applicant will hire employees locally and will promote from within with competitive hourly rates and salaries. There will be a variety of job positions at this facility. Line-staff employees will make an average of \$15-30/hour with tips and then will have an opportunity to be promoted to customer-service positions, who will make an average of \$25-35/hour with commissions. Customer-service positions will have an opportunity to be promoted to assistant managers, who will make an average of \$50-75k/year with bonuses, and assistant managers will have an opportunity to be promoted to general managers, who will make an average of \$75k-\$125k/year with bonuses. The internal promotion structure allows employees to become more entrepreneurial as they progress from each job position, while also growing with the company. Furthermore, the proposed development will provide local employees with a living wage that can assist in supporting families throughout the City of Greenacres.

Justification Statement
Mint Eco Car Wash LWR
City of Greenacres Zoning Application
Original Submittal: August 19, 2022
Page 6 of 6

Parking:

Required Parking: The proposed parking has been calculated as follows:

Stand Alone Car Wash Facility

1 space/200 s.f. of office @ 1,300 s.f. = 7 Spaces

2 spaces/detail lane @ 2 lanes = 4 spaces

Parking Provided: 17 spaces

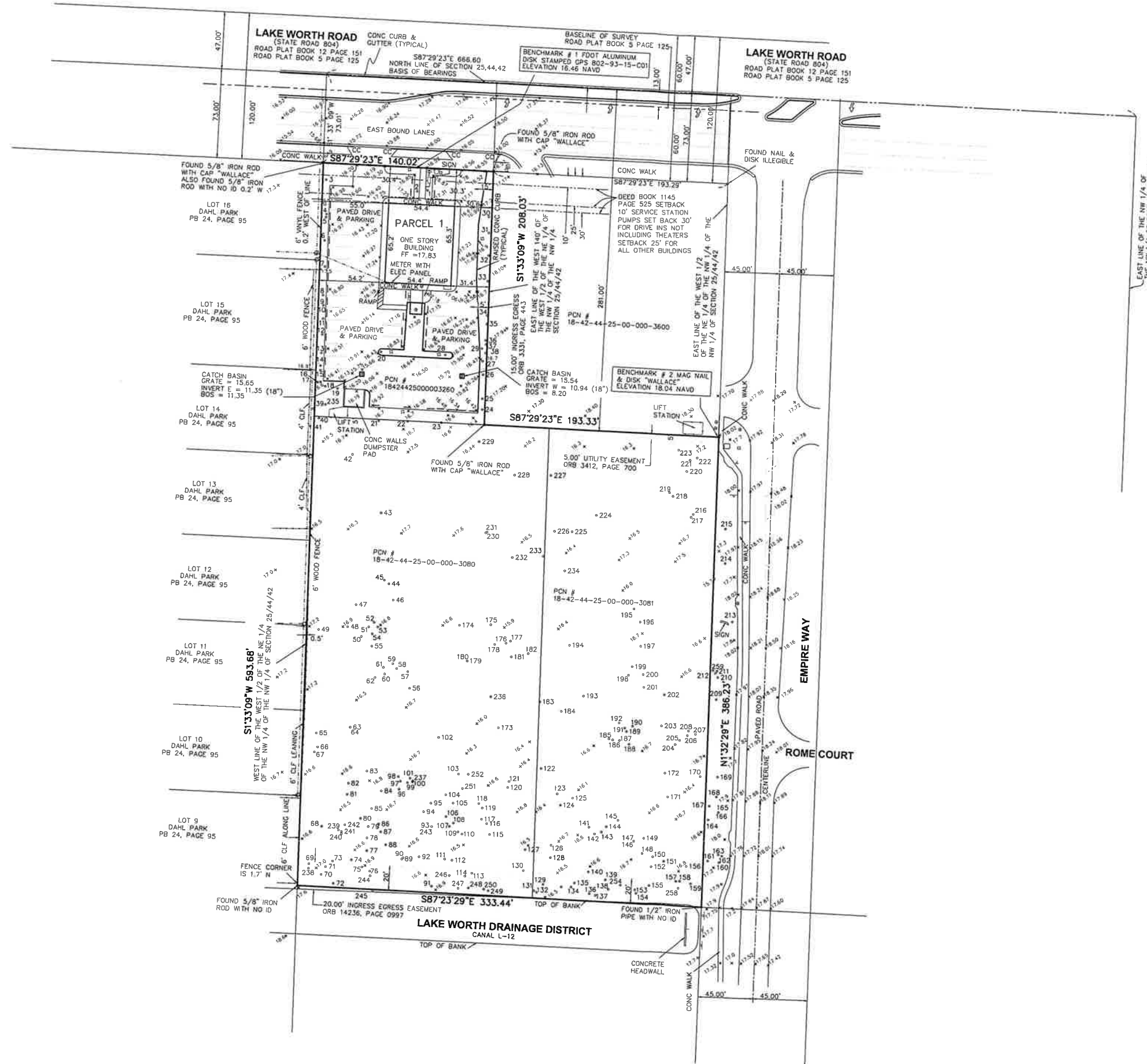
Handicap Spaces Required: 1 Space

Handicap Spaces Proposed: 1 Space

Bicycle Spaces Required: 1 Space

Bicycle Spaces Proposed: 1 Space

On behalf of the applicant, Schmidt Nichols respectfully requests your approval of this Special Exception Use and Site Plan application for Mint Eco Car Wash LWR.



NO.	DATE	REVISIONS

CAULFIELD & WHEELER, INC.
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE - SURVEYING
 7800 GLADES ROAD - SUITE 100
 BOCA RATON, FLORIDA 33434
 PHONE (561) 392-1991 / FAX (561) 750-1452



**4840 LAKE WORTH ROAD
 BOUNDARY SURVEY**

DATE 07-5-2022
 DRAWN BY TWS
 F.B. / PG. ELEC.
 SCALE 1"=40'

JOB # 10091
 SHT. NO.
2
 OF 2 SHEETS

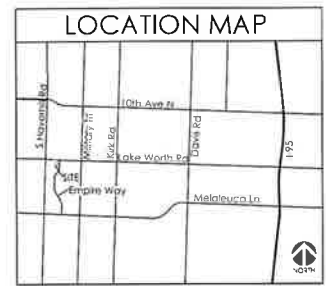


SCHMIDT NICHOLS
LANDSCAPE ARCHITECTURE AND URBAN PLANNING

1551 N. Flagler Dr, Ste 102
West Palm Beach, FL 33401
Phone: 561.684.6141
Email: info@snlandplan.com
Website: www.snlandplan.com
License No: LC26000232

Mint Eco Car Wash LWR

The City of Greenacres, Florida



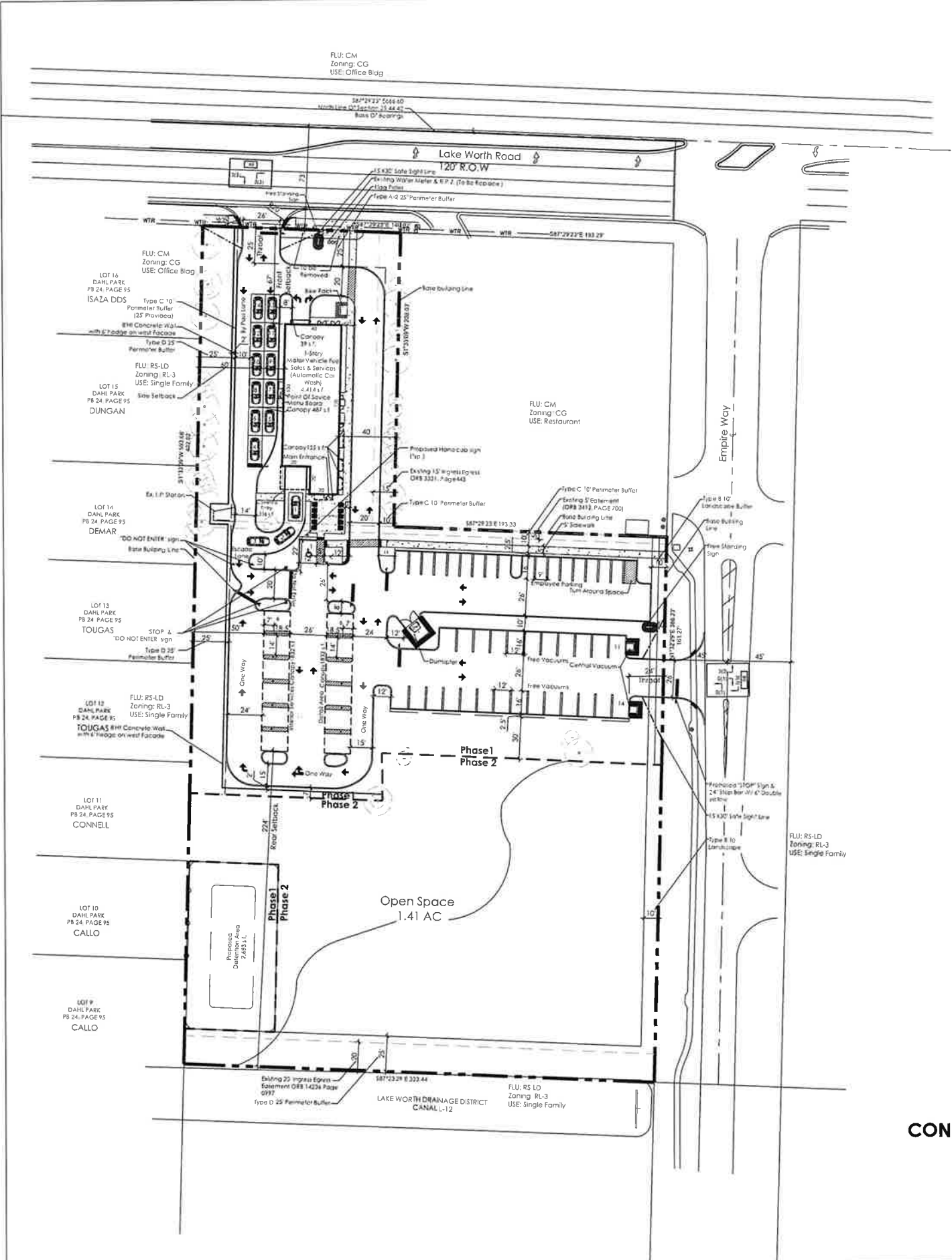
SITE TABULAR DATA	
Application Name	Mint Eco Car Wash LWR
Application Number	2022-
Future Land Use Designation	Commercial (C)
Existing Zoning District	General Commercial (GC)
Proposed Zoning District	Commercial Intensive (CI)
Section, Township, Range	25144/42
Property Control Numbers	18-42-44-25-00-000-3260; 3080; 3081
Existing Use	Abandoned Retail / Vacant
Proposed Use	Stand Alone Car Wash Facility
Total Gross Site Area	3.62 AC. (157,770.209 s.f.)
Total Gross Floor Area	4,414 s.f.
Total Floor Area Ratio	0.02
Total Building Coverage	3% (5,511 s.f.)
(Including canopy of 1,097 s.f.)	
Open Space	65% (102,101 s.f.)
Building Height	Max. 35'
Number of Stories	1
Total Open Space Proposed	31,529 s.f.
Impervious Area	35% (55,669 s.f.)
Pavement/Walks (51,255 s.f.)	
Buildings (4,414 s.f.)	
Parking Required	14 Spaces
1 space/200 s.f. of office @ 1,300 s.f. = 7 spaces	
2 spaces/detail lane @ 2 lanes = 4 spaces	
1 space/1,000 s.f. of building @ 3,114 = 3 space	
Parking Provided	55 spaces
Handicap Spaces Required	1
Handicap Spaces Proposed	1
Concurrency Approval*	
Stand Alone Car Wash Facility	4,414 s.f.

*Concurrency is approved for the above uses and amounts shown on this plan

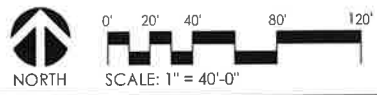
PROPERTY DEVELOPMENT REQUIREMENTS										
ZONING DISTRICT	MINIMUM LOT DIMENSIONS			F.A.R.	MAX BLDG COVER	SETBACKS/SEPARATIONS				
	SEE	WIDTH	DEPTH			FRONT	SIDE INTERIOR	SIDE STREET	REAR	
CODE	CI	2.5 AC.	300'	N/A	0.35	35%	50'	30'	35'	30'
CODE	Transitional Area	N/A	N/A	N/A	N/A	N/A	50'	N/A	50'	50'
PROP	CI	3.6 AC.	140.00'	402.02'	0.05 AC	6%	61'	56'	56'	23'

*Sec. 15-1298 Note (3) 44.1V, Div. 7

TYPE 2 ZONING VARIANCE (CONCURRENT)			
ULDC ARTICLE	REQUIRED	PROPOSED	VARIANCE
Section 16-502 (2)	Lot width, two hundred (200) feet	140' as measured at the setback line	60' lot width reduction
Minimum Lot Width			



CONCEPT PLAN



AMENDMENT STAMP

ZONING STAMP

SITE PLAN

PSP-1 of 1



ITEM SUMMARY

MEETING DATE: December 19, 2022

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Resolution 2023-07 SP-22-04**
Mint Eco Car Wash

BACKGROUND

Josh Nichols, agent for Mint Eco Car Wash Acquisitions Co., LLC is requesting Site Plan approval of the proposed Mint Eco Car Wash project. The subject site is located approximately 200 feet west of the intersection of Empire Way and Lake Worth Road on the south side of Lake Worth Road at 4840 Lake Worth Road.

The petition is for Site and Development Plan approval for a 4,414 square foot standalone car wash building and parking to be constructed on the subject 3.62-acre site in two phases with the first phase being the development of the standalone car wash on the northern portion of the site and Phase 2 in the southern portion of the site where no use has been proposed. Landscape buffers will be included on all perimeters of the site, as well as the internal phase line within the site. An 8-foot masonry wall along the western portion of site will provide extra buffer between the proposed use and the abutting residential parcels. The petitioner obtained support letters from two of the parcels that abut the property on the west side. Access will be provided through Lake Worth Road and Empire Way. The applicant has provided architectural elevations, which show a maximum building height of 27' 8", and provided exterior materials that presents a high-quality appearance, designed with the same architectural style and decorative elements on all sides, the colors are compatible with the general character of the area and the opening to the car wash facility is screened from Lake Worth Road view by substantial landscaping.

The Development Review Committee has reviewed this proposal and recommended approval, followed by the Planning and Zoning Board of Appeals which recommended approval by a vote of 5-0 at their meeting on February 16, 2023.

ANALYSIS

The applicant is proposing to demolish a vacant fast food restaurant facility and replace it with a standalone car wash. Ingress and egress to the site will be provided from an existing driveway location on Lake Worth Road which will provide access to the subject property as well as the neighboring properties to the west. The petitioner is proposing fifty-five parking spaces which is forty-one parking spaces above the required number of parking spaces. All car washing facilities and equipment will be located within the enclosed building except for the vacuuming facilities and air pumps and car detailing activities. However, there will be

considerable screening of the outside facilities and equipment to address any potential nuisances.

Although the proposed site plan does not meet the stated requirements of the Transitional area regulations, it meets the intent of the requirements. Transitional areas are provided in all CI and CG zoned areas which are contiguous to residentially zoned areas in order to adequately screen, buffer, and separate objectionable commercial uses from residential uses. The transitional area is not intended to preclude the use of commercial intensive (CI) and commercial general (CG) zoned lands, but to provide reasonable alternatives to commercial development next to residentially zoned areas. The proposed standalone car wash building does not meet the setbacks and height limitations as outlined in the Transitional area regulations. But the immediately adjacent property to the subject property, although zoned residential, does not contain any residential dwellings. As a matter of fact, the closest home to the standalone car wash is approximately 161 feet. Further, the petitioner has proposed a 6' masonry wall and a 10' landscape buffer bordering Seminole Palms to address affects from the development. Thus, any impacts from the proposed development are not expected to affect Seminole Palms residents.

The proposal has satisfied code requirements for approval of a Site Plan and staff's findings of fact are indicated in the staff report with twenty-seven conditions of approval. Specifically, the proposed project meets floor area ratio and setbacks. Further the height of the building does not exceed the allowable height. The petitioner has obtained all outside agency concurrency requirements including the Traffic Performance Standards from Palm Beach County which has a build out date of December 31, 2023. The petitioner will be required to pay all impact fees including amounts due under the City's Public Arts Program.

FINANCIAL INFORMATION

Petitioner will be required to pay monies to the City to meet the City's Public Arts Program (Based upon cost of building which has not been determined yet), Tree Dedication Program (donate 4 Live Oaks or provide approximately \$2,000) and \$11,046 for City services.

LEGAL

Resolution 2023-07 was prepared in accordance with all applicable State statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of SP-22-04 through the adoption of Resolution 2023-07.

SP-22-04 (Resolution 2023-07)
Exhibit "A"
Date: January 27, 2023

Revised: 2/16/2023

	DEVELOPMENT REVIEW COMMITTEE REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Resolution 2023-07: SP-22-04 Mint Eco Car Wash

Consideration of Approval: A request from Josh Nichols, agent for Mint Eco Car Wash Acquisition Co., LLC, for Site Plan approval of the proposed Mint Eco Car Wash project which is located approximately 200 feet west of the intersection of Empire Way and Lake Worth Road on the south side of Lake Worth Road at 4840 Lake Worth Road.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Caryn Gardner-Young, AICP	Reviewed By: Development and Neighborhood Services Director _____ Denise Malone
Approved By: City Manager _____ Andrea McCue	Public Notice: <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Dates: Paper: Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance:

Attachments: <ul style="list-style-type: none"> Survey Development and Site Plans Aerial Map 	City Council Action: <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____
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I. Executive Summary

The applicant is proposing to demolish a vacant restaurant facility and replace it with a standalone car wash. A Special Exception to allow a standalone car wash, a Zoning Text Amendment to allow outside car detailing and a Zoning Change from Commercial General to Commercial Intensive are being processed concurrently,

Ingress and egress to the site will be provided from a driveway location on Lake Worth Road and Empire Way. The petitioner is proposing to provide fifty-five parking spaces which is forty-one parking spaces above the required number of parking spaces. All car washing facilities and equipment will be located within the enclosed building except for the vacuuming facilities, air pumps and car detailing activities. However, there will be considerable screening of the outside facilities and equipment to address any potential nuisances.

II. Site Data

- Existing Use:** Vacant Restaurant
- Proposed Use:** Standalone Car Wash
- Parcel Control Numbers:** 18-42-44-25-00-000-3260, 3080 and 3081
- Parcel Size:** 3.62 acres
- Existing Future Land Use Designation:** Commercial (CM)
- Existing Zoning District:** In process - Commercial Intensive (CI)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Medical Offices	Commercial (CM)	Commercial General (CG)
<i>South</i>	Palm Beach Villas II	Residential Low Density (RS-LD)	Residential Low (RL-3)
<i>East</i>	Dairy Queen	Commercial (CM)	Commercial General (CG)
	Palm Beach Villas II	Residential Low Density (RS-LD)	Residential Low (RL-3)
<i>West</i>	Dahl Park	Residential Low Density (RS-LD)	Residential Low (RL-3)
	Office Building	Commercial (CM)	Commercial General (CG)

III. Annexation/Zoning History

The subject parcel site is located on the south side of Lake Worth Road, approximately 200 feet west of Empire Way. The subject site has a future land use designation of Commercial (CM) and

is proposing a zoning designation of Commercial Intensive (CI). The subject site was originally developed as a “Bud’s Chicken” through SE-80-02, but the company vacated this site for another site to the east in 1991. In 1995, the site was issued a building permit for an auto parts store (Kirby’s), which was subsequently renamed to Whitey’s Auto Parts. The building became vacant during the late 1990s and the new owner Aruba Foods obtained approval for a site plan amendment to construct a sit-down restaurant. The subject site was developed as a “La Granja” restaurant through SP 00-03(A) which was approved on September 8, 2000. The La Granja restaurant closed and the site has remained vacant since. The current owner is now requesting a site and development plan amendment to refurbish this site for use as a standalone car wash.

IV. Applicable Code Provisions:

- Sec. 16-196 through 16-202** Site and Development Plans
- Sec. 16-496 through 16-507** pertaining to the CI district
- Sec. 16-931 through 16-994** pertaining to sign regulations
- Sec. 16-1241 through 16-1312** pertaining to landscaping
- Sec. 16-1331 through 16-1340** pertaining to off-street parking

V. Summary of Proposed Site and Development Plan Details:

The petitioner's site and development plan documents consists of Architectural Plans prepared by GCP Architecture LLC (A1-A2) stamp-dated August 19, 2022, Site Plan prepared by Schmidt Nichols (PSP-1) stamped-dated January 24, 2023, Landscape Plans prepared by Schmidt Nichols (LI-1, LP 1-3, and TD-1) stamp-dated January 24, 2023, and Conceptual Engineering Plans prepared by Simmons & White stamp-dated January 24, 2023, which depict the following:

1. A total land area of 3.62 acres
2. One (1) proposed 4,414 sq. ft. building
3. A total of 55 parking spaces including one (1) handicapped space.
4. Access to Lake Worth Road and Empire Way
5. Location for dumpster enclosure
6. Perimeter and Interior landscaping
7. Phasing of the project - Northern portion (Phase 1) and Southern portion (Phase 2)

Table 2: Proposed Site Data			
Area:	Square Footage:	Acreage:	Percentage:
Impervious area	51,111	1.17	33%
Water Surface Area	16,056	.37	10%
Landscape Area	85,092	1.96	54%
Building Area	5,511	.12	3%
<i>Total</i>	<i>157,770</i>	<i>3.62</i>	<i>100%</i>

VI. Staff Analysis:

Background:

The petition is for Site and Development Plan approval for a 4,414 square foot standalone car wash building and parking to be constructed on the subject 3.62-acre site in two phases with the first phase being the development of the standalone car wash on the northern portion of the site and Phase 2 in the southern portion of the site where no use has been proposed. Landscape buffers will be included on all perimeters of the site, as well as the internal phase line within the site. An 8-foot masonry wall along the western portion of site will provide extra buffer between the proposed use and the abutting residential parcels. The petitioner obtained support letters from two of the parcels that abut the property on the west side. Access will be provided through Lake Worth Road and Empire Way. The applicant has provided architectural elevations, which show a maximum building height of 27' 8", and provided exterior materials that presents a high-quality appearance, designed with the same architectural style and decorative elements on all sides, the colors are compatible with the general character of the area and the opening to the car wash facility is screened from Lake Worth Road view by substantial landscaping.

On September 9 and 16, 2022, the Development Review Committee reviewed this petition and recommended approval.

Development Review Committee Comments:

Planning and Engineering Dept.:	Incorporated into the staff report.
Traffic Engineering	Incorporated into the staff report
Civil Engineering	Incorporated into the staff report
Building Division:	No comments.
Fire Rescue Department:	No comments
Public Works Department:	No comments.
PBSO District 16:	No comments.
Community and Recreation Division	No comments.

Other Agencies:

PBC Traffic Division:	Project meets traffic performance standards.
PBC Water Utilities:	Service is available. The applicant must enter into a Standard Developers Agreement with Palm Beach County.
MPO / Palm Tran:	Sufficient mass transit capacity exists to serve the project.
LWDD:	No objections.

Standards and Staff Findings:

1. Minimum Lot Requirements:	Project lot area of 3.62 acres meets the minimum lot area of 2 acres. The lot width of 140 linear square feet does not meet the
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minimum lot width of 200 linear feet but a variance was approved by the PZAB on January 12, 2023.

2. Maximum Floor Area Ratio: Floor Area ratio of .02 does **not exceed** the maximum .35.
3. Minimum Yard Requirements: Building setbacks **meet** all CI and Transitional Zone yard requirements of 50' front, 30' rear, 20' side corner, and 20' side interior.
4. Height Restrictions: The maximum building height of 27.8'' **does not exceed** the maximum allowable height of 35'-0".
5. Off-Street Parking and Loading: The 55 parking spaces provided **exceeds** the minimum Code requirement of 41 spaces.
6. Landscaping: The landscaping plan **complies** with the landscape requirements of the Code.
7. Sign Regulations: Permits **shall be obtained** prior to installation of any signs; however, a master sign plan will be provided.
8. Utilities: The proposed water, sanitary sewer, and drainage systems **will meet** Code requirements subject to final permitting.
9. Concurrency Considerations: Project traffic **meets** traffic concurrency. Water and sewer service and capacities **are available** to serve the site.
10. Comprehensive Plan Considerations: The proposed use **is consistent** with the Commercial Intensive Zoning District.
11. Color Scheme: The color of the buildings **shall be** in accord with the site and development plans submitted.

VII. Staff Recommendation:

Approval of SP-22-03 with the following conditions:

1. The most stringent requirements of Exhibit “A” Development Review Committee Report and Recommendation dated January 27, 2023, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit “B”
 - a. Architectural Plans prepared by GCP Architecture LLC (A1-A2) stamp-dated August 19, 2022,
 - b. Site Plan prepared by Schmidt Nichols (PSP-1) stamped-dated January 24, 2023
 - c. Landscape Plans prepared by Schmidt Nichols (LI-1, LP 1-3 and TD-1) stamp-dated January 24, 2023
 - d. Conceptual Engineering Plans prepared by Simmons & White (Sheets 1-5) stamp-dated February 3, 2023
 - e. Lighting and Photometrics Plan prepared by Commercial Lighting Industries (LDE-1) stamp-dated February 15, 2023

2. The site shall be developed in accordance with the approved Special Exception (SE 22-03). (Planning)

3. The project shall be subject to the City’s Public Arts Program. All new development, except city projects, where total construction costs of all buildings on a project site are equal to or greater than \$250,000.00 shall provide art valued in an amount of 70% of the one percent of the total construction costs, 30% of the one percent shall be deposited in the city’s Public art fee at time of issuance of building permits. The art fee for redevelopment of an existing building shall be calculated based on the construction costs of the new development, excluding the assessed value of the existing buildings that are replaced or redeveloped. (Planning)

4. The project shall participate in the City Tree Dedication Program per Section 16-1293; at the time of issuance of building permits one (1) tree to be donated per 1,000 sq. ft. of building area or fraction thereof, therefore five Live Oaks or equivalent cash payment shall be donated to the City subject to the following specification: Live Oak, Florida Grade #1 Container Grown; minimum 12 ft. high; 2-inch diameter trunk at 4 ft.; and 5 ft. spread. (Planning)

5. Permits from the South Florida Water Management District, the Lake Worth Drainage District, Palm Beach County Land Development, and the City of Greenacres, as required, for the storm water management system must be obtained prior to issuance of building permits. (Engineering)

6. A driveway connection and/or right-of-way construction permit from Palm Beach County Land Development and/or Florida Department of Transportation must be obtained prior to issuance of a building permit if applicable. (Engineering)

7. Prior to the issuance of building permits, drainage calculations must be provided demonstrating that the required water quality and quantity volumes needed for the site can be met. Standard exfiltration trench calculation, drainage pipe sizing calculations, and flood routing calculations for the appropriate storm events must also be included. (Engineering)
8. Permits from the Health Department for the water and sewer system must be obtained prior to approval of issuance of building permits. (Engineering)
9. An Indemnification Agreement, as approved by the City Attorney, shall be executed, and recorded against the property prior to issuance of any building permit. (Planning)
10. The site plan shall be revised as necessary to reflect all conditions of approval and resubmitted prior to the issuance of building permits. (Planning)
11. All roof top equipment shall be screened on all four sides consistent with the architecture of the building; no equipment shall be taller than the proposed screening. All ground mounted mechanical equipment (air conditioning, backflow preventer, etc.) shall be screened on all four sides; no equipment shall be taller than the proposed screening. (Planning)
12. In accord with the requirements of the National Pollution Discharge Elimination System (NPDES), a Storm Water Pollution Prevention Plan, Owner/Operator Certification, and Notice of Intent shall be submitted and accepted by the City prior to the issuance of building permits. (Building and Public Works)
13. A site clearing and tree removal permit shall be required prior to any clearing activities on site. This permit shall demonstrate protection of existing trees to remain. Additions to the landscaping plan may be necessary to meet Code requirements if existing material to remain is unsuitable for buffer purposes. (Planning)
14. All new utilities shall be provided underground. Appurtenances to these systems which require above-ground installation must be effectively screened from view. All utilities and services to the site shall be provided by entities holding valid franchise agreements with the City. (Engineering and Planning)
15. The required masonry wall along the west property line shall be finished with stucco on both sides and landscaping shall be installed in front of the wall in accordance with the City's Zoning Code. The stucco shall be painted to harmonize with the building walls. The wall shall be a minimum of 8 feet tall measured from the highest adjacent grade. Maintenance of the wall is the responsibility of the property owner. (Planning)

16. All existing trees shown to remain on the approved landscape plans shall be maintained in perpetuity. In the event they should die, they shall be replaced with like species of a size and quantity in accord with the tree credits in Table 16-1271 of the City of Greenacres Code. (Planning)
17. In accord with the determination of compliance with the Traffic Performance Standards by Palm Beach County Engineering, no building permits shall be issued after the build-out date of December 31, 2025, unless a revised traffic study with a later build-out date has been approved by the County and a copy of the approval provided to the City of Greenacres. (Planning)
18. The project shall be required to pay the City's impact fee of \$2.80 per square foot of building area per Section 16-201. The amount of \$ 12,359.20 shall be paid at the time of issuance of building permits. (Building)
19. All conditions as outlined in the Florida Department of Transportation Pre-Application Letter shall be met prior to issuance of building permits.(Planning)
20. The maximum hours of operation shall be 7:00 am to 9:00 pm. No garbage pickup shall be during non-peak hours between 8:00am-11:00am and 6:00pm- 9:00pm. (Planning)
21. The dumpster enclosure walls shall match the finish, color and design elements of the building walls and trim. At a minimum, the dumpster enclosure gates shall be solid 3/4" deep galvanized corrugated 22-gauge steel matching the building color. (Planning)
22. A bicycle rack accommodating a minimum of 4 bikes shall be provided. (Planning)
23. No outdoor speakers shall be permitted. (Planning)
24. The site plan shall be revised as necessary to reflect all conditions of approval and re-submitted prior to the issuance of building permits. (Planning)
25. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Occupancy. (Planning and Building)
26. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres". (Planning)

PZBA RECOMMENDATION – February 16, 2023

The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Board Member Fitzgerald, voting Five (5) to zero (0), *recommended approval* of the Site Plan for Mint Eco Standalone Car Wash (**SP-22-04**), as presented by staff.

