



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, August 15, 2022 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 - None.

CONSENT AGENDA

- 1. Official Minutes:** City Council Special Meeting Minutes, July 18, 2022 and City Council Meeting Minutes, August 1, 2022.
- 2. Resolution 2022-36:** Approving four (4) Professional Service Agreements between the city of Greenacres and Calvin, Giordano & Associates, Inc., the Corradino Group, Inc., Kimley-Horn and Associates, Inc., and WGI, Inc., to provide general professional planning consultant services; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.
- 3. Resolution 2022-39:** Satisfying certain liens imposed against residential property, pursuant to Section 15-31, City of Greenacres Code. - Teri Beiriger, Director of Finance.

REGULAR AGENDA

- 4. PUBLIC HEARING: Ordinance 2022-01: Second Reading:** Authorizing the City of Greenacres to execute an Interlocal Service Boundary and Joint Planning Agreement between the City of Greenacres and Palm Beach County to coordinate future land use, public facilities, and services in advance of annexation, pursuant to Chapter 171, Part 2, Florida Statutes; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date.- Kara Irwin-Ferris, City Consultant.
- 5. PUBLIC HEARING: Ordinance 2022-19: Second Reading:** Amending Chapter 12, Subdivisions and Land Development Regulations, Article 1, in general, by adding Section

12-12, Engineering Permits, providing for repeal of conflicting ordinances, severability, inclusion in code, and an effective date. - Caryn Gardner-Young, Zoning Administrator.

- 6. PUBLIC HEARING: Ordinance 2022-24: Second Reading:** Amending Chapter 10, "Personnel", Article 10, "In General", to create a new Section 10-1 to be entitled, "State and National Criminal History checks for certain Municipal Employees"; to codify requirements for Criminal History records checks for personnel in the Department of Fire Rescue which the governing body of the municipality finds are critical to security or safety; to codify the requirement for Criminal History records checks for certain municipal employees and appointees which the City Council of Greenacres, Florida, finds is critical to security or safety; providing for severability, codification, repeal of conflicting ordinances, and an effective date. - Suzanne Skidmore, Director of Human Resources.
- 7. PUBLIC HEARING: Ordinance 2022-15: First Reading:** Amending Chapter 16 "Zoning Regulations," Article 2 "Administration," by deleting in its entirety current Division 11 "Adult Entertainment establishments" and adopting a new Division 11, entitled "Adult Entertainment establishment," which shall formally incorporate Palm Beach County's Adult Entertainment Code, and setting forth those specific opt-out provisions from the County's Adult Entertainment Code; providing for severability, preservation, conflicts, codification and an effective date. - Caryn Gardner-Young, Zoning Administrator.
- 8. Ordinance 2022-21: First Reading:** Amending Chapter 16, Zoning Regulations, Article 7, Landscaping, Section 16-1249(b)(6); to clarify when tree removal permits are not required for single family detached dwelling units in accordance with recently adopted State Statutes; 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.
- 9. Ordinance 2022-27: First Reading:** Adopting Chapter 13 "Taxation," Article 4 "Additional Homestead Exemption for Persons 65 and older, "to provide for an additional \$5,000.00 Homestead exemption for qualifying persons 65 years of age and older; providing for severability, conflicts, codification, delivery, and an effective date. - Andrea McCue, City Manager.
- 10. Resolution 2022-30:** Repealing Resolution 2021-57 and adopting a Schedule of Filing Fees for matters pertaining to Chapter 12, Subdivision and Land Development Regulations and engineering and right-of-way permits; providing for repeal of conflicting resolutions; and providing for an effective date. - Caryn Gardner-Young, Zoning Regulations.
11. City Manager Andrea McCue Annual Evaluation. - Joel Flores, Mayor.
12. City Attorney, Glen Torcivia Annual Evaluation. - Joel Flores, Mayor.

DISCUSSION ITEM - None.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

CITY MANAGER'S REPORT

- 13.** Community & Recreation Services Department Report.
- 14.** Development and Neighborhood Services Department Report.
- 15.** Finance Department Report.
- 16.** Fire Rescue Department Report.

- [17.](#) Information Technology Department Report.
- [18.](#) Palm Beach County Sheriff's Office District 16 Report.
- [19.](#) Purchasing Department Report.
- [20.](#) Public Works Department Report.
- [21.](#) Youth Programs Department Report.

CITY ATTORNEY'S REPORT**MAYOR AND CITY COUNCIL REPORT****ADJOURNMENT****Upcoming City Council Meetings**

September 14, 2022 - Budget

September 28, 2022 - Budget

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 MEETING

City of Greenacres, Florida

Monday, August 01, 2022, 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

Deputy Mayor Tharp called the meeting to order at 6pm. City Clerk Moorer called the roll. Mayor Flores was absent and Councilmember Dugo attended via remote telephone access.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion made by Councilmember Noble, Seconded by Councilmember Bousquet 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:** Light it up Green. - Nadine Kirby, President, Light it up Green for MD, Inc.

Ms. Kirby thanked the Council for the proclamation. Photos were taken.

CONSENT AGENDA

2. **Official Minutes:** City Council Meeting Minutes, July 18, 2022. - Quintella Moorer, City Clerk.

- 3. Resolution 2022-38:** Authorizing the execution of the Fiscal Year 2022-2023 Community Development Block Grant (CDBG) Agreement for Phase 1 Lift Station Original Section Sewer Project; and providing for an effective date. - Teri L. Beiriger, Director of Finance.

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

REGULAR AGENDA

- 4. PUBLIC HEARING: Ordinance 2022-11: Second Reading:** Amending Chapter 12, Subdivisions and Land Development Regulations, Article 2, Plats, Division 1, Generally, and Division 2, Application procedure, to create a two-step plat approval process with requirements; amending Chapter 16, Zoning Regulations, Article 2, Administration, Division 1, Generally, Section 16-33, Public Hearing, Table 16-33, to reflect the new plat process; providing for repeal of conflicting ordinances, severability, inclusion in code, and an effective date.- Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. Gardner-Young said the ordinance would help create a two-step plat approval process and update some regulation requirements. She stated no changes had been made since the First Reading which was held on July 18, 2022. Staff recommended approval.

Motion made by Councilmember Bousquet, Seconded by Councilmember Noble to approve Ordinance 2022-11 on Second Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

- 5. PUBLIC HEARING: Ordinance 2022-17: Second Reading:** Amending Chapter 11, "Streets, Sidewalks and other Public Places", Article 1, "in General", by adding Section 11-6, Right-of-Way Permits; providing for repeal of conflicting ordinances, severability, inclusion in the code, and an effective date. - Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. Gardner-Young stated the ordinance was clarifying the current process and created a more user-friendly procedure. She said no changes had been made since the First Reading. Staff recommended approval.

Motion made by Councilmember Noble, Seconded by Councilmember Bousquet to approve Ordinance 2022-17 on Second Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

- 6. Ordinance 2022-19: First Reading:** Amending Chapter 12, Subdivisions and Land Development Regulations, Article 1, in General, by adding Section 12-12, Engineering Permits, providing for repeal of conflicting ordinances, severability, inclusion in code, and an effective date. - Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. Gardner-Young stated the ordinance went hand and hand with the previously approved right-of-way permit process. The ordinance would deal with individual property activities on right-of-ways. She furthered explained an Engineering permit, which included stripping and draining. Ms. Gardner-Young said the proposed process was to ensure the projects were done correctly, prevent the risk of discharge and followed safety protocols. Staff recommended approval.

Councilmember Diaz asked was the ordinance directed towards commercial or residential properties. Ms. Gardner-Young said it would be a combination but mostly commercial.

Motion made by Councilmember Noble, Seconded by Councilmember Bousquet to approve Ordinance 2022-19 on First Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

- 7. Ordinance 2022-24: First Reading:** Amending Chapter 10, "Personnel", Article 10, "In General", to create a new Section 10-1 to be entitled, "State and National Criminal History checks for certain Municipal Employees"; to codify requirements for Criminal History records checks for personnel in the Department of Fire Rescue which the governing body of the municipality finds are critical to security or safety; to codify the requirement for Criminal History records checks for certain municipal employees and appointees which the City Council of Greenacres, Florida, finds is critical to security or safety; providing for severability, codification, repeal of conflicting ordinances, and an effective date. - Suzanne Skidmore, Director of Human Resources.

Ms. Moorer read the ordinance by title.

Ms. Skidmore said the City currently performed background checks for personnel in the Fire Rescue Department. She said to maintain the background check process the City would need to establish a separate Originating Agency Identification (ORI) for Fire Rescue. The change was mandated by the Federal Bureau of Investigation (FBI) and would be effective May 1, 2023.

Motion made by Councilmember Dugo, Seconded by Councilmember Diaz to approve Ordinance 2022-24 on First Reading. 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 reminded the Council about Aleeh's Lemonade Fundraiser Stand at the Community Center which was raising money for backpack supplies. The backpack and supply give away would be held on August 6, 10am - 2pm at the Community Center.

She also stated the Let's Talk series would begin in August.

CITY ATTORNEY'S REPORT - None.

MAYOR AND CITY COUNCIL REPORT

Councilmember Diaz thanked Michele Thompson, Director of CRS and her team for the Backpack give away event. She also thanked Palm Beach Sheriff's Office and Greenacres Fire Rescue for assisting.

ADJOURNMENT

6:18PM.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



CITY COUNCIL SPECIAL MEETING

City of Greenacres, Florida

Monday, July 18, 2022, at 7:00 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 9:24PM and City Clerk Moorer called the Roll. Councilmember Dugo was absent.

AGENDA APPROVAL

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

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

REGULAR AGENDA

Fiscal Year 2023 Budget:

1. Follow-up review of positions. - Andrea McCue, City Manager.

Ms. McCue said she would review some follow up items from the previous meeting. She said she would not review all items at this meeting.

Ms. McCue said the Council agreed to move forward with the Property Improvement Program that would allow \$75,000 for residential and \$25,000 for commercial grants and what ever was left would convert into residential.

Ms. McCue said the idea of exploring private partnerships for the Educational Scholarships program came up at the last meeting. She mentioned a lot of business as were support of events and she did want to interfere with those funds. Ms. McCue mentioned the City had \$45,000 in the textile bin funds account. She felt the City could add four more scholarships per year if used and would not impact Youth Programs.

Mayor Flores felt private funds would add more funds and less on the City. He wanted to see both options used for scholarships. Deputy Mayor Tharp felt the City should commit to ten scholarships and any private funding would be great also. The majority of Council agreed to approve a total of ten scholarships to include funds from the textile fund account and to also solicit private funding.

Mayor Flores felt the City needed to create an incentive to bring in more business and he felt the Economic Development position would create more opportunity.

The Council agreed to hire a senior level Economic Developer position in addition to the previous positions mentioned at the June 6 meeting.

2. Council Chambers audio/visual cost. - Andrea McCue, City Manager.

The Council agreed to proceed with a building assessment prior to making any renovations or upgrades.

Council also agreed to replace the projector system in the current fiscal year.

3. FY 2023 Preliminary Budget Review. - Andrea McCue, City Manager and Teri Beiriger, Director of Finance.

Ms. McCue highlighted some line items in the 301 Fund to include the removal of the Pickwick land purchase and the generator purchase. She said the ending balance would be \$1.7 million.

Ms. McCue said no changes had been made to the 303 Fund. The 304 Fund was the most challenging with reconstruction and maintenance which was where the most dollars were spent. She also mentioned an interfund transfer of \$300 thousand for FY 2023.

She reviewed a few items previously discussed in the 306 American Rescue Plan fund, she mentioned an interfund transfer of \$3.5 million under revenue, which would be spent between 2022 and 2023 and would relate to Fire Rescue and Youth Programs.

In reviewing the Law Enforcement Services agreement Mayor Flores asked why does the City cover the cost for Crossing Guards and what was the difference of attire. Ms. McCue said through the contract the Crossing Guards became the City's responsibility and she would look into the different attire. Councilmember Noble said the contract should be reviewed as the students came from the County. Mayor Flores requested documentation stating the City's responsibility of crossing guards.

Ms. Beiriger said the forecast was very good. The City was currently above \$1.3 million in revenues.

Ms. Beiriger said the 2023 Proposed budget was based on a millage rate of 6.4 which would bring in about \$15 million dollars.

Ms. Beiriger said the City had a 40 percent reserve.

She continued to highlight various line items such as personnel services and law enforcement.

The Council and Staff continued discussion regarding future cost of solid waste collection and worst-case scenario planning and budget forecast.

Ms. Beiriger said Council Policy 18 required a 25 percent unassigned reserve. The current forecast was 45 percent, with the transfer the reserve would be 33.88 percent. Ms. McCue said the unassigned reserve was so high it was a good idea to move some funds to cover

the 306 projects, since the requirement was 25 percent, the City was still in a good position.

4. Setting of the tentative millage rate for 2023. - Andrea McCue, City Manager and Teri Beiriger, Director of Finance.

The Council discussed various millage rate options. After discussion they decided on a 6.4 millage rate and options for lower rates.

Motion made by Councilmember Noble, Seconded by Deputy Mayor Tharp to approve the millage rate at 6.4. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Diaz, and Councilmember Bousquet.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

None.

MAYOR AND CITY COUNCIL REPORT

None.

ADJOURNMENT

10:30PM.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



ITEM SUMMARY

MEETING DATE: August 15, 2022

FROM: Monica Powery, Director, Purchasing

SUBJECT: Award of RFP No. 22-016 Professional Planning Consultant Services

BACKGROUND

The City of Greenacres desires to hire experienced and qualified companies to provide general professional planning consultant services. The RFP was advertised by the City's Purchasing Department on June 5, 2022.

ANALYSIS

The proposals were opened on July 12, 2022 with seven (7) proposers responding. The attached tabulation sheet summarized the responses received. The Selection Committee was comprised of the following City personnel: Zoning Administrator, GIS/Planner, Senior Buyer and the Director of Purchasing as the chair.

On July 19, 2022, the Selection Committee held a meeting to discuss, evaluate and rank all the firms. The attached tabulation sheets summarizes the committee's final ranking.

FINANCIAL INFORMATION

Sufficient funds are budgeted in the Development and Neighborhood Services cost center.

LEGAL

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

STAFF RECOMMENDATION

Approval of Resolution No. 2022-36 authorizing execution of a one-year agreement with the option for four (4) additional one-year renewals for RFP No. 22-016 Professional Planning Consultant Services to the following four vendors: Calvin, Giordano & Associates, Inc., The Corradino Group, Inc., Kimley-Horn and Associates, Inc., and WGI, Inc.

RESOLUTION NO. 2022-36

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING FOUR (4) PROFESSIONAL SERVICE AGREEMENTS BETWEEN THE CITY OF GREENACRES AND CALVIN, GIORDANO & ASSOCIATES, INC., THE CORRADINO GROUP, INC., KIMLEY-HORN AND ASSOCIATES, INC. AND WGI, INC. TO PROVIDE GENERAL PROFESSIONAL PLANNING CONSULTANT SERVICES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City is in need of a qualified firms to provide general professional planning consultant services; and

WHEREAS, The Purchasing Department (the "Department") issued Request for Proposal No. 22-016 (the "RFP"); and

WHEREAS, the RFP was advertised in the legal notices section of the Palm Beach Post on June 5, 2022, and a notice was also sent to one thousand and ninety-six (1096) prospective proposers via DemandStar; and

WHEREAS, on July 12, 2022 at 3:00 p.m. EST, the RFP closed and the Purchasing Department received seven (7) responses which were reviewed by staff to ensure the responses met the RFP requirements. Both all proposals received were determined to be both responsive and responsible; and

WHEREAS, the Selection Committee (the "Committee") met on July 19, 2022 to discuss and evaluate the firms to determine which would be in the best interest of the City; and

WHEREAS, the Committee recommends that the City Council approve award of the RFP to the four (4) top ranked firms, Calvin, Giordano & Associates, Inc., The Corradino Group, Inc., Kimley-Horn and Associates, Inc., and WGI, Inc. and authorize the execution of the agreements.

Resolution No. 2022-36 | Professional Planning Consultant Services

Page No. 2

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

SECTION 1. The City Council hereby authorizes the Award for Professional Planning Consultant Services to the following vendors; Calvin, Giordano & Associates, Inc., The Corradino Group, Inc., Kimley-Horn and Associates, Inc., and WGI, Inc.

SECTION 2. The City Council authorizes the appropriate City Officials to execute the Agreement.

SECTION 3. This Resolution shall be effective upon its adoption.

RESOLVED AND ADOPTED this 15 of day of August 2022

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Deputy Mayor

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: August 15, 2022

FROM: Teri Lea Beiriger, Finance Director, Department of Finance

SUBJECT: Resolution No. 2022-39 Release of Liens for Solid Waste Collection

BACKGROUND

Section 15-30, City of Greenacres Code, provides for the imposition of liens upon residential properties for the non-payment of City solid waste bills. Section 15-32, City of Greenacres Code, provides for release of the liens when accounts are paid in full.

ANALYSIS

Twenty-eight (28) liens on seven (7) solid waste accounts totaling \$6,941.95 have been paid in full. The attached Resolution No. 2022-39 releases those twenty-eight (28) liens on seven (7) accounts.

FINANCIAL INFORMATION

Liens amounting to \$6,941.95 have been paid in full and are proposed for release.

LEGAL

The resolution has been prepared in accordance with all applicable City regulations.

STAFF RECOMMENDATION

Approval of Resolution No. 2022-39.

RESOLUTION NO. 2022-39**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, SATISFYING CERTAIN LIENS IMPOSED AGAINST RESIDENTIAL PROPERTY, PURSUANT TO SECTION 15-31, CITY OF GREENACRES CODE.**

WHEREAS, the City Council of Greenacres, Florida, adopted Resolutions contained in the list, attached hereto as Exhibit “A”, imposing liens upon certain residential properties for the owners’ failure to pay for the collection and disposal of garbage, recyclable materials and vegetative waste as required by Section 15-26, City of Greenacres Code; and

WHEREAS, the owners of the residential properties contained in Exhibit “A”, have brought their accounts current for the payment of the debts and charges for the collection and disposal of garbage, recyclable materials and vegetative waste, plus applicable interest, and administrative fees.

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

SECTION 1. Under the terms of Section 15-32, City of Greenacres Code, residential properties contained in the list supplied by the Finance Department of Greenacres, Florida, attached to this Resolution as Exhibit “A”, have satisfied their imposed liens as recorded with the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Official Records Book.

SECTION 2. This Resolution shall be recorded in the Public Records of Palm Beach County, Florida, and shall have the effect of releasing said liens against those residential properties contained in the list attached hereto as Exhibit “A” only.

Resolution No. 2022-39 | Release of Solid Waste Liens

Page No. 2

RESOLVED AND ADOPTED this 15th of day of August, 2022.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Deputy Mayor

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



ITEM SUMMARY

MEETING DATE: August 15, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: Ordinance 2022-01

Interlocal Service Boundary Agreement (ISBA) – SE Corner Lake Worth Road and South Jog Road

BACKGROUND

Chapter 171 of the Florida Statutes was amended to add a new process for coordinating and facilitating annexation and the planning of service delivery. Through this process, an Interlocal Service Boundary Agreement (ISBA) is created between the city and the county involving the input of the relevant providers of services. The statutes suggest that this list include police, fire, planning & zoning, water & wastewater, road ownership, conservation & parks, and stormwater.

On November 2, 2020 (through Resolution 2020-45) the City asked to initiate negotiations with Palm Beach County and on December 8, 2020 (through Resolution No. R-2020-1845) the County accepted our request. It was agreed that the topics would include all of the service delivery areas suggested by the statutes and would cover the area located at the southeast corner of the intersection of Lake Worth Road and South Jog Road.

A kick-off meeting was held on January 15, 2021, and was followed by meetings between the City staff, County Planning staff, County Legal staff, Palm Beach County Fire Rescue, and representatives of the Palm Beach County International Association of Fire Fighters (IAFF). City and County staff negotiated a separate agreement with fire rescue provided for in Florida Statutes Chapter 171.203(8)(a).

If approved by the City Council, the ISBA will be scheduled to be heard by the Board of County Commissioners on August 23, 2022 and September 13, 2022.

ANALYSIS

Through the ISBA, the City will have access to additional tools and statutory provisions for annexation such as annexation via a majority request of the registered voters or property owners of a particular area (without the need for a referendum election) and annexation that creates pockets or temporary new enclaves, and these are expected to facilitate the expansion of the City towards the ultimate annexation boundary. The ISBA will also enhance the ability of all service providers (including the city) to better plan for annexation of territory into the City, including criteria for transfer of services.

The proposed ISBA area as depicted on the enclosed map (Exhibit “A” within Exhibit “1”) was determined jointly by City and County staff as an area that is within the City’s Future Annexation Area, has a reasonable chance of success for annexation, is expected to have a manageable demand for services as balanced by expected tax income, and is, in most cases, where voluntary annexation has already taken place or is in process.

The adoption of the ISBA will not by itself change the jurisdiction of any property. Annexation will take place later through separate approval processes, including notice to the affected property owners, when a majority of the owners or residents wish to annex. The agreement has an overall term of 20 years, and it is anticipated that annexation will move forward in a steady incremental manner during that time.

Therefore, the creation of an Interlocal Service Boundary Agreement between the City of Greenacres and Palm Beach County will further the City’s goal of annexing all the territory within the Future Annexation Area and will enhance intergovernmental coordination and efficiency in the provision of services in the areas adjacent to the City.

FINANCIAL INFORMATION

Financial impacts were considered as part of the negotiation process to create the Interlocal Service Boundary Agreement. Impacts will also be considered when annexations are proposed.

The ISBA includes the approval of an Agreement with Palm Beach County for Fire Rescue Services for any annexed parcels within the ISBA area. By December 1st of each year, the City will be required by contract to pay to the County an annual fire rescue service price for the fire rescue services provided by the County in the areas within the ISBA that have been annexed by the city. The annual fire rescue service price to be paid by the city to the county shall be calculated and invoiced by the County each year by multiplying the total of the taxable property values of all the Annexed Areas times the millage rate for the Fire/Rescue MSTU that was adopted by the Board of County Commissioners for the upcoming fiscal year.

The annual fire rescue service price calculation shall not include an Annexed Area until after the fiscal year funded by the last tax year during which said Annexed Area was on the County Fire/Rescue MSTU’s tax roll. The term of the contract for services shall be four (4) years from the annexation date of the first Annexed Area or upon termination of the contract by the County.

LEGAL

Ordinance 2022-01 was prepared in accordance with all applicable State statutes and City Code requirements.

The Ordinance adopting the Interlocal Service Boundary Agreement was advertised in accordance with Florida Statutes Chapter 161.041(3)(a) and 171.0413(1). The individual property owners within the ISBA were also notified directly by mail.

STAFF RECOMMENDATION

Approval of Ordinance 2022-01 authorizing execution of the proposed Interlocal Service Boundary Agreement between the City of Greenacres and Palm Beach County.

ORDINANCE NO. 2022-01

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING THE CITY OF GREENACRES TO EXECUTE AN INTERLOCAL SERVICE BOUNDARY AND JOINT PLANNING AGREEMENT BETWEEN THE CITY OF GREENACRES AND PALM BEACH COUNTY TO COORDINATE FUTURE LAND USE, PUBLIC FACILITIES AND SERVICES IN ADVANCE OF ANNEXATION, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, WHEREAS, Section 163.01, F.S., known as the “Florida Interlocal Cooperation Act of 1969,” authorizes local governments and public agencies to enter into interlocal agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, the Municipal Annexation or Contraction Act, Chapter 171, Part I, F.S., and the Interlocal Service Boundary Agreement Act, Chapter 171, Part II, F.S., recognizes the use of Interlocal Service Boundary Agreements as a means to coordinate future land use, public facilities and services, and protection of natural resources in advance of annexation; and

WHEREAS, Chapter 171, Part II, F.S., as amended, establishes the Interlocal Service Boundary Agreement process as a flexible, joint planning option for counties and municipalities to cooperatively adjust municipal boundaries while planning for service delivery and land use changes; and

WHEREAS, the City and the County wish to identify lands that are logical candidates for future annexations, the appropriate land uses and infrastructure needs and provider for such lands and to agree on certain procedures for the timely review and processing of annexations within those areas; to provide alternate annexation methodologies; and

WHEREAS, in order to eliminate intergovernmental disputes and better implement the City’s land use vision, the Interlocal Service Boundary Agreement contains the City’s advisory

future land use designations for all lands subject to the Agreement and requires Palm Beach County to give consideration to these designations when making any future land use or zoning changes prior to annexation of the subject properties into the City; and

WHEREAS, written notice of the City Council public hearing has been provided to all property owners within the boundaries of the proposed Interlocal Service Boundary Agreement; and

WHEREAS, the City Council of the City of Greenacres has held a duly advertised public hearing on July 18, 2022, to receive comments concerning the proposed Interlocal Service Boundary Agreement and has considered all comments received as required by state law and local ordinance; and

WHEREAS, the area described in Exhibit “A” is within the future annexation area of the City of Greenacres as set forth in the Annexation Element of the City’s Comprehensive Plan and the service delivery plans and annexation plan contained within the Interlocal Service Boundary Agreement are consistent with the City’s Comprehensive Plan; and

WHEREAS, the County required a Contract for establishing a timeline for the County to provide Fire Rescue services for up to five (5) years after annexation of a parcel within the Interlocal Service Boundary Agreement area which has been attached as Exhibit “C” to the Interlocal Service Boundary Agreement; and

WHEREAS, the City Council of the City of Greenacres deems it to be in the best interest of the City to execute the Interlocal Service Boundary Agreement with Palm Beach County, attached hereto as Exhibit “1”, for the area described in Exhibit “A” attached thereto.

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

SECTION 1. The City Council hereby grants authorization for the execution of the

Interlocal Service Boundary Agreement attached hereto as Exhibit “1”.

SECTION 2. The appropriate City officials are hereby authorized to execute all necessary documents and take all necessary actions to effectuate the terms of the Agreement

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 10 days after adoption.

Passed on the first reading this 18th day of July, 2022.

PASSED AND ADOPTED on the second reading this 15th day of August, 2022.

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: August 15, 2022

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2022-19, ZTA-22-15**
Engineering Permit Process

BACKGROUND

The intent of the City initiated zoning text amendment is to propose adding Section 12-12 to create an engineering permit process.

Engineering permits are issued when work is performed on-site for such activities as excavation, dredging, earthwork, grading, lot clearing, drainage, utility work, sealcoating, striping, and paving. Please note that this permit does not apply to work within the Right-of-Way since that will be covered by the newly created Right of Way permit.

Engineering Permits are required for the following reasons:

- To ensure that the work is done correctly by allowing city inspections
- To ensure the City knows the extent and permanence of the beneficial and detrimental effects of the permitted work
- To require erosion and sediment control devices and prevent illicit discharges
- To coordinate work amongst agencies like Palm Beach County Water Utilities

The Development Review Committee has reviewed these text amendments and is recommending approval. The Planning and Zoning Board of Appeals reviewed this staff-initiated text amendment on July 14, 2022, and recommended approval by a vote of 5-0. The City Council voted five (5) to zero (0) to recommend approval of Zoning Text Amendment ZTA-22-07 as presented by staff on August 1, 2022.

ANALYSIS

Presently the City issues a building permit to review this type of work. City Staff is proposing a specific section of the code to outline the requirements for such a permit so the process is clear and concise for a permittee. This proposed process will provide better customer service and avoid delays.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2022-19 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-22-15 through the adoption of Ordinance 2022-19.

ORDINANCE NO. 2022-19

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 12, SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS, ARTICLE I, IN GENERAL, BY ADDING SECTION 12-12, ENGINEERING PERMITS, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN CODE, AND 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, Chapter 12 of the City’s Code of Ordinances sets forth the requirements for the subdivision and development of property within the City; and

WHEREAS, currently, engineering permits are issued for all subdivision and development construction work including, but not limited to, excavation, site work, infrastructure for water, sewer, and roadway improvements, sidewalks, parking areas, and similar improvements; and

WHEREAS, it is the intent and purpose of this amendment to codify the current process for applying for and obtaining a City issued engineering permits for such subdivision and development activities within the City’s municipal jurisdiction; and

WHEREAS, it has been determined, in accordance with the Development Review Committee Staff Report and Recommendation, “Exhibit A” dated June 21, 2022 (attached) that the proposed amendments set forth herein are appropriate; 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 and serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

Ordinance No. 2022-19 |Engineering Permits

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GREENACRES, FLORIDA, THAT:

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

SECTION 2. Chapter 12 of the City of Greenacres Code of Ordinances, entitled “Subdivisions and Land Development Regulations”, Article I, entitled “In Genera”, is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by ~~strikeout~~):

CHAPTER 12 - SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS**ARTICLE I. - IN GENERAL****Sec. 12-12. - Engineering permits.**

(a) Engineering permits required. An engineering permit is required for all construction activities and work related to subdivision and development improvements governed by this chapter. Engineering permits shall be issued by the development and neighborhood services department in accordance with the City’s Comprehensive Plan, City Code, and such other applicable law. A permit from the county engineering department or state department of transportation is required for the construction of streets to any county or state street, respectively. Construction activities and work requiring an engineering permit include, but are not limited to, the following:

(1) Excavation , fill or grading of earth including, but not limited, to removal of soil from property, import of soil to property, use of any type of grading or earth moving equipment/machinery on property. This subsection shall not apply to excavations and soil removal which are incidental to a lawful building operation for which a valid building permit has been issued by the City. Only clean, suitable fill materials shall be permitted. No trash, wood vegetative or organic matter shall be permitted.

(2) Removal or construction of drainage pipe, drainage structures, lake outfalls etc.

(3) Construction of asphalt, concrete or paver brick surface enhancements or rejuvenation. To replace, overlay, seal coat or perform other forms of pavement surface enhancement or rejuvenation, including any restriping work, on roadways, alleys, asphalt drives, and parking areas.

(4) Construction of driveways. To construct or reconstruct driveways within private property or private or public rights-of-way with access to streets, roads, alleys, or access

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easement areas. Construction of a driveway for one- or two-family dwelling units is exempted from this engineering permit requirement if a City building permit is obtained.

(5) Construction of residential lots/developments. To construct or reconstruct parking areas, hardscape areas, or common area accessways or walks, or to alter elevations/grading of perimeter buffers, berms or swale/retention areas on residential lots or residential developments.

(6) Construction or alteration of drainage. To construct or reconstruct, deepen, widen, fill, re-route or alter any new or existing drainageway, ditch drain, culvert, or canal within the city, including swales within the right-of-way. Minor temporary or emergency drainage work shall not require an emergency permit.

(7) Construction of commercial, retail, assisted living facility (ALF), industrial, or mixed-use property site development/redevelopment. To construct or reconstruct infrastructure for/in lot, tract, parcel, or land subdivision. Infrastructure would include, but not be limited to, earthwork, basins, water, sewer, drainage, curbing, sidewalks, pavement systems, streets, and striping, etc.

(8) Construction of residential multi-unit or subdivision site development/redevelopment. To construct or reconstruct infrastructure for/in a residential multi-unit or subdivision of property. Infrastructure would include, but not be limited to, earthwork, basins, water, sewer, drainage, curbing, sidewalks, pavement systems, roadways, alleys, bridges, streets, and striping.

(9) Construction of utilities. To construct or reconstruct franchise and non-franchise utility lines, conduits, sleeves, etc., within public or private rights-of-way, including roads, alleys, access easements, or common use areas. A permit shall not be required under this Article if a right-of-way permit or other permit approval covers the construction or reconstruction as determined by the development and neighborhood services department director or designee.

(10) Construction of traffic control devices. The construction and reconstruction of traffic control devices including, but not limited, restriping a street or parking area which differs from what was approved (or is being changed with no record of prior approval) including, but not limited to, layout, arrangement or angle, space size or dimension, number of spaces etc.

(b) *Vegetation removal permit.* A vegetation removal permit from development and neighborhood services department may also be required of any of the activities listed in this section involving the clearing or other removal or destruction of vegetation.

(c) *No construction or work before permit.* Except as provided hereinafter, no construction activities or work shall be started until an engineering permit for the proposed activities or work has been issued by the development and neighborhood services department. Minor maintenance work, such as minor repair of existing conditions, franchise utilities, external drainage, pavement or other hardscape in the same location, elevation, and limits may be

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commenced without an engineering permit; provided, however the development and neighborhood services department shall be given forty-eight (48) hours prior written notice of the same. This does not include cable replacement or any other type of facility upgrading or rehabilitation involving excavation.

(d) *Emergency repair work.* Emergency repair work may be done without an engineering permit. Emergency repair work is work which must be done immediately upon discovery, in order to safeguard the public from immediate danger to life or limb, to safeguard public health, safety or welfare, to repair or replace traffic signals or to restore interrupted utility services. In the event of an emergency, emergency repair work may be started without an engineering permit upon verbal notification being given to the development and neighborhood services department. If the development and neighborhood services offices are closed, then notification must be given as early as possible on the next regular workday. After the emergency repair work is completed, an engineering permit (if applicable) must be applied for and obtained from the development and neighborhood services department within ten (10) working days. Work that can be scheduled ahead of time will not be considered emergency repair work.

In addition to the above, in the event emergency repair work is necessary, the owner/applicant shall provide the following to development and neighborhood services:

(1) A public relations/customer service representative who may be contacted immediately for all emergency repair work and who shall be available to handle all homeowner questions and issues as well as media information.

(2) The name, address and telephone number of the company retained, if any, by the owner/applicant to handle all emergency repair work, including but not limited to, immediate repair of any of the facilities and/or property affected by an emergency situation.

(e) *General requirements.*

(1) Engineering permits will expire and become invalid one hundred eighty (180) calendar days from date of issuance if work has not substantially begun on the permitted project unless an extension of time has been granted by the development and neighborhood services department. Permits will become invalid upon suspension of work without a passed inspection in excess of ninety (90) days on any permitted work unless an extension has been granted by the development and neighborhood services department. Permit extension requests must be submitted prior to the expiration of the permit and may be issued by the development and neighborhood services department director or designee for good cause shown. All extension requests will be reviewed for changes in requirements and all new requirements will be made a condition of any permit extension including, but not limited to, changes in the City's Comprehensive Plan, City Code, or other applicable local, state or federal law.

(2) If permittee wishes to begin, continue, or resume work after permit expiration, a new permit must be obtained with all current conditions and regulations having to be met

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including any new approvals that may be required. A new permit fee will be charged for the uncompleted portion of the work only.

(3) Engineering permits will be deemed completed upon completion of all permitted work and acceptance of the installation, by the owner, developer, all regulatory agencies involved, and the development and neighborhood services department.

(f) Procedure for obtaining an engineering permit.

(1) Engineering permits shall be issued to qualified applicants only. Necessary application forms shall be available at the development and neighborhood services department. Forms are to be completed, signed, and submitted together with appropriate fees. Subject to satisfaction of and compliance with the requirements contained in this chapter, permits may be issued to the following:

(i) Utility corporations or companies, including county and municipal utilities, that will be servicing the property or facility.

(ii) Contractors responsible for the installation of any utility facility or structure subject to this Chapter.

(iii) Private citizens, corporations, or organizations with a reasonable and legitimate purpose in using the rights-of-way, which purpose poses no threat or danger to the public health, safety, or welfare.

(iv) In those cases, in which the services to be provided are subject to the City's regulations relating to underground utilities, the applicant must be a certified underground utility and excavation contractor.

(2) Applications shall include a hard copy and electronic copy in both AutoCAD and PDF formats, with the following information:

(i) Engineered drawings (24" x 36") signed and sealed by a Professional Engineer licensed in the State of Florida, showing the location of the proposed installation of facilities in the rights-of-way shall be to scale and show:

1. The adjacent street rights-of-way and pavement width;

2. The distance from the edge of the pavement to the facility or utility;

3. Within a minimum of 100 feet of work all above ground infrastructure and improvements, including without limitation, pavement, curb, sidewalks, buildings, utility poles, street furniture, landscaping, etc.; and all below ground infrastructure and utilities, including without limitation, foundations, tanks, utilities, etc. within limits of work;

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4. The location of all other utilities and facilities, including wireless communication facilities, within the area of work;

5. The facilities to be installed and their size;

6. Identification of the parcels consisting of the nearest adjacent property and the zoning and jurisdiction of such property;

7. One or more typical cross sections as required to adequately reflect the location of the facility. The minimum vertical clearance above or below the pavement shall be shown.

8. Additional information, such as the location in relation to the nearest municipality, major road intersections, bridges, and other physical features, shall be indicated on the drawings and identified.

(ii) A simple key map showing the location of the proposed facility shall be included, either on the drawing itself or as a separate sketch, to assist all concerned with the general location of the installation, indicating the applicable section, city ship, and range.

(iii) Applicable stormwater analysis, traffic impact analysis, and maintenance of traffic plan for any disruption of the public rights-of-way.

(iv) Information on the ability of the public rights-of-way to accommodate the proposed facility.

(v) The means and methods in which the facilities shall be installed.

(vi) For all facilities located within applicable proximity to an intersection, a sightline obstruction analysis signed and by a Professional Engineer licensed in the State of Florida.

(vii) For utilization of electric utility poles and facilities, documentation of compliance with the requirements of the electric utility's franchise agreement regarding facilities for other, non-electric utility services or products.

(viii) The timetable for construction of the project or each phase thereof, and the areas of the city which will be affected.

(3) No engineering permit shall be issued for construction or work until all the required irrevocable letter of credits have been posted. Construction shall not commence until applicant has obtained all necessary approvals and permits from all agencies having jurisdiction and has submitted same to the development and neighborhood services department. Forty-eight (48) hours minimum prior notice must be given to the development

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and neighborhood services department prior to the start of construction once all necessary approvals and permits have been obtained.

(4) The approval of an engineering permit is based primarily upon the information contained on the approved engineering construction drawings. Subsequent minor revisions approved after permitting may be indicated upon approved prints, but such changes must be signed and dated by the engineer of record and the development and neighborhood services department prior to the permittee proceeding with the revisions.

(g) *Work without a permit.* Failure to obtain an engineering permit required by this Section before actual construction or work shall subject the property owner, responsible individual, and/or entity involved, to any or all of the following actions and penalties whether an engineering permit has been obtained after the fact or not:

(1) Removal of any work including, but not limited to constructed facilities, and restoration of the violated area to its original condition within thirty (30) days of written notice by the development and neighborhood services department, and in default of compliance with such notice, such work may be removed by the City and all costs of removal shall be borne and paid by the property owner, the responsible individual or entity and/or by draw on any applicable bond or letter of credit.

(2) Payment for damages to city and/or private property and payment for all losses sustained by the city and/or private owners as a result of such unpermitted construction activity and work.

(3) Such other actions as required by the development and neighborhood services department.

(4) Code compliance enforcement with a fine for each day the unpermitted work remains in place.

(5) Any other action and/or penalty established by legal process available at law.

(h) *Notification to other agencies.*

(1) The applicant for a permit under this Chapter shall notify all rights-of-way users and applicable agencies in the immediate vicinity of the proposed construction or installation locations, stating the work proposed by the applicant, to determine if there are any objections to the applicant's proposed construction or installation. The development and neighborhood services department director or designee shall determine the type of notice to be provided, the vicinity to be noticed, the timeframe for the notice, and any other reasonable notice requirements to ensure all users and agencies are properly notified. If any objections to the applicant's proposed construction or installation are received from affected rights-of-way users or agencies, the applicant shall take such reasonable action as is necessary and directed by the development and neighborhood services department director or designee to resolve the objection(s).

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(2) The applicant shall certify the notification to other users by completing the section provided in the application for such verification. It is the full and complete responsibility of the applicant to determine that all other users are notified of the proposed work. Any work performed without this notification shall be at the sole risk of the applicant.

(i) Issuance; copy of permit and stamped approved plans to be available at site; approval of work.

(1) If the permit application is approved by the development and neighborhood services department and all applicable fees have been paid, the development and neighborhood services department will issue an engineering permit for the proposed work.

(2) The engineering permit and approved plans must be available at all times at the work site while work is being performed. Any work in progress including, but not limited, use of the rights-of-way, without a valid permit and approved plans available at the site shall be suspended until such time as a valid permit is produced on the site.

(3) The development and neighborhood services department inspector shall have the right to inspect and approve materials and phases of work. Final inspection and acceptance of work by the development and neighborhood services department must be obtained to document the completion of the work. Work will be considered incomplete until that portion of the permit indicating the final inspection and approval has been signed and dated by the inspector.

(j) Approving authority; standards for approval and appeals.

(1) The development and neighborhood services director or designee shall have the authority to approve or deny applications for permits under this Chapter based upon approved engineering standards and the City's Comprehensive Plan, City Code, other applicable City, local, state, and federal law.

(2) Any party claiming to be aggrieved by a decision of the approving authority under this Chapter may appeal to the Planning and Zoning Board of Appeals pursuant to section 16-85 of the City Code within ten (10) days of rendition of the decision of the approving authority.

(k) Conditions.

(1) It is expressly stipulated, and the holder of a permit under this Chapter agrees, that the engineering permit is a revocable license for a permissive use only, and that the placing of facilities upon public property pursuant to this permit shall not operate to create or to vest any property right in the holder thereof, and that the issuance of an engineering permit does not relieve the permit holder of the need for obtaining any other permits or licenses that may be required by the appropriate authorities. The permit holder agrees that the permit may be revoked if the development and neighborhood services department or designee finds that the work performed thereunder is not in accordance with the approved

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plans and/or this Chapter, the City's Comprehensive Plan, City Code or other applicable law; that the permit was issued in error; and/or, the permit or work will be detrimental to the public health, safety or welfare.

(2) The rights and privileges set out in this Chapter are granted only to the extent of the City's jurisdiction over the land to be entered upon and used by the applicant. The applicant will, at all times, assume all risk of loss and defend, indemnify, and hold the City harmless from and against any and all loss, damage, cost, or expense arising in any manner on account of the exercise or attempted exercise by the applicant of these rights and privileges.

(3) Except where prior written consent has been obtained and copy provided to the development and neighborhood services department, the construction or maintenance of a utility shall not interfere with or encroach upon the property or rights of a prior or current occupant.

(4) In the event of widening, repair, reconstruction, or improvement of rights-of-way, including but not limited to installation of pavement, drainage structures or sidewalks, the applicant shall, upon notice by the development and neighborhood services department, relocate or protect existing facilities to clear the area for construction, at no cost to the City.

(5) Applicants receiving an engineering permit are required to schedule pre- and post-construction inspections with the development and neighborhood services department.

(l) Compliance with applicable regulations and approved plans.

(1) The applicant for any permit assumes full and total responsibility for compliance with this Chapter, supporting regulations, additional requirements of the City, and county, state or federal laws, ordinances or other directives which may apply to the proposed work.

(2) The applicant for a permit assumes the responsibility to adhere to the approved plat and site plan post-construction.

(m) General obligations.

(1) Obtaining an engineering permit does not relieve an applicant or property owner of its duty to obtain all other necessary authorizations and to pay all fees required by other city, county, state or federal rules, laws, or regulations.

(2) The applicant and property owner shall comply with all requirements of the City's Comprehensive Plan, City Code, other applicable local, state, county, and federal laws, and are responsible for all construction performed pursuant to the engineering permit, regardless of who performs the construction.

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(3) The construction performed in on city owned or city controlled property shall be done in conformance with specifications provided for in the City Code.

(4) Except in the case of emergency, and with the approval of the development and neighborhood services director or designee, no construction on public property may be performed when climatic conditions are unreasonable for such work. The development and neighborhood services director or designee may order a temporary cessation of construction during inclement or impending inclement conditions, when such conditions present an unreasonable danger to persons using the right-of-way or to the general public. The development and neighborhood services director or designee shall provide reasonable notice, as is practical, to make the construction site safe and to secure materials and equipment.

(5) An applicant or property owner shall not cause obstruction in a manner that will interfere with the natural free and clear passage of water through the gutters or other waterway.

(6) Private vehicles, other than authorized company vehicles, may not be parked within or adjacent to a construction site. The loading and unloading of trucks adjacent to a construction site area is prohibited unless specifically authorized through the permit process.

(7) The applicant or its designated licensed contractor shall belong to the Sunshine State One-Call Notification System as required by state law or such other line location system acceptable to the City.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances or parts thereof or parts of the City 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

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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 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 1st day of August, 2022.

PASSED AND ADOPTED on the second reading this 15th day of August, 2022.

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:

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

ZTA-22-15 (Ord. 2022-19)
Exhibit "A"
Date: June 21, 2022

Revised: 07/14/2022
08/01/2022



DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION

I. Project Description:

Petitioner: City of Greenacres

Request: Zoning Text Amendment (ZTA) to Chapter 12 (Subdivisions and Land Development Regulations) Article I (In General).

The intent of the City initiated zoning text amendment proposes adding Section 12-12 to create an engineering permit process.