CITY COUNCIL ACTION– March 6, 2023

RESOLUTION NO. 2023-07

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A SITE & DEVELOPMENT PLAN TO ALLOW FOR A STANDALONE CAR WASH IN A COMMERCIAL INTENSIVE (CI) ZONING DISTRICT, LOCATED AT 4840 LAKE WORTH ROAD, AS REQUESTED BY THE PETITIONER, JOSH NICHOLS, AGENT FOR THE CONTRACT PURCHASER, MINT ECO CAR WASH ACQUISITION CO. LLC; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Josh Nichols, hereafter “Petitioner”, as agent for the contract purchaser, Mint Eco Car Wash Acquisition Co, LLC, has submitted a petition for a Site Plan approval to allow a standalone car wash to be located within a Commercial Intensive (CI) zoning district, located at 4840 Lake Worth Road, pursuant to Section 16-499, Commercial Intensive (CI) regulations of the Zoning Code; and

WHEREAS, the Petitioner presented this matter to the Development Review Committee of the City of Greenacres which provided comments to the Development and Neighborhood Department which, in turn, recommended approval of the Site Plan to allow for a Standalone Car Wash within a Commercial Intensive (CI) zoning district, with the conditions identified in the Development Review Committee Staff Report and Recommendation, Exhibit “A” dated December 29, 2022, as revised; and

WHEREAS, the Planning and Zoning Board of Appeals reviewed the petition in a public hearing on January 12, 2023, for compliance with the Site Plan Criteria as indicated by the Findings of Fact contained in the Development Review Committee Staff Report and Recommendation and has found that the project is in compliance with said criteria; and

WHEREAS, the Planning and Zoning Board of Appeals made a recommendation on the petition to the City Council for approval; and

WHEREAS, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Site Plan to allow for a Standalone Car Wash within a Commercial Intensive (CI) zoning district subject to the conditions stipulated in the Development Review Committee Report.

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

Section 1. The Petition, SP-22-04, a Site & Development Plan to allow for a Standalone Car Wash within a Commercial Intensive (CI) zoning district, is hereby approved.

Section 2. The application is hereby APPROVED for site plan approval for a one-story 4,414 square foot building for a Standalone Car Wash with a maximum height of 35', and a total of 55 parking spaces, including one (1) handicapped space. The project is subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by resolution for the real property described as follows:

LEGAL DESCRIPTION:

Parcel 1: Along Lake Worth Road

The West 140 feet of the North 281 feet of the West Half of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, less the North 73 feet thereof for Right of Way for Lake Worth Road (State Road No. 802)

Subject to easements, restrictions, and reservations of record and to taxes of the year 1997 and thereafter.

with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit "B"

- a. Architectural Plans prepared by GCP Architecture LLC (A1-A2) stamp-dated August 19, 2022,
 - b. Site Plan prepared by Schmidt Nichols (PSP-1) stamped-dated January 24, 2023
 - c. Landscape Plans prepared by Schmidt Nichols (LI-1, LP 1-3, and TD-1) stamp-dated January 24, 2023
 - d. Conceptual Engineering Plans prepared by Simmons & White (Sheets 1-5) stamp-dated February 3, 2023
2. The site shall be developed in accordance with the approved Special Exception (SE 22-03). (Planning)
 3. The project shall be subject to the City's Public Arts Program. All new development, except city projects, where total construction costs of all buildings on a project site are equal to or greater than \$250,000.00 shall provide art valued in an amount of 70% of the one percent of the total construction costs, 30% of the one percent shall be deposited in the city's Public art fee at time of issuance of building permits. The art fee for redevelopment of an existing building shall be calculated based on the construction costs of the new development, excluding the assessed value of the existing buildings that are replaced or redeveloped. (Planning)
 4. The project shall participate in the City Tree Dedication Program per Section 16-1293; at the time of issuance of building permits one (1) tree to be donated per 1,000 sq. ft. of building area or fraction thereof, therefore five Live Oaks or equivalent cash payment shall be donated to the City subject to the following specification: Live Oak, Florida Grade #1 Container Grown; minimum 12 ft. high; 2-inch diameter trunk at 4 ft.; and 5 ft. spread. (Planning)
 5. Permits from the South Florida Water Management District, the Lake Worth Drainage District, Palm Beach County Land Development, and the City of Greenacres, as required, for the storm water management system must be obtained prior to issuance of building permits. (Engineering)
 6. A driveway connection and/or right-of-way construction permit from Palm Beach County Land Development and/or Florida Department of Transportation must be obtained prior to issuance of a building permit if applicable. (Engineering)
 7. Prior to the issuance of building permits, drainage calculations must be provided demonstrating that the required water quality and quantity volumes needed for the site can be met. Standard exfiltration trench calculation, drainage pipe sizing calculations, and flood routing calculations for the appropriate storm events must also be included. (Engineering)

8. Permits from the Health Department for the water and sewer system must be obtained prior to approval of issuance of building permits. (Engineering)
9. An Indemnification Agreement, as approved by the City Attorney, shall be executed, and recorded against the property prior to issuance of any building permit. (Planning)
10. The site plan shall be revised as necessary to reflect all conditions of approval and resubmitted prior to the issuance of building permits. (Planning)
11. All roof top equipment shall be screened on all four sides consistent with the architecture of the building; no equipment shall be taller than the proposed screening. All ground mounted mechanical equipment (air conditioning, backflow preventer, etc.) shall be screened on all four sides; no equipment shall be taller than the proposed screening. (Planning)
12. In accord with the requirements of the National Pollution Discharge Elimination System (NPDES), a Storm Water Pollution Prevention Plan, Owner/Operator Certification, and Notice of Intent shall be submitted and accepted by the City prior to the issuance of building permits. (Building and Public Works)
13. A site clearing and tree removal permit shall be required prior to any clearing activities on site. This permit shall demonstrate protection of existing trees to remain. Additions to the landscaping plan may be necessary to meet Code requirements if existing material to remain is unsuitable for buffer purposes. (Planning)
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17. In accord with the determination of compliance with the Traffic Performance Standards by Palm Beach County Engineering, no building permits shall be issued after the build-out date of December 31, 2025, unless a revised traffic study with a later build-out date

- has been approved by the County and a copy of the approval provided to the City of Greenacres. (Planning)
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 19. All conditions as outlined in the Florida Department of Transportation Pre-Application Letter shall be met prior to issuance of building permits.(Planning)
 20. The maximum hours of operation shall be 7:00 am to 9:00 pm. No garbage pickup shall be during non-peak hours between 8:00am-11:00am and 6:00pm- 9:00pm. (Planning)
 21. The dumpster enclosure walls shall match the finish, color and design elements of the building walls and trim. At a minimum, the dumpster enclosure gates shall be solid 3/4" deep galvanized corrugated 22-gauge steel matching the building color. (Planning)
 22. A bicycle rack accommodating a minimum of 4 bikes shall be provided. (Planning)
 23. No outdoor speakers shall be permitted. (Planning)
 24. The site plan shall be revised as necessary to reflect all conditions of approval and re-submitted prior to the issuance of building permits. (Planning)
 25. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Occupancy. (Planning and Building)
 26. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres". (Planning)

[The remainder of this page intentionally left blank.]

RESOLVED AND ADOPTED this 6th day of March, 2023

Joel Flores, Mayor

Voted: _____
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted: _____
Peter Noble, Council Member, District II

Voted: _____
Judith Dugo, Council Member, District III

Voted: _____
Susy Diaz, Council Member, District IV

Voted: _____
Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney
[



Prepared By:
 Planning Department
 City of Greenacres
 5800 Melaleuca Lane
 Greenacres, FL 33463

Mint Eco Car Wash

SP-22-04

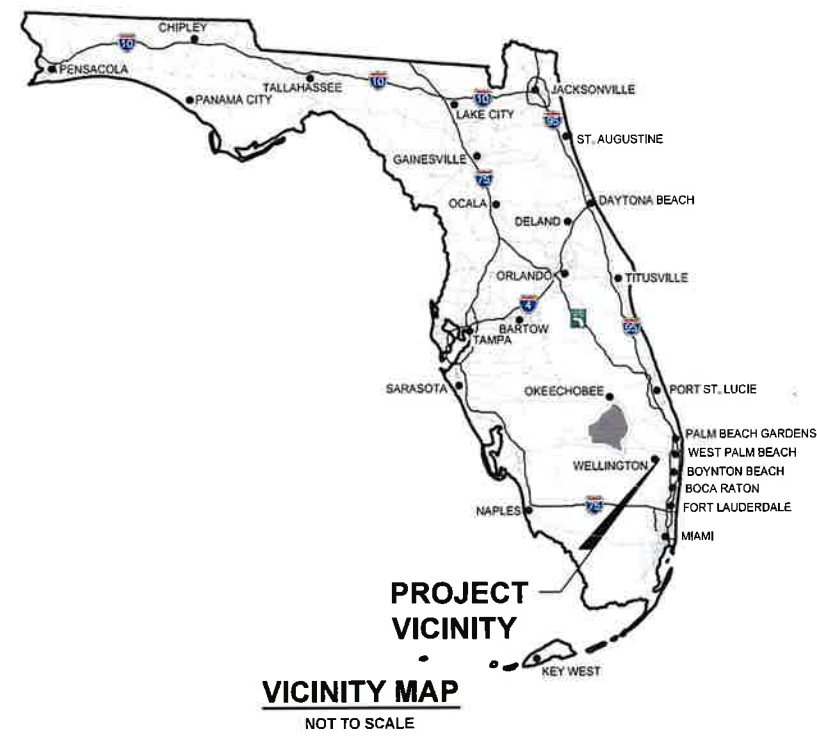


CONCEPTUAL ENGINEERING PLANS

MINT ECO CAR WASH

LAKE WORTH ROAD

SECTION 25, TOWNSHIP 44S., RANGE 42E.
CITY OF GREENACRES, FLORIDA



INDEX OF SHEETS

SHEET NO.:	DESCRIPTION:
1	TITLE SHEET
2	CONCEPTUAL DEMOLITION PLAN
3	CONCEPTUAL STRIPING, SIGNAGE AND HORIZONTAL CONTROL PLAN
4	CONCEPTUAL ENGINEERING PLAN
5	ENGINEERING DETAILS AND SECTIONS

RECEIVED by
CITY OF GREENACRES

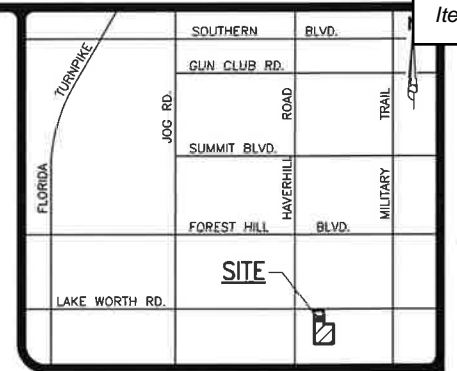
FEB 3 2023

PLANNING & ENGINEERING

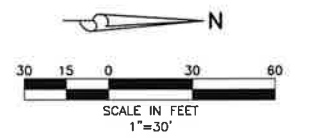
2/1/2023

		MINT ECO CAR WASH LAKE WORTH RD. SECTION 25, TOWNSHIP 44S., RANGE 42E. CITY OF GREENACRES, FLORIDA TITLE SHEET					
		DESIGN G.B.	DRAWN R.S.	CHECKED	APPROVED	DATE	JOB NO. 22-160

REVISIONS

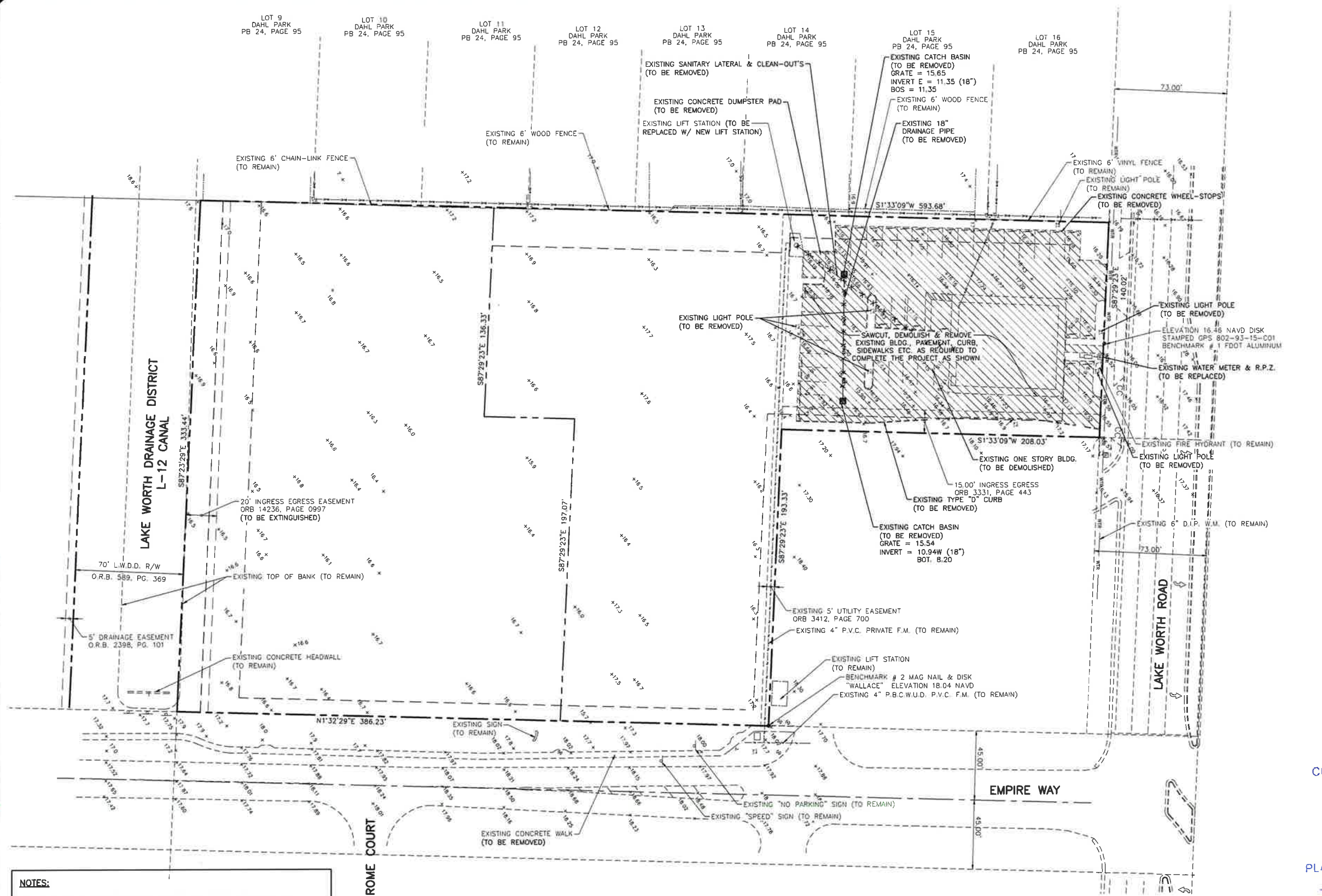


LOCATION MAP
NOT TO SCALE



LEGEND

- EXISTING GRADE ELEVATION
- SAWCUT & REMOVE EXISTING ASPHALT, CONCRETE, CURB, ETC.
- EXISTING EASEMENT (TO BE ABANDONED)
- EXISTING OVERHEAD POWER LINE & POWER POLE
- EXISTING STORM DRAINAGE PIPE
- EXISTING WATER MAIN
- EXISTING SEWER MAIN
- EXISTING FORCE MAIN
- EXISTING STORM DRAINAGE PIPE (TO BE REMOVED)
- EXISTING WATER MAIN (TO BE REMOVED)
- EXISTING SEWER MAIN (TO BE REMOVED)
- EXISTING FORCE MAIN (TO BE REMOVED)
- EXISTING LIGHT POLE (TO BE REMOVED)



RECEIVED by
CITY OF GREENACRES

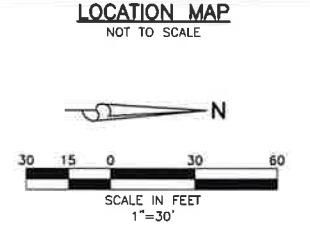
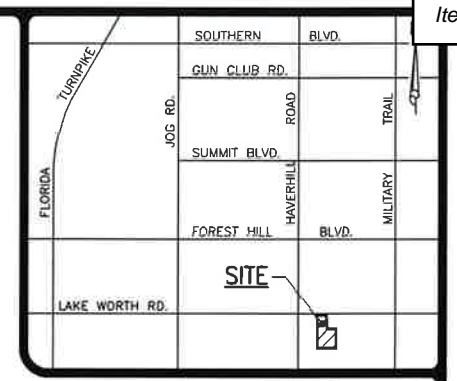
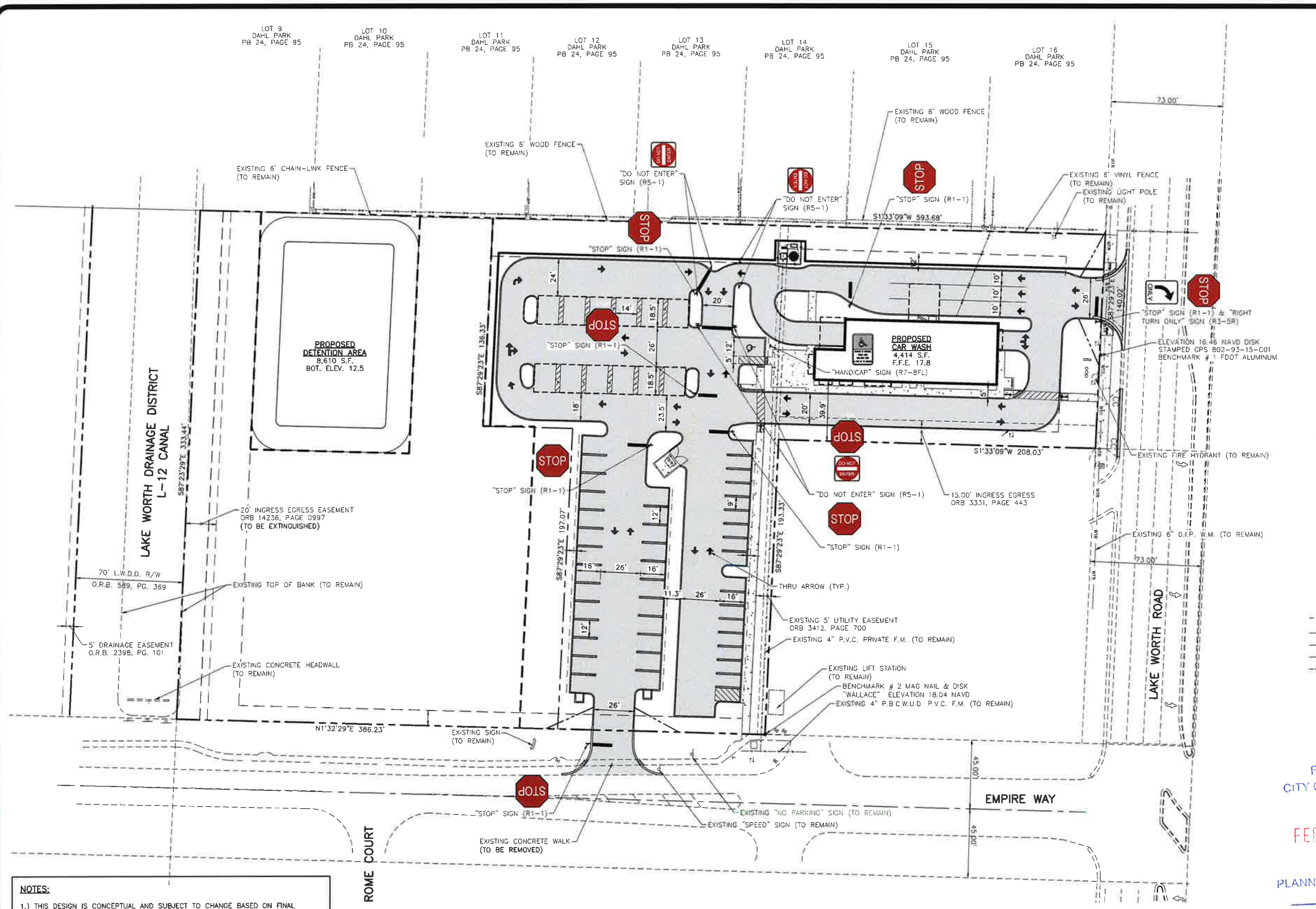
FEB 3 2023

PLANNING & ENGINEERING

2/1/2023

- NOTES:**
- 1.) THIS DESIGN IS CONCEPTUAL AND SUBJECT TO CHANGE BASED ON FINAL DESIGN.
 - 2.) ALL WATER AND WASTEWATER CONSTRUCTION SHALL BE IN ACCORDANCE WITH P.B.C.W.U.D. AND THE PALM BEACH COUNTY HEALTH DEPARTMENT REQUIREMENTS.
 - 3.) CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF ALL DEMOLITION MATERIAL IN ACCORDANCE WITH ALL APPLICABLE GOVERNING AGENCY STANDARDS.
 - 4.) LOCATIONS OF WATER AND SANITARY SEWER SERVICES, DRAINAGE STRUCTURES AND PIPES TO BE COORDINATED WITH LANDSCAPE DESIGN DURING PREPARATION OF FINAL CIVIL ENGINEERING PLANS.
 - 5.) CONSTRUCTION AND DEMOLITION TO COMPLY WITH N.F.P.A. 241.
 - 6.) FIRE DEPARTMENT LOCKING CAPS WILL BE REQUIRED ON THE FIRE DEPARTMENT CONNECTION.

		MINT ECO CAR WASH LAKE WORTH RD. SECTION 25, TOWNSHIP 44S., RANGE 42E. CITY OF GREENACRES, FLORIDA CONCEPTUAL DEMOLITION PLAN	
1.) REVISED PER LATEST SITE PLAN CHANGES, 10/17/22 D.B.		2581 Metrocenter Blvd West Suite 3 West Palm Beach, Florida 33407 (561) 478-1248	
DESIGN G.B.	DRAWN R.S.	CHECKED	APPROVED
DATE	JOB NO. 22-160	DRAWING NO. 22160C02	SHEET 2 OF 5



- LEGEND**
- "STOP" SIGN (R1-1)
30"x30"
 - "DO NOT ENTER" SIGN (R5-1)
30"x30"
 - "ACCESSIBLE PARKING" SIGN
12"x18"
 - TYPICAL TURN LANE ARROW
 - PROPOSED DIRECTIONAL ARROW
 - PROPOSED BENCH & TRASH CAN (BY OTHERS)
 - PROPOSED BIKE RACK (BY OTHERS)
 - 24" WHITE STOP BAR, "STOP" SIGN & (25') 6" DOUBLE YELLOW STRIPING W/ BI-DIRECTIONAL AMBER R.P.M.'S
 - EXISTING OVERHEAD POWER LINE & POWER POLE
 - EXISTING STORM DRAINAGE PIPE
 - EXISTING WATER MAIN
 - EXISTING SEWER MAIN
 - EXISTING FORCE MAIN

RECEIVED by
CITY OF GREENACRES

FEB 3 2023

PLANNING & ENGINEERING

2/1/2023

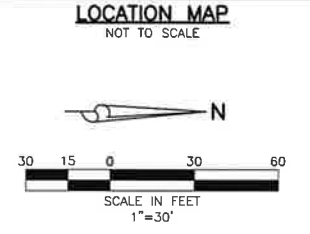
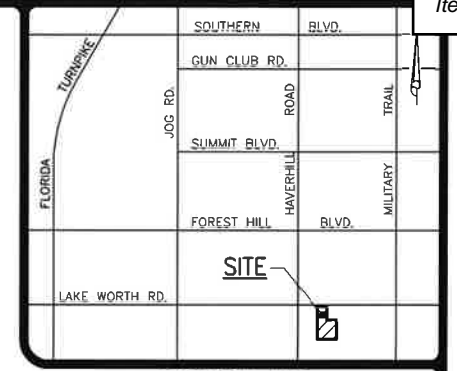
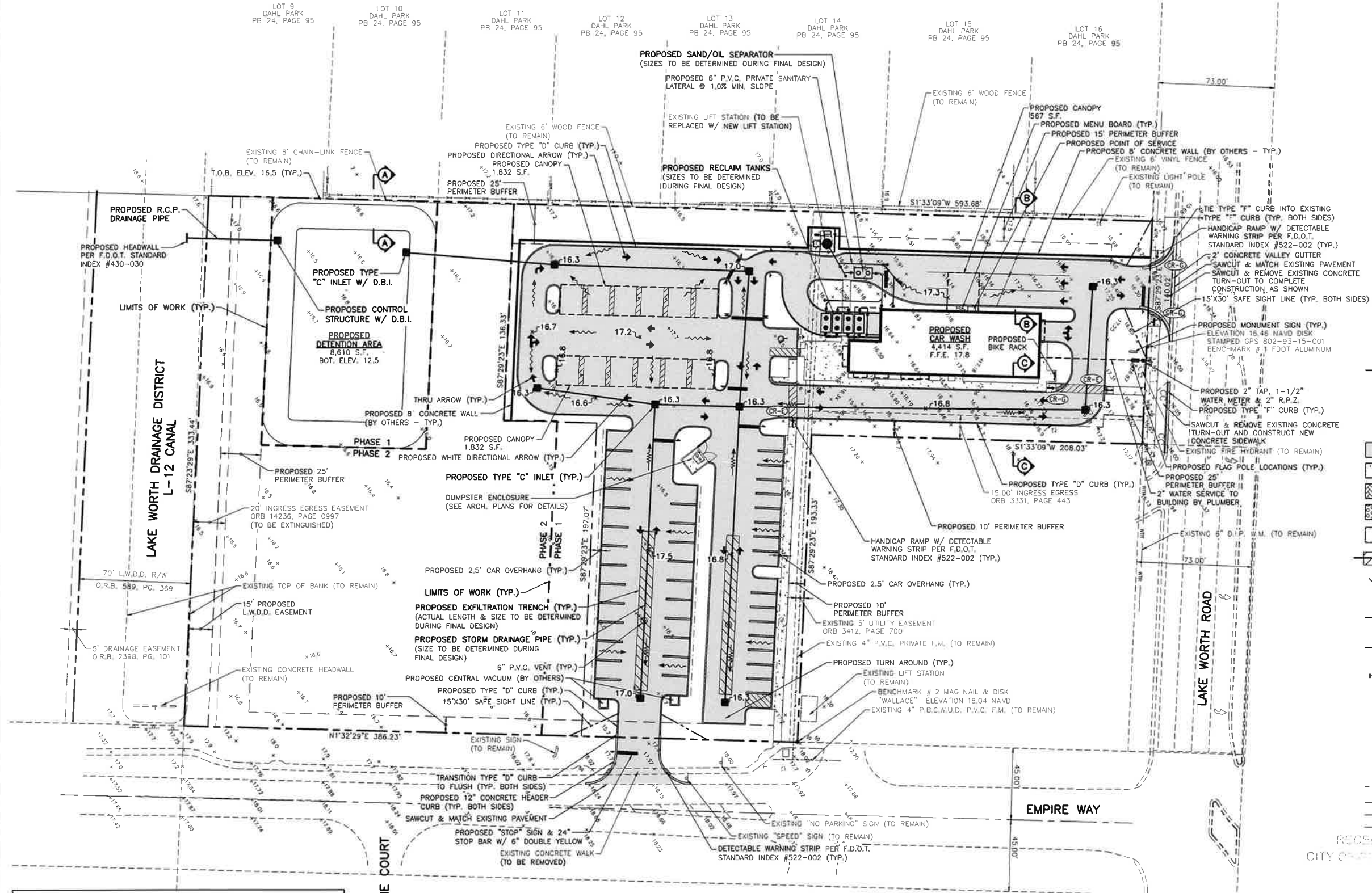
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- REVISIONS**
4. ADDED NEW LIFT STATION PER EXISTING LIFT STATION SURVEY, 02/01/23 D.B.
 3. GENERAL REVISIONS PER LATEST S.P., 1/16/23 R.S.
 2. GENERAL REVISIONS PER LATEST S.P., 12/16/22 R.S.
 1. REVISED PER LATEST SITE PLAN CHANGES, 10/17/22 D.B.