II. 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 is to be added.

Proposed Change #1

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

SECTION 2. Chapter 12 of the City of Greenacres Code of Ordinances, entitled “Subdivisions and Land Development Regulations”, Article I, entitled “In Genera”, is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout):

CHAPTER 12 - SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 12-12. - Engineering permits.

(a) Engineering permits required. An engineering permit is required for all construction activities and work related to subdivision and development improvements governed by this chapter. Engineering permits shall be issued by the development and neighborhood services department in accordance with the City's Comprehensive Plan, City Code, and such other applicable law. A permit from the county engineering department or state department of transportation is required for the construction of streets to any county or state street, respectively. Construction activities and work requiring an engineering permit include, but are not limited to, the following:

(1) Excavation, fill or grading of earth including, but not limited, to removal of soil from property, import of soil to property, use of any type of grading or earth moving equipment/machinery on property. This subsection shall not apply to excavations and soil removal which are incidental to a lawful building operation for which a valid building permit has been issued by the City. Only clean, suitable fill materials shall be permitted. No trash, wood vegetative or organic matter shall be permitted.

(2) Removal or construction of drainage pipe, drainage structures, lake outfalls etc.

(3) Construction of asphalt, concrete or paver brick surface enhancements or rejuvenation. To replace, overlay, seal coat or perform other forms of pavement surface enhancement or rejuvenation, including any restriping work, on roadways, alleys, asphalt drives, and parking areas.

(4) Construction of driveways. To construct or reconstruct driveways within private property or private or public rights-of-way with access to streets, roads, alleys, or access easement areas. Construction of a driveway for one- or two-family dwelling units is exempted from this engineering permit requirement if a City building permit is obtained.

(5) Construction of residential lots/developments. To construct or reconstruct parking areas, hardscape areas, or common area accessways or walks, or to alter elevations/grading of perimeter buffers, berms or swale/retention areas on residential lots or residential developments.

(6) Construction or alteration of drainage. To construct or reconstruct, deepen, widen, fill, re-route or alter any new or existing drainageway, ditch drain, culvert, or canal within the city, including swales within the right-of-way. Minor temporary or emergency drainage work shall not require an emergency permit.

(7) Construction of commercial, retail, assisted living facility (ALF), industrial, or mixed-use property site development/redevelopment. To construct or reconstruct infrastructure for/in lot, tract, parcel, or land subdivision. Infrastructure would include, but not be limited to, earthwork, basins, water, sewer, drainage, curbing, sidewalks, pavement systems, streets, and striping, etc.

(8) Construction of residential multi-unit or subdivision site development/redevelopment. To construct or reconstruct infrastructure for/in a residential multi-unit or subdivision of property. Infrastructure would include, but not be limited to, earthwork,

basins, water, sewer, drainage, curbing, sidewalks, pavement systems, roadways, alleys, bridges, streets, and striping.

(9) Construction of utilities. To construct or reconstruct franchise and non-franchise utility lines, conduits, sleeves, etc., within public or private rights-of-way, including roads, alleys, access easements, or common use areas. A permit shall not be required under this Article if a right-of-way permit or other permit approval covers the construction or reconstruction as determined by the development and neighborhood services department director or designee.

(10) Construction of traffic control devices. The construction and reconstruction of traffic control devices including, but not limited, restriping a street or parking area which differs from what was approved (or is being changed with no record of prior approval) including, but not limited to, layout, arrangement or angle, space size or dimension, number of spaces etc.

(b) *Vegetation removal permit.* A vegetation removal permit from development and neighborhood services department may also be required of any of the activities listed in this section involving the clearing or other removal or destruction of vegetation.

(c) *No construction or work before permit.* Except as provided hereinafter, no construction activities or work shall be started until an engineering permit for the proposed activities or work has been issued by the development and neighborhood services department. Minor maintenance work, such as minor repair of existing conditions, franchise utilities, external drainage, pavement or other hardscape in the same location, elevation, and limits may be commenced without an engineering permit; provided, however the development and neighborhood services department shall be given forty-eight (48) hours prior written notice of the same. This does not include cable replacement or any other type of facility upgrading or rehabilitation involving excavation.

(d) *Emergency repair work.* Emergency repair work may be done without an engineering permit. Emergency repair work is work which must be done immediately upon discovery, in order to safeguard the public from immediate danger to life or limb, to safeguard public health, safety or welfare, to repair or replace traffic signals or to restore interrupted utility services. In the event of an emergency, emergency repair work may be started without an engineering permit upon verbal notification being given to the development and neighborhood services department. If the development and neighborhood services offices are closed, then notification must be given as early as possible on the next regular workday. After the emergency repair work is completed, an engineering permit (if applicable) must be applied for and obtained from the development and neighborhood services department within ten (10) working days. Work that can be scheduled ahead of time will not be considered emergency repair work.

In addition to the above, in the event emergency repair work is necessary, the owner/applicant shall provide the following to development and neighborhood services:

(1) A public relations/customer service representative who may be contacted immediately for all emergency repair work and who shall be available to handle all homeowner questions and issues as well as media information.

(2) The name, address and telephone number of the company retained, if any, by the owner/applicant to handle all emergency repair work, including but not limited to, immediate repair of any of the facilities and/or property affected by an emergency situation.

(e) General requirements.

(1) Engineering permits will expire and become invalid one hundred eighty (180) calendar days from date of issuance if work has not substantially begun on the permitted project unless an extension of time has been granted by the development and neighborhood services department. Permits will become invalid upon suspension of work without a passed inspection in excess of ninety (90) days on any permitted work unless an extension has been granted by the development and neighborhood services department. Permit extension requests must be submitted prior to the expiration of the permit and may be issued by the development and neighborhood services department director or designee for good cause shown. All extension requests will be reviewed for changes in requirements and all new requirements will be made a condition of any permit extension including, but not limited to, changes in the City's Comprehensive Plan, City Code, or other applicable local, state, or federal law.

(2) If permittee wishes to begin, continue, or resume work after permit expiration, a new permit must be obtained with all current conditions and regulations having to be met including any new approvals that may be required. A new permit fee will be charged for the uncompleted portion of the work only.

(3) Engineering permits will be deemed completed upon completion of all permitted work and acceptance of the installation, by the owner, developer, all regulatory agencies involved, and the development and neighborhood services department.

(f) Procedure for obtaining an engineering permit.

(1) Engineering permits shall be issued to qualified applicants only. Necessary application forms shall be available at the development and neighborhood services department. Forms are to be completed, signed, and submitted together with appropriate fees. Subject to satisfaction of and compliance with the requirements contained in this chapter, permits may be issued to the following:

(i) Utility corporations or companies, including county and municipal utilities, that will be servicing the property or facility.

(ii) Contractors responsible for the installation of any utility facility or structure subject to this Chapter.

(iii) Private citizens, corporations, or organizations with a reasonable and legitimate purpose in using the rights-of-way, which purpose poses no threat or danger to the public health, safety, or welfare.

(iv) In those cases, in which the services to be provided are subject to the City's regulations relating to underground utilities, the applicant must be a certified underground utility and excavation contractor.

(2) Applications shall include a hard copy and electronic copy in both AutoCAD and PDF formats, with the following information:

(i) Engineered drawings (24" × 36") signed and sealed by a Professional Engineer licensed in the State of Florida, showing the location of the proposed installation of facilities in the rights-of-way shall be to scale and show:

1. The adjacent street rights-of-way and pavement width;
2. The distance from the edge of the pavement to the facility or utility;
3. Within a minimum of 100 feet of work all above ground infrastructure and improvements, including without limitation, pavement, curb, sidewalks, buildings, utility poles, street furniture, landscaping, etc.; and all below ground infrastructure and utilities, including without limitation, foundations, tanks, utilities, etc. within limits of work;
4. The location of all other utilities and facilities, including wireless communication facilities, within the area of work;
5. The facilities to be installed and their size;
6. Identification of the parcels consisting of the nearest adjacent property and the zoning and jurisdiction of such property;
7. One or more typical cross sections as required to adequately reflect the location of the facility. The minimum vertical clearance above or below the pavement shall be shown.
8. Additional information, such as the location in relation to the nearest municipality, major road intersections, bridges, and other physical features, shall be indicated on the drawings and identified.

(ii) A simple key map showing the location of the proposed facility shall be included, either on the drawing itself or as a separate sketch, to assist all concerned with the general location of the installation, indicating the applicable section, city ship, and range.

(iii) Applicable stormwater analysis, traffic impact analysis, and maintenance of traffic plan for any disruption of the public rights-of-way.

(iv) Information on the ability of the public rights-of-way to accommodate the proposed facility.

(v) The means and methods in which the facilities shall be installed.

(vi) For all facilities located within applicable proximity to an intersection, a sightline obstruction analysis signed and by a Professional Engineer licensed in the State of Florida.

(vii) For utilization of electric utility poles and facilities, documentation of compliance with the requirements of the electric utility's franchise agreement regarding facilities for other, non-electric utility services or products.

(viii) The timetable for construction of the project or each phase thereof, and the areas of the city which will be affected.

(3) No engineering permit shall be issued for construction or work until all the required irrevocable letter of credits have been posted. Construction shall not commence until applicant has obtained all necessary approvals and permits from all agencies having jurisdiction and has submitted same to the development and neighborhood services department. Forty-eight (48) hours minimum prior notice must be given to the development and neighborhood services department prior to the start of construction once all necessary approvals and permits have been obtained.

(4) The approval of an engineering permit is based primarily upon the information contained on the approved engineering construction drawings. Subsequent minor revisions approved after permitting may be indicated upon approved prints, but such changes must be signed and dated by the engineer of record and the development and neighborhood services department prior to the permittee proceeding with the revisions.

(g) *Work without a permit.* Failure to obtain an engineering permit required by this Section before actual construction or work shall subject the property owner, responsible individual, and/or entity involved, to any or all of the following actions and penalties whether an engineering permit has been obtained after the fact or not:

(1) Removal of any work including, but not limited to constructed facilities, and restoration of the violated area to its original condition within thirty (30) days of written notice by the development and neighborhood services department, and in default of compliance with such notice, such work may be removed by the City and all costs of removal shall be borne and paid by the property owner, the responsible individual or entity and/or by draw on any applicable bond or letter of credit.

(2) Payment for damages to city and/or private property and payment for all losses sustained by the city and/or private owners as a result of such unpermitted construction activity and work.

(3) Such other actions as required by the development and neighborhood services department.

(4) Code compliance enforcement with a fine for each day the unpermitted work remains in place.

(5) Any other action and/or penalty established by legal process available at law.

(h) Notification to other agencies.

(1) The applicant for a permit under this Chapter shall notify all rights-of-way users and applicable agencies in the immediate vicinity of the proposed construction or installation locations, stating the work proposed by the applicant, to determine if there are any objections to the applicant's proposed construction or installation. The development and neighborhood services department director or designee shall determine the type of notice to be provided, the vicinity to be noticed, the timeframe for the notice, and any other reasonable notice requirements to ensure all users and agencies are properly notified. If any objections to the applicant's proposed construction or installation are received from affected rights-of-way users or agencies, the applicant shall take such reasonable action as is necessary and directed by the development and neighborhood services department director or designee to resolve the objection(s).

(2) The applicant shall certify the notification to other users by completing the section provided in the application for such verification. It is the full and complete responsibility of the applicant to determine that all other users are notified of the proposed work. Any work performed without this notification shall be at the sole risk of the applicant.

(i) Issuance; copy of permit and stamped approved plans to be available at site; approval of work.

(1) If the permit application is approved by the development and neighborhood services department and all applicable fees have been paid, the development and neighborhood services department will issue an engineering permit for the proposed work.

(2) The engineering permit and approved plans must be available at all times at the work site while work is being performed. Any work in progress including, but not limited, use of the rights-of-way, without a valid permit and approved plans available at the site shall be suspended until such time as a valid permit is produced on the site.

(3) The development and neighborhood services department inspector shall have the right to inspect and approve materials and phases of work. Final inspection and acceptance of work by the development and neighborhood services department must be obtained to document the completion of the work. Work will be considered incomplete until that portion of the permit indicating the final inspection and approval has been signed and dated by the inspector.

(j) Approving authority; standards for approval and appeals.

(1) The development and neighborhood services director or designee shall have the authority to approve or deny applications for permits under this Chapter based upon approved engineering standards and the City's Comprehensive Plan, City Code, other applicable City, local, state, and federal law.

(2) Any party claiming to be aggrieved by a decision of the approving authority under this Chapter may appeal to the Planning and Zoning Board of Appeals pursuant to section 16-85 of the City Code within ten (10) days of rendition of the decision of the approving authority.

(k) Conditions.

(1) It is expressly stipulated, and the holder of a permit under this Chapter agrees, that the engineering permit is a revocable license for a permissive use only, and that the placing of facilities upon public property pursuant to this permit shall not operate to create or to vest any property right in the holder thereof, and that the issuance of an engineering permit does not relieve the permit holder of the need for obtaining any other permits or licenses that may be required by the appropriate authorities. The permit holder agrees that the permit may be revoked if the development and neighborhood services department or designee finds that the work performed thereunder is not in accordance with the approved plans and/or this Chapter, the City's Comprehensive Plan, City Code or other applicable law; that the permit was issued in error; and/or, the permit or work will be detrimental to the public health, safety, or welfare.

(2) The rights and privileges set out in this Chapter are granted only to the extent of the City's jurisdiction over the land to be entered upon and used by the applicant. The applicant will, at all times, assume all risk of loss and defend, indemnify, and hold the City harmless from and against any and all loss, damage, cost, or expense arising in any manner on account of the exercise or attempted exercise by the applicant of these rights and privileges.

(3) Except where prior written consent has been obtained and copy provided to the development and neighborhood services department, the construction or maintenance of a utility shall not interfere with or encroach upon the property or rights of a prior or current occupant.

(4) In the event of widening, repair, reconstruction, or improvement of rights-of-way, including but not limited to installation of pavement, drainage structures or sidewalks, the applicant shall, upon notice by the development and neighborhood services department, relocate or protect existing facilities to clear the area for construction, at no cost to the City.

(5) Applicants receiving an engineering permit are required to schedule pre- and post-construction inspections with the development and neighborhood services department.

(l) Compliance with applicable regulations and approved plans.

(1) The applicant for any permit assumes full and total responsibility for compliance with this Chapter, supporting regulations, additional requirements of the City, and county, state or federal laws, ordinances or other directives which may apply to the proposed work.

(2) The applicant for a permit assumes the responsibility to adhere to the approved plat and site plan post-construction.

(m) General obligations.

(1) Obtaining an engineering permit does not relieve an applicant or property owner of its duty to obtain all other necessary authorizations and to pay all fees required by other city, county, state or federal rules, laws, or regulations.

(2) The applicant and property owner shall comply with all requirements of the City's Comprehensive Plan, City Code, other applicable local, state, county, and federal laws, and are responsible for all construction performed pursuant to the engineering permit, regardless of who performs the construction.

(3) The construction performed in on city owned or city-controlled property shall be done in conformance with specifications provided for in the City Code.

(4) Except in the case of emergency, and with the approval of the development and neighborhood services director or designee, no construction on public property may be performed when climatic conditions are unreasonable for such work. The development and neighborhood services director or designee may order a temporary cessation of construction during inclement or impending inclement conditions, when such conditions present an unreasonable danger to persons using the right-of-way or to the general public. The development and neighborhood services director or designee shall provide reasonable notice, as is practical, to make the construction site safe and to secure materials and equipment.

(5) An applicant or property owner shall not cause obstruction in a manner that will interfere with the natural free and clear passage of water through the gutters or other waterway.

(6) Private vehicles, other than authorized company vehicles, may not be parked within or adjacent to a construction site. The loading and unloading of trucks adjacent to a construction site area is prohibited unless specifically authorized through the permit process.

(7) The applicant or its designated licensed contractor shall belong to the Sunshine State One-Call Notification System as required by state law or such other line location system acceptable to the City.

III. Staff Analysis:

Background:

Engineering permits are issued when work is performed on-site for such activities as excavation, dredging, earthwork, grading, lot clearing, drainage, utility work, sealcoating, striping, and paving. Please note that this permit does not apply to work in the within the Right-of-Way since that will be covered by the newly created Right of Way permit.

Engineering Permits are required for the following reasons:

- To ensure that the work is done correctly by allowing city inspections
- To ensure the City knows the extent and permanence of the beneficial and detrimental effects of the permitted work
- To require erosion and sediment control devices and prevent illicit discharges
- To coordinate work amongst agencies like Palm Beach County Water Utilities

Presently the City issues a building permit to review this type of work. City Staff is proposing a specific section of the code to outline the requirements for such a permit so the process is clear and concise for a permittee. This proposed process will provide better customer service and avoid delays.

Development Review Committee Comments:

The petition was reviewed by the Development Review Committee on June 9 and 16, 2022, and recommended for approval.

Planning Department:	No comments
Building Department:	Comments addressed in staff report
Recreation and Parks	No comments
Fire Department:	No comments
PBSO District #16	No comments
Public Works Department:	No comments

IV. Zoning Text Amendment Criteria:

A. The need and justification for these changes:

The principal intent of these proposed text amendments to the City Code is to clarify and provide in detail the steps in order to obtain an engineering permit. Presently, to perform engineering work requires a general building permit which does not outline the requirements, documentation or approvals required to secure such a permit. The intent is to provide better customer service by providing clear and concise steps to obtain an Engineering Permit.

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 by adding the specific requirements to obtain a City Engineering Permit.

V. Staff Recommendation:

Approval of ZTA-22-15 through the adoption of Ordinance 2022-19.

**PLANNING AND ZONING BOARD OF ADJUSTMENTS RECOMMENDATION –
July 14, 2022**

The Planning and Zoning Board of Adjustments on a motion made by Commissioner Robarts and seconded by Commissioner Edmundson, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-22-15** (*Engineering Permits*) as presented by staff.

CITY COUNCIL ACTION First Reading – August 1, 2022

The City Council on a motion made by Council Member Noble and seconded by Council Member Bousquet, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-22-10** as presented by staff.

CITY COUNCIL ACTION Second Reading – August 15, 2022

Attachments:

1. Ordinance 2022-19



Department Report

MEETING DATE: 08/01/22

FROM: Suzanne Skidmore, Director of Human Resources & Risk Management

SUBJECT: Ordinance 2022-24 - Fire Recue Criminal History Background Checks

BACKGROUND

The City of Greenacres currently conducts such background checks for firefighter personnel through the Florida Department of Law Enforcement's (FDLE) Civil Workflow Control System (CWCS), which enables the City to conduct fingerprint-based state and national criminal history record checks under the authority of Florida Statute Section 633.412. The Federal Bureau of Investigation (FBI) has advised FDLE that the City will no longer be authorized to submit applicants under the authority of Florida Statute Section 633.412 effective May 1, 2023.

ANALYSIS

The City desires to continue its current level of background screening for personnel in the Department of Fire Rescue. The only change is that the City is no longer able to perform Fire Rescue checks using the current Originating Agency Identification (ORI). A separate ORI will need to be established for Fire Rescue.

The Ordinance was approved on first reading on August 1, 2022

FINANCIAL INFORMATION

Any costs associated with the policies are and will be included in the City Budget.

LEGAL

The Ordinance has been reviewed by our City Attorney for legal sufficiency.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2022-24 on second reading.

ORDINANCE NO. 2022-24

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 10, "PERSONNEL", ARTICLE I, "IN GENERAL", TO CREATE A NEW SECTION 10-1 TO BE ENTITLED, "STATE AND NATIONAL CRIMINAL HISTORY CHECKS FOR CERTAIN MUNICIPAL EMPLOYEES"; TO CODIFY REQUIREMENTS FOR CRIMINAL HISTORY RECORDS CHECKS FOR PERSONNEL IN THE DEPARTMENT OF FIRE RESCUE WHICH THE GOVERNING BODY OF THE MUNICIPALITY FINDS ARE CRITICAL TO SECURITY OR SAFETY; TO CODIFY THE REQUIREMENT FOR CRIMINAL HISTORY RECORDS CHECKS FOR CERTAIN MUNICIPAL EMPLOYEES AND APPOINTEES WHICH THE CITY COUNCIL OF GREENACRES, FLORIDA, FINDS IS CRITICAL TO SECURITY OR SAFETY; PROVIDING FOR SEVERABILITY, CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, AND AN EFFECTIVE DATE

WHEREAS, it is common practice, appropriate, and proper to require general background checks for prospective City employees; and

WHEREAS, the City of Greenacres ("City") currently conducts such background checks for firefighter personnel through the Florida Department of Law Enforcement's (FDLE) Civil Workflow Control System (CWCS), which enables the City to conduct fingerprint-based state and national criminal history record checks under the authority of Florida Statute Section 633.412; and

WHEREAS, the Federal Bureau of Investigation (FBI) has advised FDLE that the City will no longer be authorized to submit applicants under the authority of Florida Statute Section 633.412 effective May 1, 2023; and

WHEREAS, the City desires to continue its current level of background screening for personnel in the Department of Fire Rescue; and

WHEREAS, Florida Statute Section 166.0442 provides authority to conduct such screening; and

WHEREAS, Florida Statute Section 166.0442 authorizes municipalities, by ordinance, to require criminal history records checks for the following any position of municipal employment or appointment, whether paid, unpaid, or contractual, which the governing body of the municipality finds is critical to security or public safety; and

WHEREAS, Florida Statute Section 166.0442 requires that criminal history record checks include fingerprinting the applicable individuals, and having the individuals' fingerprints submitted to FLDE for a state criminal history record check which are then forwarded by FDLE to the FBI for a national criminal history record check; and

WHEREAS, considering the City's past practice and continuing need to require background screening for prospective employees and certain individuals, it is appropriate for the City to require criminal history record checks for the personnel in the Department of Fire Rescue as authorized by Florida Statute Section 166.0442(1); and,

WHEREAS, the City Council has determined it is in the best interests of the City and serves a valid public purpose to require state and national criminal history record checks for such personnel as set forth in this Ordinance.

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

Section 1: Recitals. That the foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Council of the City of Greenacres, Florida.

Section 2: That Chapter 10, entitled, “Personnel “Article I, entitled “In General”, is hereby amended by creating a new section 10-1 to be entitled, “State and National Criminal History Checks for Certain Municipal Employees” which new section shall state as follows:

Sec. 10-1. – State and National Criminal History Checks for Certain Municipal Employees.

- (a) Pursuant to Florida Statute Section 166.0442, as amended from time to time, state and national criminal history record checks shall be required for personnel in the Department of Fire Rescue.
- (b) All prospective personnel in the Department of Fire Rescue shall be required to authorize the City to conduct all appropriate background screening procedures as a condition of employment with the City, including but not limited to obtaining fingerprints.
- (c) Fingerprints obtained pursuant to Florida Statutes Section 166.0442 shall be submitted to FDLE for state criminal history record check, which shall be forwarded by FDLE to the FBI for a national criminal history record check, or as in accordance with FDLE and FBI procedures as amended from time to time.
- (d) The information obtained for each criminal history record check conducted under this section shall be used to determine a person’s eligibility for employment and eligibility for continued employment.
- (e) This section is not intended to preempt or prevent any other background screening, including but not limited to, criminal history background checks that the City may lawfully undertake.

Section 3: Severability. That if any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall

be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 4: Repeal of Conflicting Ordinances. All ordinances or parts thereof conflicting with or inconsistent with the provisions of this Ordinance are repealed.

Section 5: Inclusion in the Code. That the provision of this Ordinance shall 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. That the provisions of this Ordinance shall take effect upon adoption.

Passed on the first reading this 1st day of August 2022.

PASSED AND ADOPTED on this second reading this 15th day of August 2022.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Deputy Mayor

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: August 15, 2022

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2022-15, ZTA-22-05**
Adult Entertainment

BACKGROUND

The intent of the City initiated zoning text amendment is to repeal the City's Adult Entertainment regulations and formally adopt Palm Beach County's Adult Entertainment with some opt-out provisions.

In the past thirty years the number of topless bars, adult bookstores, X-rated theaters, massage parlors—even exotic car washes—has mushroomed. These uses generate intense community concern about the morality of such businesses, their exploitation of individuals, and their “secondary effects” impact on surrounding neighborhoods. Business owners call city council members with concerns that prospective customers will stay away if a massage parlor sets up shop next door. Landowners in a rural area who previously opposed any zoning as an undue restriction on private property rights suddenly turn out in great numbers to demand zoning “protection” when they learn a topless bar is proposed to be located nearby. Conservative religious groups and liberal advocates of women’s rights join forces to protest the moral climate set by a proliferation of sexually oriented businesses.

The upshot of this outpouring of concern has been a strong trend among local governments around the country to regulate sexually oriented businesses. Regulations must be carefully considered in light of federal and state constitutional guarantees regarding freedom of expression. In particular, regulations imposed on sexually oriented businesses have been challenged in the courts over many years. The result of these challenges is a body of court decisions that conclude that local governments may impose reasonable time, place, and manner regulations on adult businesses as long as a substantial public interest in regulating the use (in a way that does not suppress speech) is demonstrated, and as long as reasonable alternative locations are provided for the use. While it is unlikely that local governments may totally ban sexually oriented businesses, location and licensing restrictions may be imposed since the courts recognize that communities are entitled to protect themselves against the “secondary effects” of such businesses.

The Development Review Committee has reviewed these text amendments and is recommending approval. The Planning and Zoning Board of Appeals reviewed this staff-initiated text amendment on July 14, 2022, and recommended approval by a vote of 5-0.

ANALYSIS

The purpose and intent of this chapter is to regulate adult-oriented businesses which, unless closely regulated, tend to have serious secondary effects on the community, which effects include, but are not limited to, the following: depreciation of property values and increase in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their property when such property is located in the vicinity of adult businesses as a result of increases in crime, litter, noise and vandalism; higher crime rates in the vicinity of adult businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots, which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of the adult businesses. The proposed text amendments to the City Code are to adopt Palm Beach County Adult Entertainment regulations which the City is already bound by but to opt-out of provisions that are not beneficial to Greenacres residents.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2022-15 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-22-05 through the adoption of Ordinance 2022-15.

ORDINANCE NO. 2022-15

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16 “ZONING REGULATIONS,” ARTICLE II “ADMINISTRATION,” BY DELETING IN ITS ENTIRETY CURRENT DIVISION 11 “ADULT ENTERTAINMENT ESTABLISHMENTS” AND ADOPTING A NEW DIVISION 11, ENTITLED “ADULT ENTERTAINMENT ESTABLISHMENT,” WHICH SHALL FORMALLY INCORPORATE PALM BEACH COUNTY’S ADULT ENTERTAINMENT CODE, AND SETTING FORTH THOSE SPECIFIC OPT-OUT PROVISIONS FROM THE COUNTY’S ADULT ENTERTAINMENT CODE; PROVIDING FOR SEVERABILITY, PRESERVATION, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, In order to preserve and safeguard the health, safety, property values and general welfare of the people, businesses and industries of the City, it is necessary and advisable for the City to regulate adult entertainment establishments; and

WHEREAS, it is necessary and advisable for the City to regulate the conduct of owners, managers, operators, agents, workers, entertainers, performers and customers at adult entertainment establishments throughout the City; and

WHEREAS, the City Council recognizes the need to update its ordinances regarding adult entertainment establishments in order to ensure that such establishments comply with the regulatory requirements of this ordinance amendment prior to such businesses being permitted to operate in the City; and

WHEREAS, the City Council recognizes that by updating its adult entertainment code, as set forth herein it will allow establish essential regulations and requirements that must be complied with by any adult entertainment establishment in the City; and

WHEREAS, the City Council of the City of Greenacres legislatively determines and declares that creation of a new adult entertainment code as set forth herein is in the public interest of the health, safety and general welfare of the residents and business community of the City.

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

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. It is the purpose and intent of this ordinance to promote the health, safety, and general welfare of the residents of the City, to ensure the proper regulatory requirements for adult entertainment establishments.

SECTION 2. BOUNDARIES. That this Ordinance shall apply to all properties located within the boundaries of the City of Greenacres, Florida.

SECTION 3. DELETION OF CHAPTER 16. ZONING REGULATIONS, ARTICLE II ADMINISTRATION, DIVISION 11. ADULT ENTERTAINMENT ESTABLISHMENTS. The City Council hereby deletes, in full, Chapter 16. Zoning Regulations, Article II. Administration, Division 11. Adult Entertainment Establishments.

SECTION 4. CREATION OF NEW CHAPTER 16. ZONING REGULATIONS, ARTICLE II ADMINISTRATION, DIVISION 11. ADULT ENTERTAINMENT ESTABLISHMENTS. The City Council hereby amends the Greenacres Code by adopting new Chapter 16. Zoning Regulations, Article II. Administration, Division 11. Adult Entertainment Establishments, which shall read as follows:

ARTICLE II. – ADMINISTRATION

DIVISION 11. – ADULT ENTERTAINMENT ESTABLISHMENTS

Sec. 16-221. – Title.

This Division shall be known as the “Adult Entertainment Code” of the City.

Sec. 16-222. – Authority and Jurisdiction.

The Adult Entertainment Code of the City is enacted in the interest of the public health, safety, and general welfare of the people of the City and pursuant to the authority of the City to regulate the sale and consumption of alcoholic beverages under the Twenty-First Amendment to the Constitution of the United States.

The Adult Entertainment Code shall be effective throughout the City.

Sec. 16-223. – Findings of Fact.

In addition and supplemental to the findings and determinations contained in the "Whereas" provisions, which are incorporated by reference into this section, the City Council acting in its legislative capacity for the purpose of regulating adult entertainment establishments, hereby makes the following findings of fact:

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Based on the evidence and testimony presented at public hearings before the City Council, and on the findings incorporated in the United States Attorney General's Commission on Pornography (1986), A Summary of a National Survey of Real Estate Appraisers Regarding the Effect of Adult Bookstores on Property Values, conducted by the Department of Metropolitan Development, City of Indianapolis, 1984; Adult Entertainment Businesses Study for Manatee County, Manatee County Planning and Development Department, June 1987; Adult Entertainment Study, Department of City Planning, City of New York, November 1994; Director's Report Proposed Land Use Code Text Amendment adult Cabarets, Department of Construction and Land Use, City of Seattle, March 1989; Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, Hubert H. Humphrey, III, Attorney General, State of Minnesota, June 6, 1989; Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles, Department of City Planning, City of Los Angeles, June 1997; and the Palm Beach County Adult Entertainment Code, the City finds that:

(1) Establishments exist or may exist within the city where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and/or devices which depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold.

(2) Establishments exist or may exist within the City:

a. Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded, and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;

b. Where dancers, entertainers, performers or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical areas; or

c. Where lap dancing occurs.

(3) The activities described in subsections (1) and (2) of this section occur at establishments for the purpose of making a profit, and, as such, are subject to regulation by the City in the interest of the health, safety, and general welfare of the people of the City.

(4) The competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce, and total community environment in the City.

(5) The commercial exploitation of nudity and semi-nudity consists of the use of nude and seminude entertainment in connection with or for the promotion of the sale of goods or services, and the receipt of money by the person engaging in nude or seminude entertainment in exchange for, or as consideration for nude or seminude performance by such individuals.

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(6) In order to preserve the public peace and good order, and to safeguard the health, safety and welfare of the community and citizens thereof, it is necessary and advisable to regulate and restrict the conduct of owners, operators, agents, employees, entertainers, performers, patrons, spectators and persons on the premises of the commercial establishments subject to this article.

(7) There is a direct relationship between the display or depiction of specified anatomical areas as defined in this article and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community, and the concurrences of these activities is hazardous to the health and safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, tone of commerce and total community environment in the City.

(8) When the activities described in subsections (1) and (2) of this section are presented in establishments within the City, other activities which are illegal, immoral or unhealthy tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include but are not limited to prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property.

(9) When the activities described in subsections (1) and (2) of this section are present in establishments within the City, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, foster an atmosphere which promotes crime, and ultimately lead residents and businesses to move to other locations.

(10) Physical contact within establishments at which the activities described in subsections (1) and (2) of this section occur between workers exhibiting specified anatomical areas and customers poses a threat to the health of both and may lead to the spread of communicable, infectious and social diseases.

(11) In order to preserve and safeguard the health, safety, and general welfare of the people of the City, it is necessary and advisable for the city to regulate the conduct of owners, managers, operators, agents, employees, entertainers, performers and customers at establishments where the activities described in subsections (1) and (2) of this section occur.

(12) The potential dangers to the health, safety, and general welfare of the people of the City from the activities described in subsections (1) and (2) of this section occurring at establishments without first obtaining a license under this chapter are so great as to require the licensure of such establishments prior to their being permitted to operate.

(13) Sexually oriented businesses are frequently used for unlawful and unhealthy sexual activities, including prostitution and sexual liaison of a casual nature.

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(14) The concern over sexually transmitted diseases is a legitimate health concern of the City which demands reasonable regulations of sexually oriented businesses in order to protect the health and well-being of the citizens.

(15) Licensing is a legitimate reasonable means of accountability to ensure that operators of sexually oriented businesses comply with the reasonable regulations within the adult entertainment code and the locational requirements of the city zoning regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

Sec. 16-224. – Opting into County Adult Entertainment Code.

(1) The City hereby opts into the County Adult Entertainment Code, as amended from time to time.

(2) The City Manager, or their representative, shall provide to the occupational licensing department of the County, the designation of city departments and contact persons for the City who have been delegated the responsibilities outlined in following sections:

a. The Building Division is responsible for inspecting any proposed establishment for which a license is being applied for in order to ascertain whether it complies with division 3 of the County Adult Entertainment Code and all applicable building codes, statutes, ordinances and regulations in effect in the City. The respective building official shall compare and certify that all aspects of the submitted floor plan, site plan and certified survey accurately depict the actual structure and comply with the provisions of the County Adult Entertainment Code.

b. The Fire Rescue Department is responsible for the inspection of licensed premises or any proposed or existing establishment to ascertain whether it complies with division 3 of the county adult entertainment code and all applicable fire codes, statutes, ordinances and regulations in effect in the City.

c. The Planning, Engineering and GIS Division of the Development and Neighborhood Services Department is responsible for ascertaining whether a proposed or existing establishment for which a license is being applied for complies with division 3 of the County Adult Entertainment Code and all applicable zoning regulations in effect in the city.

Sec. 16-225. – Replacement of the County Adult entertainment Code's prohibitions at establishments allowing alcoholic beverages.

(1) The City hereby opts out of those provisions set forth in section 17-182 of the County Adult Entertainment Code to the extent that such provisions allow or permit alcoholic beverages at an adult entertainment establishments. This opt-out provision shall apply to the extent that any such adult entertainment establishment dealing in alcoholic beverages as set forth in this Code and section 17-182 of the County Adult Entertainment Code shall not be

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permitted, authorized or licensed to sell, serve, consume or possess any alcoholic beverages.

(2) In addition and supplemental to the findings and determinations contained in the "Whereas" provisions and the Findings of Fact, the City Council, acting in its legislative capacity for the purpose of regulating nudity and other sexual conduct in establishments dealing in alcoholic beverages, as authorized pursuant to the Twenty-First Amendment, finds that:

a. Considering what has happened in other communities, the acts prohibited in subsection (3) herein, encourage or create the potential for the conduct of prostitution, attempted rape, rape, assault, and other crimes, in and around establishments dealing in alcoholic beverages;

b. Actual and simulated nudity and sexual conduct and the depiction thereof, coupled with alcohol in public places produces and has the potential for producing undesirable behavior;

c. Sexual, lewd, lascivious, and salacious conduct among patrons and employees within establishments dealing in alcoholic beverages results in violation of law and creates dangers to the health, safety, morals, and welfare of the public and those who engage in such conduct; and

d. It is the intent of this ordinance to prohibit nudity, gross sexuality, and the simulation and depiction thereof in establishments dealing in alcoholic beverages.

(3) The following prohibitions and criteria shall apply within and around those establishments that are either dealing in or are permitted, authorized or licensed to sell, serve, consume or possess any alcoholic beverages:

a. No person shall knowingly or intentionally appear, or cause another person to appear nude, or expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage, or buttocks, or any simulation thereof.

b. No female person shall knowingly, intentionally or recklessly expose any portion of her breasts directly or laterally below the top of the areola, or any simulation thereof, and no person shall knowingly, intentionally or recklessly cause a female person to expose any portion of her breasts directly or laterally below the top of the areola, or any simulation thereof.

c. No person or entity maintaining, owning, or operating an establishment dealing in alcoholic beverages shall encourage, allow or permit any person to appear nude or to expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage, or any portion of the buttocks or simulation thereof.

d. No person or entity maintaining, owning or operating an establishment dealing in alcoholic beverages shall encourage, allow or permit any female person to

expose to public view her breasts, directly or laterally, below the top of the areola or any simulation thereof.

e. No person shall engage in and no person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any sexual intercourse; masturbation; sodomy; bestiality; oral copulation; flagellation; any sexual act which is prohibited by law; touching, caressing, or fondling of the breasts, buttocks, anus, or genitals; or the simulation thereof.

f. No person shall cause and no person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit the exposition of any graphic representation, including pictures or images by the projection of film or video images on a television or a monitor, which depicts human genitals, pubic area, vulva, anus, anal cleft or cleavage, buttocks, female breasts directly or laterally below the top of the areola; sexual intercourse; masturbation; sodomy; bestiality; oral copulation; flagellation; any sexual act prohibited by law; touching, caressing, or fondling of the breasts, buttocks, anus, or genitals; or any simulation thereof. This subsection shall not be construed to prohibit the showing of movies, tapes or video cassettes that contain a movie industry rating of "R" or "PG-13."

Sec. 16-226. – Replacement of Prohibited Locations and Measurement of Distance of the County Adult Entertainment Code; establishing the proximity to certain establishments restricted.

(1) Notwithstanding any other provision of this Chapter or any provision of the City's Zoning Regulations or the Greenacres Code, no person shall propose, cause or permit the operation of, or enlargement of, an adult entertainment establishment which, while in operation or after enlargement, would or will be located within fifteen hundred (1,500) feet of:

a. Any other adult entertainment establishment within or without the municipal limits of the city as defined in [section 16-1](#).

b. Any establishment for the sale of beer, wine, or intoxicating liquor for consumption on or off the premises; pawnshops, pool or billiard hall, penny arcade or other business establishment having as a substantial or significant portion of its business the operation of coin-operated amusement devices.

c. Publicly-owned lands used as recreational facilities, administrative functions or public safety functions.

d. Any church or house of worship.

e. Any college, university, public school, private school, licensed private nursery or pre-school or day care center.

(2) In addition to the distance requirements set forth in subsection (1), an adult entertainment establishment shall only be allowed in areas designated as Commercial Intensive adjacent to South Military Trail.

(3) The distance requirements of subsection (1) are independent of and do not supersede the distance requirements for any other establishment that may be contained in other laws, rules, ordinances or regulations.

(4) All measurements of distances shall be along a straight airline route from the farthest point on any property line to the nearest point on any property line of any property or use described herein for establishing the proximity restrictions to certain establishments.

SECTION 5. SEVERABILITY. Should any one or more of the provisions or element of this ordinance be held invalid, such provision or element shall be null and void, and shall be deemed separate from the remaining provisions or elements of this ordinance and shall in no way affect the validity of any of the remaining provisions or elements of this ordinance.

SECTION 6. PRESERVATION. All pending code compliance cases and code compliance orders existing at the time of the adoption of this ordinance are preserved and shall remain in full force and effect. All code compliance cases to be taken before the special magistrate after the date of adoption of this ordinance shall be processed in accordance with this ordinance. All requests for a release or partial release of an existing code compliance order which are made after the date of the adoption of this ordinance shall be processed in accordance with this ordinance.

SECTION 7. CONFLICTS. All other ordinances and resolutions in conflict with this ordinance are hereby cancelled, repealed or revised to be consistent with provisions and elements of this Ordinance.

SECTION 8. CODIFICATION. Specific authority is hereby granted to codify Section 4 of this Ordinance by removing the current Division 2, entitled "Code Enforcement", as set forth in Chapter 2, Article III; and, replacing it with the newly created Article VIII, entitled "Code Compliance", to be set forth at Chapter 2. The sections set forth in Section 4 of this Ordinance may be renumbered to accomplish such intentions.

SECTION 9. EFFECTIVE DATE.

Passed on the first reading this 15th day of August, 2022.

PASSED AND ADOPTED on the second reading this __day of _____, 2022.

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:

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

ZTA-22-05 (Ord. 2022-15)
Exhibit "A"
Date: May 17, 2022

Revised: 07/14/2022



DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION

I. Project Description:

Petitioner: City of Greenacres

Request: Zoning Text Amendments (ZTA) to Chapter 16 (Zoning Regulations); Article II (Administration, and Division 11 (Adult Entertainment.

The intent of the City initiated zoning text amendment proposes to repeal the City's Adult Entertainment regulations and formally adopt Palm Beach County's Adult Entertainment with some opt-out provisions.

II. 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 is to be added.

ARTICLE II. – ADMINISTRATION

DIVISION 11. – ADULT ENTERTAINMENT ESTABLISHMENTS

Sec. 16-221. – Proximity to certain establishments restricted.

~~No adult entertainment establishment shall be operated or maintained within fifteen hundred (1,500) feet of:~~

~~(1) Any other adult entertainment establishment within or without the municipal limits of the city as defined in section 16-1.~~

~~(2) Any establishment for the sale of beer, wine, or intoxicating liquor for consumption on or off the premises; pawnshops, pool or billiard hall, penny arcade or other business establishment having as a substantial or significant portion of its business the operation of coin-operated amusement devices.~~

~~(3) Publicly owned lands used as recreational facilities, administrative functions, or public safety functions.~~

~~(4) Any church or house of worship.~~

~~(5) Any college, university, public school, private school, licensed private nursery or pre-school or day care center.~~

~~Sec. 16-222. -- Measurement of distance.~~

~~For the purposes of [section 16-221](#), all measurements of distances shall be along a straight airline route from the farthest point on any property line to the nearest point on any property line of any property or use described in paragraphs (1) through (2) of [section 16-221](#).~~

~~Sec. 16-223. -- Hours of operation.~~

~~Adult establishments shall be restricted to the following hours of operation:~~

~~(1) Adult bookstores, adult health studios, adult photography studios, and adult novelty stores shall not be open for business before 9:00 a.m. or after 9:00 p.m.~~

~~(2) Restaurants and lounges with adult entertainment shall not be open for business before 11:00 a.m. and after 2:00 a.m.~~

~~(3) Adult motion picture theaters shall not be open for business before 11:00 a.m. or after 2:00 a.m.~~

~~(4) No adult entertainment establishment as described herein shall be open for business on any Sunday or national legal holiday.~~

~~Sec. 16-224. -- Signs, etc.~~

~~All development concept plans submitted in support of applications for adult entertainment establishment special exceptions shall be subject to review of outdoor sign location, size, content, method of lighting, hours of operation and any other reasonable restrictions imposed by the city council. In addition, thereto, the development concept plan shall show and be subject to approval of all outdoor statues or other appurtenance, picture and or graphics which applicant intends to display at time of approval or at any time during the period of operation.~~

~~Sec. 16-225. -- Nonconforming use.~~

~~In the event that any permitted or special exception use allowed within a commercial intensive district is constructed within fifteen hundred (1,500) feet of an adult entertainment establishment as defined in [section 16-1](#), the adult entertainment establishment shall become a nonconforming use at the time of issuance of certificate of occupancy of such permitted or special exception use.~~

~~Sec. 16-226. -- Expiration of approval.~~

~~The adult entertainment establishment approval shall expire twelve (12) months after the date of the abovementioned certificate of occupancy.~~

~~Sec. 16-227. – Violations.~~

~~(a) It shall be a violation for the owner or operator of any adult entertainment establishment as described herein to permit any person under the age of eighteen (18) years to enter or remain upon the premises of the establishment, or to sell any product or service to any person under the age of eighteen (18) years on the premises of a regulated use.~~

~~(b) It shall be a violation for any person under the age of eighteen (18) years to enter or remain upon the premises of any regulated use, or to purchase any product or service upon the premises of an adult entertainment establishment as described herein.~~

~~(c) It shall be a violation for any person to touch any of the specified anatomical areas of another person while upon the premises of an adult entertainment establishment as described herein.~~

~~Secs. 16-228 — 16-250. – Reserved.~~

Sec. 16-221. – Title.

This Division shall be known as the “Adult Entertainment Code” of the City.

Sec. 16-222. – Authority and Jurisdiction.

The Adult Entertainment Code of the City is enacted in the interest of the public health, safety, and general welfare of the people of the City and pursuant to the authority of the City to regulate the sale and consumption of alcoholic beverages under the Twenty-First Amendment to the Constitution of the United States.

The Adult Entertainment Code shall be effective throughout the City.