SIMMONS & WHITE
ENGINEERING & PLANNING | CONSULTING | DESIGN
2501 Metropolitan Blvd West, Suite 300, West Palm Beach, Florida 33407 • (561) 478-7048

MINT ECO CAR WASH LAKE WORTH RD.
SECTION 25, TOWNSHIP 44S., RANGE 42E.
CITY OF GREENACRES, FLORIDA
CONCEPTUAL SIGNAGE, STRIPING &
HORIZONTAL CONTROL PLAN

DESIGN G.B.	DRAWN R.S.	CHECKED	APPROVED	DATE	JOB NO. 22-160	DRAWING NO. 22160C03	SHEET 3	OF 5
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- LEGEND**
- PROPOSED STORM SEWER AND CATCH BASIN
 - DIRECTION OF FLOW
 - DIRECTION OF SWALE
 - PROPOSED HIGH POINT
 - EXISTING GRADE ELEVATION
 - PROPOSED ASPHALT OR CONCRETE
 - PROPOSED CONCRETE
 - PROPOSED BRICK PAVERS/DECORATIVE PAVEMENT
 - PROPOSED DETECTABLE WARNING SURFACE
 - SAWCUT & REMOVE EXISTING PAVEMENT, CONCRETE, CURB, ETC.
 - PROPOSED INFILTRATION TRENCH (ACTUAL LENGTH & SIZE TO BE DETERMINED DURING FINAL DESIGN)
 - SEWER SERVICE W/ CLEAN-OUT
 - FIRE HYDRANT W/ GATE VALVE
 - PROPOSED SANITARY SEWER LINE, MANHOLE & FLOW DIRECTION
 - WATER SERVICE & R.P.Z. (REFER TO POTABLE WATER SERVICE SINGLE METER INSTALLATION DETAIL)
 - PROPOSED LIGHT POLE (BY OTHERS)
 - PROPOSED DIRECTIONAL ARROW
 - PROPOSED BENCH & TRASH CAN (BY OTHERS)
 - PROPOSED BIKE RACK (BY OTHERS)
 - 24" WHITE STOP BAR, "STOP" SIGN & (25") 6" DOUBLE YELLOW STRIPING W/ BI-DIRECTIONAL AMBER R.P.M.'S
 - EXISTING OVERHEAD POWER LINE & POWER POLE
 - EXISTING STORM DRAINAGE PIPE
 - EXISTING WATER MAIN
 - EXISTING SEWER MAIN
 - EXISTING FORCE MAIN

- NOTES:**
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REVISIONS

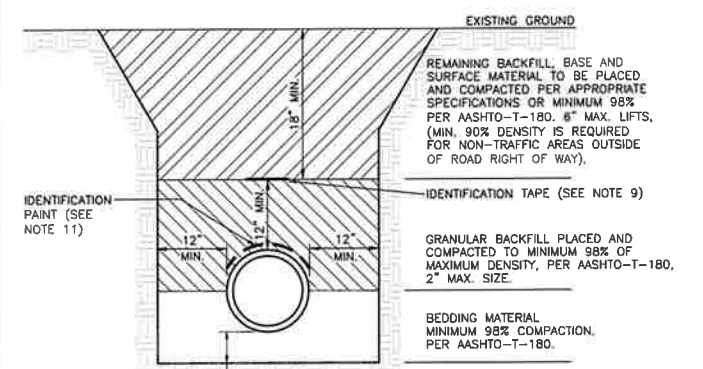
NO.	DESCRIPTION	DATE
1.	REVISED PER LATEST SITE PLAN CHANGES, 10/17/22 D.B.	
2.	GENERAL REVISIONS PER LATEST S.P., 12/16/22 R.S.	
3.	GENERAL REVISIONS PER LATEST S.P., 1/16/23 R.S.	
4.	ADDED NEW LIFT STATION PER EXISTING LIFT STATION SURVEY, 02/01/23 D.B.	

SIMMONS & WHITE
ENGINEERING & PLANNING & CONSTRUCTION & LAND SURVEYING
2581 Westchester Blvd West Suite 3 West Palm Beach, Florida 33407 (561) 478-7848

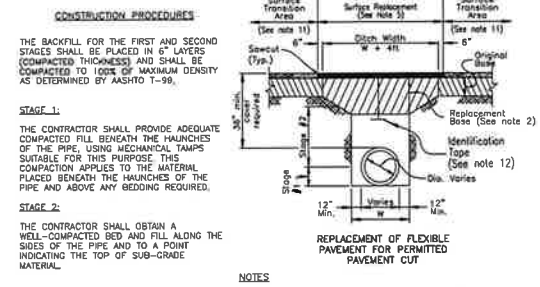
DESIGN	DRAWN	CHECKED	APPROVED	DATE
G.B.	R.S.			

MINT ECO CAR WASH LAKE WORTH RD.
SECTION 25, TOWNSHIP 44S., RANGE 42E.
CITY OF GREENACRES, FLORIDA
CONCEPTUAL PAVING, DRAINAGE,
WATER AND WASTEWATER PLAN

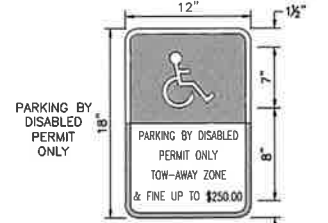
JOB NO.	DRAWING NO.	SHEET	OF
22-160	22160C04	4	5



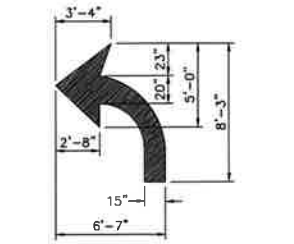
- CONSTRUCTION PROCEDURES
STAGE 1: THE CONTRACTOR SHALL PROVIDE ADEQUATE COMPACTED FILL BEHIND THE HAUNCHES OF THE PIPE...
STAGE 2: THE CONTRACTOR SHALL OBTAIN A WELL-COMPACTED BED AND FILL ALONG THE SIDES OF THE PIPE...
NOTES:
1. BEDDING SHALL CONSIST OF IN-SITU GRANULAR MATERIAL OR WASHED AND GRADED LIMEROCK...



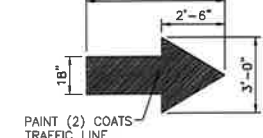
- CONSTRUCTION PROCEDURES (continued)
1. BEDDING SHALL CONSIST OF IN-SITU GRANULAR MATERIAL OR WASHED AND GRADED LIMEROCK 3/8" - 7/8" SIZES...
2. REPLACED BASE MATERIAL OVER DITCH SHALL BE 18" LIMEROCK (LBM100) MINIMUM FOR THOROUGHFARE ROAD...



NOTES:
1. ALL LETTERS ARE 1" SERIES 'C'.
2. TOP PORTION TO BE REFLECTORIZED BLUE BACKGROUND WITH WHITE REFLECTORIZED LEGEND AND BORDER.
3. BOTTOM PORTION TO BE REFLECTORIZED WHITE BACKGROUND WITH BLACK OPAQUE LEGEND AND BORDER.



NOTES:
1. ALL LETTERS ARE 1" SERIES 'C'.
2. TOP PORTION TO BE REFLECTORIZED BLUE BACKGROUND WITH WHITE REFLECTORIZED LEGEND AND BORDER.



PAINT (2) COATS TRAFFIC LINE WHITE PAINT
NOT TO SCALE

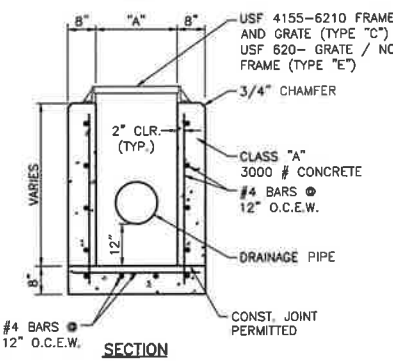
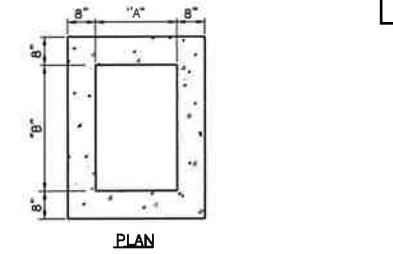
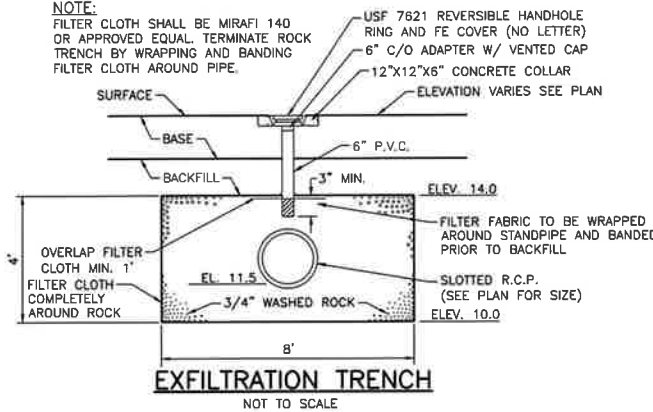


Table with columns TYPE and DIMENSIONS, listing inlet types C and E with their respective dimensions.

STANDARD TYPE "C" & "E" INLET
NOT TO SCALE

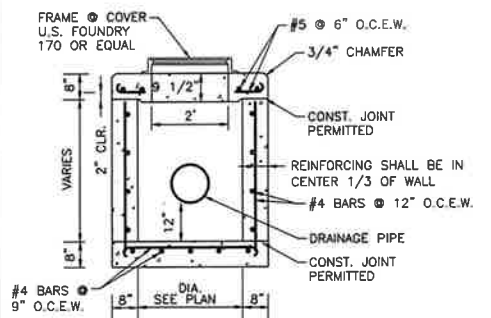
HANDI-CAP SIGN DETAIL
NOT TO SCALE

NOTES:
SIGNAGE AND STRIPING TO BE CONSTRUCTED IN ACCORDANCE WITH PALM BEACH COUNTY ORDINANCE NO. 85-42



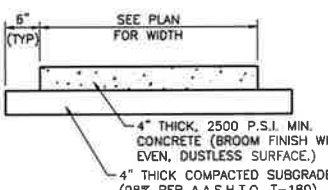
PAVEMENT SPECIFICATIONS:
SURFACE - 1/2" A.C.S.C. TYPE S-1.
BASE - 6" LIMEROCK PRIMED OR 8" SHELLROCK, COMPACT TO 98% PER A.A.S.H.T.O. T-180.

TYPICAL TRENCH DETAIL (NON-PAVED AREAS)
NOT TO SCALE



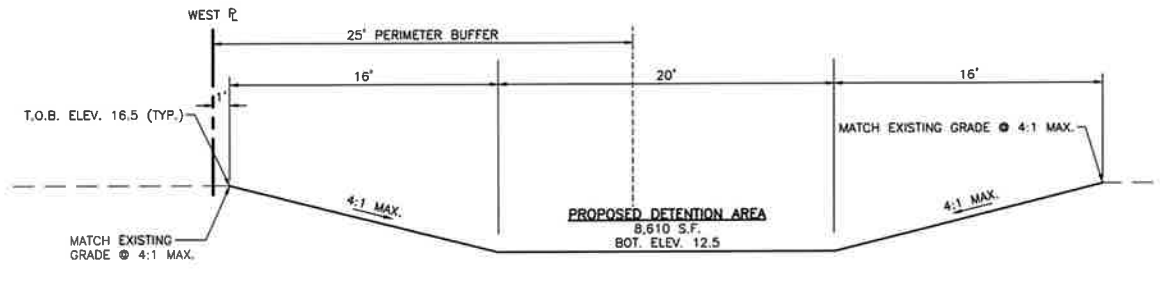
STANDARD MANHOLE
NOT TO SCALE

RAISED SIDEWALK DETAIL
NOT TO SCALE

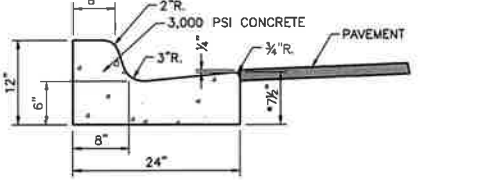


TYPICAL SIDEWALK DETAIL
NOT TO SCALE

OPEN CUT DETAIL FOR THOROUGHFARE ROADS (PAVED AREAS)
NOT TO SCALE

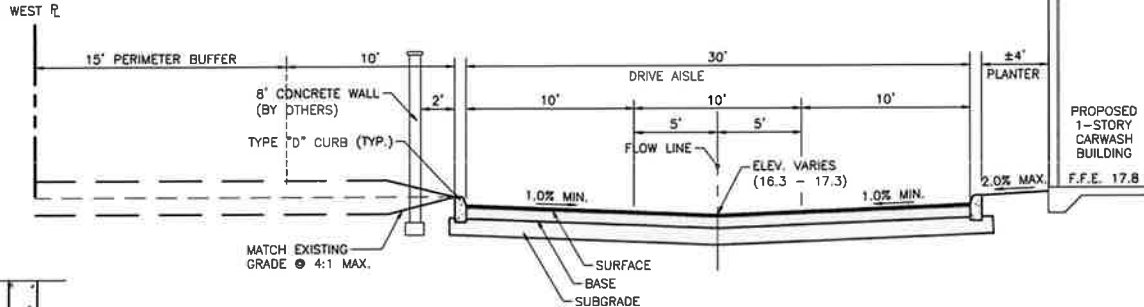


TYPICAL SECTION A-A
NOT TO SCALE

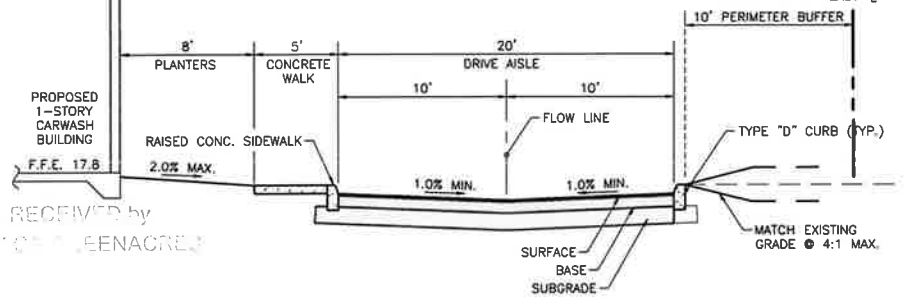


NOTE: WHEN USED ON HIGH SIDE OF ROADWAY, THE CROSS-SLOPE OF THE GUTTER SHALL MATCH THE CROSS-SLOPE OF THE ADJACENT PAVEMENT AND THE THICKNESS OF THE LIP SHALL BE 6", UNLESS OTHERWISE SHOWN ON PLANS

TYPICAL SECTION F-F CURB
NOT TO SCALE

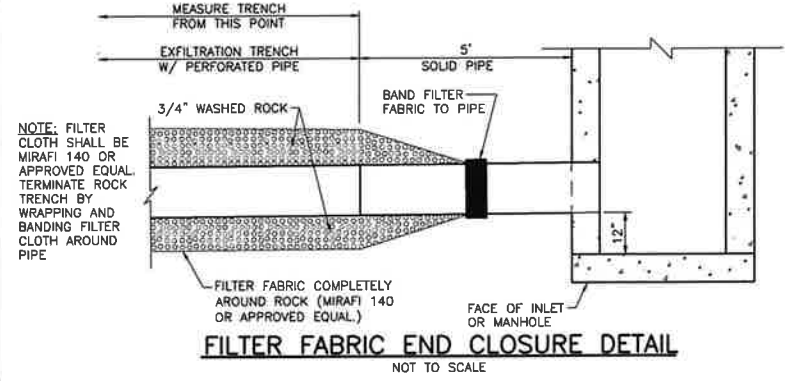


TYPICAL SECTION B-B
NOT TO SCALE



TYPICAL SECTION C-C
NOT TO SCALE

INLET AND MANHOLE NOTES
1. ALL EXPOSED CORNERS AND EDGES SHALL BE CHAMFERED 3/4".
2. INLETS AND MANHOLES SHALL BE PRECAST CLASS 'A' 3000 P.S.I. CONCRETE.



FILTER FABRIC END CLOSURE DETAIL
NOT TO SCALE

FEB 3 2023

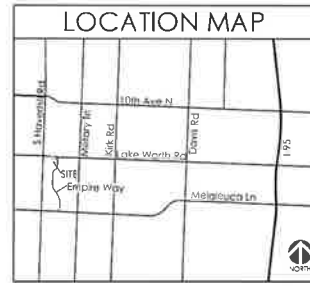
2/11/2023

PLANNING & ENGINEERING

Table with columns REVISIONS, DESIGN, DRAWN, CHECKED, APPROVED, DATE.

Logo for SIMMONS & WHITE ENGINEERING & PLANNING & CONSULTING & BINDER TREE.

MINT ECO CAR WASH LAKE WORTH RD. SECTION 25, TOWNSHIP 44S., RANGE 42E. CITY OF GREENACRES, FLORIDA. PAVING AND DRAINAGE DETAILS.



1551 N. Flagler Dr. Ste 102
West Palm Beach, FL 33401
Phone: 561-884-6141
Email: info@inlandplan.com
Website: www.inlandplan.com
License No: LC26000232

Mint Eco Car Wash LWR

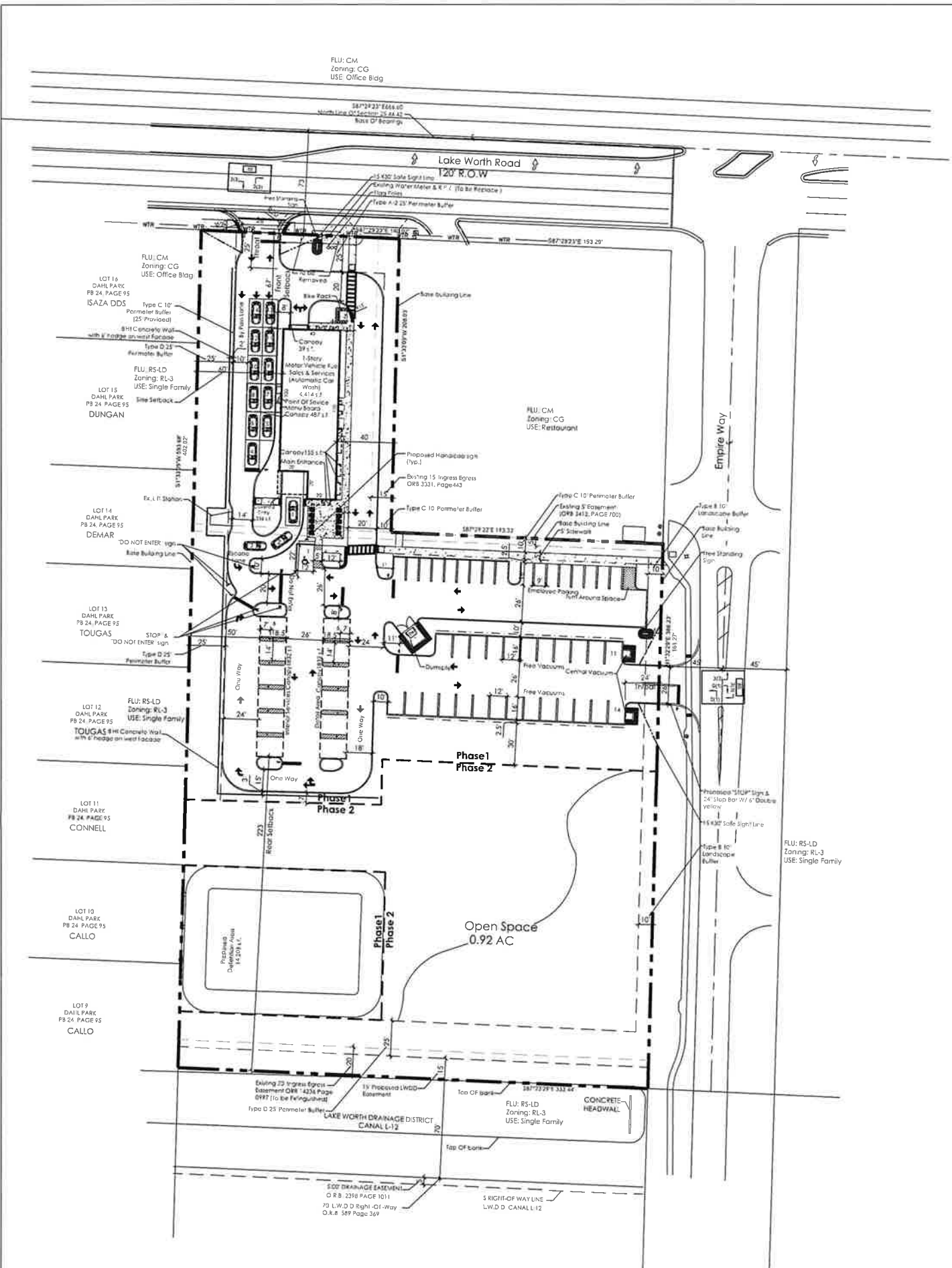
The City of Greenacres, Florida

SITE TABULAR DATA	
Application Name	Mint Eco Car Wash LWR
Application Number	2022-
Future Land Use Designation	Commercial (C)
Existing Zoning District	General Commercial (GC)
Proposed Zoning District	Commercial Intensive (CI)
Section, Township, Range	25/44/42
Property Control Numbers	18-42-44-25-00-000-3260; 3080; 3081
Existing Use	Abandoned Retail / Vacant
Proposed Use	Stand Alone Car Wash Facility
Total Gross Site Area	3.82 AC. (167,770.20 s.f.)
Total Gross Floor Area	4,414 s.f.
Total Floor Area Ratio	0.02
Total Building Coverage	3% (5,511 s.f.)
(Including canopy of 1,097 s.f.)	
Open Space	65% (102,101 s.f.)
Building Height	Max. 35'
Number of Stories	1
Total Open Space Proposed	31,529 s.f.
Impervious Area	35% (55,669 s.f.)
Pavement/Walks (51,255 s.f.)	
Buildings (4,414 s.f.)	
Parking Required	14 Spaces
1 space/200 s.f. of office @ 1,200 s.f. = 7 spaces	
2 spaces/detail lane @ 2 lanes = 4 spaces	
1 space/1,000 s.f. of building @ 3,114 s.f. = 3 spaces	
Parking Provided	58 spaces
Handicap Spaces Required	1
Handicap Spaces Proposed	1
Concurrency Approval*	
Stand Alone Car Wash Facility	4,414 s.f.
*Concurrency is approved for the above uses and amounts shown on this plan	

PROPERTY DEVELOPMENT REQUIREMENTS										
ZONING DISTRICT	MINIMUM LOT DIMENSIONS			F.A.R.	MAX BLDG COVER	SETBACKS/SEPARATIONS				
	SIZE	WIDTH	DEPTH			FRONT	SIDE INTERIOR (W/60)	SIDE INTERIOR (E/60)	SIDE STREET	REAR
CODE	CI	2.0 AC.	280'	N/A	0.35	30'	30'	20'	25'	30'
CODE	Transitional Area	N/A	N/A	N/A	N/A	N/A	50'	N/A	N/A	50'
PROP	CI	3.6 AC.	140.02'	492.82'	0.05 AC	5%	67'	60'	40'	56'

*Sec. 16-1286 Note (3) Art. IV, Div. 7

TYPE 2 ZONING VARIANCE (CONCURRENT)			
ULDC ARTICLE	REQUIRED	PROPOSED	VARIANCE
Section 16-502 (2)	Lot width, two hundred (200) feet	140' as measured at the setback line	60' lot width reduction



AMENDMENT STAMP

ZONING STAMP

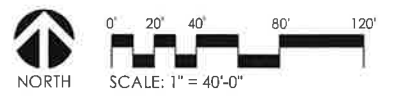
Date: 08/19/22
Scale: 1" = 40'-0"
Design By: JES
Drawn By: JS
Checked By: JS
File No: 1075_08
Job No: 22-29

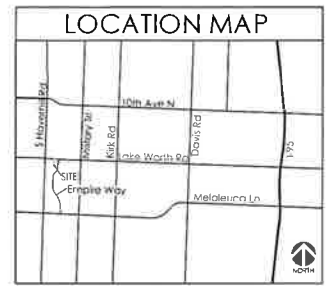
REVISIONS / SUBMISSIONS

NO.	DATE	DESCRIPTION
10/14/22		Entrance Relocate
12/12/22		Wall Relocate
12/14/22		Wall Relocate

SITE PLAN

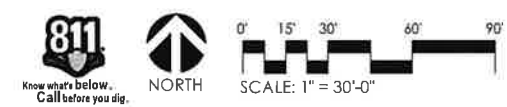
PSP-1 of 1



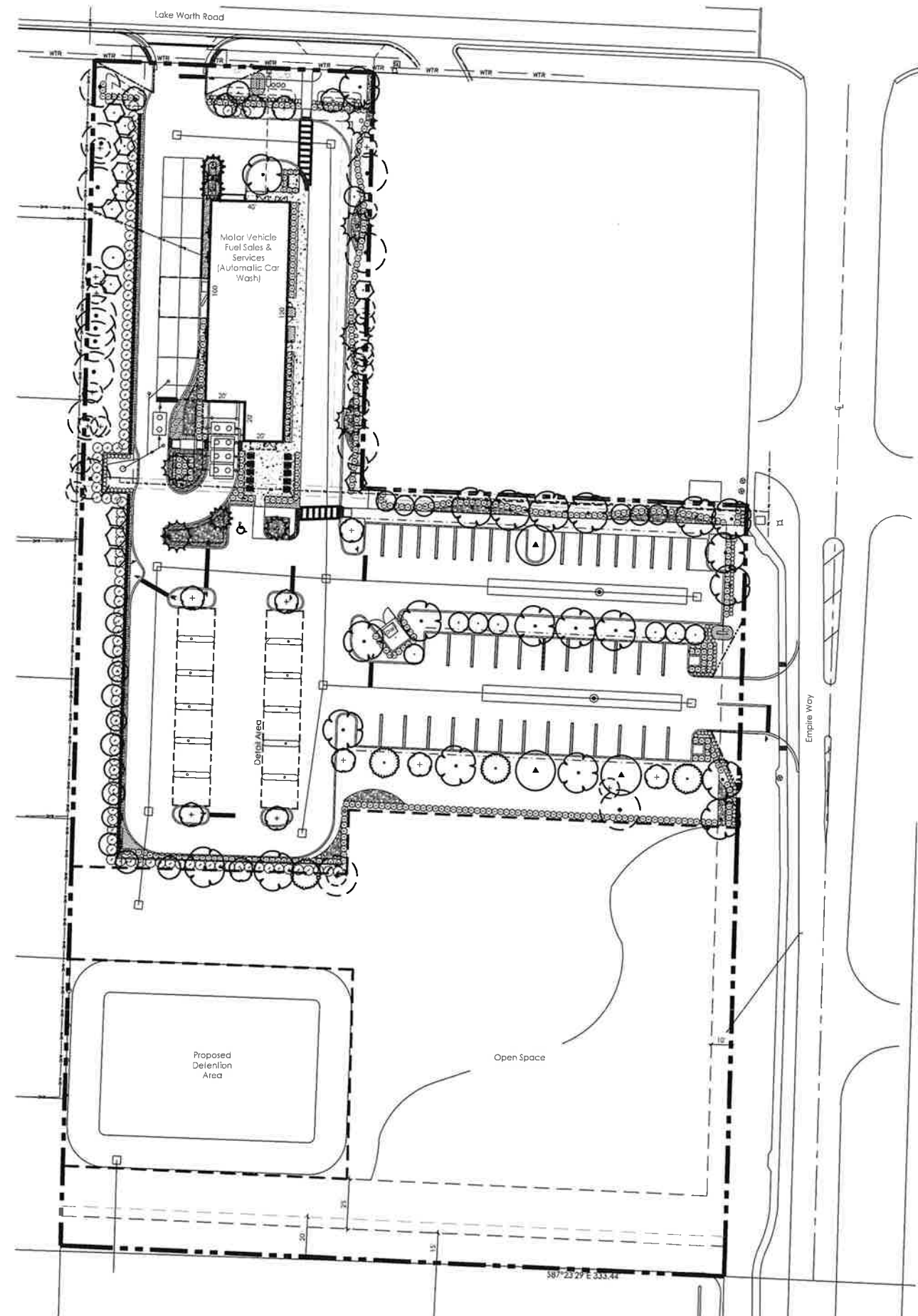


Mint Eco Car Wash LWR

The City of Greenacres,
Florida



DRAWING INDEX	
LI-1	Landscape Index Sheet
LP-1	Landscape Plan
LP-2	Landscape Notes
LP-3	Landscape Specifications
TD-1	Tree Disposition Plan



SCHMIDT NICHOLS

LANDSCAPE ARCHITECTURE AND URBAN PLANNING

1551 N. Flagler Dr, Ste 102
West Palm Beach, FL 33401
Phone: 561.684.6141
Email: info@snlandplan.com
Website: www.snlandplan.com
License No: LC2600232

Mint Eco Car Wash LWR

The City of Greenacres, Florida

Date: 08/16/22
Scale: 1" = 40'-0"
Design By: CWK
Drawn By: CWK
Checked By: JES
File No: 1075.08
Job No: 22-29

REVISIONS / SUBMISSIONS

12/22/22 Per Comments
01/18/23 Per Site Plan

NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED LANDSCAPE ARCHITECT.