Sec. 16-223. – Findings of Fact.

In addition, and supplemental to the findings and determinations contained in the "Whereas" provisions, which are incorporated by reference into this section, the City Council acting in its legislative capacity for the purpose of regulating adult entertainment establishments, hereby makes the following findings of fact:

Based on the evidence and testimony presented at public hearings before the City Council, and on the findings incorporated in the United States Attorney General's Commission on Pornography (1986), A Summary of a National Survey of Real Estate Appraisers Regarding the Effect of Adult Bookstores on Property Values, conducted by the Department of Metropolitan

Development, City of Indianapolis, 1984; Adult Entertainment Businesses Study for Manatee County, Manatee County Planning and Development Department, June 1987; Adult Entertainment Study, Department of City Planning, City of New York, November 1994; Director's Report Proposed Land Use Code Text Amendment adult Cabarets, Department of Construction and Land Use, City of Seattle, March 1989; Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, Hubert H. Humphrey, III, Attorney General, State of Minnesota, June 6, 1989; Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles, Department of City Planning, City of Los Angeles, June 1997; and the Palm Beach County Adult Entertainment Code, the City finds that:

(1) Establishments exist or may exist within the city where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and/or devices which depict, illustrate, describe, or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold.

(2) Establishments exist or may exist within the City:

a. Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded, and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;

b. Where dancers, entertainers, performers, or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical areas; or

c. Where lap dancing occurs.

(3) The activities described in subsections (1) and (2) of this section occur at establishments for the purpose of making a profit, and, as such, are subject to regulation by the City in the interest of the health, safety, and general welfare of the people of the City.

(4) The competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce, and total community environment in the City.

(5) The commercial exploitation of nudity and semi-nudity consists of the use of nude and seminude entertainment in connection with or for the promotion of the sale of goods or services, and the receipt of money by the person engaging in nude or seminude entertainment in exchange for, or as consideration for nude or seminude performance by such individuals.

(6) In order to preserve the public peace and good order, and to safeguard the health, safety and welfare of the community and citizens thereof, it is necessary and advisable to regulate and restrict the conduct of owners, operators, agents, employees, entertainers, performers, patrons, spectators, and persons on the premises of the commercial establishments subject to this article.

(7) There is a direct relationship between the display or depiction of specified anatomical areas as defined in this article and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community, and the concurrences of these activities is hazardous to the health and safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, tone of commerce and total community environment in the City.

(8) When the activities described in subsections (1) and (2) of this section are presented in establishments within the City, other activities which are illegal, immoral, or unhealthy tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include but are not limited to prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property.

(9) When the activities described in subsections (1) and (2) of this section are present in establishments within the City, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, foster an atmosphere which promotes crime, and ultimately lead residents and businesses to move to other locations.

(10) Physical contact within establishments at which the activities described in subsections (1) and (2) of this section occur between workers exhibiting specified anatomical areas and customers poses a threat to the health of both and may lead to the spread of communicable, infectious, and social diseases.

(11) In order to preserve and safeguard the health, safety, and general welfare of the people of the City, it is necessary and advisable for the city to regulate the conduct of owners, managers, operators, agents, employees, entertainers, performers, and customers at establishments where the activities described in subsections (1) and (2) of this section occur.

(12) The potential dangers to the health, safety, and general welfare of the people of the City from the activities described in subsections (1) and (2) of this section occurring at establishments without first obtaining a license under this chapter are so great as to require the licensure of such establishments prior to their being permitted to operate.

(13) Sexually oriented businesses are frequently used for unlawful and unhealthy sexual activities, including prostitution and sexual liaison of a casual nature.

(14) The concern over sexually transmitted diseases is a legitimate health concern of the City which demands reasonable regulations of sexually oriented businesses in order to protect the health and well-being of the citizens.

(15) Licensing is a legitimate reasonable means of accountability to ensure that operators of sexually oriented businesses comply with the reasonable regulations within the adult entertainment code and the locational requirements of the city zoning regulations and to ensure

that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

Sec. 16-224. – Opting into County Adult Entertainment Code.

- (1) The City hereby opts into the County Adult Entertainment Code, as amended from time to time.
- (2) The City Manager, or their representative, shall provide to the occupational licensing department of the County, the designation of city departments and contact persons for the City who have been delegated the responsibilities outlined in following sections:
 - a. The Building Division is responsible for inspecting any proposed establishment for which a license is being applied for in order to ascertain whether it complies with division 3 of the County Adult Entertainment Code and all applicable building codes, statutes, ordinances, and regulations in effect in the City. The respective building official shall compare and certify that all aspects of the submitted floor plan, site plan and certified survey accurately depict the actual structure and comply with the provisions of the County Adult Entertainment Code.
 - b. The Fire Rescue Department is responsible for the inspection of licensed premises or any proposed or existing establishment to ascertain whether it complies with division 3 of the county adult entertainment code and all applicable fire codes, statutes, ordinances, and regulations in effect in the City.
 - c. The Planning, Engineering and GIS Division of the Development and Neighborhood Services Department is responsible for ascertaining whether a proposed or existing establishment for which a license is being applied for complies with division 3 of the County Adult Entertainment Code and all applicable zoning regulations in effect in the city.

Sec. 16-225. – Replacement of the County Adult entertainment Code’s prohibitions at establishments allowing alcoholic beverages.

- (1) The City hereby opts out of those provisions set forth in section 17-182 of the County Adult Entertainment Code to the extent that such provisions allow or permit alcoholic beverages at an adult entertainment establishment. This opt-out provision shall apply to the extent that any such adult entertainment establishment dealing in alcoholic beverages as set forth in this Code and section 17-182 of the County Adult Entertainment Code shall not be permitted, authorized, or licensed to sell, serve, consume, or possess any alcoholic beverages.
- (2) In addition, and supplemental to the findings and determinations contained in the "Whereas" provisions and the Findings of Fact, the City Council, acting in its legislative capacity for the purpose of regulating nudity and other sexual conduct in establishments dealing in alcoholic beverages, as authorized pursuant to the Twenty-First Amendment, finds that:

a. Considering what has happened in other communities, the acts prohibited in subsection (3) herein, encourage or create the potential for the conduct of prostitution, attempted rape, rape, assault, and other crimes, in and around establishments dealing in alcoholic beverages;

b. Actual and simulated nudity and sexual conduct and the depiction thereof, coupled with alcohol in public places produces and has the potential for producing undesirable behavior;

c. Sexual, lewd, lascivious, and salacious conduct among patrons and employees within establishments dealing in alcoholic beverages results in violation of law and creates dangers to the health, safety, morals, and welfare of the public and those who engage in such conduct; and

d. It is the intent of this ordinance to prohibit nudity, gross sexuality, and the simulation and depiction thereof in establishments dealing in alcoholic beverages.

(3) The following prohibitions and criteria shall apply within and around those establishments that are either dealing in or are permitted, authorized, or licensed to sell, serve, consume, or possess any alcoholic beverages:

a. No person shall knowingly or intentionally appear, or cause another person to appear nude, or expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage, or buttocks, or any simulation thereof.

b. No female person shall knowingly, intentionally, or recklessly expose any portion of her breasts directly or laterally below the top of the areola, or any simulation thereof, and no person shall knowingly, intentionally, or recklessly cause a female person to expose any portion of her breasts directly or laterally below the top of the areola, or any simulation thereof.

c. No person or entity maintaining, owning, or operating an establishment dealing in alcoholic beverages shall encourage, allow, or permit any person to appear nude or to expose to public view his or her genitals, pubic area, vulva, anus, anal cleft or cleavage, or any portion of the buttocks or simulation thereof.

d. No person or entity maintaining, owning, or operating an establishment dealing in alcoholic beverages shall encourage, allow, or permit any female person to expose to public view her breasts, directly or laterally, below the top of the areola or any simulation thereof.

c. No person shall engage in and no person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any sexual intercourse; masturbation; sodomy; bestiality; oral copulation; flagellation; any sexual act which is prohibited by law; touching, caressing, or fondling of the breasts, buttocks, anus, or genitals; or the simulation thereof.

d. No person shall cause and no person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit the exposition of any graphic representation, including pictures or images by the projection of film or video images on a television or a monitor, which depicts human genitals, pubic area, vulva, anus, anal cleft or cleavage, buttocks, female breasts directly or laterally below the top of the areola; sexual intercourse; masturbation; sodomy; bestiality; oral copulation; flagellation; any sexual act prohibited by law; touching, caressing, or fondling of the breasts, buttocks, anus, or genitals; or any simulation thereof. This subsection shall not be construed to prohibit the showing of movies, tapes or video cassettes that contain a movie industry rating of "R" or "PG-13."

Sec. 16-226. – Replacement of Prohibited Locations and Measurement of Distance of the County Adult Entertainment Code; establishing the proximity to certain establishments restricted.

- (1) Notwithstanding any other provision of this Chapter or any provision of the City's Zoning Regulations or the Greenacres Code, no person shall propose, cause, or permit the operation of, or enlargement of, an adult entertainment establishment which, while in operation or after enlargement, would or will be located within fifteen hundred (1,500) feet of:
 - a. Any other adult entertainment establishment within or without the municipal limits of the city as defined in [section 16-1](#).
 - b. Any establishment for the sale of beer, wine, or intoxicating liquor for consumption on or off the premises; pawnshops, pool or billiard hall, penny arcade or other business establishment having as a substantial or significant portion of its business the operation of coin-operated amusement devices.
 - c. Publicly owned lands used as recreational facilities, administrative functions, or public safety functions.
 - d. Any church or house of worship.
 - e. Any college, university, public school, private school, licensed private nursery or pre-school or day care center.
- (2) In addition to the distance requirements set forth in subsection (1), an adult entertainment establishment shall only be allowed in areas designated as Commercial Intensive adjacent to South Military Trail.
- (3) The distance requirements of subsection (1) are independent of and do not supersede the distance requirements for any other establishment that may be contained in other laws, rules, ordinances, or regulations.

- (4) All measurements of distances shall be along a straight airline route from the farthest point on any property line to the nearest point on any property line of any property or use described herein for establishing the proximity restrictions to certain establishments.

Secs. 16-227—16-250. - Reserved.

III. Staff Analysis:

Background:

In the past thirty years the number of topless bars, adult bookstores, X-rated theaters, massage parlors—even exotic car washes—has mushroomed. These uses generate intense community concern about the morality of such businesses, their exploitation of women, and their “secondary effects” impact on surrounding neighborhoods. Business owners call city council members with concerns that prospective customers will stay away if a massage parlor sets up shop next door. Landowners in a rural area who previously opposed any zoning as an undue restriction on private property rights suddenly turn out in great numbers to demand zoning “protection” when they learn a topless bar is proposed to be located nearby. Conservative religious groups and liberal advocates of women’s rights join forces to protest the moral climate set by a proliferation of sexually oriented businesses.

The upshot of this outpouring of concern has been a strong trend among local governments around the country to regulate sexually oriented businesses. Regulations must be carefully considered in light of federal and state constitutional guarantees regarding freedom of expression. In particular, regulations imposed on sexually oriented businesses have been challenged in the courts over many years. The result of these challenges is a body of court decisions that conclude that local governments may impose reasonable time, place, and manner regulations on adult businesses as long as a substantial public interest in regulating the use (in a way that does not suppress speech) is demonstrated, and as long as reasonable alternative locations are provided for the use. While it is unlikely that local governments may totally ban sexually oriented businesses, location and licensing restrictions may be imposed since the courts recognize that communities are entitled to protect themselves against the “secondary effects” of such businesses.

Development Review Committee Comments:

The petition was reviewed by the Development Review Committee on May 19, 2022 and recommended approval.

Planning Department:	No comments
Building Department:	No comments
Recreation and Parks	Comments addressed in Staff Report
Fire Department:	No comments
PBSO District #16	Comments addressed in Staff Report
Public Works Department:	No comments

IV. Zoning Text Amendment Criteria:

A. The need and justification for these changes:

The purpose and intent of this chapter is to regulate adult-oriented businesses which, unless closely regulated, tend to have serious secondary effects on the community, which effects include, but are not limited to, the following: depreciation of property values and increase in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their property when such property is located in the vicinity of adult businesses as a result of increases in crime, litter, noise and vandalism; higher crime rates in the vicinity of adult businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots, which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of the adult businesses. The proposed text amendments to the City Code are to adopt Palm Beach County Adult Entertainment regulations which the City is already bound by but to opt-out of provisions that are not beneficial to Greenacres residents.

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 by ensuring the Adult Entertainment standards are in compliance with legal cases and with Palm Beach County regulations.

V. Staff Recommendation:

Approval of ZTA-22-05 through the adoption of Ordinance 2022-16.

**PLANNING AND ZONING BOARD OF ADJUSTMENTS RECOMMENDATION –
July 14, 2022**

The Planning and Zoning Board of Adjustment, on a motion made by Commissioner Litowsky and seconded by Commissioner Edmundson, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-22-05 (Adult Entertainment)** as presented by the City Attorney.

CITY COUNCIL ACTION First Reading – August 1, 2022

CITY COUNCIL ACTION Second Reading – August 15, 2022

Attachments:

1. Ordinance 2022-15



ITEM SUMMARY

MEETING DATE: August 15, 2022

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2022-21, ZTA-22-12**
Tree Removal Permits

BACKGROUND

The State of Florida adopted new regulations regarding tree removal permits. The approved legislation amends s. 163.045, F.S., which prohibits a local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from a certified arborist or a licensed landscape architect, that the tree “poses an unacceptable risk” to persons or property. Under the bill, a tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate as outlined in Best Management Practices – Tree Risk Assessment, Second Edition (2017).

The bill defines "documentation" to mean an onsite tree risk assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017). Documentation must be signed by an arborist certified by the International Society of Arboriculture (ISA) or Florida licensed landscape architect. The bill also defines the term "residential property" as a single-family detached building located on an existing lot, actively used for single-family residential purposes, and which is either an existing conforming use or a legally recognized nonconforming use following the local jurisdiction's applicable land development regulations.

The Development Review Committee has reviewed these text amendments and is recommending approval. The Planning and Zoning Board of Appeals will review this staff-initiated text amendment on August 11, 2022.

ANALYSIS

The principal intent of these proposed text amendments to the Zoning Code is to amend the City's Tree Removal Permit criteria to be in compliance with newly adopted State legislation which does not require a Tree Removal Permit for trees removed from single family homes and determined by a landscape architect or arborist that the tree poses an unacceptable risk to persons or property per Best Management Practices – Tree Risk Assessment, Second Edition (2017).

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2022-21 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-22-12 through the adoption of Ordinance 2022-21.

ORDINANCE NO. 2022-21

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ZONING REGULATIONS, ARTICLE VII, LANDSCAPING, DIVISION 1, GENERAL REQUIREMENTS, SECTION 16-1249, BUILDING PERMIT FOR VEGETATION REMOVAL REQUIRED, TO CLARIFY WHEN A TREE REMOVAL PERMIT IS NOT REQUIRED FOR RESIDENTIAL PROPERTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY, INCLUSION IN THE CODE, AND 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, the Development and Neighborhood Services Department has submitted a request for a Zoning Code Text Amendment to revise Chapter 16, Article VII, Division 1, specifically section 16-1249 to clarify when a tree removal permit is not required for residential property; and

WHEREAS, the Development Review Committee determined that the proposed amendments to section 16-1249 are appropriate as further stated in the Committee’s Staff Report and Recommendation, “Exhibit A” dated July 7, 2022 (attached); and

WHEREAS, the proposed amendments are required due to recently approved amendments to the governing state statute, which the City’s existing code is in conflict with; 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 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 City of Greenacres Code of Ordinance at Chapter 16, Zoning Regulations, Article VII, Landscaping, Division 1, General Requirements, is hereby amended at section 16-1249 as follows (additions are indicated by underscoring and deletions are indicated by ~~strikeout~~):

Sec. 16-1249. - Building permit for vegetation removal required.

(a) Applicability. Unless otherwise provided in this article, no person, firm, corporation, association, public agency, or agent or employee, shall destroy, remove, or relocate acceptable vegetation not listed in Table 16-1312(a) from any property without first obtaining a building permit for vegetation removal from the city.

(1) For residential developments and subdivisions with approved landscape plans and homeowners' associations, a building permit is required for vegetation removal(a) Applicability. Unless otherwise provided in this article, no person, firm, corporation, association, public agency, or agent or employee, shall destroy, remove, or relocate acceptable vegetation not listed in Table 16-1312(a) from any property without first obtaining a building permit for vegetation removal from the city.

(1) For residential developments and subdivisions with approved landscape plans and homeowners' associations, a building permit is required for vegetation removal. A homeowners association letter of approval must be included in the application. Each tree removed must be replaced with a new tree that meets City Code requirements, located in accord with the approved landscape plan.

(2) For residential developments and subdivisions without approved landscape plans and with a homeowner's association, a building permit is required for vegetation removal. A homeowners association letter of approval must be included in the application. Each tree removed must be replaced with a new tree that meets City Code requirements if removal reduces the number of trees on the lot below Code minimums for quantity. Replacements shall be located on the affected lot.

(3) For residential developments and subdivisions without approved landscape plans and without a homeowner's association, a building permit is required for vegetation removal. Each tree removed must be replaced with a new tree that meets current City Code requirements if removal reduces the number of trees on the lot below Code minimums for quantity. Replacements shall be located on the affected lot.

(b) Exemptions.

Ordinance No. 2022-10 | Tree Removal Permit

Page No. 3

(1) Prohibited trees listed in Table 16-1312(a) may be removed for any reason without a permit for vegetation removal.

(2) Other than for trees, the permit requirement for vegetation removal at single-family and duplex residential lots may be waived at the discretion of the planning and engineering director or designee if the vegetation to be removed is replaced at a 1:1 ratio.

(3) Trees with a trunk less than one (1) inch in diameter, measured at a point which is at least four and one-half (4½) feet above finished grade, may be removed without a permit.

(4) Removal of dead trees requires a permit and may require replacement trees to be planted as provided elsewhere in this article, however the permit shall be issued at no charge.

(5) In the event that a replacement tree is not required as a result of an approved removal (such as if the lot will meet or exceed the minimum tree count requirement after removal), the permit for removal shall be issued at no charge.

(6) *Residential property.* As referenced in F.S. § 163.045, residential property shall be defined as a single-family, detached building located on a lot that is actively used for single-family residential purposes and that is either a confirming use or a legally recognized nonconforming use in accordance with the city's zoning regulations. ~~fee-simple, single-family, attached or detached, or duplex lots.~~ Those parcels or lots that comprise the common elements or community property, in whole or in part, within a PCD, PUD, and or MXD shall not be defined as or deemed to be "residential property" for the purposes of F.S. § 163.045. Residential properties that utilize the state statute exemption are required to possess ~~file~~ the required documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree being removed poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices – Tree Risk Assessment, Second Edition (2017). If the residential property meets this requirement, then the tree may be removed without a permit. ~~provides a reason and justification that the tree presents a danger to persons or property with the city's planning and engineering department.~~

[Subsections 16-1249(c) through 16-1249(g) and Section 12-1250 are not being amended and are omitted for brevity]

SECTION 2. Repeal of Conflicting Ordinances.

Ordinance No. 2022-10 | Tree Removal Permit

Page No. 4

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

SECTION 3. Severability

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

SECTION 4. 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 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 5. Effective Date

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this ____ day of _____, 2022.

Ordinance No. 2022-10 | Tree Removal Permit

Page No. 5

PASSED AND ADOPTED on the second reading this ____ day of ____ 2022.

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:

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

ZTA-22-12 (Ordinance 2022-21)

Revised:

Date: July 7, 2022



DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

ZTA-22-12: Tree Removal Permit

Recommendation to City Council: A City-initiated request for a text amendment to amend the City's Tree Removal Permit criteria to be in compliance with newly adopted State legislation.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Caryn Gardner-Young, Zoning Administrator	Reviewed By: Acting Director of Development and Neighborhood Services _____ Andrea McCue, City Manager
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: Paper: The Lake Worth Herald Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____
Attachments: <ul style="list-style-type: none"> Ordinance 2022-10_ 	City Council Action: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____

I. Executive Summary

The State of Florida adopted new regulations regarding tree removal permits. The approved legislation amends s. 163.045, F.S., which prohibits a local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from a certified arborist or a licensed landscape architect, that the tree “poses an unacceptable risk” to persons or property. Under the bill, a tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate as outlined in Best Management Practices – Tree Risk Assessment, Second Edition (2017).

The bill defines "documentation" to mean an onsite tree risk assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017). Documentation must be signed by an arborist certified by the International Society of Arboriculture (ISA) or Florida licensed landscape architect. The bill also defines the term "residential property" as a single-family detached building located on an existing lot, actively used for single-family residential purposes, and which is either an existing conforming use or a legally recognized nonconforming use following the local jurisdiction's applicable land development regulations.

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

ARTICLE VII LANDSCAPING

Sec. 16-1249. - Building permit for vegetation removal required.

(a) Applicability. Unless otherwise provided in this article, no person, firm, corporation, association, public agency, or agent or employee, shall destroy, remove, or relocate acceptable vegetation not listed in Table 16-1312(a) from any property without first obtaining a building permit for vegetation removal from the city.

(1) For residential developments and subdivisions with approved landscape plans and homeowners' associations, a building permit is required for vegetation removal(a) Applicability. Unless otherwise provided in this article, no person, firm, corporation, association, public agency, or agent or employee, shall destroy, remove, or relocate acceptable vegetation not listed in Table 16-1312(a) from any property without first obtaining a building permit for vegetation removal from the city.

(1) For residential developments and subdivisions with approved landscape plans and homeowners' associations, a building permit is required for vegetation removal. A homeowners association letter

of approval must be included in the application. Each tree removed must be replaced with a new tree that meets City Code requirements, located in accord with the approved landscape plan.

(2) For residential developments and subdivisions without approved landscape plans and with a homeowner's association, a building permit is required for vegetation removal. A homeowners association letter of approval must be included in the application. Each tree removed must be replaced with a new tree that meets City Code requirements if removal reduces the number of trees on the lot below Code minimums for quantity. Replacements shall be located on the affected lot.

(3) For residential developments and subdivisions without approved landscape plans and without a homeowner's association, a building permit is required for vegetation removal. Each tree removed must be replaced with a new tree that meets current City Code requirements if removal reduces the number of trees on the lot below Code minimums for quantity. Replacements shall be located on the affected lot.

(b) Exemptions.

(1) Prohibited trees listed in Table 16-1312(a) may be removed for any reason without a permit for vegetation removal.