Digitally signed by Jon E. Schmidt
Date: 2023.01.16 11:46:32 -05'00'

FLORIDA REGISTRATION NO.
Jon Eric Schmidt LA 0001638

LANDSCAPE INDEX

LI-1 of 1



SCHMIDT NICHOLS
 LANDSCAPE ARCHITECTURE AND URBAN PLANNING
 1551 N. Flagler Dr, Ste 102
 West Palm Beach, FL 33401
 Phone: 561.684.6141
 Email: info@snlandplan.com
 Website: www.snlandplan.com
 License No. LC26000232

Mint Eco Car Wash LWR

The City of Greenacres, Florida

Date: 08/16/22
 Scale: 1" = 20'-0"
 Design By: CWK
 Drawn By: CWK
 Checked By: JES
 File No. 1075 08
 Job No. 22-29

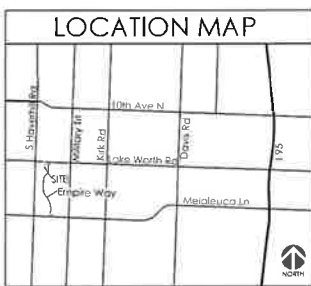
REVISIONS / SUBMISSIONS
 12/22/22: Per Comments
 01/16/23: Per Site Plan

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LANDSCAPE PLAN

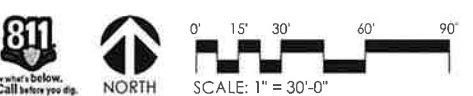
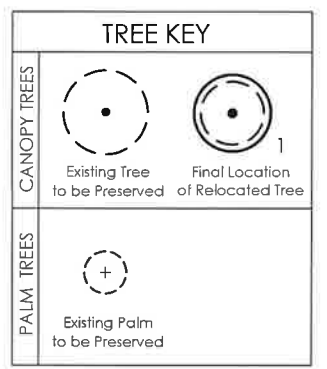
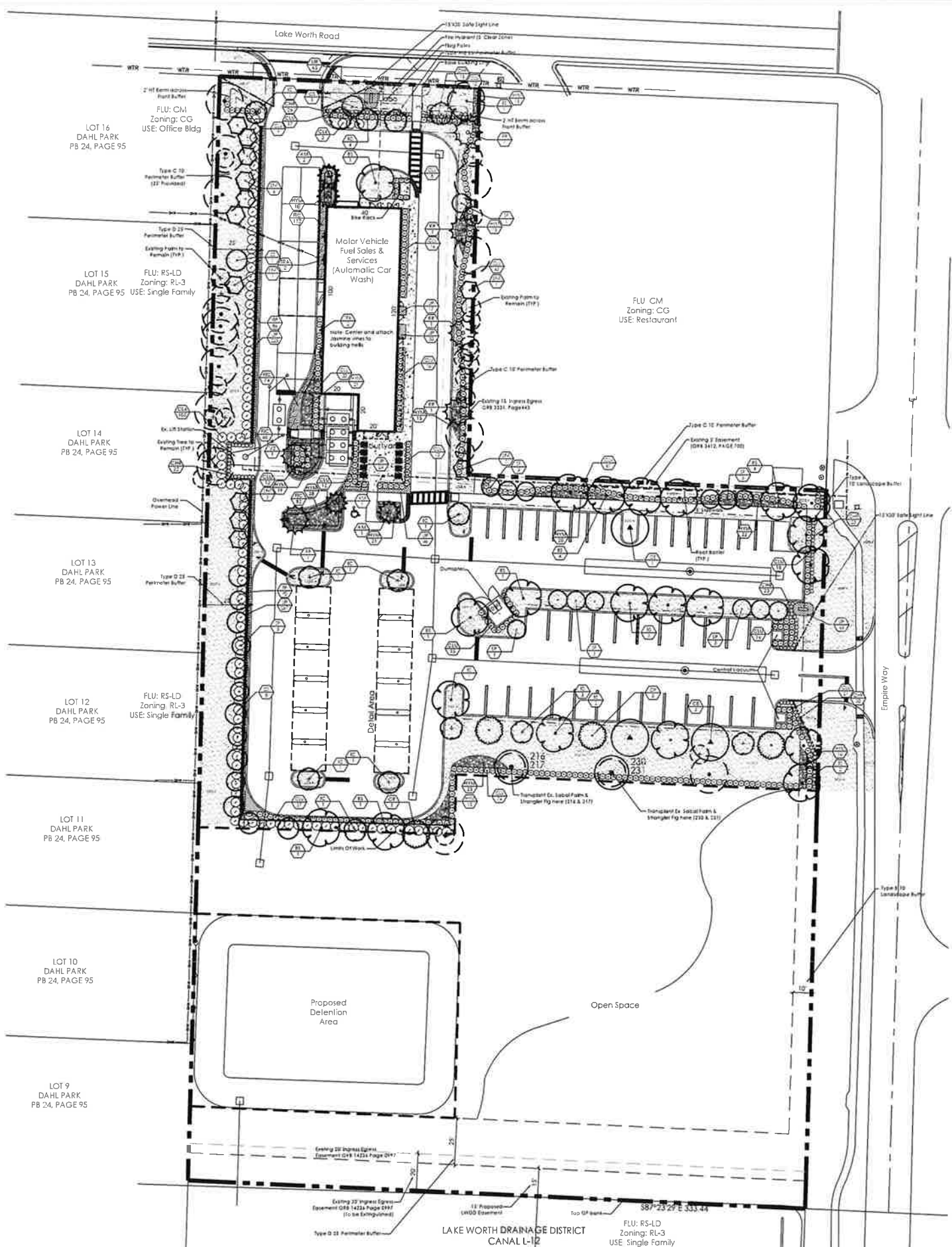
LP-1 of 3



PLANT LIST

TREES	CODE	QTY	BOTANICAL / COMMON NAME
	BS	22	Bursera simaruba / Gumbo Limbo Single Straight Trunk, No Low Crotch
	CR	4	Clusia rosea / Autograph Tree Standard Form, Matched
	CE	3	Conocarpus erectus / Green Button Wood Single Straight Trunk, No Low Crotch
	CS	10	Conocarpus erectus sericeus / Silver Button Wood Single Straight Trunk
	IC	14	Ilex cassine / Dahoon Holly Single Straight Trunk, Full to Base is Not Acceptable
PALM TREES	CODE	QTY	BOTANICAL / COMMON NAME
	AM	4	Adonidia merrillii / Double Trunk / Double Trunk Christmas Palm Matched, Double Trunks
	RR	5	Roystonia regia / Royal Palm Matched, No Scarred Trunks, Full Heads
	SP-T	12	Sabal palmetto / Transplanted Cabbage Palm Transplanted From On Site, Stagger Heights in Groups, Avg. 12" OA Min, Ht. in Groupings
	SP	19	Sabal palmetto / Sabal Palm Slick Trunks, Hurricane Cut, Stagger Heights 4" in Groups
	V2	1	Vellichia montgomeryana / Montgomery Palm / Double Trunk Double Trunk, No Scarred Trunks, Matched
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME
	CHR	139	Chrysobalanus icaco / Green Cocoplum Full To Base, Green Color (no Red Tip) Contact L.A. for substitution if no Green Color is nursery available.
	CLU	438	Clusia guttifera / Small-Leaf Clusia Full to Base
	CL6	108	Clusia guttifera / Small-Leaf Clusia Full to Base
	FIP	176	Ficus pumila / Creeping Fig Trellis to Wall
	TRA	4	Trachelospermum jasminoides / Confederate / Confederate Jasmine Trellis to Wall
SHRUB AREAS	CODE	QTY	BOTANICAL / COMMON NAME
	HYM	248	Hymenocallis latifolia / Spider Lily Full
GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME
	FIC	328	Ficus microcarpa / Green Island / Green Island Ficus Full to Base
	LIR	739	Liriope muscari / Evergreen Giant / Evergreen Giant Liriope Full
	SOD A	21,381 sf	Stenotaphrum secundatum / St. Augustine Grass Solid Sod, Slagger Seams, Field Verily Sod Areas Prior To Bid, Sod All Disturbed Areas

Note: See Sheet LP-2 for full plant list.





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Mint Eco Car Wash LWR

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Date: 08/16/22
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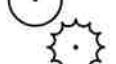
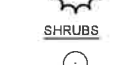









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FLORIDA REGISTRATION NO:
 Jon Eric Schmidt LA 0001638

LANDSCAPE NOTES

LP-2 of 3

PLANT LIST

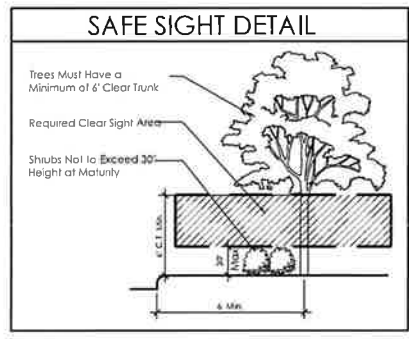
TREES	CODE	QTY	BOTANICAL / COMMON NAME	CALIPER	HEIGHT	SPREAD	CLEAR TRUNK	WATER USAGE	NATIVE
	BS	22	Bursera simaruba / Gumbo Limbo Single Straight Trunk, No Low Crotch	3" Cal	14'	6'	8"	Low	Native
	CR	4	Clusia rosea / Autograph Tree Standard Form, Matched	2.5" Cal.	12'	6'	5' Min.	Low	Native
	CE	3	Conocarpus erectus / Green Button Wood Single Straight Trunk, No Low Crotch	2.5" Cal.	12'	6'	5' Min.	Low	Native
	CS	10	Conocarpus erectus sericeus / Silver Button Wood Single Straight Trunk	2.5" Cal.	12'	6'	5' Min.	Low	Native
	IC	14	Ilex cassine / Dahoon Holly Single Straight Trunk, Full to Base is Not Acceptable	2.5" Cal.	12'	6'	5' Min.	Low	Native
PALM TREES	CODE	QTY	BOTANICAL / COMMON NAME	CALIPER	HEIGHT	SPREAD	CLEAR TRUNK	WATER USAGE	NATIVE
	AM	4	Adonidia merrillii 'Double Trunk' / Double Trunk Christmas Palm Matched, Double Trunks	N/A	12' CT	10'-12'	12' CT	Low	Non-Native
	RR	5	Roystonea regia / Royal Palm Matched, No Scarred Trunks, Full Heads	N/A	12' GW	15'	12' GW	Medium	Native
	SP-T	12	Sabal palmetto / Transplanted Cabbage Palm Transplanted From On Site, Stagger Heights in Groups, Avg. 12' OA Min. Ht. in Groupings	EX.	EX.	EX.	EX.	Low	Native
	SP	19	Sabal palmetto / Sabal Palm Slick Trunks, Hurricane Cut, Stagger Heights 4' in Groups	N/A	12'-20' CT	N/A	12'-20' CT	Low	Native
	V2	1	Veitchia montgomeryana / Montgomery Palm 'Double Trunk' Double Trunk, No Scarred Trunks, Matched	N/A	14' CT	15'	14' CT	Low	Non-Native
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	SPREAD	SPACING	WATER USAGE	STATUS	
	CHR	139	Chrysobalanus icaco / Green Cocoplum Full To Base, Green Color (no Red Tip) Contact L.A. for substitution if no Green Color is nursery available.	24"	24"	24" O.C.	Low	Native	
	CLU	438	Clusia guttifera / Small-Leaf Clusia Full to Base	36"	24"	24" O.C.	Low	Native	
	CL6	108	Clusia guttifera / Small-Leaf Clusia Full to Base	6"	48"	5" O.C.	Low	Native	
	FIP	176	Ficus pumila / Creeping Fig Trellis to Wall	18"	12"	24" O.C.	Low	Non-Native	
	TRA	4	Trachelospermum jasminoides 'Confederate' / Confederate Jasmine Trellis to Wall	48"	24"	As Shown	Medium	Non-Native	
SHRUB AREAS	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	SPREAD	SPACING	WATER USAGE	STATUS	
	HYM	246	Hymenocallis latifolia / Spider Lily Full	24"	24"	30" O.C.	Low	Native	
GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	SPREAD	SPACING	WATER USAGE	STATUS	
	FIC	328	Ficus microcarpa 'Green Island' / Green Island Ficus Full to Base	12"	12"	18" O.C.	Medium	Non-Native	
	LIR	739	Liriope muscari 'Evergreen Giant' / Evergreen Giant Liriope Full	6"	6"	12" O.C.	Low	Non-Native	
	SOD A	21,381 sf	Stenotaphrum secundatum / St. Augustine Grass Solid Sod, Slagger Seams, Field Verify Sod Areas Prior To Bid, Sod All Disturbed Areas	N/A	N/A	N/A	High	Non-Native	

Note: See Sheet LP-2 for full plant list.

LANDSCAPE REQUIREMENTS

Category	Requirement	No. Required	No. Provided
Trees:			
North Property Line (TYPE A-2)	112'	25 O.C.	5
North Property Line (TYPE C)	193'	30' O.C.	7
South Property Line	333'	25' O.C.	14
East Property Line (TYPE C)	184'	30' O.C.	7
East Property Line (TYPE B)	135'	25' O.C.	5
West Property Line	402'	25' O.C.	16
Shrubs:			
North Property Line (TYPE A-2)	112'	24" O.C.	56
North Property Line (TYPE C)	193'	24" O.C.	97
South Property Line	333'	24" O.C.	167
East Property Line (TYPE C)	184'	24" O.C.	92
East Property Line (TYPE B)	135'	24" O.C.	48
West Property Line	402'	24" O.C.	201
Material			
Impervious Area (Exclpd Building)	51,225 s.f.	10% Landscape	5,123 s.f.
Canopy Trees	5,123 s.f.	1 per 100 s.f.	51
Foundation Planting Around Building	14,934 s.f.	5%	747 s.f.
Tree Species	4,414 s.f.	41+ Trees	5
Tree Dedication Requirement	4,414 s.f.	1 per 1,000 s.f. Building Area	5
Native/Drought Tolerant Trees	53 Trees	30%	25
Palm Substitution	7 of Required	30% Max	30% Max

- LANDSCAPE NOTES**
- Easements shall not encroach landscape buffers more than 3 feet.
 - FDOT Type D or F curb shall be provided along the perimeter of all landscape, open space, drainage and graded areas adjacent to paved vehicular use areas, except where wheel stops are provided.
 - Safe sight triangles shall be maintained clear of vegetation to provide unobstructed visibility between 30' and 8' above crown of road.
 - Light poles, fire hydrants, electrical/mechanical equipment, signs, drainage structures, etc. shall not interfere with landscaping in terminal islands, parking islands, medians, buffers or other landscaped areas.
 - No muck-grown sod shall be utilized in detention areas.
 - All landscape areas (including sod) shall be irrigated with an underground automatic sprinkler system providing min. 150% coverage.
 - Trees are to be installed with a ten foot (10') separation from any water or sewer main and/or service, hydrants, and fire stations. If a ten foot (10') separation cannot be achieved, the tree can be installed with a root barrier system. Refer to the "Root Barrier" detail for installation requirements. However, in no case shall a tree encroach into a Utility Easement without prior Utility Department approval and only sod can be installed within 7.5' of a fire hydrant unless otherwise approved by the Fire Marshal.
 - All parking lot islands, and any other areas on site with base rock, shall be excavated to a minimum depth of the native soil on site and back-filled with a suitable soil consisting of fifty percent (50%) composted organic matter, well-mixed with native soil. Backfill material shall be free from rock, construction debris, or other extraneous material.
 - All substitutions or modifications from the approved Landscape Plan must be submitted and approved by the Landscape Architect in writing and also for City approval.
 - All ground-mounted equipment shall be screened from view and approved by the City of Greenacres.
 - Prior to C.O., the site must have 100% sod coverage, including greenspace in the directly adjacent ROW. All disturbed areas must be sodded including all areas used for staging and maneuvering that may not be indicated on the Landscape Plan.
 - Any equipment (condensing units, transformers, etc) must not interfere with proposed parking lot trees. One tree must be planted in each island.





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Mint Eco Car Wash LWR The City of Greenacres, Florida

Date: 08/14/22 Scale: 1" = 20'-0" Design By: CWK Drawn By: CWK Checked By: JES File No: 1075.08 Job No: 22-29

REVISIONS / SUBMISSIONS 12/22/22: Per Comments 01/16/23: Per Site Plan

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FLORIDA REGISTRATION NO. LA 0001638

TREE DISPOSITION PLAN

TD-1 of 1

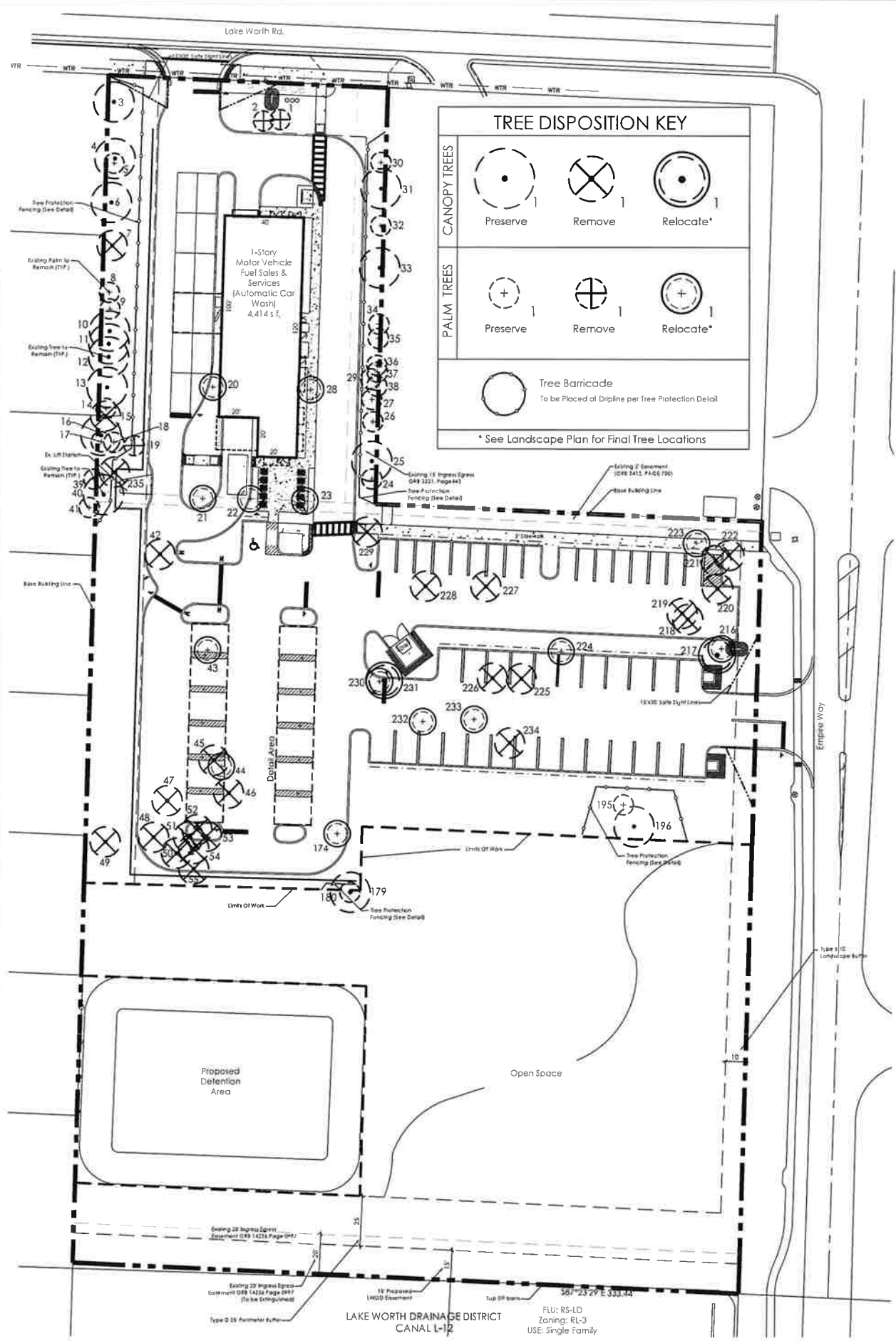
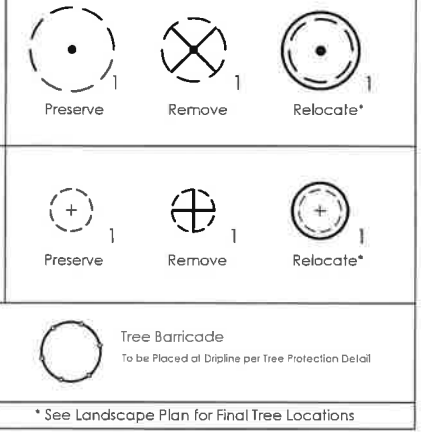
TREE DISPOSITION CHART

Table with 8 columns: TREE ID, TREE SPECIES (COMMON), TREE SPECIES (BOTANICAL), C.T., DBH, DISPOSITION, NOTES. Lists 125 trees and their disposal status.

VEGETATION NOTES

- 1. Tree protection barriers shall be installed and in place prior to any other construction activity on site. Tree protection barriers shall remain in place throughout the construction of the project until removal is approved by governing agency. 2. During land clearing and construction, protective barriers shall be maintained around all trees / palms or groups of trees / palms to be protected. The movement of equipment or the storage of equipment, materials, and placement of debris or fill within protective barriers is prohibited. 3. A permit to remove trees / palms must be applied for with the governing agency prior to tree removal. 4. All relocated trees and palms shall be staked and guyed as indicated in the details. 5. Hurricane cut all Sabal palm prior to transplant. 6. All transplanted trees must be transplanted using best industry standards. 7. Provide irrigation to transplanted trees or trees within holding areas to ensure survivorship. 8. Vegetation to be preserved shall be barricaded with a 3-foot high plastic mesh (orange OSHA) supported by 5-foot long rebar or 2" x 2" wood stakes or equivalent. 9. Vegetation to be preserved at a lower final grade may be protected with a 24-inch high silt fence around the preserve area or vegetation with the location of the 3-foot high plastic mesh, if needed. 10. If hand clearing is necessary within the preserve area or under the vegetation canopy, vegetation to be preserved can initially be delineated by plastic ribbon affixed to survey stakes (to avoid pulling up and taking down fencing) and then protected with either plastic mesh and/or the silt fence. 11. Vegetation to be relocated can usually be delineated by plastic ribbon affixed to survey stakes unless their relocation is delayed due to root pruning. If root pruning is required, the vegetation shall be protected with either plastic mesh and/or silt fence.

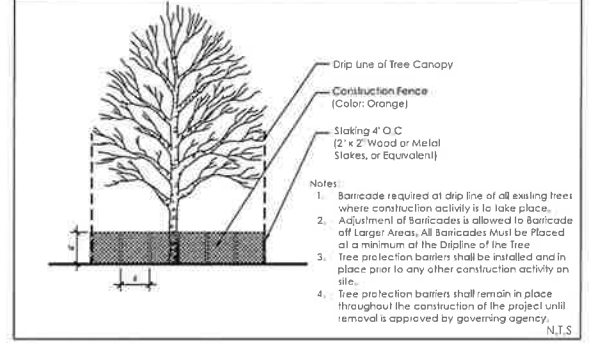
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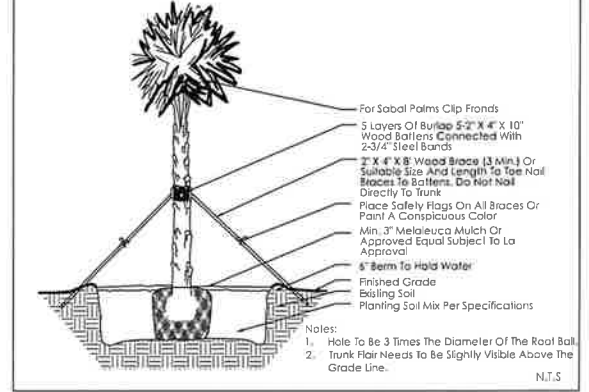
LOCATION MAP



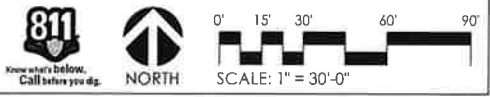
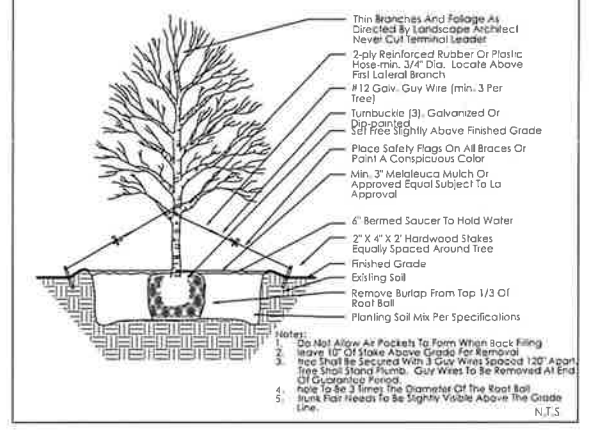
TREE PROTECTION DETAIL



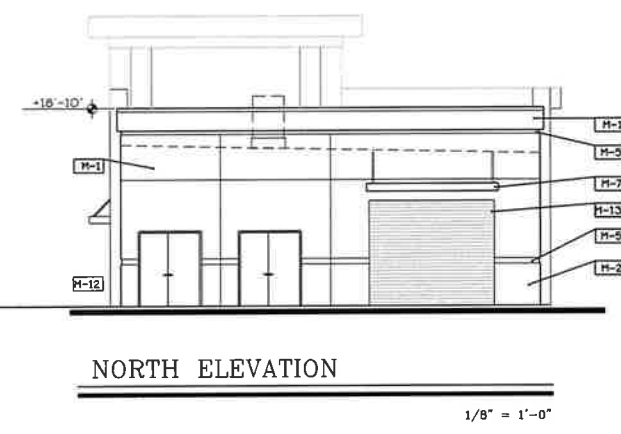
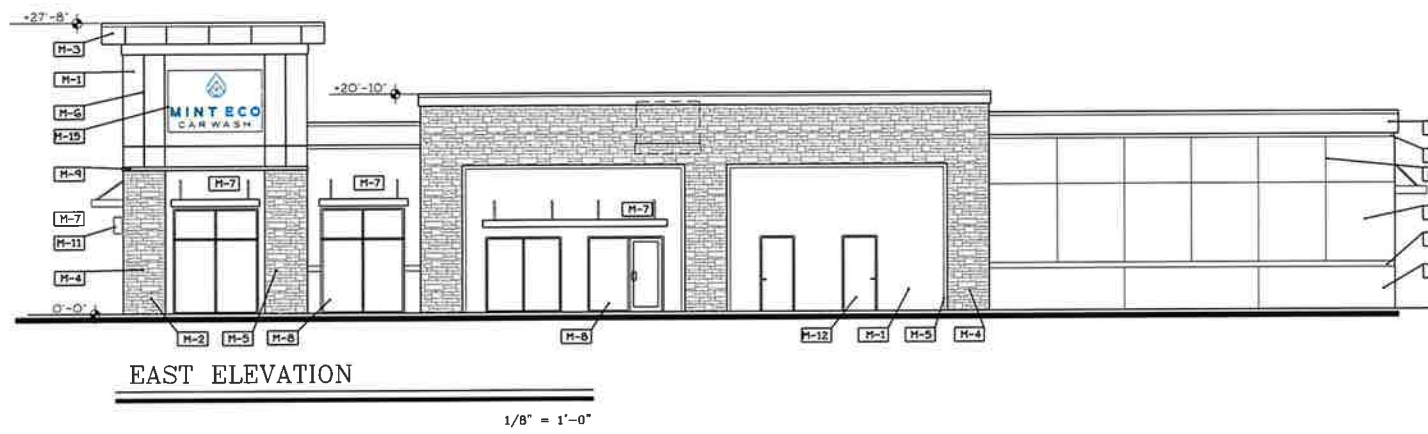
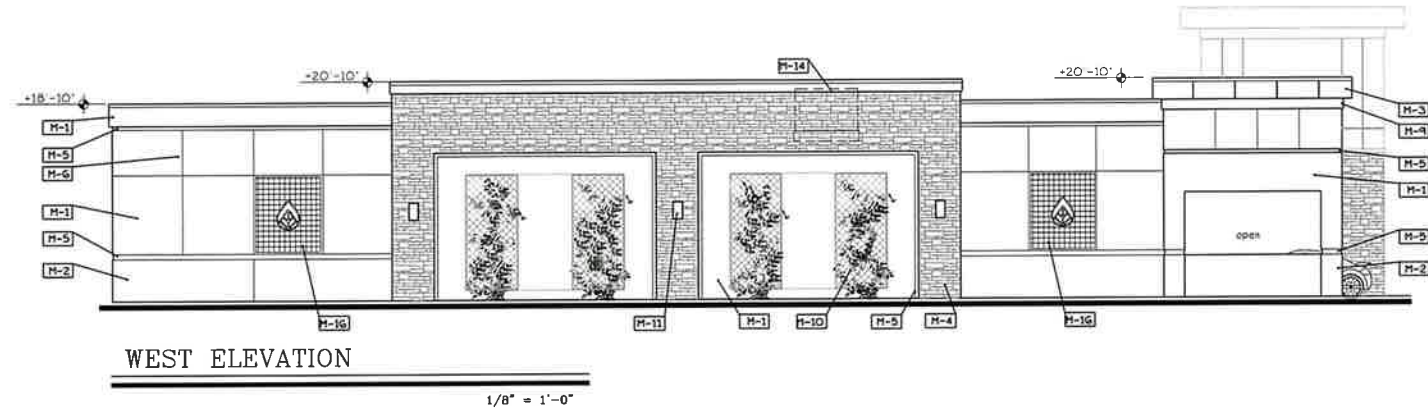
PALM RELOCATION DETAIL



TREE RELOCATION DETAIL



LAKE WORTH DRAINAGE DISTRICT CANAL L-12 FLU: RS-LD Zoning: RL-3 USE: Single Family



BUILDING MATERIALS	COLOR
M-1 STUCCO MEDIUM TEXTURE	SW6203 SPARE WHITE
M-2 STUCCO COARSE TEXTURE	SW7656 TINSMTH
M-3 STUCCO SMOOTH TEXTURE	SW7656 TINSMTH
M-4 STONE	GREY
M-5 RECESSED BAND	SW6733 VEGAN
M-6 RECESSED REGLET	
M-7 PREFAB METAL AWNING	GREY
M-8 WINDOW LIGHT GREEN TINT	WHITE FRAME
M-9 RAISED BAND	SW6733 VEGAN
M-10 VINE TRELLIS	BLACK
M-11 DECORATIVE LIGHT FIXTURE	
M-12 SWING DOOR	SW7656 TINSMTH
M-13 ROLL UP DOOR	WHITE
M-14 A/C ROOF PACKAGE	
M-15 SIGN	
M-16 METAL MESH	

BUILDING CONSTRUCTION TYPE IB
CONSTRUCTION MATERIALS:
MASONRY WALLS AND CONCRETE PLANK ROOF



Digitally signed by Guy C Pelletier
Date: 2022.08.18
07:51:59 -0400

601 HERITAGE DRIVE, SUITE 410
JUPITER, FLORIDA 33458
(561) 331-5036
CERTIFICATE OF AUTHORIZATION #A25003279
GUY C. PELLETIER #11000
GuyC@minteco.com

GCP
ARCHITECTURE L.L.C.