(2) Other than for trees, the permit requirement for vegetation removal at single-family and duplex residential lots may be waived at the discretion of the planning and engineering director or designee if the vegetation to be removed is replaced at a 1:1 ratio.

(3) Trees with a trunk less than one (1) inch in diameter, measured at a point which is at least four and one-half (4½) feet above finished grade, may be removed without a permit.

(4) Removal of dead trees requires a permit and may require replacement trees to be planted as provided elsewhere in this article, however the permit shall be issued at no charge.

(5) In the event that a replacement tree is not required as a result of an approved removal (such as if the lot will meet or exceed the minimum tree count requirement after removal), the permit for removal shall be issued at no charge.

(6) *Residential property.* As referenced in F.S. § 163.045, residential property shall be defined as a single-family, detached building located on a lot that is actively used for single-family residential purposes and that is either a confirming use or a legally recognized nonconforming use in accordance with the city's zoning regulations. ~~fee simple, single family, attached or detached, or duplex lots.~~ Those parcels or lots that comprise the common elements or community property, in whole or in part, within a PCD, PUD, and or MXD shall not be defined as or deemed to be "residential property" for the purposes of F.S. § 163.045. Residential properties that utilize the state statute exemption are required to possess file the required documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree being removed poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices – Tree Risk Assessment, Second Edition (2017). If the residential property meets this requirement, then the tree may be removed without a permit.

~~provides a reason and justification that the tree presents a danger to persons or property with the city's planning and engineering department.~~

[Subsections 16-1249(c) through 16-1249(g) and Section 12-1250 are not being amended and are omitted for brevity]

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 amend the City's Tree Removal Permit criteria to be in compliance with newly adopted State legislation which does not require a Tree Removal Permit for trees removed from single family homes and determined by a landscape architect or arborist that the tree poses an unacceptable risk to persons or property per Best Management Practices – Tree Risk Assessment, Second Edition (2017).

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 June 9 and 16, 2022, 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- 22-12 through the adoption of Ordinance 2022-10.

PLANNING ZONING BOARD OF APPEALS RECOMMENDATION – August 11, 2022

CITY COUNCIL ACTION First Reading

CITY COUNCIL ACTION Adoption Hearing –



ITEM SUMMARY

MEETING DATE: August 15, 2022

FROM: Andrea McCue, City Manager, Administration

SUBJECT: Ordinance 2022-27 – Limited Income Senior Citizen Exemption

BACKGROUND

PBC senior citizens, age 65 or older, with income below the limit set by the Florida Dept. of Revenue and whose properties qualify for the homestead exemption can also qualify for an additional exemption. The additional benefit for qualified seniors applies only to taxes levied by municipal entities that have approved the additional exemption.

ANALYSIS

At the July 18, 2022, Council Meeting, staff was directed to prepare an Ordinance for the Council's consideration to implement the program in the City. A majority of the Council supported the \$5,000.00 exemption. The income limit for the 2022 exemption is \$32,561. There are currently 533 properties in the City that qualify for this exemption.

FINANCIAL INFORMATION

The financial impact to the City based on the \$5,000.00 exemption level will be \$17,056.00.

LEGAL

The City Attorney has reviewed for legal sufficiency and compliance.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2022-27 on first reading.

ORDINANCE NO. 2022-27

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ADOPTING CHAPTER 13 "TAXATION," ARTICLE IV "ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS 65 AND OLDER," TO PROVIDE FOR AN ADDITIONAL \$5,000.00 HOMESTEAD EXEMPTION FOR QUALIFYING PERSONS 65 YEARS OF AGE AND OLDER; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, DIRECTIONS TO THE CLERK FOR DELIVERY, AND AN EFFECTIVE DATE.

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

WHEREAS, Section 6(d), Article VII of the Florida Constitution and Section 196.075, Florida Statutes, authorize local governments to adopt an ordinance to establish an additional homestead exemption for a person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age 65, and whose household income does not exceed an established maximum amount, currently set at \$32,561.00; and

WHEREAS, the City Council wishes to adopt an ordinance pursuant to Section 196.075, Florida Statutes, to provide qualifying persons who are 65 years and older an additional homestead exemption of \$5,000.00; and

WHEREAS, the City Council has considered the costs to the City and the benefits to the eligible property owners resulting from this additional homestead exemption by the City; and

WHEREAS, the City Council finds that this additional homestead exemption for qualifying persons 65 years and older serves a public purpose and is in the best interests of the public health, safety and/or welfare of the City.

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 by adding a new Article V “Additional homestead exemption for persons 65 and older” to Chapter 13 “Taxation,” and such new article shall read as follows:

ARTICLE V – ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS 65 AND OLDER

Sec. 13-83– Purpose; applicability.

The purpose of this article is to provide an additional homestead exemption for persons 65 years of age and older in accordance with the requirements of F.S. § 196.075. This exemption applies only to taxes levied by the City, including dependent special districts and municipal service taxing units, if any. It is the intent of the City Council that this ordinance shall conform to the requirements of Section 196.075, Florida Statutes, as presently constituted and as may be amended from time to time.

Sec. 13-84. – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Household means a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling.

Household income means the adjusted gross income, as defined in section 62 of the United States Internal Revenue Code, of all members of a household.

Ordinance No. 2022-27 | Limited Income Senior Citizen Exemption

Page No. 3

Property appraiser means the Palm Beach County Property Appraiser.

Sec. 13-85. – Exemption.

- (a) Qualifications. Pursuant to F.S. § 196.075, an additional homestead exemption is hereby authorized for any person who:
- (1) Has the legal or equitable title to real estate;
 - (2) Maintains thereon the permanent residence of the owner;
 - (3) Is 65 years or older as of January 1; and
 - (4) Whose household income does not exceed \$32,561.00, as adjusted in subsection (e) below.
- (b) Exemption amount. The amount of the additional homestead exemption is \$5,000.00.
- (c) Annual adjustment of household income limitation. For purposes of determining household income, the \$32,561.00 household income limitation shall be calculated in accordance with F.S. § 196.075(3) and adjusted annually. The calculation of household income shall be adjusted annually, on January 1, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer-price-index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

Sec. 13-86. – Process to claim exemption.

- (a) Initial request. A taxpayer who wants to claim the additional exemption for the first time is required to submit to the property appraiser, not later than March 1, a sworn statement of household income on a form prescribed by the Florida Department of

Ordinance No. 2022-27 | Limited Income Senior Citizen Exemption

Page No. 4

Revenue.

(b) Annual request. The taxpayer claiming the exemption is required to submit annually to the property appraiser, not later than May 1, a sworn statement of household income on a form prescribed by the Florida Department of Revenue

(c) Supporting documentation. The initial and annual requests must also include any supporting documentation required by the Department of Revenue and property appraiser. The property appraiser may not grant the exemption if the required documentation requested is not provided.

Sec. 13-87. – Property held jointly with right of survivorship.

If title to the subject property is held jointly with right of survivorship, the person residing on the property and otherwise qualifying may receive the entire amount of the additional homestead exemption.

SECTION 3. Repeal Of Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

Ordinance No. 2022-27 | Limited Income Senior Citizen Exemption

Page No. 5

SECTION 6. Delivery Of Ordinance. The City Clerk is directed to deliver a copy of this ordinance to the Palm Beach County Property Appraiser no later than December 1, 2022, if possible.

SECTION 7. Effective Date

The provisions of this Ordinance shall become effective immediately upon adoption.

Ordinance No. 2022-27 | Limited Income Senior Citizen Exemption

Page No. 6

Passed on the first reading this 15th day of August 2022.

PASSED AND ADOPTED on the second reading this ____ day of _____, 2022.

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: August 1, 2022

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Resolution 2022-30**
DNS Fee Schedule

BACKGROUND

Various Ordinances have recently been adopted by the City Council which require an amendment to the Development and Neighborhood Services (DNS) Fee Schedule. Through Ordinance 2022-11, the City Council adopted new Plat procedures. To assign fees to these new processes, the DNS Fee Schedule needs to be amended. In addition, through Ordinances 2022-17 and 2022-19, the City Council adopted new Engineering and Right-of-Way Permit procedures which fees also need to be included in the DNS Fee Schedule. Lastly, we needed to perform some housekeeping modifications. These included changing the name of the Land Development Staff to Development Review Committee, correcting any advertisement fees which were listed incorrectly either as requiring a fee or not listing a fee and deleting the subdivision petition since this is covered in the new Plat petition. See attached fee schedule

ANALYSIS

City Staff is proposing the fee schedule changes to reflect adoption of new processes or procedures such as the new Plat process and newly adopted Engineering and Right-of-Way permits. The fees are to cover the cost of staff processing the permits or petitions. In addition, there is a need to update the Fee Schedule to show the current name of committees (Land Development Staff to Development Review Committee), to delete a duplicate petition (Subdivision petition is contained in the Plat petition) and to correct the advertisement fees for petitions which either require advertisement or do not.

FINANCIAL INFORMATION

Based on projected case volumes for FY 2022, the revised fees are estimated to increase revenue by approximately \$5,000. Most of the processes are already in place, we are just clarifying the process and carrying the fees over.

LEGAL

Resolution 2022-30 was prepared in accordance with all applicable State Statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of amendments to the schedule of application fees through the adoption of Resolution 2022-30.

RESOLUTION NO. 2022-30

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA REPEALING RESOLUTION NO. 2021-57 AND ADOPTING A SCHEDULE OF FILING FEES FOR MATTERS PERTAINING TO CHAPTER 12, SUBDIVISION AND LAND DEVELOPMENT REGULATIONS AND TO ENGINEERING AND RIGHT-OF-WAY PERMITS; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 12-8 and Section 16-35(b) of the City of Greenacres (City) Code of Ordinance provides that required filing fees shall be as adopted by Resolution of the City Council; and

WHEREAS, the City Council previously adopted Resolution 2012- 24 on November 19, 2012, Resolution 2015-39 on October 5, 2015, and Resolution 2021-57 on December 13, 2021, establishing and/or amending such fees; and

WHEREAS, the Fee Schedule needs to be updated to address the fees required in the new Plat process adopted by the City Council through Ordinance 2022-11, change the name of the Land Development Staff to the Development Review Committee as adopted by the City Council through Ordinance 2021-19 and to add Engineering and Right-of-Way Permit Fees as adopted by the City Council through Ordinances 2022-17 and 2022-19 and performing housekeeping modifications including changing the name of Land Development Staff to Development Review Committee, correcting any advertisement fees which were listed incorrectly either as requiring a fee or not listing a fee and deleting the subdivision petition since this is covered in the new Plat petition; and

WHEREAS, the City Council of the City of Greenacres finds that it is in the best interest of the City that said fees be amended in order to account for the new Plat processes and the addition of the new Engineering and Right-of-Way Permit fees.

Resolution No. 2022-30 | DNS Fee Schedule

Page No. 2

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

SECTION 1. Filing and other fees for zoning petitions, platting and other land development reviews shall be in compliance with the revised fee schedule which is attached hereto and incorporated herein as Exhibit "A"

SECTION 2. All resolutions in conflict herewith are hereby repealed

SECTION 3: This resolution shall be effective upon its adoption

(Reminder of page is intentionally left blank)

Resolution No. 2022-30 | DNS Fee Schedule

Page No. 3

RESOLVED AND ADOPTED this 15th of day of August 2022

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:

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

**DEVELOPMENT AND NEIGHBORHOOD SERVICES
DEPARTMENT
FEE SCHEDULE
EXHIBIT A**

Item # 10.

	<u>Petition Submittal Fee²</u>	Ad Fee ^{1,4}	Special Services Fee ^{1, 3,4}
Abandonment of Easement or Right-of-Way	\$1,080	\$600	2,000
Address Plan Review	\$100 per unit	\$0	\$0
After the fact requests	2x petition fee	\$0	\$0
Alcohol Beverage License Review	\$113	\$0	\$0
Annexation	\$3,400 ⁵	\$0 \$1500	\$0
Appeal of Administrative Decision	\$540	\$0	\$0
Building permit zoning review and inspection	\$50 per review or inspection	\$0	\$0
Comprehensive Plan Amendment (text amendment)	\$3,400	\$1,500	\$2,000
Comprehensive Plan Amendment (small scale) under 50 acres	\$3,800	\$1,500	\$2,000
Comprehensive Plan Amendment (large scale)	\$4,900	\$1,500	\$2,000
Developer's Agreement review and approval	\$1,500	\$0	\$0
<u>Development Review Committee</u> Land Development Staff Pre-application meeting	\$375 ⁶	\$0	\$0
Master Plan	\$2,750	\$600 \$0	\$2,000
Master Plan Amendment	\$800	\$600 \$0	\$2,000
Master Sign Plan Program	\$800	\$600 \$0	\$0
No Show <u>DRC</u> LDS /Planning Board	\$250	\$0	\$0
Performance bond/ monies accepted by the City or review of conditions of approval	\$520	\$0	\$0
Plat - Preliminary [Plus 1% of cost of required improvements (grading, drainage, paving, signing and marking, and sidewalks)]	\$520 <u>\$2750</u>	\$0	\$2,000 <u>Based upon Review Fee Worksheet</u>
Plat - Final [Plus 1% of cost of required improvements (grading, drainage, paving, signing and marking, and sidewalks)]	\$520	\$0	\$2,000 <u>Based upon Review Fee Worksheet</u>
Plat Exempt Subdivision	\$360	\$0	\$2,000
Request for postponement of Public Hearing within ten (10) days of public meeting	\$250	\$0	\$0
Re-submittal fee (after first resubmittal) requiring review by the <u>Development Review Committee</u> Land Development Staff	\$250 OR 50% application free whichever is more	\$0	\$0
Research fees, per hour	\$40	\$0	\$0
Site and Development Plan	\$2,750	\$0	\$2,000

Site and Development Plan Amendment – Class-I (minor)	\$500	\$0	Item # 10.
Site and Development Plan Amendment – Class-III (major)	\$2,210	\$0	\$2,000
Special Exception – Developed Site	\$1,621	\$600	\$2,000
Special Exception – Undeveloped Site	\$3,243	\$600	\$2,000
Special Exception Amendment	\$1,500	\$600	\$2,000
Subdivision	\$2,750	\$1,000	\$0
Time Extension for Site Plans and Special Exceptions	\$1,450	\$0	\$0
Unity of Title/Unity of Control/Release	\$550	\$0	\$0
Variance - Administrative	\$800	\$0	\$0
Variance – Residential Uses single family	\$800	\$600	\$2,000
Variance – Residential Uses except single family	\$1,080	\$600	\$2,000
Variance – Non-residential Uses	\$2,160	\$600	\$2,000
Withdrawal Processing Fee	\$250	\$0	\$0
Zoning Map Amendment	\$3,734	\$1,500	\$2,000
Zoning Confirmation Letter	\$50	\$0	\$0
Zoning Text Amendment – general text	\$3,130	\$1,500	\$2,000
Permits			
<u>Engineering permit review*</u> <u>[Plus, rate per acre]</u>	<u>\$75 admin fee</u>	<u>\$0</u>	<u>\$0</u>
<u>Engineering permit inspection*</u> <u>[Plus, 3% of cost of required improvements (grading, drainage, paving, signing and marking, and sidewalks) OR areas/links of improvements, whichever is greater]</u>	<u>\$75 admin fee</u>	<u>\$0</u>	<u>\$0</u>
<u>Right of Way Permit Review</u> <u>(Plus, rate per linear feet)</u>	<u>\$75 admin fee</u>	<u>\$0</u>	<u>\$0</u>
<u>Right Of Way Permit Inspection</u> <u>[Plus 3% of cost of required improvements (grading, drainage, paving, signing and marking, and sidewalks) OR areas/links of improvements, whichever is greater]</u>	<u>\$75 admin fee</u>	<u>\$0</u>	<u>\$0</u>
Cost of Photocopies (Finance Account Number #3414)			
COMPREHENSIVE PLAN	\$100.00		
CITY CODES: Zoning Code (Chapter 16 only)	\$25.00		
Subdivision Code	\$7.00		
COPIES: Single-sided photocopies (up to 11"x17")	\$0.15		
Double-sided photocopies (up to 11"x17")	\$0.20		
Size 24" x 36" - black & white	\$4.00		
Size 24" x 36" - color	\$40.00		
Size 36" x 42" - black & white	\$8.00		
Size 36" x 42" - Color	\$80.00		
Note 1: If actual advertising costs are less than fee collected, balance will be refunded. If actual costs exceed fee collected, balance will be due from applicant.			
Note 2: Petition fee includes staff review of complete applications and is non-refundable.			
Note3: Special Services escrow means an account with the City for any services required of the city attorney, city engineer, outside consultant or planning staff in drafting development agreements, reviewing or drafting deed restrictions, or drafting or reviewing any special documents, including agreements, deeds, conveyances, or other documentation necessary for the granting of a development petition; this term shall also include any services from outside consultants of the development and neighborhood services department required to review an application for a development petition.			

Note 4: Escrow will be billed for project based on actual expenses for a project. Greenacres reserves the right to charge additional fees to recover professional, advertising, and other costs greater than the listed initial escrow amount.			Item # 10.
Note 5: This amount will not be charged if the annexation is requested by the City of Greenacres			
Note 6: This amount will be credited to the applicant's account if a petition is filed with the City of Greenacres within thirty (30) days			

- The fees and expenses set forth in this Schedule may automatically be increased annually upon each October 1st over the fees and expenses during the prior 12 months, as calculated under this Schedule, in an amount equal to the annual percentage increase of the Consumer Price Index (not to exceed 6% annually) as last reported by the U.S. Bureau of Labor Statistics for the twelve months immediately preceding.

EFFECTIVE August 15, 2022

Resolution 2022-30
Date: August 3, 2022

Revised:



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item: Adoption of a new fee petition schedule for Development and Neighborhood Services petitions and associated costs.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☐ Legislative

☐ Public Hearing

Originating Department: Development and Neighborhood Services Project Manager _____ Caryn Gardner-Young, Zoning Administrator	Reviewed By: Acting Director of Development and Neighborhood Services _____ Andrea McCue, City Manager _____ Glen J. Torcivia City Attorney
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: Paper: The Lake Worth Herald Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____
Attachments: <ul style="list-style-type: none"> • Resolution 2022-30 • Exhibit A 	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

As provided in Section 16-35(b) of the City of Greenacres (City) Code of Ordinance, application fees for zoning approvals and other land development processes are to be adopted by the City Council through a Resolution. The application fees for zoning approval and other land development processes were last amended by the City Council on December 13, 2021, through Resolution 2021-57, based upon the increase in costs for materials and personnel.

The proposed changes are as follows:

1. Adds a new fee for the newly adopted Engineering Permits
2. Adds a new fee for the newly adopted Right-of-Way Permits
3. Modifies the Plat (Preliminary and Final) Fees based upon the new adopted Plat processes
4. Replaces Land Development Staff with Development Review Committee
5. Corrects any advertisement fees which were listed incorrectly either as requiring a fee or not listing a fee
6. Deletes the subdivision petition since this is covered in the new Plat petition

II. Proposed Fee Schedule:

Exhibit A outlines the proposed fee schedule.

III. Staff Recommendation:

Approval of amendments to the schedule of application fees through the adoption of Resolution 2022-30.

CITY COUNCIL ACTION



Department Report

MEETING DATE: August 15, 2022
FROM: Michele Thompson, Director, Community & Recreation Services
SUBJECT: Community & Recreation Services Dept. - **July Report**

ADMINISTRATION

PERFORMANCE MEASUREMENT	THIS PERIOD	FY2022 TO DATE	FY 2022 BUDGET
No. of Contracts Executed	0	0	2
No. of Collaborative Partnerships	7	22	22
No. of Vendor/Independent Contractor Agreements	3	31	18
No. of Educational Scholarship Applications	14	19	14
No. of Community Events Coordinated	2	7	8
No. of Event Participants	8,030	29,131	28,000
No. of Little Free Libraries (LFL)*/Story Walk	0	24/2	30/2
No. of Business Sponsorships	2	26	17

FACILITY RENTALS

FACILITY RENTALS	THIS PERIOD	FY2022 TO DATE	FY 2022 BUDGET
Fields/Concession Stands	37	807	550
Pavilions	40	379	350
Center Facility	67 ¹	674 ¹	1,100
Monthly Center Attendance	3,998	33,066	N/A

¹ 62 Additional Free Rentals: **27** Gym -YP/BB Skills Clinic/PBSO Camp/BB Camp/Teen Open Gym, **8** Banquet Room -PBSO/Tai Chi/FR Grad./YP/B2S Event, **8** Room 1 -PBSO Det./PBSO Camp/BB Camp, **1** Room 2 -Spotlighters, **12** Room 3 -Senior Social, **2** Room 4 -Tai Chi/Summer Cookout, **4** Community Park -Ignite the Night Event.

REVENUE

FACILITY RENTALS REVENUE	THIS PERIOD	FY2022 TO DATE	FY2022 PROJECTED
Rental Revenue Generated	\$10,718.23	\$127,770.01	\$134,000

ATHLETICS

YOUTH ATHLETICS	THIS PERIOD	FY2022 TO DATE	FY2022 PROJECTED
Co-ed Fall Soccer (9/13/21-12/10/21)	-	158	160
Co-ed Spring Soccer	-	200	175
Co-ed Winter Basketball (12/6/21-3/10/22) • Registration Period 9/7/21 – 11/2/21	-	100	160
Co-ed Summer Basketball Skills Camp	2	45	40

COMMUNITY SERVICES

CROS MINISTRIES FOOD PANTRY DATES	NO. OF HOUSEHOLDS	NO. OF INDIVIDUALS
June	Cancelled / 36	Cancelled / 94
July	25/27	71/63
TOTAL YTD	422	1,660

COVID TESTING BY BLUE MED CONSULTANTS	NO. TESTED	TOTAL YTD
May & June	235 / 250	6,064
MOBILE COVID VACCINATION UNIT	NO. VACCINATED	TOTAL YTD
December	32	32

SENIOR PROGRAMS

SENIOR SOCIAL	SPONSORS	NO. OF PARTICIPANTS YTD
Games/Bingo/Special Events Mon., Wed., Fri. (3x15)	Humana, Cano Medical, Prominence Health, Dedicated Senior, PBSO, Devoted Health Plans, Absolute Best Insurance	276
Thanksgiving Luncheon	State Farm, Robling Arch, Humana, Frank Miller, DJ Bobby, The Glasser Family	45

FY22 EVENTS & SPONSORSHIPS

EVENTS	SPONSORS/PARTNERS	FY2022 EXPENSE	FY2022 ATTENDEES
Holiday in the Park (12/4/21)	Greenacres Nissan; Ed's Foods; Waste Management; PepsiCo; Tapatia; Humana; Dedicated Sr. Med. Ctr; Sunshine Health; BlueMed	\$10,628 with \$10,576 rev./sponsorships	5,500
Fiesta de Pueblo (4/8/22) March 5 th	Co-Sponsored w/ Fiesta de Pueblo, Inc.	\$2,268	3,000
Artzy Eve. at City Hall (1/22/22)	Cancelled	\$3,527	
Daddy Daughter Dance (6/4/22)	The Glasser Family	\$2,491 w/ rev. \$2,352	101
Egg'stravaganza (4/16/22)	Waste Management; Nissan; Dedicated Sr. Med. Ctr.; Lily V. State Farm; The Glasser family; Ed's & Tapatia	\$12,606 w/ \$13,079 rev./sponsorships	5,000
Rock-n-Roll Sunday	Cancelled		
Ignite the Night (7/4/22)	Waste Management; Nissan Dedicated Sr. Med. Ctr.; numerous local businesses	\$43,971	8,000
<i>Back2School</i> Supply Distribution (7/29/22)	Waste Mgmt; Sunshine Health; Humana; The Glasser Family; Nissan; Ed's & Tapatia; Dedicated Sr. Med. Ctr.; Pete's; Bingo Magic; NCJW	\$7,248 and \$8,020 in-kind/ sponsorships	9 schools 31 people assisting w/ delivery



Department Report

MEETING DATE: August 15, 2022

FROM: Andrea McCue, City Manager

SUBJECT: July 1, 2022 through July 31, 2022

Development & Neighborhood Services

Planning & Engineering

NEW CASES

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.