MINT ECO CAR WASH
4840 LAKE WORTH ROAD, GREENACRES, FLORIDA
ELEVATIONS

DATE: 8/18/22
DRAWN BY: G.P.
PROJ. NO. 2218
REVISED:

SHEET:
A-2



ITEM SUMMARY

MEETING DATE: March 6, 2023

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2023-03, ZC-22-03**
Lake Worth Plaza West Outparcels/Shell Station

BACKGROUND

The subject site was annexed into the City of Greenacres on December 20, 2022, through Resolution 2022-60 and an Interlocal Service Boundary Agreement. The six (6) parcels are located at 4148 S Jog Road, 4080 S Jog Road, 4020 S Jog Road, 6492 Lake Worth Road, 6350 Lake Worth Road, and 6323 Lake Worth Road.

The Development Review Committee reviewed this proposal and recommended approval, followed by the Planning and Zoning Board of Appeals recommending approval by a vote of 5-0 at their meeting on February 16, 2023.

ANALYSIS

This is a City of Greenacres ("City") initiated zoning change request for six parcels of land totaling approximately 7.9636 acres from Palm Beach County Commercial General (CG) zoning district to the City Commercial Intensive (CI) zoning district as a result of a recent annexation and to eliminate an enclave. Five of the sites are located at the southeast corner of Lake Worth Road and Jog Road and the sixth site is located on the north side of Lake Worth Road located at 6323 Lake Worth Road.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2023-03 was prepared in accordance with all applicable State Statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of ZC-22-03 through the adoption of Ordinance 2023-03.

ZC-23-03
Exhibit "A"
Date: December 22, 2022

Revised: 2/16/2023

	DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Ordinance 2023-03: ZC-22-03 Rezoning at Lake Worth Plaza West Outparcels

Public Hearing and First Reading: A City of Greenacres ("City") initiated zoning change request for six (6) parcels of land totaling approximately 7.9636 acres from Palm Beach County Commercial General (CG) zoning district to City Commercial Intensive (CI) zoning district as a result of a recent annexation. Five of the sites are located at the southeast corner of Lake Worth Road and Jog Road and the sixth site is located at 6323 Lake Worth Road.

Recommendation to APPROVE
 Recommendation to DENY

Quasi-Judicial
 Legislative
 Public Hearing

<p>Originating Department: Planning & Engineering</p> <p>Project Manager</p> <p>_____</p> <p>Caryn Gardner-Young, AICP</p>	<p>Reviewed By:</p> <p>Director of Development and Neighborhood Services</p> <p>_____</p> <p>Denise Malone</p>
<p>Approved By:</p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p>	<p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required</p> <p>Date: 2/2/2023, 2/23/2023</p> <p>Paper: Lake Worth Herald; PB Post</p> <p>Mailing</p> <p><input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required</p> <p>Notice Distance: 300'</p>

<p>Attachments:</p> <ul style="list-style-type: none"> • Aerial • Zoning Map • Ordinance 2023-03 	<p>City Council Action:</p> <p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Approve with conditions</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Continued to: _____</p>
--	---

I. Executive Summary

A City of Greenacres (“City”) initiated zoning change request for six parcels of land totaling approximately 7.9636 acres from Palm Beach County Commercial General (CG) zoning district to the City Commercial Intensive (CI) zoning district as a result of a recent annexation. Five of the sites are located at the southeast corner of Lake Worth Road and Jog Road and the sixth site is located on the north side of Lake Worth Road located at 6323 Lake Worth Road. The need for the rezoning is due to elimination of an enclave and due to recent annexation from Palm Beach County.

III. Site Data:

Existing Use: Bank, Animal Clinic, Pharmacy, Fuel Station, and Retail

Proposed Use: Bank, Animal Clinic, Pharmacy, Fuel Station, and Retail

Parcel Control Numbers: 18-42-44-27-33-001-0000, 18-42-44-27-00-001-1330, 18-42-44-27-34-001-0000, 18-42-44-27-00-000-1290, 18-42-44-27-00-000-1360, 18-42-44-22-00-000-5250

Parcel Size: 7.9636 acres

Existing Future Land Use Designation: PBC Commercial High (CH)

Proposed Future Land Use Designation: City Commercial (CM)

Existing Zoning District: PBC Commercial General (CG)

Proposed Zoning District: City Commercial Intensive (CI)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Public Storage Restaurant, Office Building/Shopping Center	City Commercial (CM) City Commercial (CM)	City Commercial Intensive (CI) City Commercial Intensive (CI)
<i>South</i>	Lake Worth Plaza West and Outparcel	City Commercial (CM) in process	City Commercial Intensive (CI) in process
<i>East</i>	Office Building Shopping Center Shopping Center	City Commercial (CM) City Commercial (CM) City Commercial (CM) in process	City Commercial General (CG) City Commercial Intensive (CI) City Commercial Intensive (CI) in process

West	Public Storage Shopping Centers Turnberry Casa Hermosa Apt	City Commercial (CM) City (Commercial) PBC (Res Med Density) PBC (Res High Density)	City Commercial Intensive (CI) PBC Residential (RH -High Density)
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IV. Annexation/Zoning History:

The subject properties were recently annexed from Palm Beach County into the City of Greenacres on December 20, 2022, through Resolution 2022- 60 and were considered to be within an enclave. In accord with Chapter 171.031(13)(a) and (b), the subject properties are enclosed within and bounded on all sides by the City or enclosed within and bounded by the City and a natural or manmade obstacle which allows vehicular traffic to them only by passing through the City.

The parcels were also included within an Interlocal Service Boundary Agreement (ISBA) adopted by the City of Greenacres on August 15, 2022, by City Ordinance 2022-01, and by the County on September 13, 2022, by Ordinance 2022-025. The purpose of the Agreement was to jointly determine how to provide services to residents and property in the most efficient and effective manner while balancing the needs and desires of the community to the area identified in the unincorporated area. The agreement established the means and process by which future annexations and planning activities would be accomplished. The ISBA set forth the proposed future land use and zoning as well as service delivery for all parcels within the Agreement which this petition is in compliance with.

The subject properties consist of six (6) parcels of land, where five parcels were developed as outparcels to the Lake Worth Plaza West shopping center plaza and one parcel was developed as a fuel station. There are no plans to change the existing uses.

V. Applicable Comprehensive Plan Provisions:

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

1. Future Land Use Element

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:

** * * (1 through 10 and 12 through 16 omitted for brevity) * * **

- (11) Commercial Intensive – 30% lot coverage, 0.35 FAR

Objective 10, Policy e)

The City of Greenacres shall regulate and control all future land use activities which affect the topography, materials beneath the land's surface and availability of services by implementing the following policies:

Policy e)

In reviewing future land use amendments in the City's Future Annexation Area, the City will utilize the Advisory Future Land Use Map (Map 9) as the basis for the assignment of future land use designations as well as consideration of the goals, objectives and policies contained in this Element and an analysis of the proposal's compatibility with adjacent uses in order to determine the appropriate designation.

Objective 11, Policies a and 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 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.

VI. 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 11. Commercial Intensive (Section 16-496 through 16-506)

The commercial intensive (CI) district is intended for intensive, highly automotive oriented uses that require a conspicuous and accessible location along thoroughfares designated as major arterials in the Comprehensive Plan. Permitted uses and special exceptions within this designation require larger land areas with ample off-street parking and off-street loading space. This district provides the greatest variety of uses among commercial districts and serves a geographical area

that extends beyond the city limits. This district may accommodate certain light manufacturing, processing, wholesaling and storage and warehousing uses when it is clearly demonstrated that such uses are compatible with other uses in the district. It is not the intent of this district that it shall be used to encourage the extension of strip commercial areas.

VII. Staff Analysis:

Development Review Committee Comments:

The petition was reviewed by the Development Review Committee on January 12, 2023, and recommended approval.

Planning, GIS & Engineering Div.:	No objections
Building Department:	No objections
Fire Rescue Department:	No objections
Public Works Department:	No objections
PBSO District 16:	No objections

Zoning Change Criteria and Findings of Fact:

Section 16-153. Planning Zoning and Board of Appeals (“PZAB”) Report: The PZAB shall submit a report to the City Council which shows that the PZAB 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 rezoning from Palm Beach County Commercial General (PBC CG) to City Commercial Intensive (CI) is consistent with the City’s future land use element of the Comprehensive Plan. The Future Land Use Map recommends Commercial for the subject parcel. The proposed CI zoning designation is consistent with the proposed Commercial future land use designation. Since the existing uses are not proposed to change, the most similar City zoning designation to PBC CG is City CI. It is also in compliance with the previously approved ISBA.

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

Finding: The proposed Commercial Intensive (CI) zoning district is compatible with the high traffic commercial concentric uses at the intersection of Lake Worth Road and Jog Road. A review of the adjacent existing land uses shows that the proposed zoning is compatible with the land use pattern. Most of the properties within the City to the north, east, south and west are zoned City Commercial Intensive which is the same zoning district as that being proposed. Only one parcel to the west of the Shell station is zoned City Commercial General which is compatible with CI businesses. The other properties to the east of the Lake Worth Plaza West shopping center are located within the County and are zoned Residential High density which are typically residential zoning districts adjacent to commercially zoned properties. The Lake Worth Road corridor is

heavily commercial intensive with highly automotive oriented uses that require a conspicuous and accessible location. The subject sites follow this type of development so it is consistent with existing land use patterns.

(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 changes are required in order to complete the annexation process and the zoning of the site for commercial intensive is consistent with adjacent properties. Most of the properties within the City to the north, east, south and west are zoned City Commercial Intensive which is the same zoning district as that being proposed. Only one parcel to the west of the Shell station is zoned City Commercial General. The other properties to the east of the Lake Worth Plaza West shopping center are located within the County and are zoned Residential High density which are typically residential zoning districts adjacent to commercially zoned properties. Thus, an isolated district is not being created.

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

Finding: The subject sites are currently operated as outparcels to a shopping center and a fuel station which uses are not proposed to change. The shopping center outparcels have been in existence for a considerable amount time and there will be no additional impacts upon traffic, public safety or utilities since the uses already exist.

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

Finding: The subject properties were annexed into the City and therefore require an appropriate City zoning designation.

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

Finding: The subject properties were annexed into the City and therefore require an appropriate City zoning designation

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

Finding: The subject properties were annexed into the City and the uses are not proposed to change so the rezoning will not create or excessively increase traffic congestion. Public Safety will not be affected since PBC Sheriff's Office will continue to provide law enforcement services at the proposed sites (would only change the district handling the property) and the city has entered into an agreement to ensure a smooth transition from PBC Fire to City of Greenacres Fire.

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

Finding: The proposed zoning changes will not adversely affect living conditions in the area since

there are no proposed changes to the shopping center outparcels or fuel station

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

Finding: The subject properties were annexed into the City and therefore 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 owners because the change is consistent with existing land use patterns and the properties’ proposed future land use, as well as the surrounding future land use and zoning designations.

VIII. Staff Recommendation:

Approval of ZC-22-02 through the adoption of Ordinance 2023-03.

**PLANNING, ZONING AND BOARD OF APPEALS RECOMMENDATION –
February 16, 2023**

The Planning and Zoning Board of Appeals on a motion made by Board Member Litowsky and seconded by Board Member Fitzgerald, voting Five (5) to zero (0), *recommended approval* of Zoning Change ZC-22-03, as presented by staff.

CITY COUNCIL ACTION First Reading –

CITY COUNCIL ACTION Adoption Hearing –

ORDINANCE NO. 2023-03

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE FOR SIX PARCELS OF LAND TOTALING APPROXIMATELY 7.9636 ACRES, LOCATED AT THE SOUTHEAST CORNER OF LAKE WORTH ROAD AND JOG ROAD AT 6492, 6350 AND 6323 LAKE WORTH ROAD, AND 4148, 4080 AND 4020 JOG ROAD, FROM A PALM BEACH COUNTY ZONING DESIGNATION OF GENERAL COMMERCIAL (CG) TO A CITY OF GREENACRES ZONING DESIGNATION OF COMMERCIAL INTENSIVE (CI) AS REQUESTED BY THE PLANNING, GIS AND ENGINEERING DIVISION; 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 City of Greenacres Planning, GIS and Engineering Division is herein known as the "Petitioner" for the herein described property; and

WHEREAS, the Petitioner is requesting a rezoning of six parcels of land totaling approximately 7.9636 acres more or less, from a Palm Beach County zoning designation of General Commercial (PBC CG) to a City of Greenacres zoning designation of Commercial Intensive (CI) and

WHEREAS, this is a companion petition to a Future Lane Use Amendment to change the Land Use designation for the subject parcels from Palm Beach County Commercial High (PBC CH) to City of Greenacres Commercial (CM);

WHEREAS, the Planning and Zoning Board of Appeals has held a duly advertised public hearing on February 6, 2023, and reviewed the application for compliance with the staff findings relevant to the criteria for a Zoning Change as detailed in the Development Review Committee Development Staff Report and Recommendation, Exhibit "A", dated December 22, 2022, as revised; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing on _____ 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”, “Development Review Committee Staff Report and Recommendation”, dated December 22, 2022, as revised (attached), the proposed amendment changing the zoning district of six parcels of land totaling approximately 7.9636 acres more or less, from the Palm Beach County zoning designation of Commercial General (CG) to City of Greenacres zoning designation of Commercial Intensive (CI) is in the best interest of the citizens of the City of Greenacres.

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

Section 1. Zoning District Amendment.

The request by the petitioner to change the City of Greenacres Official Zoning Map to include a zoning change of six parcels of land totaling approximately 7.9636 acres more or less, from a Palm Beach County zoning designation of General Commercial (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI) is approved for the property legally described as follows:

LEGAL DESCRIPTION

4148 S Jog Road – PCN 18-42-44-27-33-001-0000

OUT-PARCEL TO LAKE WORTH PLAZA TR A K/A ALL OF PLAT

4080 S Jog Road – PCN: 18-42-44-27-34-001-0000

Parcel 1:

Commence at the North quarter corner of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida; thence South 01°22'26" West (State Plane Grid Datum) along the North-South quarter section line of Section 27, a distance of 653.08 feet; thence South 88°37'34 " East, perpendicular to the previous course, 80.0 feet to the Easterly Right-of-Way line of Jog Road and the POINT OF BEGINNING; thence North 01°22'26" East along said right of way line and parallel with the North-South quarter section line, 61.29 feet; thence North 02°16'49" East along said right of way line, 189.64 feet; thence North 01°22'26" East along said right of way line, 18.0 feet; thence South 88°37'34" East, perpendicular to the previous course, 271.16 feet to a nontangent point of curvature; thence Southwesterly along the arc of a curve concave to the Southeast having a radius of 149.0 feet; a central angle of 52°40'42", a chord length of 132.22 feet which bears South 27°40'35" West, an arc distance of 136.99 feet to a point of tangency; thence South 01°20'15" West 150.40 feet; thence North 88°37'34" West along a line perpendicular to the North-South quarter Section line 215.68 feet to the POINT OF BEGINNING.

Parcel 2:

Non-Exclusive Easement for pedestrian and vehicular ingress and egress over the adjacent shopping center as set forth in that certain Cooperation and Easement Agreement recorded in Official Records Book 4836, Page 10, and as modified in Official Records Book 5744, Page 1905, of the Public Records of Palm Beach County, Florida.

4020 S Jog – PCN: 18-42-44-27-34-001-0000

Parcel 1:

Tract 1, Walgreens at Lake Worth Plaza West, according to the plat thereof, as recorded in Plat Book 117, Page 53, of the Public Records of Palm Beach County, Florida.

Parcel 2:

Easement Rights set forth in Cooperation and Easement Agreement, recorded in Official Records Book 4836, Page 10, and as modified in Official Records Book 5744, Page 1905, all of the Public Records of Palm Beach County, Florida.

6429 Lake Worth Road – PCN: 18-42-44-27-00-000-1290

A parcel of land in the Northeast quarter of Section 27, Township 44 South, Range 42 East, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast quarter of said Section 27, thence South 88 degrees 12'34" East (assumed bearing datum) along the North line of the Northeast quarter of said Section 27, 1012.29 feet to a point on the East line of the West half of the East half of the Northwest quarter of the Northeast quarter of said Section 27; thence South 1 degree 20' 15" West along said East line, 30.00 feet to a point on the southerly right of way line of Lake Worth Road (S.R. 802); thence North 88 degrees 12'34" West along said right of way line, 63.96 feet to a point of curvature; thence westerly along said right of way line being an arc of a curve, 235.04 feet to the Point of Beginning, said curve being concave to the South having a radius of 2804.93 feet and a central angle of 04 degrees 48'04"; thence westerly along said right of way line being an arc of a curve, 441.32 feet, said curve being concave to the South having a radius of 2804.93 feet and a central angle of 09 degrees 00'53"; thence South 12 degrees 01'31" East along a radial line, 210.00 feet; thence South 59 degrees 37'34" East along a non-radial line, 79.53 feet to a point of non-tangency; thence easterly along an arc of a curve 340.67 feet to a point of curvature, said curve being concave to the South having a radius of 979.00 feet, a central angle of 19 degrees 56'15" and a chord length of 338.95 feet which bears North 68 degrees 55'52" East; northeasterly along an arc of a curve, 17.23 feet to a point of non-tangency, said curve being concave to the Northwest having a radius of 30.00 feet and a central angle of 32 degrees 54'12" thence North 02 degrees 11'36" West, 173.71 feet to the Point of Beginning.

6350 Lake Worth Road – PCN: 18-42-44-27-00-000-1360

Being a parcel of land in the Northeast quarter of Section 27, Township 44 South, Range 42 East, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast quarter of said Section 27, thence South 88°12'34" East (assumed bearing datum) along the North line of the Northeast quarter of said Section 27, 1012.29 feet to a point on the East line of the West half of the East half of the Northwest quarter of the Northeast quarter of said Section 27; thence South 01°20' 15" West along said East line, 30.00 feet to the POINT OF BEGINNING, said point being on the southerly right-of-way line of Lake Worth Road (S.R. 802); thence continuing South 01°20'15" West along said East line, 206.03 feet; thence North 88°39'45" West at right angles to the previous course, 188.15 feet to a Point of Curvature; thence Northwesterly along an arc of a curve, 20.04 feet to a point of non-tangency, said curve being concave to the Northeast, having a radius of 30.00 feet, a central angle of 38°16'48", and a chord length of 19.67 feet which bears North 69°31'22" West; thence North 02°11'36" West, along a non-radial line, 197.61 feet to the Southerly right-of-way line of Lake Worth Road, said right-of-way line being 60.00 feet South of and concentric with the center line of right-of-way of Lake Worth Road; thence Easterly along said South right-of-way line being an arc of a curve, 155.00 feet to a Point of Tangency, said curve being concave to the South, having a radius of 2804.93 feet, a central angle of 03°09'58", and a chord length of 154.98 feet which bears South 89°42'54" East; thence South 89°12'34" East, along a line that is 30.00 feet Southerly of

and parallel with the North line of the Northeast quarter of Section 27, 63.96 feet to the POINT OF BEGINNING.

Together with a non-exclusive right to cross parking and ingress and egress of roads, ways, sidewalks and parking areas situated in the shopping center known as Lake Worth Plaza West.

6323 Lake Worth Road – PCN: 18-42-44-22-00-000-5250

Parcel 1:

A Parcel of land lying in Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida;

Being more particularly described as follows:

Commencing at the South one-quarter (The Southwest corner of the Southeast Quarter) of said Section 22;

Said Point being a Palm Beach County Brass Disc in Concrete;

Thence, North 89°14'08" East, along the South line of said Section 22, a distance of 994.88 feet to a point on the East Line of the West 320 Feet of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 22;

Thence, North 00°00'00" East, along said East line, a distance of 90.01 feet to the Point of Beginning, said Point being further described as a point on the North Right of Way Line of Lake Worth Road (State Road 802) as recorded in Road Plat Book 5, Page 129, Public Records, Palm Beach County, Florida;

Said Point being witnessed by a Found P-K Nail and Cap, in the concrete sidewalk, lying 0.13 feet North 00°00'00" East (North) and 0.04 feet North 90°00'00" West (West) of said Point;

Thence, South 89°14'08" West, along said North Right of Way Line of Lake Worth Road (State Road 802), a distance of 47.53 feet to the point of curvature of a curve to the Left.

Said Curve having a radius of 2924.93 feet and a Central Angle of 02°59'28" and a chord bearing of South 87°44'24" West;

Said Point Being an "X" Cut in the Concrete Sidewalk;

Thence, Westerly, along the Arc of said Curve and along said North Right of Way line of Lake Worth Road (State Road 802), a distance of 152.70 feet to a Point;

Said Point being witnessed by a Found P-K Nail and Cap, in the concrete sidewalk, lying 0.06 feet North and 0.03 feet West of said Point;

Thence, North 00°00'00" East, a Distance of 226.88 feet to a Point;

Said Point being witnessed by a Found ½ Inch Iron Pipe and Cap lying 0.10 feet West of said Point;

Thence North 90°00'00" East, a Distance of 199.99 feet to a Point on the aforesaid East line of the West 320 feet of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 22, said Point being witnessed by a found ½ inch iron pipe and cap lying 0.05 feet North and 0.05 feet West of said Point;

Thence, South 00°00'00" West, along said East line, a distance of 220.03 feet to the Point of Beginning.

Parcel 2:

An Easement for Ingress and Egress over a portion of the Southeast Quarter of Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida and Being more particularly described as follows:

Commence at the South Quarter corner of said Section 22 and Run thence North 89°14'08" East, along the South line of said Section 22, a distance of 725.81;

Thence North 00°39'45" West, along a non-radial line, a distance of 81.51 feet to a point of intersection with a circular curve concave to the South and whose Radius Point bears South 05°07'51" East, from said intersection, said circular curve also being the Northerly right-of-way line of State Road 802 (Lake Worth Road);

Said intersection also being The Point of Beginning of the herein described parcel:

Thence, continue North 00°39'45" West, a distance of 147.13 feet;

Thence North 90°00'00" East, a distance of 71.69 feet;

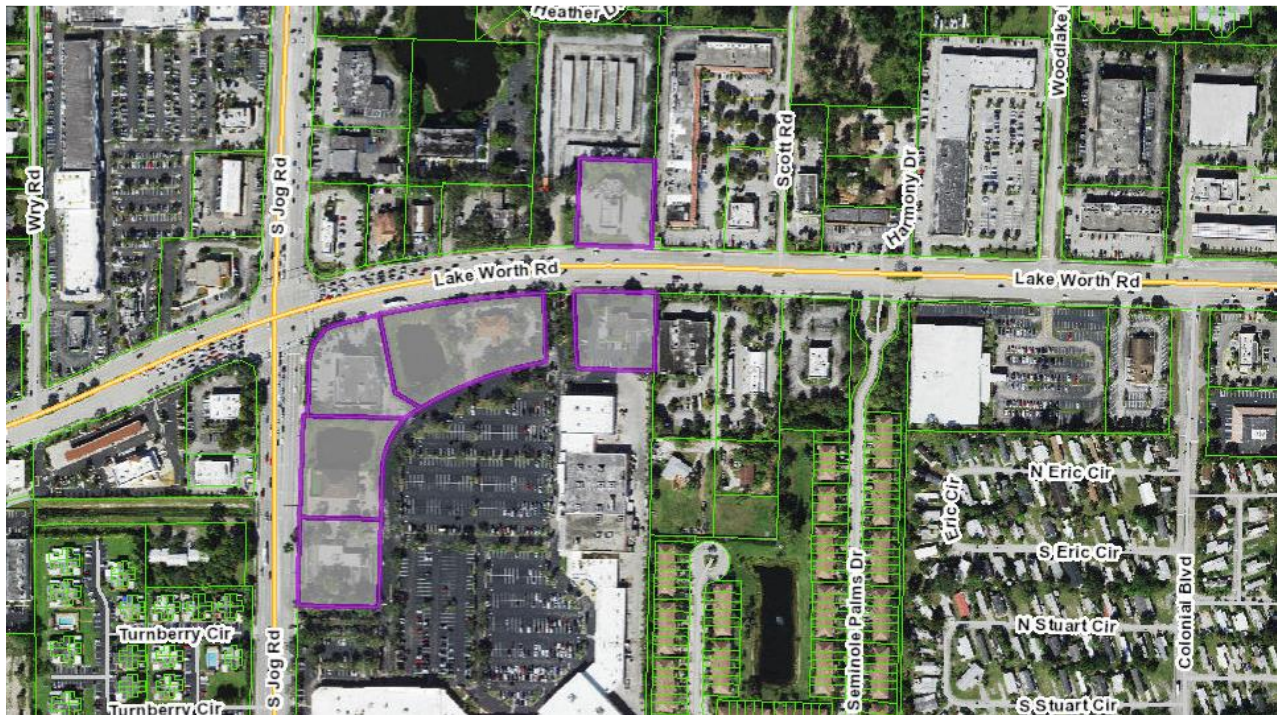
Thence South 00°00'00" West, a distance of 35.00 feet;

Thence, South 90°00'00" West, a distance of 35.29 feet

Thence, non-radically South 00°39'45" East, a distance of 109.13 feet to the said Northerly line of State Road 802 also being a circular curve concave to the South and whose radius point bears South 04°25'26" East,

Thence, Westerly, along the Arc of said curve having a central angle of 00°42'25", a radius of 2924.93 feet, an arc distance of 36.09 feet to the Point of Beginning.

MAP



Section 2. Authorization to Make Changes.

That the Planning, GIS, and Engineering Division is 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 6th day of March 2023.