3130 Perry Avenue

A site and development plan to develop (SP-22-03) for vacant parcel to construct a 6241 sq. ft of office space totaling 4 bays for flexible office space. The site is located on the northeast corner of Perry Avenue and 10th Avenue South.

Sunoco – 3067 S Jog Road

A site and development plan amendment (SP-96-05C) to enlarge car detailing operations from three parking spaces to five parking spaces The site is located at 3067 S Jog Road.

CURRENT PLANNING CASES

ANX-08-01

Annexation into the City of various road rights-of-way per Interlocal Annexation Agreement (ANX-07-05). (Staff review)

ANX-20-03 4180 S. Jog Road (Lake Worth Plaza West Shopping Center)

A request by the owner for a voluntary annexation (ANX-20-03) for one parcel of land totaling approximately 27.14 acres. The site is located at 4180 S. Jog Road. The City has been negotiating an Interlocal Service Boundary Agreement with Palm Beach County, in accordance with Florida Statutes to facilitate the annexation of the plaza and the outparcels. Staff has received an Agreement from Palm Beach County and has started the adoption process. (Scheduled for Planning and Zoning Board of Appeals meeting on July 14, 2022 and first reading City Council on July 18, 2022)

Bethesda Tabernacle

A request by the owner for a request for a site and development plan approval (SP-99-04B) to modify the previously approved site plan and a special exception (SE-21-02) to for a house of worship and develop a 16,459 square foot House of Worship use and accessory uses at 4901 Lake Worth Road. (Resubmittal received on June 2, 2022 and is under staff review.)

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 a site and development plan (SP-85-12RR) approval to construct a 4,646 fast food restaurant with a drive-thru window and a special exception (SE-21-03) request to allow a fast food/drive thru restaurant in a commercial intensive zoning district. The site is located in the River Bridge Centre on the southwest corner of Forest Hill Blvd and S. Jog Road. (Resubmittal received on March 25, 2022, under consultant review. Awaiting receipt of complete resubmittal package)

ISBA-2020 Northeast Corner of S Jog and Lake Worth Road – ANX-22-01

A request initiated by the City of Greenacres to Palm Beach County for a Interlocal Service Boundary Agreement (ISBA) to address the potential issues for services upon annexation for the unincorporated property located at the north west corner of Lake Worth Road and South Jog Road. City Council approved Resolution 2020-45 to initiate the action on November 2, 2020. Palm Beach County Board of County Commissioners adopted a Resolution to support the ISBA. City and County staff met in January to start drafting the Agreement and continue to work out issues. City staff and the property owner met with Palm Beach County Fire Rescue and a representative from IAFF on June 29, 2021. Staff is checking in with County staff weekly for an update on the proposed language for the Agreement. PBC Staff has recently forwarded the Agreement, staff is reviewing it and starting the process to bring to Council for adoption. On July 18, 2022 was presented to City Council for first reading.

Pink Bird Stand Alone Car Wash

A request by the applicant to change the special exception (SE-22-01) for a stand alone car wash in a commercial general zoning district. A site and development plan (SP-22-02) request to construct a stand alone car wash. The site is located at 6200 Lake Worth Road. (Resubmittal received on July 20, 2022 under staff review.)

SITE PLAN AMENDMENTS

Riverbridge Centre

A request by the property owner for a Site Plan Amendment to modify parking and the surrounding area of a stand-alone ATM machine located within the parking lot of the River Bridge Shopping Center.

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-22-05

A City-initiated request for a text amendment to add Adult Entertainment to zoning districts. Scheduled for Planning and Zoning Board of Adjustment & Appeals on July 14, 2022. (Scheduled for first reading at City Council on August 15, 2022.)

ZTA-22-07

A City-initiated request for a text amendment to amend the final and preliminary plat procedures. (Staff review) (Scheduled for Planning and Zoning Board of Adjustment & Appeals on July 14, 2022 and scheduled for City Council on July 18, 2022 for first reading and second reading on August 1, 2022.)

ZTA-22-09

A City-initiated request for a text amendment to complete a comprehensive update to the Sign Regulations in order to regulate the location, number, size, use, appearance, construction and maintenance of all signs permitted in each zoning district.

ZTA-22-10

A City-initiated request for a text amendment to add right of way permits. (Scheduled for Planning and Zoning Board of Adjustment & Appeals on July 14, 2022 and scheduled for City Council on July 18, 2022 for first reading and August 1, 2022 for second reading.)

ZTA-22-11

A City-initiated request for a text amendment to add Outdoor sales regulations. (Scheduled for Planning and Zoning Board of Adjustment & Appeals on July 14, 2022. Scheduled for first reading at City Council on August 15, 2022.)

ZTA-22-12

A City-initiated request for a text amendment to amend the City's Tree Removal Permit criteria to be in compliance with newly adopted State legislation. Scheduled for Planning and Zoning Board of Adjustment & Appeals on August 11, 2022)

ZTA-22-13

A City-initiated request for a text amendment to add regulations for drainage between properties.

ZTA-22-14

A City-initiated request for a text amendment to Property Maintenance Code.

ZTA-22-15

A City-initiated request for a text amendment to add Engineering Permits. (Scheduled for Planning and Zoning Board of Adjustment & Appeals on July 14, 2022 and scheduled for City Council on August 1, 2022 for first reading and August 15, 2022 for second reading.)

ZTA-22-16

A City-initiated request for a text amendment to modify business tax receipt and fees. (Scheduled for Planning and Zoning Board of Adjustment & Appeals on July 14, 2022) Staff Review

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. MOT Plan issued drainage work to begin October 5, 2020.

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. Drainage, subgrade inspections are approximately 70% completed.

Blossom Trail (Nash Trail)

Plat application received on July 8, 2022. Awaiting receipt of complete submittal package.

COMMERCIAL PERMITS

Braman Honda

Revised replat under review. Construction of the vehicle storage lot is complete. Permit application for the recently approved service department expansion (SP-97-06G) was issued. Comments sent to applicant on March 22, 2021. Replat was approved at City Council meeting on April 18, 2022. Awaiting receipt of recorded plat.

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.

CAPITAL IMPROVEMENTS

Original Section Drainage Improvement – Phase 8

An application for Phase 8 of the Original Section Drainage Improvements project was submitted to DES on February 8, 2021. The CDBG Grant Agreement for FY 21-22 was approved by City Council on August 18, 2021. Agreement sent to DHES on August 25, 2021. Design completed January 28, 2022, expected to advertise for bid on January 30, 2022. Pre application meeting was held on February 10, 2022. The bid opening was held on March 2, 2022. On March 21, 2022 the City Council awarded bid to TCLM, Inc. Preconstruction meeting was held on April 19, 2022. Notice to Proceed issued April 20, 2022. Construction start date was April 28, 2022. Project is in final phases of construction.

Dillman Trail

Preconstruction meeting held on May 31, 2022. Notice to Proceed issued June 1, 2022. Construction start date scheduled for August 15, 2022.

FY 2022 Data:

Case	Current Period	FY 2021 to Date	FY 2021 Budget
Annexation	0	0	2
Comprehensive Plan Amendment	0	4	5
Zoning Changes	0	1	3
Special Exceptions	0	1	5
Site Plans	0	2	5
Site Plan Amendments	0	9	14
Variances	0	0	4
Zoning Text Amendments	1	9	3

Inspection Type	Current Period	FY 2021 to Date	FY 2021 Budget
Landscaping	5	50	130
Zoning	2	31	121
Engineering	7	93	100

Building Division

1) ADMINISTRATION:

- a) Researched and completed one hundred and forty-four (144) for June and one hundred and thirty (130) for July, lien searches providing open and/or expired permit information.
- b) Researched and completed ninety-seven (97) records request for historical permits.
- c) Congratulations to Jeremy Scott for receiving his State of Florida DBPR, Building Standard Inspector's license.

2) PERMITS/INSPECTIONS

PERMITS/INSPECTIONS	DURING THIS PERIOD	FYTD 2021
New Applications Received / Permits Created	747	3314
Applications Approved	178	733
Applications Canceled	6	30
Applications Denied	4	56
Applications Reopened	4	32
Permits Issued	729	3186
Permits Completed	436	2315
Permits Canceled	29	106
Permits Reopened	80	263
Permits Expired	38	80
Inspections Performed	1243	6033
Construction Value of Permits Issued	\$13,056,484.87	\$44,321,284.88
Construction Reinspection Fees	\$1,600	\$5,600
Extension/Renewal Fees	\$2,862.19	\$2,862.19
CO's Issued	5	18
CC's Issued	0	11
Temporary CO's Issued	0	0

3) BUSINESS AND CONTRACTOR REGISTRATION (see attached reports):

ACTION	DURING THIS PERIOD	FYTD 2021
BTR Inspections Performed	73	266

4) PERMIT APPLICATIONS IN PLAN REVIEW – PRINCIPAL NEW OR REMODEL PROJECTS:

PROJECT	ADDRESS	SIZE sq.ft.	DESCRIPTION	PERMIT#
Palm Beach Christian Academy	5208 S Haverhill Rd	4,250	Construct two new classroom buildings & one bathroom building	2021-3230
La Pescacunia Restaurant	4840 Lake Worth Rd	2,933	Interior Remodel of former La Granja	2022-1308
Public Storage	6351 Lake Worth Rd		Interior Remodel	2022-2283
Sunnyside	6520 Lake Worth Rd	2,870	Interior Remodel of the former Boston Market	2022-3332
Habitat ReStore	4639 Lake Worth Rd	6,306	Interior Remodel	2022-2634

5) PROJECTS IN PROGRESS – PRINCIPAL REMODELING/RENOVATION:

PROJECT	ADDRESS	SIZE sq.ft.	DESCRIPTION	PERMIT #
Sylvan Learning Center	6153 Lake Worth Rd	360	Interior Renovation – New Offices	2022-2507
ABCE Restaurant	3034 S Jog Rd	1,400	Interior Renovation	2022-1302
Kids In Care	2904 S Jog Rd	3,385	Remodel – Outpatient Medical Facility	2022-0454
AT & T	5177 Lake Worth Rd	1,260	Exterior Façade Improvement	2022-2421
Catayu Baking	3797 S Military Trail		Convert former Carolina Furniture store into Factory for Bakery with Business Use	2021-3806
Eagle Grill	4624 Lake Worth Rd	1,100	Remodel New Kitchen & Accessible Restroom	2021-4016
Convenience Store/Laundry	5470 10 th Ave N	1,604	Interior Remodel – Add Coin Laundry to Convenience Store	2021-1191
Ministries in Bethel	3950 S 57 th Ave	6,939	House of Worship	2021-0365

Target	5900 Lake Worth Rd	1,394	Remove Café/Snack Bar & Convert to Online Pick-Up Storage Area	2021-0756
Supertech Communications (Waiting for a Contractor)	5305 Lake Worth Rd	800	Interior Remodel	2021-1498
Isabel Barber Salon	3820 S Jog Rd	1,040	Remodel Add Mani/Pedi Stations New Salon	2020-2742
Mission of Grace	6200 Lake Worth Rd	3690	Convert former Restaurant to House of Worship	2020-2095
Mission of Grace	6200 Lake Worth Rd		Interior Demo of Former Steak N Shake	2020-1748
Church of God 7 th Day	3535 S Jog Rd	11,500	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	0
Original Section	461 Swain Blvd	1,761 sq. ft.	New Single Family
Original Section	457 Swain Blvd	1,761 sq. ft.	New Single Family
Original Section	310 Jennings Ave	1,696 sq. ft.	New Single Family
Original Section	316 Perry Ave	1,761 sq. ft.	New Single Family
Original Section	3119 Martin Ave	1,664 sq. ft.	New Single Family
Original Section	3129 Martin Ave	1,664 sq. ft.	New Single Family
Original Section	New Mobile Homes	25	0

Code Enforcement Division

CODE ENFORCEMENT	DURING THIS PERIOD	FYTD 2021
Inspections Related to Active Code Cases	190	4332
New Cases Started	73	1371
Cases Complied	49	1045
Current Open Cases	308	2982
Notices Sent	244	4116
Illegal Signs Removed from right-of-ways	196	4168
Inspections Not Related to Active Code Cases	196	2542
Complaints Received and Investigated	21	525
Warning Tickets	276	2535



Department Report

MEETING DATE: August 15, 2022

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 July 1 through July 31, 2022.

In brief, the Finance Department:

- Continued to reconcile outstanding balances of Miscellaneous Billing.
- Continued to clean up billing on EMS accounts with balances.
- Continued to review and discuss x:/drive format and Laserfiche cleanup.
- Presented FY23 preliminary budget review to City Council and set the preliminary proposed millage rate.
- Certified eTRIM DR-420.
- Submitted Patient Positioning CPR grant.
- Submitted FY2022 JAG Camera grant.

The Finance Department has, and continues to, work on efficiencies to better serve our internal and external customers.



Department Report

MEETING DATE: August 15, 2022

FROM: Brian Fuller, Fire Chief

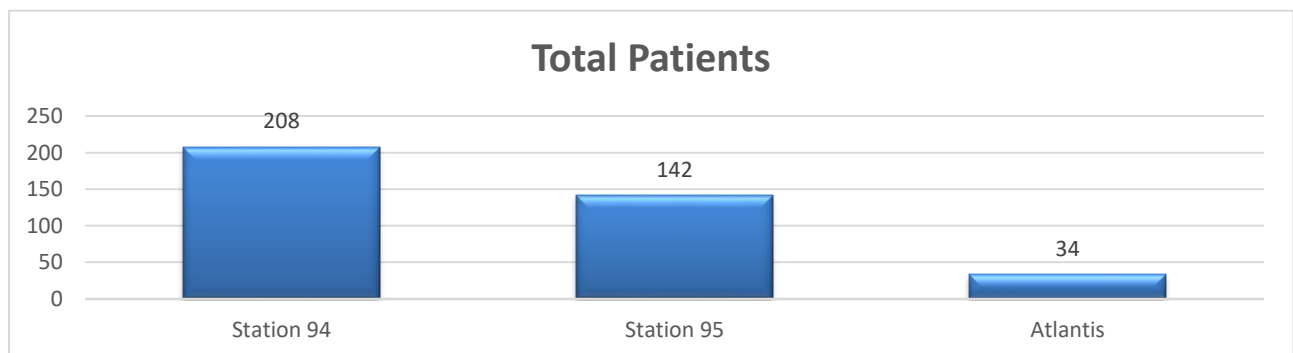
SUBJECT: Fire Rescue July Report

FR CALLS

CALLS	MONTHLY TOTALS
Total Alarms dispatched in May and June	511
Average alarms per day	18.25
Total calls this fiscal year	5,796

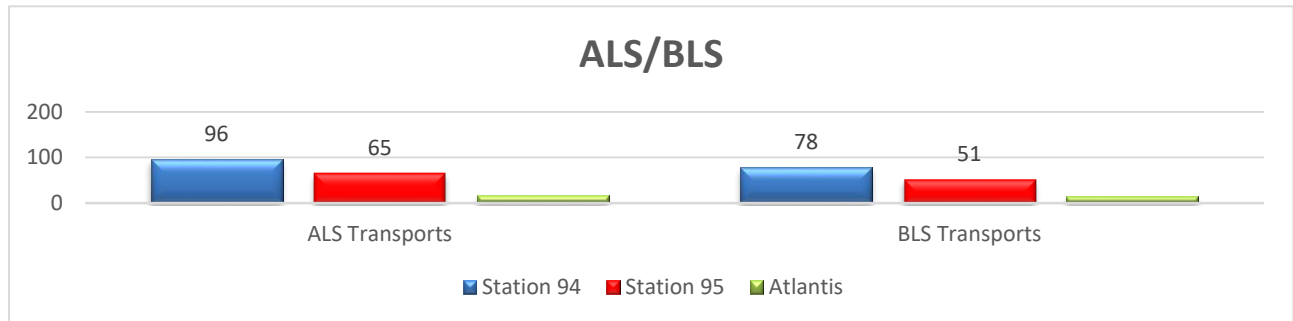
In July 2022, 350 patients were treated for Emergency Medical related services. Of those patients, 34 were in the City of Atlantis. These requests include a single unit responding to assist a person who has fallen to the floor, a cardiac arrest requiring multiple units and a combination of personnel, advanced skills, and equipment.

Service Calls, Cancels, and Public Assists totaled 82. 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.



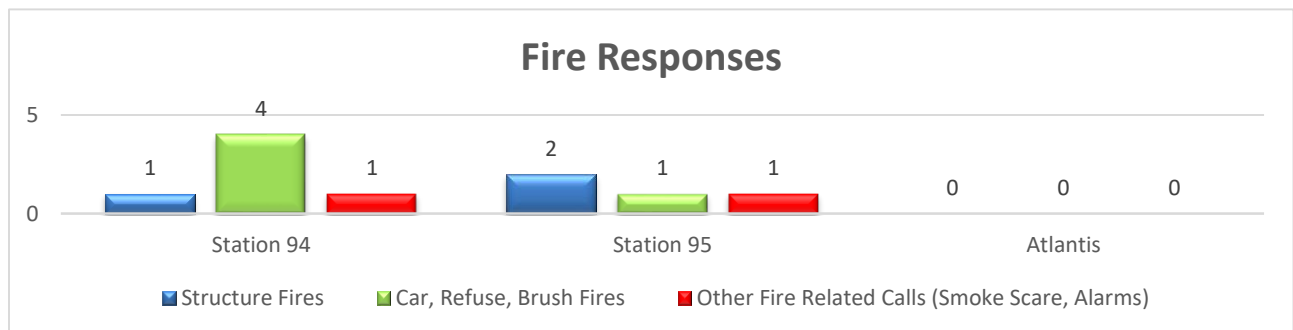
ALS/BLS

Fire Rescue transported 290 patients to a hospital or 83% of the patients we were called to treat. The majority of those (174) 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.



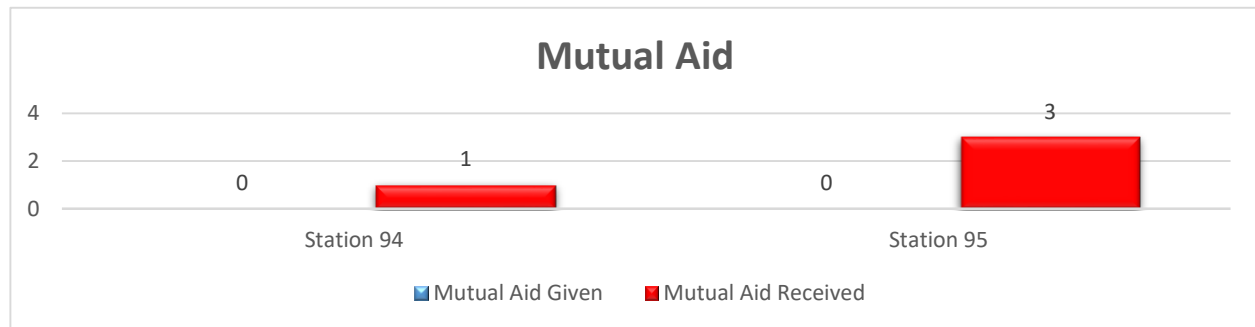
FIRE RESPONSES

Fire Rescue responded to 10 calls for a fire or smoke related emergency. There were five (5) requiring an escalated response to a car, brush, or refuse fire; three (3) were in a residential or commercial structure.



MUTUAL AID

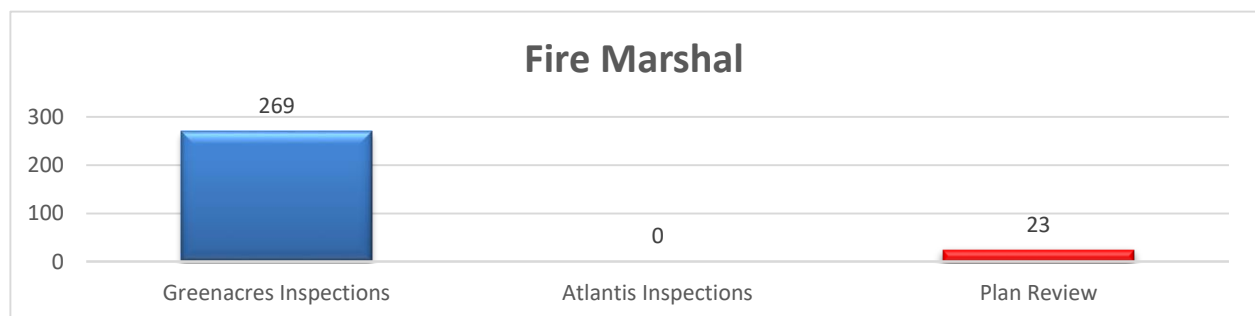
Mutual aid is the sending or receiving of emergency resources (apparatus, personnel) to or from another entity or agency upon request. No community has sufficient resources to handle every emergency of all sizes. Therefore, neighboring agencies work together through a system called Mutual Aid. That system 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	269
Plans Review	23
Dollar Loss due to fire	\$39,000



SPECIAL SERVICES

Blood Pressure Screenings	1
Presentations, Station Tours/Attendees	1/30
Persons Trained in CPR	20



Department Report

MEETING DATE: August 15, 2022

FROM: Georges Bayard, Director, Information Technology

SUBJECT: Department of Information Technology – July 2022 Activity Report

DEPARTMENT HIGHLIGHTS

The following report provides the highlights of activity within the Information Technology Department for the reporting period from July 1-31, 2022.