PASSED AND ADOPTED on the second reading this ____ day of _____ 2023.

Voted

Joel Flores
Mayor

John Tharp
Deputy Mayor

()

Attest:

Quintella Moorer
City Clerk

Peter Noble
Council Member, District II

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Judith Dugo
Council Member, District III

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Susy Diaz
Council Member, District IV

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Paula Bousquet
Council Member, District V

()

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia
City Attorney



ITEM SUMMARY

MEETING DATE: March 6, 2023
FROM: Caryn Gardner-Young, Zoning Administrator
SUBJECT: **Ordinance 2023-04, CPA-22-03**
 Lake Worth Plaza West Outparcels/Shell Station

BACKGROUND

The subject site was annexed into the City of Greenacres on December 20, 2022, through Resolution 2022-60 and an Interlocal Service Boundary Agreement. The six (6) parcels are located at 4148 S Jog Road, 4080 S Jog Road, 4020 S Jog Road, 6492 Lake Worth Road, 6350 Lake Worth Road, and 6323 Lake Worth Road.

The Development Review Committee has reviewed this proposal and recommended approval, followed by the Planning and Zoning Board of Appeals recommending approval by a vote of 5-0 at their meeting on February 16, 2023.

ANALYSIS

This small-scale future land use amendment is needed in order to replace the existing Palm Beach County Commercial High (PBC CH) future land use designation with an appropriate City designation as a result of an annexation and the elimination of an enclave. The Advisory Future Land Use Map Annexation Area (Map FLU 9) recommends Commercial (CM) for the subject parcel. This is the same as the proposed designation.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2023-04 was prepared in accordance with all applicable State Statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of CPA-22-03 through the adoption of Ordinance 2023-04.

CPA-22-03
Exhibit "A"
Date: December 30, 2022

Revised: 2/16/2023

	DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Ordinance 2023-04: Future Land Use Amendment – CPA 22-03 Lake Worth Plaza West Outparcels Public Hearing & First Reading: A City of Greenacres (“City”) initiated Future Land Use Amendment request for six (6) parcels of land totaling approximately 7.9636 acres to replace the existing Palm Beach County Commercial High (PBC CH) future land use designation with an appropriate City designation as a result of the recent annexation of the property into the City. The five of the sites are Outparcels to the Lake Worth Plaza West shopping center located at the southeast corner of Lake Worth Road and Jog Road and the sixth is located at 6323 Lake Worth Road.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

Originating Department: Planning, GIS & Engineering Project Manager _____ Caryn Gardner-Young, AICP	Reviewed By: Director of Development and Neighborhood Services _____ Denise Malone
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 2/2/2023, 2/23/2023 Paper: Lake Worth Herald, PB Post Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: Property Owner

Attachments: <ul style="list-style-type: none"> • Ordinance 2023-04 • Location Map 	City Council Action: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____
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I. Project Description:

Project: Lake Worth Plaza West Outparcels

Petitioner: City of Greenacres
 Planning, GIS, & Engineering Division.
 5800 Melaleuca Lane
 Greenacres, FL 33463

Request: Small-scale Future Land Use
 Amendment from Palm Beach
 County Commercial High (PBC CH) to City
 Commercial (CM)

Location: The southeast corner of
 Lake Worth Road and South Jog Road
 4148, 4080 and 4020 S Jog Road and 6429 and 6350 Lake Worth Road and 6323
 Lake Worth

II. Site Data:

Existing Use: Bank, Animal Clinic, Pharmacy, Fuel Station, and Retail

Proposed Use: Bank, Animal Clinic, Pharmacy, Fuel Station, and Retail

Parcel Control Numbers: 18-42-44-27-33-001-0000, 18-42-44-27-00-001-1330, 18-42-44-27-34-001-0000, 18-42-44-27-00-000-1290, 18-42-44-27-00-000-1360, 18-42-44-22-00-000-5250

Parcel Size: 7.9636 acres

Existing Future Land Use Designation: PBC Commercial High (CH)

Proposed Future Land Use Designation: City Commercial (CM)

Existing Zoning District: PBC Commercial General (CG)

Proposed Zoning District: City Commercial Intensive (CI)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Public Storage Restaurant, Office Building/Shopping Center	City Commercial (CM) City Commercial (CM)	City Commercial Intensive (CI) City Commercial Intensive (CI)
<i>South</i>	Lake Worth Plaza West and Outparcel	City Commercial (CM) in process	City Commercial Intensive (CI) in process
<i>East</i>	Lake Worth Plaza West and Outparcel	City Commercial (CM) in process	City Commercial Intensive (CI) in process
<i>West</i>	Office Building Shopping Center Shopping Center	City Commercial (CM) City Commercial (CM) City Commercial (CM) in process	City Commercial General (CG) City Commercial Intensive (CI) City Commercial Intensive (CI) in process

III. Annexation/Zoning History:

The subject properties were recently annexed from Palm Beach County into the City of Greenacres on December 20, 2022, through Resolution 2022- 60 and were considered to be within an enclave. In accord with Chapter 171.031(13)(a) and (b), the subject properties are enclosed within and bounded on all sides by the City or enclosed within and bounded by the City and a natural or manmade obstacle which allows vehicular traffic to them only by passing through the City.

The parcels were also included within an Interlocal Service Boundary Agreement (ISBA) adopted by the City of Greenacres on August 15, 2022, by City Ordinance 2022-01, and by the County on September 13, 2022, by Ordinance 2022-025. The purpose of the Agreement was to jointly determine how to provide services to residents and property in the most efficient and effective manner while balancing the needs and desires of the community to the area identified in the unincorporated area. The agreement established the means and process by which future annexations and planning activities would be accomplished. The ISBA set forth the proposed future land use and zoning as well as service delivery for all parcels within the Agreement which this petition is in compliance with.

The subject properties consist of six (6) parcels of land, where five parcels were developed as outparcels to the Lake Worth Plaza West shopping center plaza and one parcel was developed as a fuel station. There are no plans to change the existing uses.

This is a companion petition with a City initiated rezoning request to change the Palm Beach County Commercial General zoning designation with a City Commercial Intensive designation for the subject properties.

IV. Data and Analysis:

This small-scale future land use amendment is needed in order to replace the existing Palm Beach County Commercial High (PBC CH) future land use designation with a City Commercial (CM)

designation as a result of an annexation. The Advisory Future Land Use Map Annexation Area (Map FLU 9) recommends Commercial (CM) for the subject parcel. This is the same as the proposed designation.

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, FS, 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 land uses (see attached Aerial Photo) shows that the proposed land use is compatible with the adjacent properties. To the north, east and south of the subject properties are developed parcels that possess a land use designation of City Commercial which is the same designation being sought for the subject properties. Those adjacent parcels to the west possess residential land use designations of either medium or high-density designation which are appropriate next to a commercial land use designation. A medium and high-density land use designation is typically a step down between commercial activity and single-family residences.

Conclusions: Reviewing the adjacent existing commercial, government use and multi-family residential developments shows that the proposed City Commercial future land use designation is compatible with the surrounding properties and the intense commercial activity at this intersection of two Urban Principal Arterial roadways.

B. *Concurrency:*

As previously stated, this future land use amendment will provide the sites with a City future land use designation based upon its recent annexation. Additional impacts on services are expected to be insignificant since the proposed City commercial future land use designation will be the equivalent of what was provided in the County.

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:

* * * (*1 through 10 and 12 through 16 omitted for brevity*) * * *

(11) Commercial Intensive – 30% lot coverage, 0.35 FAR

Objective 10, Policy e)

The City of Greenacres shall regulate and control all future land use activities which affect the topography, materials beneath the land's surface and availability of services by implementing the following policies:

Policy e)

In reviewing future land use amendments in the City's Future Annexation Area, the City will utilize the Advisory Future Land Use Map (Map 9) as the basis for the assignment of future land use designations as well as consideration of the goals, objectives and policies contained in this Element and an analysis of the proposal's compatibility with adjacent uses in order to determine the appropriate designation.

Objective 11, Policies a, and 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 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.

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

The proposed future land use amendment represents a means of increasing commercial opportunities in the City through the process of infill development, rather than approving land uses which will encourage urban sprawl. This is consistent with the intent of Regional Goal 2.1, which discourages urban sprawl development patterns and Regional Goal 5.1, which states that redevelopment, revitalization and infill of existing neighborhoods and districts should be encouraged. The proposed Commercial (CM) future land use designation is 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-22-03 through the adoption of Ordinance 2023-04.

LOCAL PLANNING AGENCY ACTION – February 16, 2023

The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Board Member Litowsky, voting five (5) to zero (0), *recommended approval* of the Future Land Use Change (CPA 22-03), as presented by staff.

CITY COUNCIL ACTION First Reading –

CITY COUNCIL ACTION Adoption Hearing –

Attachments:

1. Aerial Photograph
2. Future Land Use Map
3. Ordinance 2023-04

ORDINANCE NO. 2023-04

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 SIX PARCELS OF LAND TOTALING APPROXIMATELY 7.9636 ACRES, LOCATED AT THE SOUTHEAST CORNER OF LAKE WORTH ROAD AND JOG ROAD AT 6492, 6350 and 6323 LAKE WORTH ROAD AND 4148, 4080 and 4020 S JOG ROAD, FROM A PALM BEACH COUNTY DESIGNATION COMMERCIAL HIGH (CH) TO A CITY OF GREENACRES DESIGNATION OF COMMERCIAL (CM) AS REQUESTED BY THE PLANNING, GIS AND ENGINEERING DIVISION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, TRANSMITTAL, INCLUSION IN THE COMPREHENSIVE PLAN; AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Greenacres, pursuant to the Community Planning 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; and

WHEREAS, the City of Greenacres Planning, GIS and Engineering Division is herein known as the "Petitioner" for the herein described property; and

WHEREAS, the City recently annexed five (5) properties, which are generally located at the southeast corner of Jog Road and Lake Worth Road and one parcel located at 6323 Lake Worth Road which consists of approximately 7.9636 acres ("Property"); and

WHEREAS, the Petitioner is requesting to change the land use designation for the Properties from a Palm Beach County future land use designation of Commercial High to a City of Greenacres future land use designation of Commercial (CM) and include the new designation on the City's Future Land Use Map which is a companion petition with a rezoning request to

change the zoning designations of the subject parcels from Palm Beach County Commercial General to City of Greenacres Commercial Intensive (CI); and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on February 6, 2023, and has recommended approval of the Petitioner's request (petition CPA-22-03) to amend the City's Comprehensive Plan, Future Land Use Element's Future Land Use Map; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing to receive comments on CPA-22-03 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 to the City's Comprehensive Plan is consistent with the City's goals and objectives in the Comprehensive Plan and is in the best interest of the citizens of the City of Greenacres.

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

SECTION 1. The foregoing recitals are incorporated into this Ordinance as true and correct finds of the City Council of the City of Greenacres.

SECTION 2. Future Land Use Map Designation

The Future Land Use Map in the City's Comprehensive Plan is hereby amended to change the designation of the Property from a Palm Beach County future land use designation of Commercial High to a City of Greenacres future land use designation of Commercial (CM) for the Property, which is legally described as follows:

4148 S Jog Road – PCN 18-42-44-27-33-001-0000

OUT-PARCEL TO LAKE WORTH PLAZA TR A K/A ALL OF PLAT

4080 S Jog Road – PCN: 18-42-44-27-34-001-0000

Parcel 1:

Commence at the North quarter corner of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida; thence South 01°22'26" West (State Plane Grid Datum) along the North-South quarter section line of Section 27, a distance of 653.08 feet; thence South 88°37'34 " East, perpendicular to the previous course, 80.0 feet to the Easterly Right-of-Way line of Jog Road and the POINT OF BEGINNING; thence North 01°22'26" East along said right of way line and parallel with the North-South quarter section line, 61.29 feet; thence North 02°16'49" East along said right of way line, 189.64 feet; thence North 01°22'26" East along said right of way line, 18.0 feet; thence South 88°37'34" East, perpendicular to the previous course, 271.16 feet to a nontangent point of curvature; thence Southwesterly along the arc of a curve concave to the Southeast having a radius of 149.0 feet; a central angle of 52°40'42", a chord length of 132.22 feet which bears South 27°40'35" West, an arc distance of 136.99 feet to a point of tangency; thence South 01°20'15" West 150.40 feet; thence North 88°37'34" West along a line perpendicular to the North-South quarter Section line 215.68 feet to the POINT OF BEGINNING.

Parcel 2:

Non-Exclusive Easement for pedestrian and vehicular ingress and egress over the adjacent shopping center as set forth in that certain Cooperation and Easement Agreement recorded in Official Records Book 4836, Page 10, and as modified in Official Records Book 5744, Page 1905, of the Public Records of Palm Beach County, Florida.

4020 S Jog – PCN: 18-42-44-27-34-001-0000

Parcel 1:

Tract 1, Walgreens at Lake Worth Plaza West, according to the plat thereof, as recorded in Plat Book 117, Page 53, of the Public Records of Palm Beach County, Florida.

Parcel 2:

Easement Rights set forth in Cooperation and Easement Agreement, recorded in Official Records Book 4836, Page 10, and as modified in Official Records Book 5744, Page 1905, all of the Public Records of Palm Beach County, Florida.

6429 Lake Worth Road – PCN: 18-42-44-27-00-000-1290

A parcel of land in the Northeast quarter of Section 27, Township 44 South, Range 42 East, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast quarter of said Section 27, thence South 88 degrees 12'34" East (assumed bearing datum) along the North line of the Northeast quarter of said Section 27, 1012.29 feet to a point on the East line of the West

half of the East half of the Northwest quarter of the Northeast quarter of said Section 27; thence South 1 degree 20' 15" West along said East line, 30.00 feet to a point on the southerly right of way line of Lake Worth Road (S.R. 802); thence North 88 degrees 12'34" West along said right of way line, 63.96 feet to a point of curvature; thence westerly along said right of way line being an arc of a curve, 235.04 feet to the Point of Beginning, said curve being concave to the South having a radius of 2804.93 feet and a central angle of 04 degrees 48'04"; thence westerly along said right of way line being an arc of a curve, 441.32 feet, said curve being concave to the South having a radius of 2804.93 feet and a central angle of 09 degrees 00'53"; thence South 12 degrees 01'31" East along a radial line, 210.00 feet; thence South 59 degrees 37'34" East along a non-radial line, 79.53 feet to a point of non-tangency; thence easterly along an arc of a curve 340.67 feet to a point of curvature, said curve being concave to the South having a radius of 979.00 feet, a central angle of 19 degrees 56'15" and a chord length of 338.95 feet which bears North 68 degrees 55'52" East; northeasterly along an arc of a curve, 17.23 feet to a point of non-tangency, said curve being concave to the Northwest having a radius of 30.00 feet and a central angle of 32 degrees 54'12" thence North 02 degrees 11'36" West, 173.71 feet to the Point of Beginning.

6350 Lake Worth Road – PCN: 18-42-44-27-00-000-1360

Being a parcel of land in the Northeast quarter of Section 27, Township 44 South, Range 42 East, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast quarter of said Section 27, thence South 88°12'34" East (assumed bearing datum) along the North line of the Northeast quarter of said Section 27, 1012.29 feet to a point on the East line of the West half of the East half of the Northwest quarter of the Northeast quarter of said Section 27; thence South 01°20' 15" West along said East line, 30.00 feet to the POINT OF BEGINNING, said point being on the southerly right-of-way line of Lake Worth Road (S.R. 802); thence continuing South 01°20'15" West along said East line, 206.03 feet; thence North 88°39'45" West at right angles to the previous course, 188.15 feet to a Point of Curvature; thence Northwesterly along an arc of a curve, 20.04 feet to a point of non-tangency, said curve being concave to the Northeast, having a radius of 30.00 feet, a central angle of 38°16'48", and a chord length of 19.67 feet which bears North 69°31'22" West; thence North 02°11'36" West, along a non-radial line, 197.61 feet to the Southerly right-of-way line of Lake Worth Road, said right-of-way line being 60.00 feet South of and concentric with the center line of right-of-way of Lake Worth Road; thence Easterly along said South right-of-way line being an arc of a curve, 155.00 feet to a Point of Tangency, said curve being concave to the South, having a radius of 2804.93 feet, a central angle of 03°09'58", and a chord length of 154.98 feet which bears South 89°42'54" East; thence South 89°12'34" East, along a line that is 30.00 feet Southerly of and parallel with the North line of the Northeast quarter of Section 27, 63.96 feet to the POINT OF BEGINNING.

Together with a non-exclusive right to cross parking and ingress and egress of roads, ways, sidewalks, and parking areas situated in the shopping center known as Lake Worth Plaza West.

6323 Lake Worth Road – PCN: 18-42-44-22-00-000-5250

Parcel 1:

A Parcel of land lying in Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida;

Being more particularly described as follows:

Commencing at the South one-quarter (The Southwest corner of the Southeast Quarter) of said Section 22;

Said Point being a Palm Beach County Brass Disc in Concrete;

Thence, North 89°14'08" East, along the South line of said Section 22, a distance of 994.88 feet to a point on the East Line of the West 320 Feet of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 22;

Thence, North 00°00'00" East, along said East line, a distance of 90.01 feet to the Point of Beginning, said Point being further described as a point on the North Right of Way Line of Lake Worth Road (State Road 802) as recorded in Road Plat Book 5, Page 129, Public Records, Palm Beach County, Florida;

Said Point being witnessed by a Found P-K Nail and Cap, in the concrete sidewalk, lying 0.13 feet North 00°00'00" East (North) and 0.04 feet North 90°00'00" West (West) of said Point;

Thence, South 89°14'08" West, along said North Right of Way Line of Lake Worth Road (State Road 802), a distance of 47.53 feet to the point of curvature of a curve to the Left.

Said Curve having a radius of 2924.93 feet and a Central Angle of 02°59'28" and a chord bearing of South 87°44'24" West;

Said Point Being an "X" Cut in the Concrete Sidewalk;

Thence, Westerly, along the Arc of said Curve and along said North Right of Way line of Lake Worth Road (State Road 802), a distance of 152.70 feet to a Point;

Said Point being witnessed by a Found P-K Nail and Cap, in the concrete sidewalk, lying 0.06 feet North and 0.03 feet West of said Point;

Thence, North 00°00'00" East, a Distance of 226.88 feet to a Point;

Said Point being witnessed by a Found ½ Inch Iron Pipe and Cap lying 0.10 feet West of said Point;

Thence North 90°00'00" East, a Distance of 199.99 feet to a Point on the aforesaid East line of the West 320 feet of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 22, said Point being witnessed by a found ½ inch iron pipe and cap lying 0.05 feet North and 0.05 feet West of said Point;

Thence, South 00°00'00" West, along said East line, a distance of 220.03 feet to the Point of Beginning.

Parcel 2:

An Easement for Ingress and Egress over a portion of the Southeast Quarter of Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida and Being more particularly described as follows:

Commence at the South Quarter corner of said Section 22 and Run thence North 89°14'08" East, along the South line of said Section 22, a distance of 725.81;

Thence North 00°39'45" West, along a non-radial line, a distance of 81.51 feet to a point of intersection with a circular curve concave to the South and whose Radius Point bears South 05°07'51" East, from said intersection, said circular curve also being the Northerly right-of-way line of State Road 802 (Lake Worth Road);

Said intersection also being The Point of Beginning of the herein described parcel:

Thence, continue North 00°39'45" West, a distance of 147.13 feet;

Thence North 90°00'00" East, a distance of 71.69 feet;

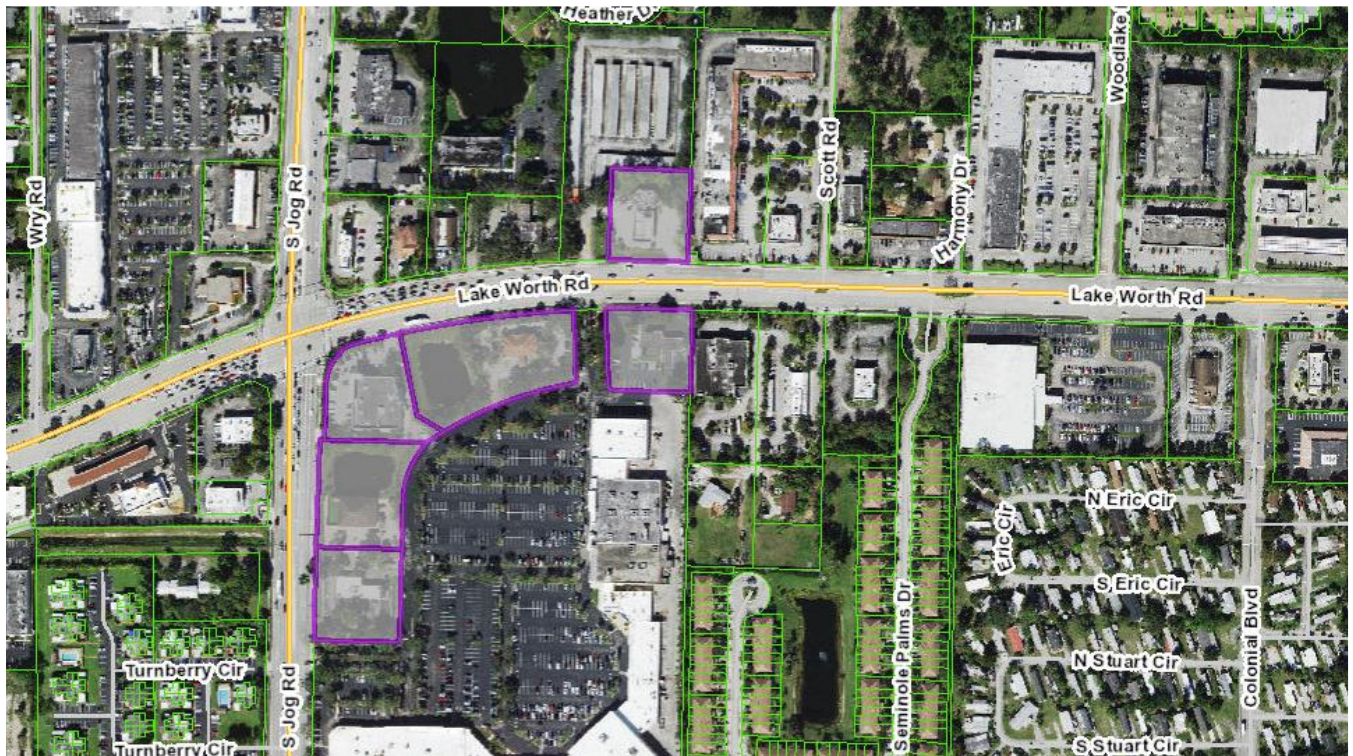
Thence South 00°00'00" West, a distance of 35.00 feet;

Thence, South 90°00'00" West, a distance of 35.29 feet

Thence, non-radically South 00°39'45" East, a distance of 109.13 feet to the said Northerly line of State Road 802 also being a circular curve concave to the South and whose radius point bears South 04°25'26" East,

Thence, Westerly, along the Arc of said curve having a central angle of 00°42'25", a radius of 2924.93 feet, an arc distance of 36.09 feet to the Point of Beginning.

MAP



SECTION 3. Authorization to Make Changes.

The Planning, GIS, and Engineering Division is authorized to make the necessary Future Land Use map change to the Comprehensive Plan to reflect the change authorized by this Ordinance.

SECTION 4. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 6. Transmittal to the DEO.

The Planning, GIS and Engineering Division shall send copies of this Ordinance, all supporting documentation and the future land use map amendment to the Treasure Coast Regional Planning Council (TCRPC) and the State Land Planning Agency (Department of Economic Opportunity) (DEO).

Section 7. Inclusion in the Comprehensive Plan.

It is the intention of the City Council, entered as hereby ordained, that the Comprehensive Plan of the City of Greenacres, Florida, shall be amended to include the amendment to the Future Land Use Map as stated herein.

Section 8. Effective Date.

The effective date of this Comprehensive Plan amendment shall be thirty-one (31) days following the adoption of this Ordinance in accordance with the provisions of Chapter 163.3187(c), Florida Statutes.

[The remainder of this page intentionally left blank.]

Passed on the first reading this 6th day of March, 2023.

PASSED AND ADOPTED on the second reading this ____ day of _____ 2023.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, District II

Voted:
Judith Dugo, Council Member, District III

Voted:
Susy Diaz, Council Member, District IV

Voted:
Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

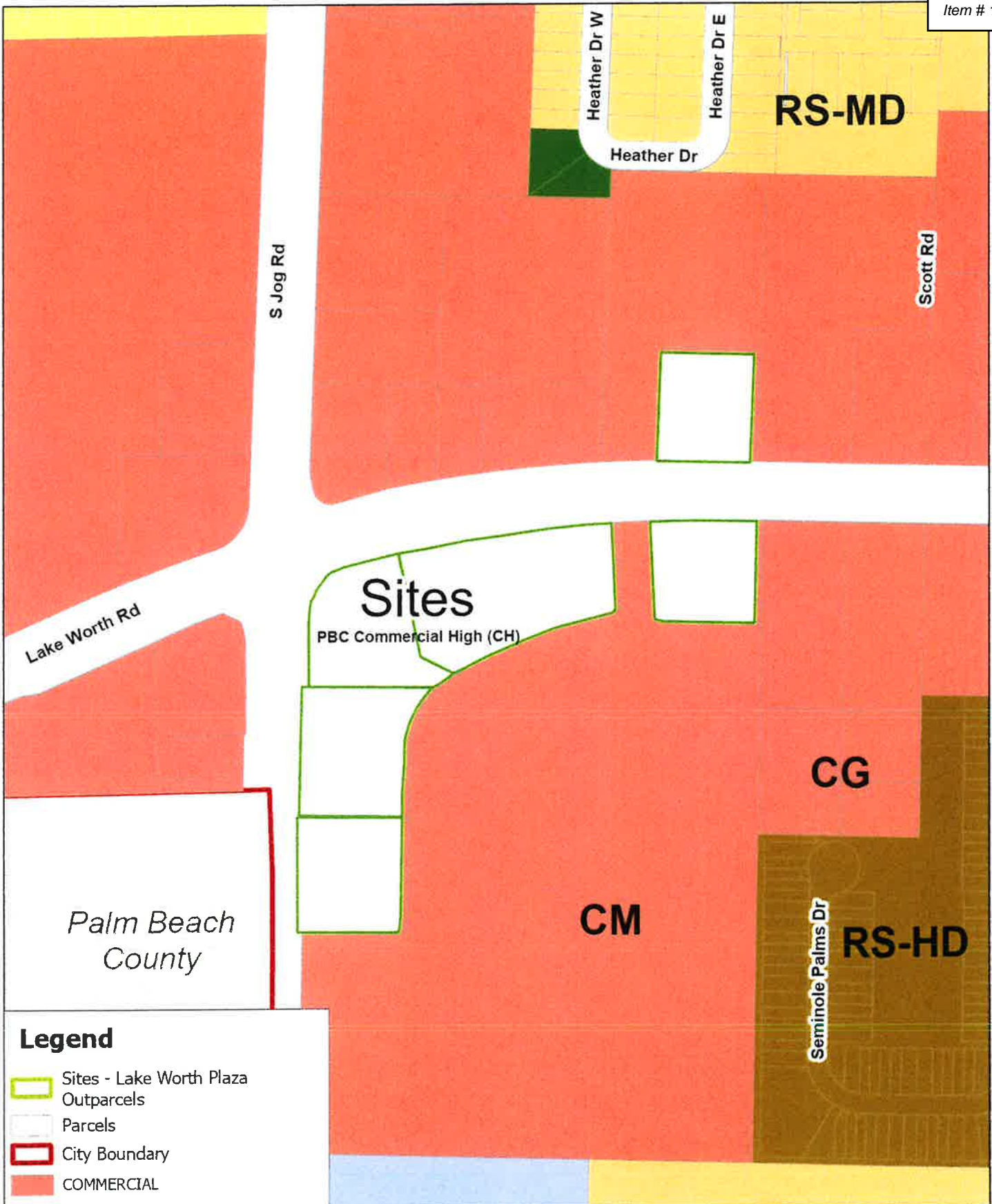


North

Prepared By:
 Planning and Engineering Department
 City of Greenacres
 5800 Melaleuca Lane
 Greenacres, FL 33463

Lake Worth Plaza West Outparcels &
 Shell Gas Station
 CPA-22-03 and ZC-22-03





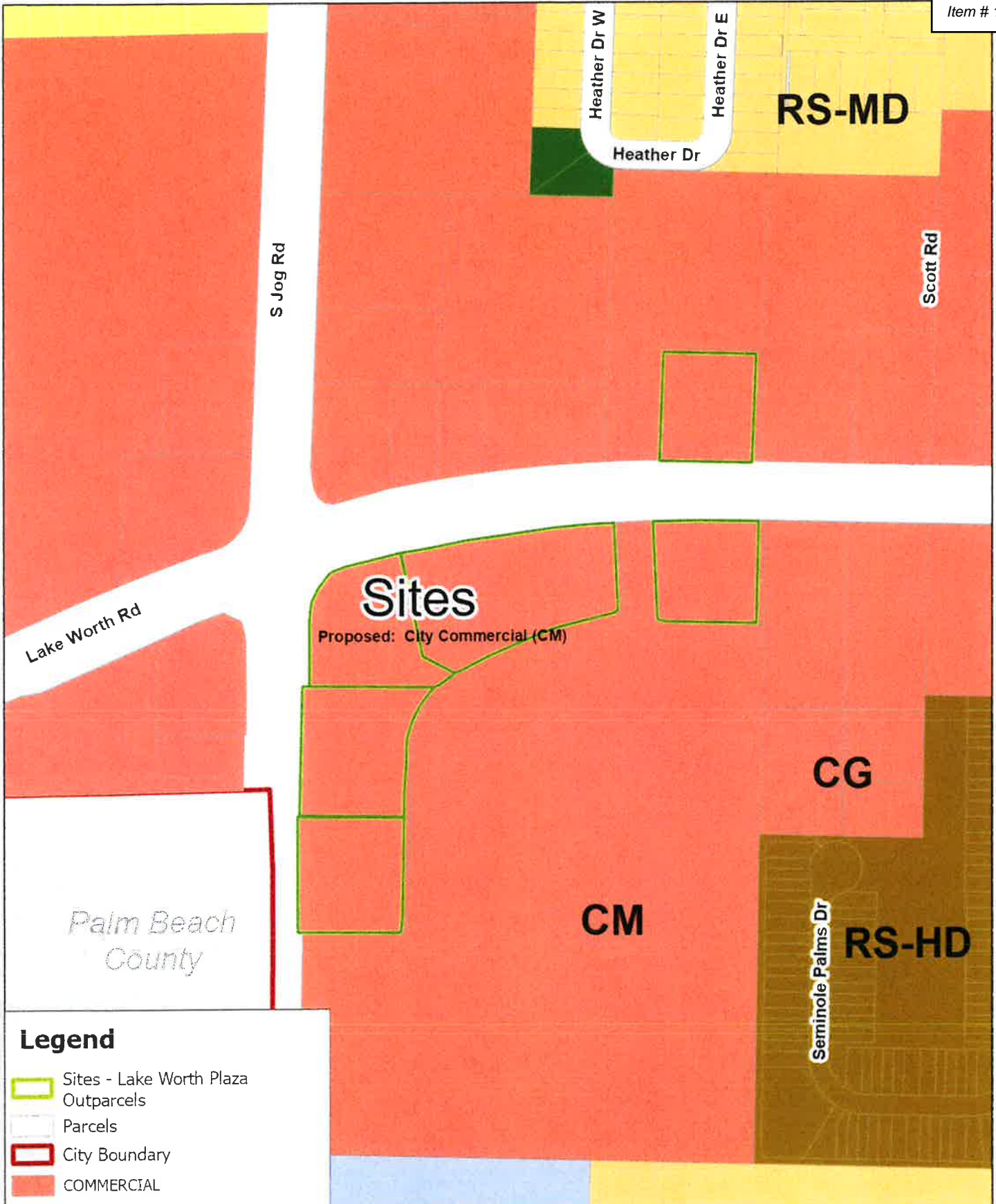
Legend

-  Sites - Lake Worth Plaza Outparcels
-  Parcels
-  City Boundary
-  COMMERCIAL
-  PUBLIC INSTITUTION
-  RESIDENTIAL HIGH DENSITY
-  RESIDENTIAL MEDIUM DENSITY
-  RECREATION OPEN SPACE









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.



**Existing Future
Land Use Map**
Lake Worth Plaza
Outparcels
CPA-22-03



Legend

-  Sites - Lake Worth Plaza Outparcels
-  Parcels
-  City Boundary
-  COMMERCIAL
-  PUBLIC INSTITUTION
-  RESIDENTIAL HIGH DENSITY
-  RESIDENTIAL MEDIUM DENSITY
-  RECREATION OPEN SPACE

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.



Proposed Future Land Use Map
 Lake Worth Plaza Outparcels
 CPA-22-03



Department Report

MEETING DATE: March 6, 2023
FROM: Michele Thompson, Director, Community & Recreation Services
SUBJECT: Community & Recreation Services Dept. – January Report

ADMINISTRATION

PERFORMANCE MEASUREMENT	THIS PERIOD	FY2023 TO DATE	FY 2023 BUDGET
No. of Contracts Executed/Renewed	1	1	2
No. of Collaborative Partnerships	5	5	25
No. of Vendor/Independent Contractor Agreements	2	10	21
No. of Educational Scholarship Applications R'cd	2	2	15
No. of Community Events Coordinated	1	3	9
No. of Event Participants	11,500	18,000	31,500
No. of Little Free Libraries (LFL)*/Story Walk	1	30/2	32/2
No. of Business Sponsorships	2	5	20

FACILITY RENTALS

FACILITY RENTALS	THIS PERIOD	FY2023 TO DATE	FY 2023 BUDGET
Fields/Concession Stands	61	264	875
Pavilions	41	155	400
Center Facility	84 ¹	278 ¹	800
Monthly Center Attendance	5032	14550	-

¹ 110 Additional Free Rentals: **49** Gym: YP/Adult & Teen Open Gym/BB League/Ballroom Dancing, **7** Banquet Room: PBSO/Let's Talk/Ballroom Dancing, **1** Room 1: PBSO, **4** Room 2: Spotlighters/CPR Training, **11** Room 3: Senior Social, **3** Room 4: AARP/Wawa/Arbor Day, **1** Conference Room: YP, **14** Community Park: PB Square Dance/Fiesta de Pueblo Event, **20** Freedom Park: Tai Chi

REVENUE

FACILITY RENTALS REVENUE	THIS PERIOD	FY2023 TO DATE	FY2023 PROJECTED
Rental Revenue Generated	\$14,566.83	\$49,523.57	\$132,799

ATHLETICS

YOUTH ATHLETICS	THIS PERIOD	FY2023 TO DATE	FY2023 PROJECTED
FY23 Co-ed Fall Soccer (9/26/22-12/16/22) • Registration Period 8/1/22 – 9/26/22	-	199	180
FY23 Co-ed Spring Soccer (3/6/23-5/19/23) • Registration Period 1/9/23 – 3/3/23	47	47	220
FY23 Co-ed Winter Basketball (12/5/22-3/9/23) • Registration Period 9/6/22 – 11/2/22	1	120	120
Co-ed Summer Basketball Skills Camp	-	-	40

Athletic Sponsors: Renaissance Charter School and Greenacres Nissan

COMMUNITY SERVICES

CROS MINISTRIES FOOD PANTRY DATES	NO. OF HOUSEHOLDS	NO. OF INDIVIDUALS
December 8 th & 22 nd	30/35	60/69
January 12 th & 26 th	39/50	87/98
TOTAL YTD	229	455

SENIOR PROGRAMS

x	SPONSORS	NO. OF PARTICIPANTS YTD
Games/Bingo/Special Events Mon., Wed., Fri. (3x12)	Humana; Cano Medical; Prominence Health Dedicated Senior; PBSO; WellCare; Live Well Chiropractic	330
Thanksgiving Luncheon	Humana; Pete's Place; Feeding South Florida	32
Christmas Luncheon	Humana	31

FY23 EVENTS & SPONSORSHIPS

EVENTS	SPONSORS/PARTNERS	FY2023 EXPENSE	FY2023 ATTENDEES
Holiday in the Park (12/3/22)	\$7,500: Greenacres Nissan; Waste Management; Humana; Sunshine Health; FPL; State Farm; Cayuga Centers; Renaissance Charter School (Wellington); Rosenthal/Levy/S/S; Forest Hill Orthodontics	\$14,845	5,200
Fiesta de Pueblo (1/7/23)	Co-Sponsored w/ Fiesta de Pueblo, Inc.	\$1,058	10,000
Artzy Eve. at City Hall (1/21/23)	\$2,500: Renaissance Charter; Nissan; Waste Management	\$4,800	1,500
Daddy Daughter Dance (2/18/23)	\$1,000: Humana; Waste Management	\$3,875	
Egg'stravaganza (4/8/23)	\$4,500: Waste Management; State Farm; Renaissance Charter	\$11,228	
Rock-n-Roll Sunday/FR Chili Cook-Off (5/21/23)	\$1,000: Nissan; Florida Blue Co-Sponsored Event	\$6,139	
Ignite the Night (7/4/23)	\$4,500: Waste Management; Nissan; Renaissance Charter School	\$41,780	
<i>Back2School</i> Supply Distribution (7/28/23)	\$4,500: Humana; Waste Management	\$6,200	



Department Report

MEETING DATE: March 6, 2023

FROM: Denise Malone, Development & Neighborhood Services Director

SUBJECT: January 1, 2023 through January 31, 2023

Development & Neighborhood Services

Planning & Engineering

NEW CASES

Lake Worth West Outparcels and Shell Station

A request by the Development & Neighborhood Services Department for a Future Land Use designation change (CPA-22-03) from Palm Beach County of Commercial General (PBC CG) to Commercial (CM) and a zoning designation change (ZC-22-03) from Palm Beach County Commercial General (PBC CG) to City Commercial Intensive. The sites are located at 4148 S Jog Road, 4080 S Jog Road, 4020 S Jog Road, 6492 Lake Worth Road, 6350 Lake Worth Road, and 6323 Lake Worth Road. (Scheduled for PZBA meeting on February 16, 2023).

Lake Worth Plaza West - 4180 S. Jog Rd.

A request by the Development & Neighborhood Services Department for a Future Land Use designation change (CPA-22-02) from Palm Beach County of Commercial General (PBC CG) to Commercial (CM) and a zoning designation change (ZC-22-02) from Palm Beach County Commercial General (PBC CG) to City Commercial Intensive (Approved at City Council meeting on January 9, 2023. The small scale amendment notification was sent to Fl. Dept. of Economic Opportunity on January 12, 2023)

Crown Plaza – House of Worship

A request by Crown Plaza's property owner for a minor special exception amendment (SE-95-03B) changing the days and hours and square footage of a new house of worship at 6412 Melaleuca Lane. (Scheduled for DRC review on February 16, 2023)

BA-23-02 - 465 Swain Blvd.

A request by the owner for a variance to allow for 3 driveway entrances instead of the approved 2 existing driveway entrances

CURRENT PLANNING CASES

3130 Perry Avenue

A site and development plan (SP-22-03) for a vacant parcel to construct a 6241 sq. ft office space totaling 4 bays for flexible office space use. The site is located on the northeast corner of Perry Avenue and 10th Avenue South. (Awaiting receipt of DRC comments and outside agency approvals)

ANX-08-01

Annexation into the City of various road rights-of-way per Interlocal Annexation Agreement (ANX-07-05). (Staff review)

CPA-22-01

A City-initiated request for a comprehensive plan text and map amendment as required by the State Evaluation and Appraisal View (EAR) due to be transmitted to the State by September 1, 2023.

Church of God 7th Day of Palm Beach

A request by the applicant for a site plan amendment (SP-08-01C) to change the metal roof to asphalt shingle due to cost constraints. The site is located at 3535 S. Jog Road. Scheduled for the DRC meetings April 14 and April 21, 2022. Scheduled for City Council on May 2, 2022. The City Council postponed until applicant is ready for certificate of occupancy.

Chick Fil A Greenacres

A request by the owner for: 1) a site and development plan (SP-85-12RR) approval to construct a 4,646 fast food restaurant with a drive-thru window; 2) a special exception (SE-21-03) request to allow a fast food/drive thru restaurant in a commercial intensive zoning district; and 3) a variance (BA-23-01) request to reduce the east and west landscape buffers from 10' to 3' and the north landscape buffer from 25' to 7' and to delete the pass-by lane required for a fast-food restaurant located at 6714 Forest Hill Blvd in the Riverbridge Center. The site is located in the River Bridge Centre on the southwest corner of Forest Hill Blvd and S. Jog Road. (Resubmittal received January 31, 2023 along with a variance application to reduce the landscape buffer and drive-thru lane. Awaiting receipt of DRC comments and outside agency approvals)

Iglesia Bautista Libre Emmanuel – 5083 Lake Worth Rd

A request by the property owner for a major site plan amendment (SP-22-05A) and a special exception request (SE-22-04) to allow a house of worship within an existing building located within a Commercial Intensive zoning district and a variance request (BA-22-01) to allow for a reduction in the front and rear landscape buffers. The site is located at 5083 Lake Worth Road. (DRC reviewed on October 13, 2022. The applicant requested a postponement for the variance petition from the PZBA meeting on December 8, 2022, rescheduled to the April, 2023 meeting. The special exception and site plan awaiting receipt of resubmittal).

Interlocal Annexation 2022

Annexation (ANX-22-02) of sixteen enclaves located on Chickasaw and Wry Road into the City through an Interlocal Agreement with Palm Beach County.

Mint Eco Car Wash – 4840 Lake Worth Road

A request by the applicant for: 1) a zoning text amendment (ZTA-22-17) to allow outdoor car detailing at a stand-alone car wash; 2) a zoning map amendment (ZC-22-01) to change the subject property from Commercial General (CG) to Commercial Intensive (CI); 3) a special exception (SE-22-03) and site and development plan (SP 22-04) to allow a stand-alone car wash at 4840 Lake Worth Road; and 4) a Variance (BA-22-02) from Chapter 16, Article III, Division 11, Section 16-502(2) to reduce the subject property lot width from two hundred feet (200') to one hundred and forty feet (140'). (The ZTA-22-17 and ZC-22-01 have been scheduled for PZBA meeting on December 8, 2022. The variance (BA-22-02) was approved on January 12, 2023 at the PZBA meeting. The zoning text amendment and zoning change were heard at the December 19, 2022 City Council meeting. The special exception, variance and site plan are scheduled for the PZBA meeting on January 12, 2023. The zoning text amendment, and zoning change have been scheduled for second reading at the March 6, 2023 City Council meeting, the special exception and variance are also scheduled for the City Council meeting on March 6, 2023).

SITE PLAN AMENDMENTS

Potentia Academy Site Plan Amendment

The petitioner is requesting a minor site plan amendment (SP-11-01D) to add a portable 1,269 sq. ft. classroom. The site is located at 4784 Melaleuca Lane. (Awaiting receipt of remaining fees for Major Site plan amendment)

Tree Tops Motel & Paul's Motel (5475 & 5445 Lake Worth Road)

A major site plan amendment (SP-07-07A) and a minor site plan amendment (SP-79-03A) to close the existing entrances and create one access point for both motels. (Resubmittal received on December 19, 2022)

ZONING TEXT AMENDMENTS

ZTA-21-02 Uses

A request by the Planning & Engineering Department for a zoning text amendment to reflect uses in all zoning districts.

ZTA-22-14

A City-initiated request for a text amendment to Property Maintenance Code. Scheduled for City Council first reading on February 6, 2023 and second reading/adoption on March 6, 2023)

ZTA-22-18

A City-initiated request for a sign code zoning text amendment. (Scheduled for City Council first reading on February 6, 2023 and second reading/adoption on March 6, 2023)

RESIDENTIAL PERMITS

Catalina Estates

Plat application received on May 16, 2019. Comments letter sent to applicant on July 17, 2019, resubmittal received on August 25, 2019 and approved by City Council on October 7, 2019. Project being built. Zoning, landscape and building inspections are being conducted when requested. Project is nearing completion.

Ranchette Road Townhomes

Plat Application received on March 23, 2021. Comments letter sent to applicant on May 17, 2021, resubmittal received on June 1, 2021. Final plat received and utility permit reviewed by City's engineer. Plat approved by City Council on October 4, 2021. Utilities permit approved by City's consulting engineer on 10/1/2021. Pre-construction meeting held on November 19, 2021. On September 16, 2022 final walk through was completed. Waiting on applicant to provide outside agency approvals for engineering close out to be accepted.

Blossom Trail (Nash Trail)

Plat application received on July 8, 2022. Complete submittal of application received. (Awaiting resubmittal in response to staff comments).

NON RESIDENTIAL PERMITS

Church of God 7th Day (3535 S Jog Road)

The building permit and engineering permit are both issued for the development. Stop work order was issued by Building Official on September 28, 2018. Subsequent meetings have been held with Building Official and Consultant Engineer. The Building Official has re-issued the permits to the contractor. The construction is moving forward.

Palm Beach Christian Academy

Revision to building permit received on November 1, 2021 comments sent to applicant on November 17, 2021, waiting on outside agency permits and resubmittal to address City's engineer comments. Utility permit approved August 4, 2022. Waiting on applicant to advise on proposed future use of property.

FY 2023 Data:

Case	Current Period	FY 2023 to Date	FY 2023 Budget
Annexation	0	1	2
Comprehensive Plan Amendment	1	1	5
Zoning Changes	1	1	3
Special Exceptions	0	2	5
Site Plans	0	2	5
Site Plan Amendments	1	4	14
Variances	1	1	4
Zoning Text Amendments	0	2	5

Inspection Type	Current Period	FY 2023 to Date	FY 2023 Budget
Landscaping	7	38	131
Zoning	6	26	121
Engineering	2	8	100

Building Division

Building Department Report (January 1, 2023 – January 31, 2023)

1) ADMINISTRATION:

- a) Researched and completed seventy-six (76) lien searches providing open and/or expired permit information.
- b) Researched and completed thirty (30) records requests for historical permits.

2) PERMITS/INSPECTIONS:

PERMITS/INSPECTIONS	DURING THIS PERIOD	FYTD 2023
New Applications Received / Permits Created	238	810
Applications Approved	48	185
Applications Canceled	4	16
Applications Denied	2	14
Applications Reopened	2	11
Permits Issued	179	768
Permits Completed	213	557
Permits Canceled	10	22
Permits Reopened	20	72
Permits Expired	5	33
Inspections Performed	779	2951
Construction Value of Permits Issued	\$3,170,996.08	\$12,351,223.17
Construction Reinspection Fees	\$500	\$4,100
Extension/Renewal Fees	\$2,062.78	\$12,216.98
CO's Issued	7	22
CC's Issued	0	2
Temporary CO's Issued		1

3) BUSINESS AND CONTRACTOR REGISTRATION:

(See Attached Summary Reports)

4) PERMIT APPLICATIONS IN PLAN REVIEW – PRINCIPAL NEW OR REMODEL PROJECTS:

PROJECT	ADDRESS	SIZE	DESCRIPTION	PERMIT#
Sol y Vida Adult Day Care	6460 Lake Worth Rd	3,709	Interior Remodel – Adult Day Care	2023-0434
Ice Cream Shop	4509 Lake Worth Rd	1,066	Interior Remodel Change	2023-0373

5) PROJECTS IN PROGRESS – PRINCIPAL REMODELING/RENOVATION:

PROJECT	ADDRESS	SIZE	DESCRIPTION	PERMIT #
Salon	3951 S Jog Rd	5,165	Interior Renovation – Convert Mercantile to Business Occupancy	2023-0425
Mochinut Shop	6722 Forest Hill Blvd	1,987	Construct New Coffee Donut Shop	2022-3927
Dunkin Donuts	6300 Forest Hill Blvd	1,067	Interior Modifications – New Finishes, Fixtures, Partitions	2022-2695
Publix	6790 Forest Hill Blvd		Interior Remodel – Interior Décor Scheme & Layout Changes	2022-3630
Taco Bell	6265 Lake Worth Rd	4,235	Interior & Exterior Remodel, by-pass lane, walk-up window	2023-0329
Sunnyside	6520 Lake Worth Rd	2,870	Interior Remodel of the former Boston Market	2022-3332
Public Storage	6351 Lake Worth Rd		Interior Remodel	2022-2283
Palm Beach Christian Academy	5208 S Haverhill Rd	4,250	Sitework – Utilities, Paving, Excavation	2021-3295
AT & T	5177 Lake Worth Rd	1,260	Exterior Façade Improvement	2022-2421
Convenience Store/Laundry	5470 10 th Ave N	1,604 sq.ft.	Interior Remodel – Add Coin Laundry to Convenience Store	2021-1191
Ministries in Bethel	3950 S 57 th Ave	6,939 sq.ft.	House of Worship	2021-0365
Church of God 7 th Day	3535 S Jog Rd	11,500 sq. ft.	New Church	2016-2382

6) PROJECTS IN PROGRESS – PRINCIPAL NEW CONSTRUCTION:

PROJECT	ADDRESS/LOCATION	UNITS OR SQ. FT. APPROVED	UNITS C.O.'D
Ranchette Townhomes	1093 Ranchette Rd / Common Area	74 T/H	0
Catalina Estates	4500 Catalina Way / Common Area	20 S/F	15

Code Enforcement Division

CODE ENFORCEMENT	DURING THIS PERIOD	FYTD 2023
Inspections Related to Active Code Cases	153	589
New Cases Started	13	103
Cases Complied	34	166
Current Open Cases	228	977
Notices Sent	161	581
Illegal Signs Removed from right-of-way	269	870
Inspections Not Related to Active Code Cases	208	1122
Complaints Received and Investigated	10	53
Warning Tickets	198	923

Code Enforcement - STATS

	NOTICES <u>MAILED</u>	<u>SIGNS</u>	<u>INSPECTIONS</u>	<u>COMPLAINTS</u>	WRITTEN <u>WARNINGS</u>
OCTOBER 2022	152	145	338	16	322
NOVEMBER 2022	161	135	370	15	210
DECEMBER 2022	107	321	206	12	194
JANUARY 2023	161	269	208	10	196
FEBRUARY 2023					
MARCH 2023					
APRIL 2023					
MAY 2023					
JUNE 2023					
JULY 2023					
AUGUST 2023					
SEPTEMBER 2023					



License Activity Report

Activity Date Range 01/01/23 - 01/31/23

Summary Listing

License Type	Category	Application Received	Application Denied	Application Approved	New License Issued	License Renewed	License Revoked	License Canceled
Contractor Reg - Contractor Registration	Business	22	0	0	16	2	0	0
Exemptions - Exemptions / Non-Profit	Business	0	0	0	0	1	0	0
Food Service - Food Service / Bar / Lounge	Business	1	0	0	1	0	0	0
General Retail - General Retail	Business	1	0	0	1	0	0	0
General Service - General Service	Business	8	0	0	9	0	0	0
General Svc Reg - General Service Registration	Business	0	0	0	1	0	0	0
Home - Home Based Business	Business	3	0	0	4	1	0	0
Professional - Professional	Business	3	0	0	4	0	0	0
Rental Unit - Rental Unit	Business	19	0	0	21	0	0	0
Grand Totals		57	0	0	57	4	0	0

CITY OF GREENACRES
Licensing Revenue Summary Report
 Licensing Revenue Summary Report - Summary
 From Date: 01/01/2023 - To Date: 01/31/2023

Charge Code	No. of Billing Transactions	No. of Adjustment Transactions	Billed Amount	Adjustments	Net Billed
License Type: Amusement-Amusement & Entertainment					
Vending Machine-Amuse/ Vending / Coin Operated	1	0	\$1,547.00	\$0.00	\$1,547.00
License Type Amusement-Amusement & Entertainment Totals	1	0	\$1,547.00	\$0.00	\$1,547.00
License Type: Food Service-Food Service / Bar / Lounge					
Food-Food Service	1	0	\$127.63	\$0.00	\$127.63
Com Inspection-Commercial Inspection	1	0	\$69.00	\$0.00	\$69.00
License Type Food Service-Food Service / Bar / Lounge Totals	2	0	\$196.63	\$0.00	\$196.63
License Type: General Retail-General Retail					
General Retail-General Retail Sq Feet	1	0	\$162.89	\$0.00	\$162.89
Com Inspection-Commercial Inspection	1	0	\$69.00	\$0.00	\$69.00
License Type General Retail-General Retail Totals	2	0	\$231.89	\$0.00	\$231.89
License Type: General Service-General Service					
General Service-General Service	7	0	\$813.54	\$0.00	\$813.54
Com Inspection-Commercial Inspection	7	0	\$483.00	\$0.00	\$483.00
License Type General Service-General Service Totals	14	0	\$1,296.54	\$0.00	\$1,296.54
License Type: Home-Home Based Business					
Home-Home Based Business	7	0	\$554.21	\$0.00	\$554.21
Collection Fee-Collection Fee	1	0	\$25.00	\$0.00	\$25.00
Delinquent > 150-Delinquent Over 150 Days	1	0	\$100.00	\$0.00	\$100.00
License Type Home-Home Based Business Totals	9	0	\$679.21	\$0.00	\$679.21
License Type: Professional-Professional					
Professional-Professional	1	0	\$122.03	\$0.00	\$122.03
Cosmetology-Cosmetology / Barber	3	0	\$119.90	\$0.00	\$119.90
Transfer-Transfer	2	0	\$24.40	\$0.00	\$24.40
License Type Professional-Professional Totals	6	0	\$266.33	\$0.00	\$266.33

CITY OF GREENACRES
Licensing Revenue Summary Report
Licensing Revenue Summary Report - Summary
From Date: 01/01/2023 - To Date: 01/31/2023

Charge Code	No. of Billing Transactions	No. of Adjustment Transactions	Billed Amount	Adjustments	Net Billed
License Type: Rental Unit-Rental Unit					
Rental Unit-Rental Unit	19	0	\$771.59	\$0.00	\$771.59
Rental Insp-Rental Inspection	19	0	\$950.00	\$0.00	\$950.00
License Type Rental Unit-Rental Unit Totals	38	0	\$1,721.59	\$0.00	\$1,721.59



Department Report

MEETING DATE: March 6, 2023

FROM: Teri Lea Beiriger, Director of Finance

SUBJECT: Department of Finance Activity Report

BACKGROUND

The following report provides activity within the Department of Finance for the reporting period from January 1 through January 31, 2023.

In brief, the Finance Department:

- Continued to reconcile outstanding balances of Miscellaneous Billing.
- Continued with the annual financial audit.
- Grants:
 - Received \$19,284.51, the third and final installment from Early Learning Coalition for ELC ARP stabilization grant.
 - Received \$11,284.51 for ELC Youth Program 2023 Grant.
 - Received \$7,700.80 from Palm Beach County for the PBC Youth Program 2023 Grant.
 - Awarded \$150,000 for the Safety Action Plan Development Grant (SS4A Grant).
 - Submitted \$4,770 for Firefighter Supplemental 2022 Q4 reimbursement.
 - Submitted JAG Q4 Federal Financial Report.

The Finance Department has, and continues to, work on efficiencies to better serve our internal and external customers.



Department Report

MEETING DATE: March 6, 2023

FROM: Brian Fuller, Fire Chief

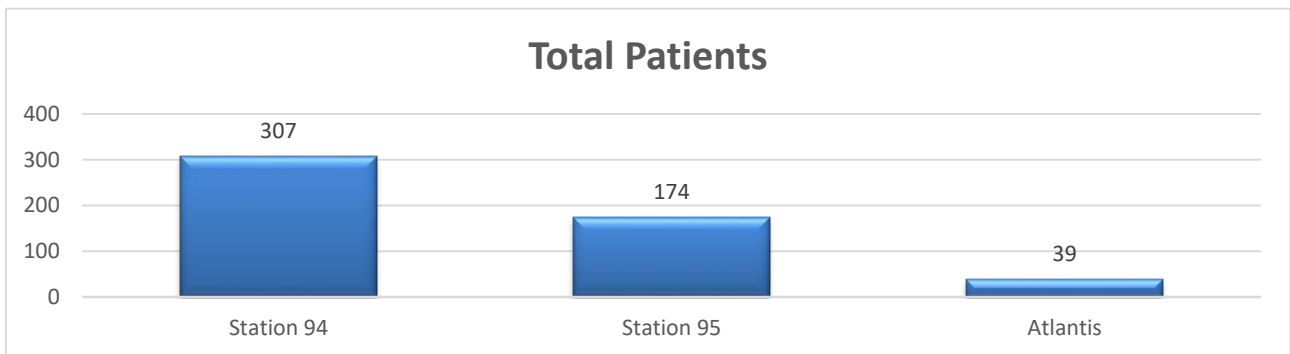
SUBJECT: Fire Rescue January Report

FR CALLS

CALLS	MONTHLY TOTALS
Total Alarms dispatched in December	670
Average alarms per day	19.14
Total calls this fiscal year	2,766

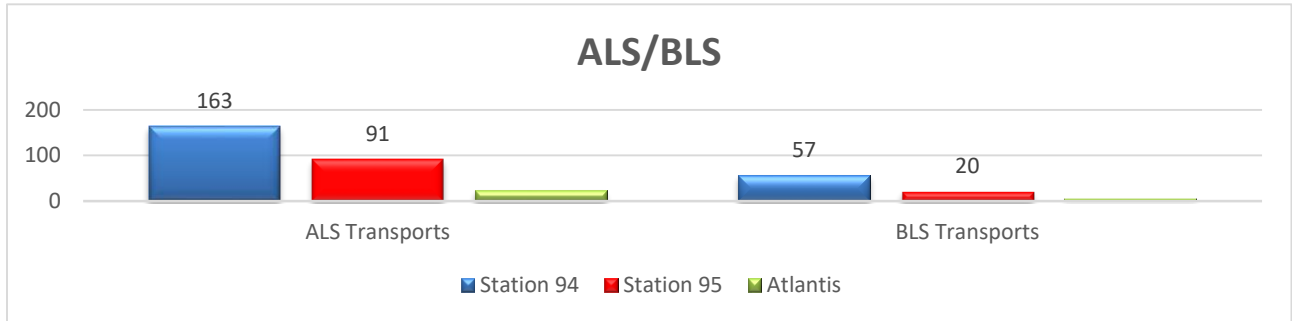
In January 2023, 481 patients were treated for Emergency Medical related services. Of those patients, 39 were in the City of Atlantis. These requests include a single unit responding to assist a person who has fallen to the floor, a cardiac arrest requiring multiple units and a combination of personnel, advanced skills, and equipment.