- a. Enterprise Permitting & Licensing (EPL) cloud migration project - Hosted the Project Manager from Tyler Technologies for the Stakeholder Presentation, signaling the completion of the project's Stage 1 - Initiate & Plan. We are now in Stage 2 - Assess & Define. Tyler Technologies and Greenacres staff are working closely together to map current processes and workflows to the new system. Go-Live is tentatively scheduled to start on March 9, 2023.
- b. Installation of GPS and telematics monitoring equipment in City vehicles is approximately two thirds complete. The IT Director is assisting the City Manager and HR Director in developing a policy for use of the system.
- c. As part of the effort to implement secure configurations on all City computers in accordance with the NIST Cybersecurity Framework, staff has implemented and begun testing a system to run assessment scans on all City computers.
- d. Staff installed a micro form-factor computer under the staff table in Council Chambers, providing a more reliable solution than the laptop that was previously used to display presentations.
- e. Ubiquiti network switch refresh project is in progress; 18 of the 20 new infrastructure switches have been installed, and older desk-side switches are being replaced with mini switches from Ubiquiti, so all switches can be managed from the same Web interface.
- f. Monthly KnowBe4 simulated phishing test results:
 - a. July - Links clicked: 0; attachments opened: 0; replied: 0; Phish-prone users (vulnerable to phishing attacks): 0% (down from 0.7% in the previous month's campaign).

City personnel exhibited very secure online behavior this month, by paying attention to the email messages they receive and not clicking on unexpected links or opening attachments.

SERVICE DESK REQUESTS

July 2022

DEPARTMENT	CURRENT PERIOD	FY 2022 YTD	FY 2022 BUDGET
Administration	7	130	-
Community & Recreation Svcs.	1	80	-
Development & Neighborhood Svcs.	8	157	-
Finance	0	145	-
Fire/Rescue	8	123	-
Information Technology	6	70	-
Public Works	8	113	-
Purchasing	1	46	-
Youth Programs	1	88	-
Total Service Desk Requests	40	952	350



Department Report

MEETING DATE: August 18, 2022

FROM: Captain Tristram Moore, PBSO District 16

SUBJECT: PBSO District 16 July Report

CAD CALLS

CAD CALLS	MONTHLY TOTALS
Business / Residence Checks (Self-Initiated)	1,982
Traffic Stops (Self-Initiated)	653
Calls for Service	1,799
All CAD Calls - Total	4,434
Total Calls for Service – FY 2022 (October 2021 – September 2022)	45,213

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 4,434 generated calls within the District and 59% of these calls were self-initiated.

TRAFFIC ACTIVITY

DISTRICT 16 PERSONNEL	
Total Citations	Total Warnings
323	390

Data Source: D16 Office Staff/Monthly Report

PBSO MOTORS UNIT	
Total Citations	Total Warnings
284	181

Data Source: D16 Office Staff/Motor Unit Weekly Report

COMMUNITY POLICING EVENTS

- 07/04/22: Ignite the Night – Fourth of July Event
- 07/09/22: Aleeh's Lemonade Stand at Greenacres Community Center
- 07/10/22: PBSO Community Outreach Mentoring Program (Surprise Parade for the youth)
- 07/11/22 – 07/15/22: Harmony in the Streets Summer Camp
- 07/18/22 – 07/22/22: Greenacres Basketball Camp at the Greenacres Community Center
- 07/20/22 – VAPE shop operation with Alcohol Beverage and Tobacco and Fire Marshal
- 07/28/22: KIDSFIT JAMATHON at South Florida Fairgrounds
- 07/29/22: Back to School Give Away with the City of Greenacres
- 07/30/22: Home Depot Beautification Project at Greenacres Elementary School

STREET CRIMES UNIT

- The District 16 Street Crimes Unit conducted a traffic stop probable cause was developed and a suspect was arrested for possession of cocaine with intent, possession of oxy, and possession of schedule.
- The District 16 Street Crimes Unit observed a suspect walking with a firearm. The suspect was arrested for CCF and also had outstanding warrants for arrest.
- The District 16 Street Crimes Unit were informed by District 16 Detectives that individuals were actively stealing packages in the area of the city. Agents arrived in the area and located the suspects. A suspect was arrested for theft and several others were transported back for interviews.

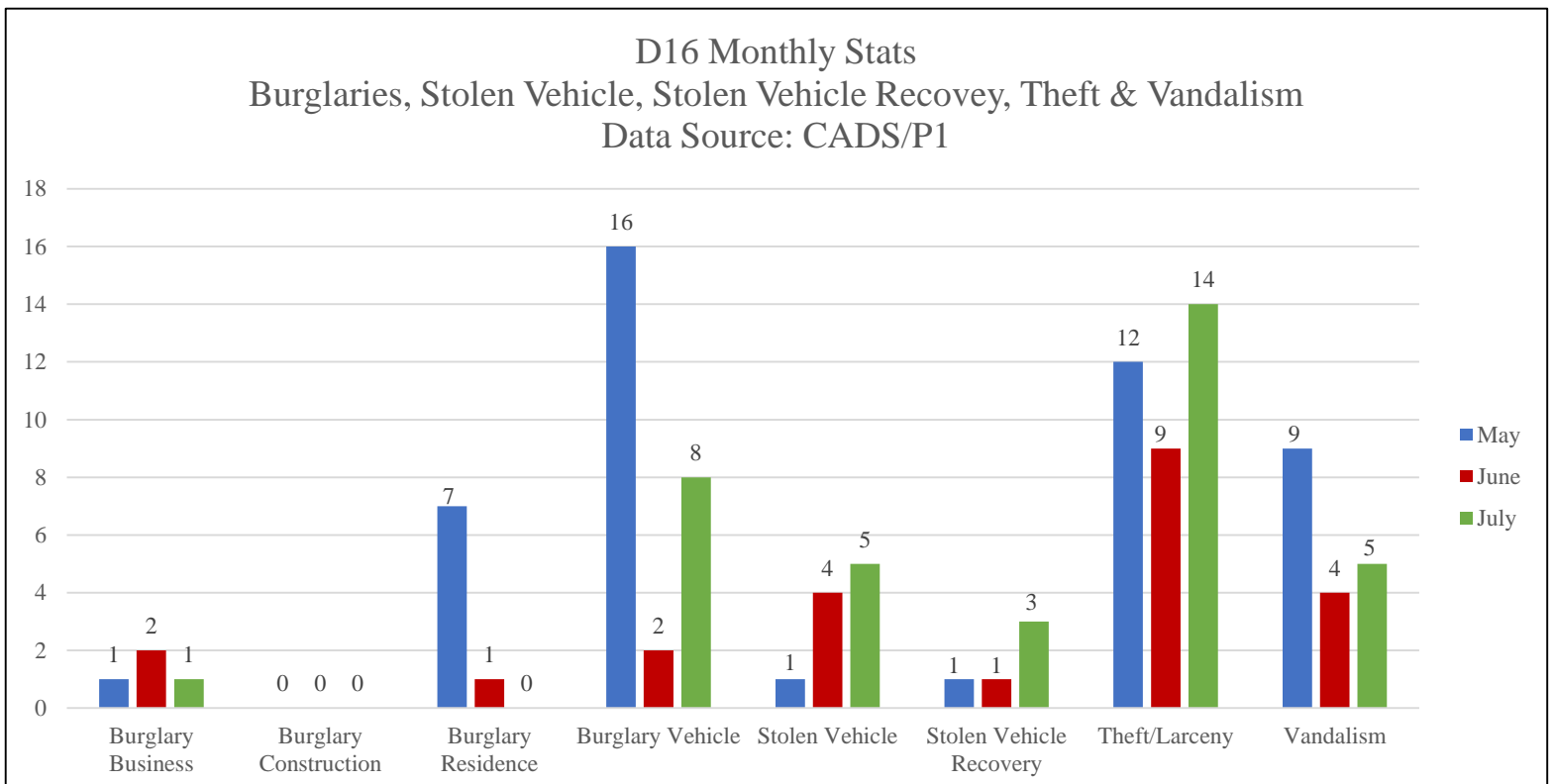
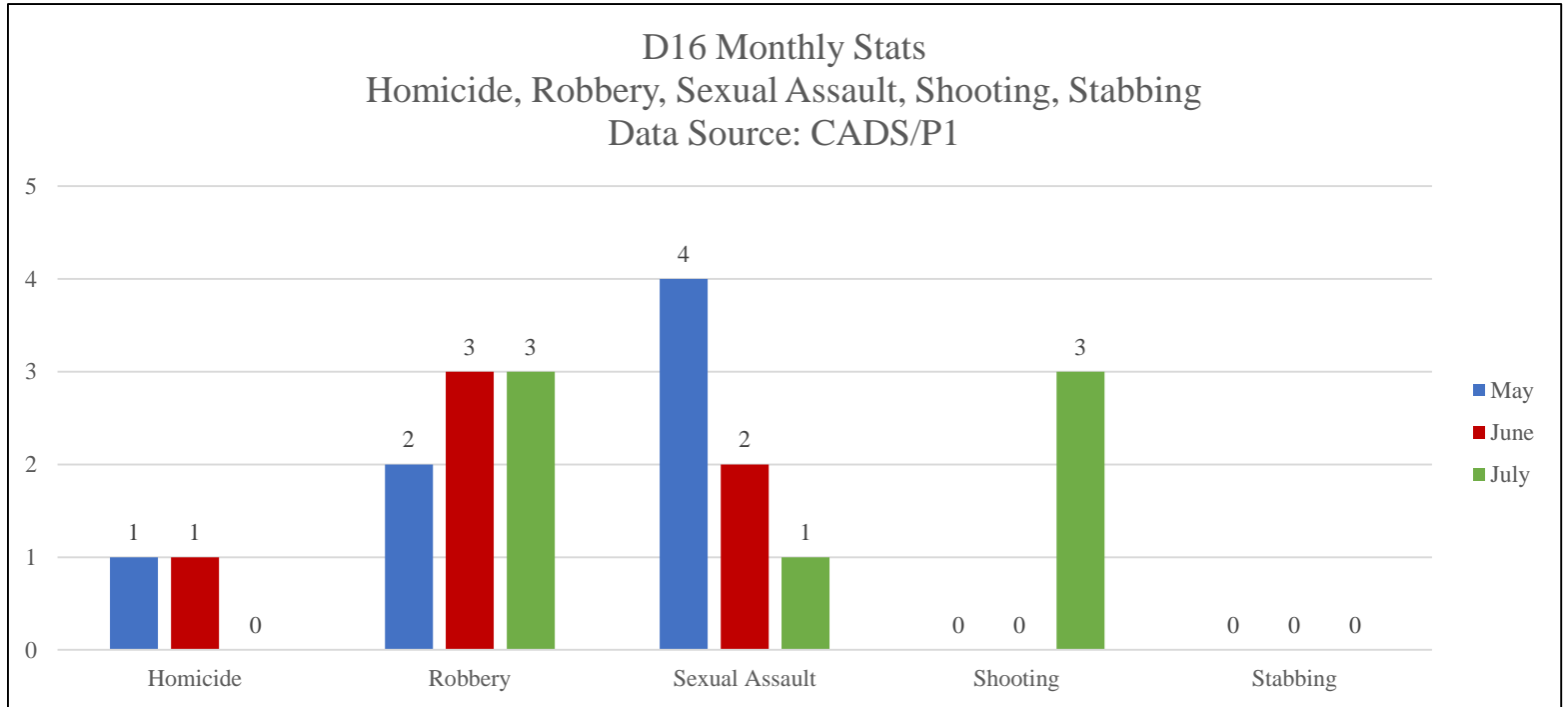
PROPERTY DETECTIVES

- District 16 Detectives investigated several package thefts from the front door steps in the city. A victim made contact with Detectives when observing two suspects actively stealing packages in the neighborhood. The Street Crimes Unit responded and apprehended the suspects. Detectives responded and recovered additional packages that led to additional victims. One suspect was charged with two package thefts and the second with six separate package thefts. This case was cleared by arrest.
- District 16 Detectives investigated a felony retail theft from a business in the city where equipment was taken. Through coordinated efforts with District 3 Detectives the suspect was positively identified, located by Detectives, and arrested. This case was cleared by arrest.
- District 16 Detectives investigated a retail theft where the suspect stole \$1500 of equipment. A suspect was identified and probable cause for arrest was established. An in custody arrest was completed and this case was cleared by arrest.

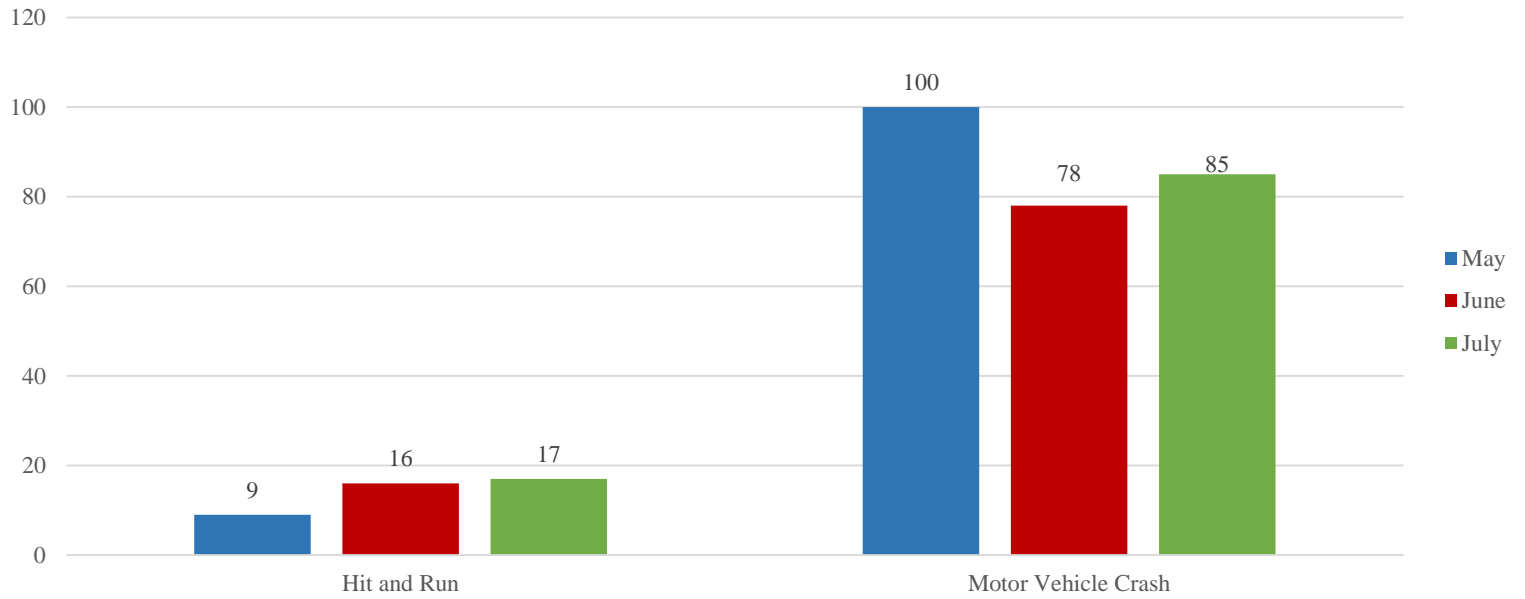
DATA ANALYSIS

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.



D16 Monthly Stats
Hit and Run & Motor Vehicle Crash
Data Source: CADS/P1



TOP ACCIDENT LOCATIONS FOR JULY 2022

Location	Case Number Count
South Jog Road / Lake Worth Road	8
Forest Hill Boulevard / South Jog Road	7
South 57 th Avenue / Lake Worth Road	5



Department Report

MEETING DATE: August 15, 2022

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 July 1 through July 31, 2022.

- a. 22-016 Professional Planning Consultant Services – This RFP was advertised on June 5, 2022 and closed on July 12, 2022 with seven (7) proposals received. The Selection Committee meeting is being held on July 19, 2022 to discuss, evaluate and rank proposers.
- b. 22-011 Gladiator Lake Drainage Enhancements – This bid was advertised on July 3, 2022 and opens on August 8, 2022.
- c. 22-013 Financial Audit Services – This bid was advertised on July 3, 2022 and opens on July 26, 2022.
- d. 22-014 HVAC and Ice Machine Repair – This RFP was advertised on July 31, 2022 and closes on September 1, 2022.
- e. 22-017 Pressure Cleaning Services – This bid was advertised on July 3, 2022 and opens on July 25, 2022.
- f. 22-018 Call to Artists Public Art – This RFP was advertised on July 31, 2022 and closes on September 1, 2022.
- g. Request for Quotes – Developed, administered and assisted with the RFQs for Portable Generator (electrical hookup for the temporary generator at Station 95) and Station 94 Bunkroom Furniture.
- h. Solicitations In Progress – Emergency Operations Center Construction; Public Works Generator; Fence Installation, Maintenance and Repair Services; Code Enforcement Acceptance Windows; and City Hall Grounds Annual Landscape Maintenance.
- i. Training – One training was held for employees who were issued a City Travel Purchasing Card.

DEPARTMENT ACTIVITY

ACTIVITY	CURRENT PERIOD	FY 2022 YTD
Purchase Orders Issued	29	604
Purchase Order Amounts	\$ 608,216.85	\$ 24,786,890.45
Solicitations Issued	7	21
Solicitations in Progress	5	—
Central Store Requests	4	27
Contracts Managed	60	60
Purchasing Card Purchases	189	2,191
Purchasing Card Transactions	\$ 31,751.89	\$ 310,730.50
No. of Training Sessions Conducted	1	4
Towing Revenue	\$ 3,618.00	\$ 30,083.00



Department Report

MEETING DATE: July 18, 2022

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 July 1, 2022 through July 31, 2022.

1. ADMINISTRATION:

- A one quarter mile paver brick walkway was installed throughout the sides and front of the City Hall grounds, joining the walkway around the lake for a total of one-half mile pathway.
- Public Works Staff attended a Community Recycling tour at the Solid Waste Authority's Renewable Energy Facility.
- A total of 4 medians on Forest Hill Blvd east and west of Jog Road are in the process of getting irrigation and landscape enhancements.

2. ROADS AND DRAINAGE MAINTENANCE

- The sidewalks, bridge sections, and railings in the areas of Biscayne Dr, Jackson Ave, and Swain Blvd were pressure cleaned.
- New decorative street posts were installed throughout Fire Rescue 95, Freedom Park, and Park Pointe Cir.
- Staff conducted a monthly safety meeting on the topic of "Heat Stress"

3. VEHICLE MAINTENANCE

- Three replacement vehicles and a grapple truck were pre-ordered for an estimated delivery during the second quarter of FY 23.
- Coordinated the installation of the GPS system in City vehicles.
- Staff completed ASE mechanic testing.

4. BUILDING SERVICES

- Annual Backflow inspections were conducted at 20 City property sites.
-

-
- Electric connection for the new fountain feature was installed in the Municipal Complex Lake.
 - One (1) bay door was replaced at Fire Station 95.

5. PARKS MAINTENANCE

- Staff assisted with the setup, support, and breakdown at the 4th of July event.
 - An irrigation pump was replaced at SJF Community Park.
-



Youth Programs Department Monthly Report

MEETING DATE: August 15th, 2022

FROM: Jowie Mohammed, Director of Youth Programs

SUBJECT: July 2022 Department Report

PROGRAMMING

- Twenty (20) days of summer camp provided; hours of operation 7:30a.m. – 5:30p.m. Field trips include: Boomers, CiCi's Pizza, Wellington Pool, Rapids, Shark Wake Park, Archery, Movies and much more!
- Youth Programs was selected by the Palm Beach County Youth Services Department as one of four camps in the County to be featured in a promotional video for the Summer Camp Scholarship Program. All video recording is being done by CSC of PBC.

PERFORMANCE MEASUREMENTS

PERFORMANCE MEASUREMENT	AVERAGE THIS PERIOD	FY 2022 TO DATE	FY 2022 BUDGET
# of Participants Summer Camp	61	85	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)	0	5	5
# of Part.'s in TOP Program	0	37	15
# of Part.'s in Garden Club	0	19	20
# of Presidential Volunteer Service Hours	1282	4682	8,000

FINANCIAL INFORMATION

GRANTS COORDINATED	AVERAGE THIS PERIOD	FY 2022 TO DATE	FY 2022 BUDGET
Early Learning Coalition	\$32,101.25	\$153,812.54	\$290.400
Parent & Registration Fees	\$6,676.00	\$51,363.00	\$187,481
Youth Services Department SEL Grant	-	\$37,776.56	\$72,805
Textile Funds	\$4,632.00	\$7,032.00	-
Youth Services Summer Camp Program	\$3,120.00	\$3,120.00	\$49,400
Community Foundation Grant (Summer)	\$25,000	\$25,000	-

C.A.R.E.S REPORT

- On July 14th the CARES program participated in the 8th Annual Countywide Spelling Bee. Each of the age groups had a few representatives participate for the program and a few students won prizes due to their placement in the competition.
- On July 13th the CARES program participated in an intergenerational softball game hosted by the Teen Program where the youth played a softball game mixed with elementary, middle, high school, and adults.

TEEN PROGRAMS REPORT

- On July 14th the Teen Program completed their Florida Fishing Academy ELO – with their fishing trip. The teens were able to implement the fishing techniques they learned in class and caught many different species of fish.
- On July 18th, our Teen Program participated in their very own version of chopped. They were tasked with baking a dessert using cookie dough, brownie mix, dunkaroo icing, blueberries, and powder sugar. They were then judged by counselors and admin staff to see who was chopped. Overall, the teens had fun as some remarked, “It was nice working with other students I do not get the chance to speak to during summer.”
- On July 4th, 25th, and 27th some of teens took the time to help volunteer at the Ignite The Night event, as well as help with the Back To School drop off event held by the Community and Recreation Department. Even amid summer camp and having fun our teens always make time to help give back to their community in any way they can.



Jowie Mohammed, Director
Youth Programs Department