Service Calls, Cancels, and Public Assists totaled 97. The requests include, but are not limited to, persons locked out of home, water evacuation, animal problem, police assist, defective elevator, and canceled due to wrong address.



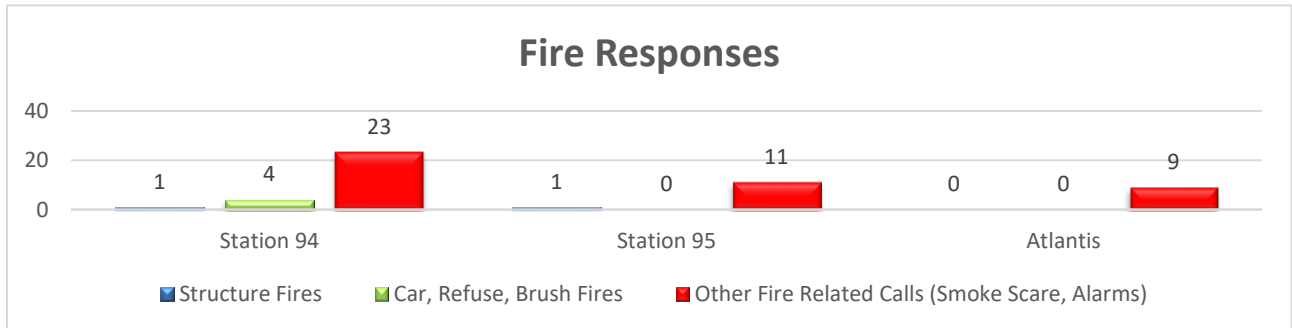
ALS/BLS

Fire Rescue transported 331 patients to a hospital or 69% of the patients we were called to treat. The majority of those (254) required Advanced Life Support procedures. ALS emergencies necessitate additional personnel, specialized equipment, and skills. Often, an EMT or Paramedic will be taken from the ALS Engine to accompany the one person in the rear of the Rescue to assist with life-saving therapies.



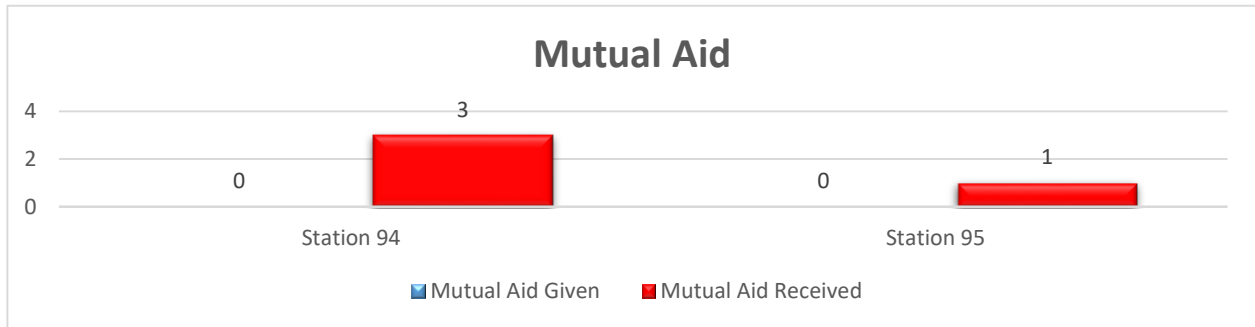
FIRE RESPONSES

Fire Rescue responded to 34 calls for a fire or smoke related emergency. There were four (4) requiring an escalated response to a car, brush, or refuse fire; two (2) were in a residential or commercial structure.



MUTUAL AID

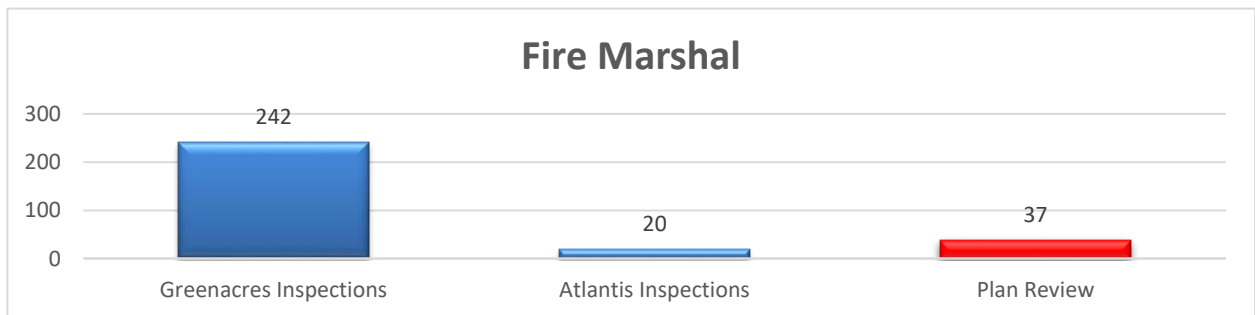
Mutual aid is the sending or receiving of emergency resources (apparatus, personnel) to or from another entity or agency upon request. No community has sufficient resources to handle every emergency of all sizes. Therefore, neighboring agencies work together through a system called Mutual Aid. That system is designed to be limited to large events that tax the resources beyond the normal capabilities of the community.



FIRE MARSHAL

Fire Prevention and Protection focuses on protecting people and property from fire through fire safety inspections, fire plans review, fire cause and origin investigations, and public education. In addition, the Fire Marshal provides fire safety lectures, attends land development meetings, and testifies at code enforcement hearings.

Inspections	262
Plans Review	37
Dollar Loss due to fire	\$43,000



SPECIAL SERVICES

Blood Pressure Screenings	0
Presentations, Station Tours/Attendees	2/54
Persons Trained in CPR	12



Department Report

MEETING DATE: March 6, 2023

FROM: Georges Bayard, Director, Information Technology

SUBJECT: Department of Information Technology – January 2023 Activity Report

DEPARTMENT HIGHLIGHTS

The following report provides the highlights of activity within the Information Technology Department for the reporting period from January 1-31, 2023.

- a. The Tyler Technologies Enterprise Permitting & Licensing (EPL) cloud migration project is still in Stage 2 - Assess & Define. Tyler and Greenacres staff continue to work on mapping current processes and workflows to the new system. A revised Go-Live date is to be determined.
- b. The City's new, hybrid Flash data storage disk array was installed by Dell technicians and configured to work with the new Microsoft Hyper-V virtual server environment. Most virtual servers were migrated from the old Citrix Hypervisor to the new environment. Migrated servers show noticeable performance improvement over the old environment. This project will be completed by the end of February.
- c. The new Zscaler Private Access VPN replacement is in testing with several City users, providing simplified access to City network resources from external locations. This project will be completed by the end of February.
- d. The new projector and screen in Council Chambers were installed on schedule and are now fully functional, providing a greatly improved, straight-ahead angle of view with greater display resolution. This results in more comfortable and effective viewing of presentations for the public.
- e. IT staff is adjusting the CIS Benchmark secure configurations before implementing them on all City computers. These configurations will allow us to achieve approximately 80% compliance with the NIST Cybersecurity Framework (CSF), as reported by the CIS-Cat Assessor that now runs scans periodically to monitor this on an on-going basis.
- f. Monthly KnowBe4 simulated phishing test results:
 - a. Links clicked: 2; attachments opened: 0; replied: 0; Phish-prone users (vulnerable to phishing attacks): 1.3% (up from 0% from the previous month's campaign).

City personnel continue to exhibit secure online behavior, paying attention to inbound email messages and not opening unexpected links or attachments.

SERVICE DESK REQUESTS

January 2023

DEPARTMENT	CURRENT PERIOD	FY 2023 YTD	FY 2023 BUDGET
Administration	4	17	-
Community & Recreation Services	1	9	-
Development & Neighborhood Svcs.	14	50	-
Finance	9	26	-
Fire Rescue	6	25	-
Information Technology	4	11	-
Public Works	4	11	-
Purchasing	1	10	-
Youth Programs	2	7	-
Total Service Desk Requests	45	166	500



Department Report

MEETING DATE: March 6, 2023

FROM: Lieutenant Sean Forman, PBSO District 16

SUBJECT: PBSO District 16 January 2023 Report

CAD CALLS

CAD CALLS	MONTHLY TOTALS
Business / Residence Checks (Self-Initiated)	1,220
Traffic Stops (Self-Initiated)	643
Calls for Service	2,268
All CAD Calls - Total	4,131
Total Calls for Service – FY 2022 (October 2022 – September 2023)	15,710

Data Source: CADS/Premier 1
*Omit Miscellaneous Calls

Note: P1 is a dynamic system. Meaning that #'s can change from what was previously reported in the event there is a location or call type re-classification/modification.

SUMMARY

During the month, there were 4,131 generated calls within the District and 45% of these calls were self-initiated.

TRAFFIC ACTIVITY

DISTRICT 16 PERSONNEL	
Total Citations	Total Warnings
219	409

Data Source: D16 Office Staff/Monthly Report

PBSO MOTORS UNIT	
Total Citations	Total Warnings
318	222

Data Source: D16 Office Staff/Weekly Stats

COMMUNITY POLICING EVENTS

- Breaking the Cycle at Greenacres Elementary School will continue until March 2023.
- 1/7/23: Fiesta De Pueblo at Greenacres Park
- 1/10/23: Community Policing's Meeting "Day of Good Deeds"
- 1/10/23: Meet & Greet at the Greenacres Community Center
- 1/11/23: Children's Academy – District 16 Detective Tour
- 1/12/23: Okeeheelee Middle School Staff Meeting in reference to after school fights
- 1/17/23: Wawa New Hire Class CP Deputy Intro
- 1/19/23: Conversation with a Deputy at Wawa
- 1/21/23: Artzy Event
- 1/31/23: Conversation with a Deputy at WaWa

STREET CRIMES UNIT

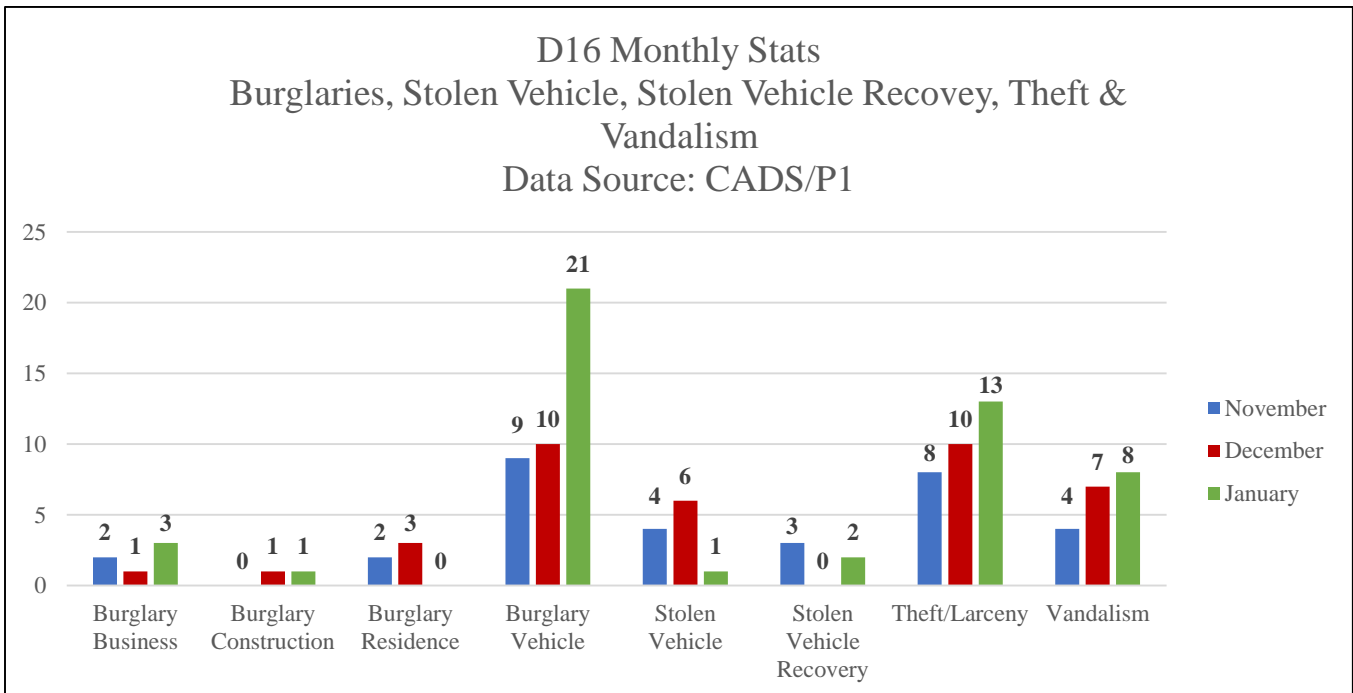
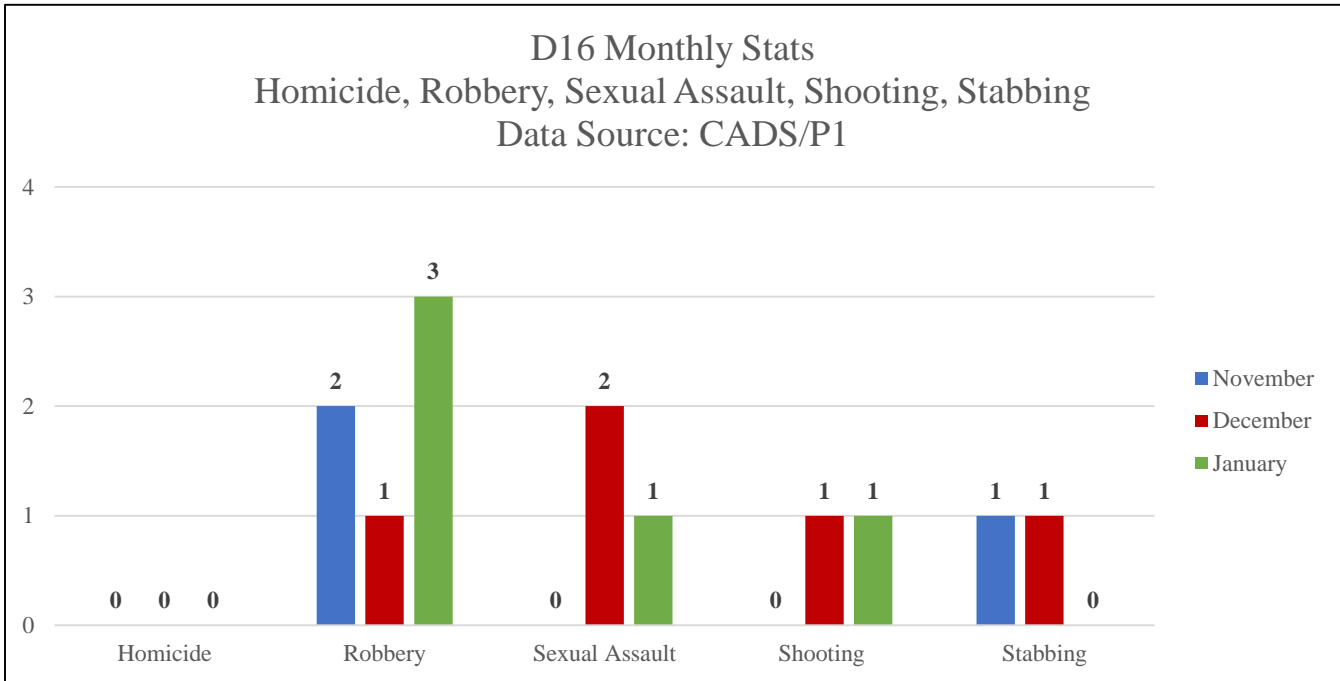
- The District 16 Street Crimes Unit conducted a traffic stop. Probable cause was developed, Agents searched the vehicle, and located three firearms, as well a large amount of narcotics. Two suspects were arrested and charged accordingly.
- The District 16 Street Crimes Agents located a suspect that fit the exact description of a suspect that had a bolo, upon contact the suspect fled from Law Enforcement Officers, and was quickly arrested. On the suspects person, Agents located two replica firearms. The Robbery Unit responded and obtained confessions as well as all of the victim's property. The suspect was ultimately charged with three counts of armed robbery and resisting w/o.
- The District 16 Street Crimes Unit assisted District 1 Detectives with the apprehension of a suspect who was a prolific shoplifter stealing power tools and pawning them. Agents witnessed the suspect attempt to pawn stolen goods and probable cause was developed and the suspect was apprehended exiting the pawn shop.

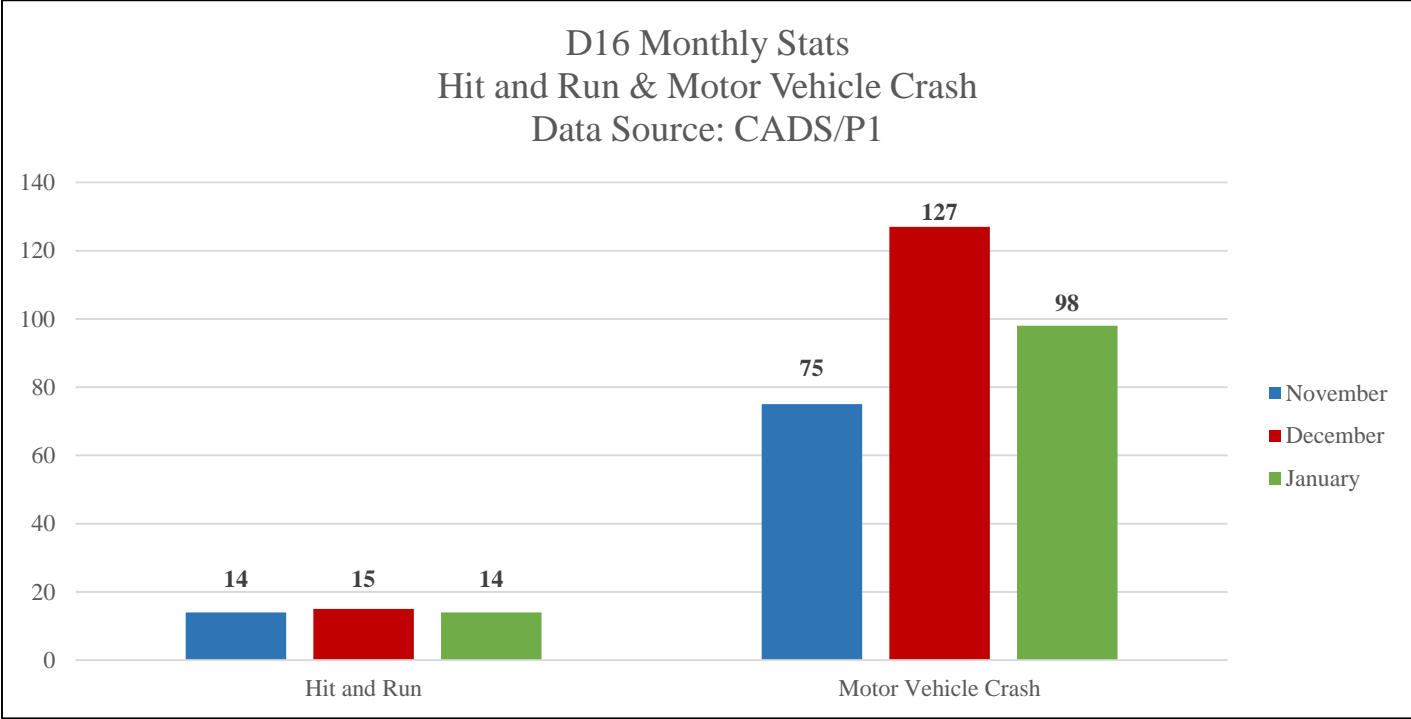
PROPERTY DETECTIVES

- District 16 Detectives investigated an incident of theft where an employee allegedly stole \$11,000.00 from the company within the course of employment. Detectives made contact with corporate and obtained the surveillance video which shows the suspect taking orders and then pocketing the cash after implementing a coupon code on the register. Probable cause for arrest was established and the suspect was taken into custody. This case was cleared by arrest.
- District 16 Detectives investigated a shooting that occurred in the parking lot of a business. During the investigation, a suspect was identified as the shooter who subsequently turned themselves into Detectives. Post Miranda the suspect confessed to having an altercation and discharging the firearm into a bush. The firearm was recovered and the suspect was charged with aggravated assault with a firearm. This case was cleared by arrest.
- District 16 Detectives investigated two unlocked vehicle burglaries that occurred in the city. It was learned that the District 1 Street Crimes Unit apprehended a suspect along with another juvenile on an unrelated burglary charge. Both subjects were in possession of one of the victim's property. A post miranda statement was conducted at District 16 where one of the suspects provided a full confession to both vehicle burglaries and to using the victim's credit cards. These cases were cleared by arrest.

DATA ANALYSIS

The data included in this report is charted and graphed to illustrate and compare changes over a specific time period. These charts and graphs are utilized to assist in determining crime trends and to measure enforcement efforts. This data is utilized in conjunction with other analysis to develop directed patrol and various enforcement activities. The analysis included on these pages is presented as a brief highlight to explain the salient points of this report.





TOP ACCIDENT LOCATIONS FOR JANUARY 2023
CASE NUMBER INCIDENTS

LOCATION	CASE NUMBER COUNT
Melaleuca Lane / South Haverhill Road	5
10th Avenue N / South Haverhill Road	5
South Jog Road / Forest Hill Boulevard	4
Melaleuca Lane / South Military Trail	4



Department Report

MEETING DATE: March 6, 2023

FROM: Carlos Cedeño, Public Works Director

SUBJECT: Public Works Department Report

DEPARTMENT HIGHLIGHTS

Listed below is a brief summary of the activities undertaken by the Public Works Department during the period of January 1, 2023 through January 31, 2023.

1. ADMINISTRATION:

- Coordinated with multiple vendors and contractors for the interior renovation of the Public Works building. Projects include Interior painting, new floor installation, furniture, and blinds.
- Submitted NPDES Annual Report to Florida Department of Environmental Protection.
- Submitted Tree City USA Re-Certification Application for thirty one (31) consecutive years.

2. ROADS AND DRAINAGE MAINTENANCE

- Sable Palms were trimmed in the medians located on Jog Road, Lake Worth Road, 10th Avenue and Swain Boulevard.
- Replaced two (2) driver feedback (radar) signs on 57th Ave. and Swain Boulevard due to hit and run accidents.
- Installed two (2) new radar signs on Bowman Street.
- Staff coordinated the repaving and stripping of Gladiator Circle and Toga Way, Woodlake Blvd and Bowman Street.
- Coordinated the installation of rumble strips on Seven Springs Boulevard and installed a driver feedback (radar) sign to slow vehicular traffic.
- Installed two (2) LED "DO NOT BLOCK INTERSECTION" solar powered LED lights on Jog Road at Fire Rescue Station 94.

3. VEHICLE MAINTENANCE

- Received delivery of fire engine vehicle and installed required ancillary equipment staff.
 - Supervisor attended safety committee meeting.
 - Received two utility trailers (CIP-049).
-

4. BUILDING SERVICES

- Staff installed shelves and assisted with moving furniture and tools to the new shed in preparation of the interior painting and new flooring at the Public Works building.
- Staff assisted with the set up and take down of both the Fiesta del Pueblo and Artzy Evening events.

5. PARKS MAINTENANCE

- Staff removed saw palmetto trees at Bowman Park for improved aesthetics and safety throughout.
 - Coordinated the leveling and sod replacement at the joint field at the SJF Community Park.
 - Staff removed the holiday tree and lights at the SJF Community Park after the Fiesta Del Pueblo event.
 - Coordinated the delivery and installation of a new shed at the Public Works Complex Staff assisted with the set up and break down of both the Fiesta del Pueblo and Artzy events.
-



Department Report

MEETING DATE: March 6, 2023

FROM: Monica Powery, Director, Purchasing

SUBJECT: Department of Purchasing Activity Report

DEPARTMENT HIGHLIGHTS

The following report provides the highlights of activity within the Department of Purchasing for the reporting period from January 1 through January 31, 2022.

- a. 23-002 Gladiator Lake Drainage Enhancements – This bid was advertised on November 21, 2022 and opens on February 1, 2023.
- b. 23-003 Fence Installation, Maintenance and Repair Services – This bid was advertised on November 13, 2022 and opened on December 13, 2023 with two (2) bidders responding. City Council approved award to both E. Gomez Construction and Martin Fence Co. for Area A and award to E. Gomez Construction for Areas B and C at the meeting held on January 9, 2023.
- c. 23-004 Printing Services for City Publications – This bid was advertised on November 20, 2022 and opens on December 20, 2023 with one (1) bidder responding. City Council approved award to The Printers Printer, Inc. at the meeting held on January 9, 2023.
- d. 23-005 Original Section Sewer Swain Boulevard North Lift Station Phase 1 – This bid was advertised on January 29, 2023 and opens on March 8, 2023.
- e. Request for Quotes – Developed, administered and assisted with the RFQ for Freedom Park Volleyball Court Lights.
- f. Solicitations In Progress – Emergency Operations Center Construction; Fertilizer; and Public Works Fence & Gate.
- g. Training – One training covering City Purchasing Card Procedures was held for employees that were issued p-cards.

DEPARTMENT ACTIVITY

ACTIVITY	CURRENT PERIOD	FY 2023 YTD
Purchase Orders Issued	43	314
Purchase Order Amounts	\$ 440,120.01	\$ 33,453,683.79
Solicitations Issued	2	8
Solicitations in Progress	3	3
Central Store Requests	5	23
Contracts Managed	60	60
Purchasing Card Purchases	244	937
Purchasing Card Transactions	\$ 38,161.74	\$ 135,230.44
No. of Training Sessions Conducted	1	2
Towing Revenue	\$ 4,154.00	\$ 14,405.00



Youth Programs Department Monthly Report

MEETING DATE: March 6, 2023

FROM: Jowie Mohammed, Director of Youth Programs

SUBJECT: January 2023 Department Report

PROGRAMMING

- Nineteen (19) days of after-school provided and transportation from six (6) schools within City limits
- One (1) day of Winter Camp programming from 7:30 a.m.-5:30 p.m.

PERFORMANCE MEASUREMENTS

PERFORMANCE MEASUREMENT	AVERAGE THIS PERIOD	FY 2023 TO DATE	FY 2023 BUDGET
# of Participants	58	87	150
# of Participants in Sierra Club ICO	0	10	25
# of Licenses Coordinated	1	1	1
# of MOU's Coordinated	1	2	6
# of Part.'s in Teen Advisory Council (TAC)	5	5	7
# of Part.'s in TOP Program	40	40	15
# of Part.'s in Garden Club	24	19	20
# of Presidential Volunteer Service Hours	567	567	8,000

FINANCIAL INFORMATION

GRANTS COORDINATED	AVERAGE THIS PERIOD	FY 2023 TO DATE	FY 2023 BUDGET
Early Learning Coalition	\$10,310.26	\$19,602.10	\$316,817
Parent & Registration Fees	\$5,762.00	\$19,075.94	\$185,419
Youth Services Department SEL Grant	\$7,700.80	\$23,102.40	\$77,000
Textile Funds	-	-	\$18,000
Youth Services Summer Camp Program	-	-	\$26,000
Community Foundation Grant (Summer)	-	-	-

C.A.R.E.S REPORT

- Throughout the month of January, the CARES program participated in Jr. Garden Club which is hosted by the Oleander Garden Club where the youth participate in maintaining the garden and an aquaponic tank. The youth participate in planting seeds, weeding weeds, trimming plants, and various other tasks.
- For Arbor Day which was January 20th the CARES Program preformed for various city employees, Oleander Garden Club members, and other participants to celebrate Arbor Day. They preformed a couple of songs which were combined with a dance routine.

TEEN PROGRAMS REPORT

- Hot Spot members wanted to get more involved with their younger peers, so they developed clubs for the youth to participate in throughout the week. They began offering clubs on January 23rd. The schedule is as follows: Mondays - volleyball club, Wednesdays - Baking/Cooking Club, Thursdays - Flag Football club, and Friday - Soccer Club. In the clubs students will be learning the fundamentals of various sports / activities and having the opportunity to play and work as a team.
- On January 24th our Teen Advisory Members were invited to attend a tour behind the scenes of the Miami Zoo, sponsored by Prime Time's STEAM Program. After the trip, Teens presented at the Teen Advisory Council & Future Leaders meeting, about their experience and what they learned.