



# CITY COUNCIL MEETING

## City of Greenacres, Florida

Monday, November 07, 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

1. **Proclamation:** National Hunger and Homelessness Awareness Week, November 12-20, 2022. - Pamela Payne, CEO of The Homeless Coalition of Palm Beach County.
2. **Proclamation:** World AIDS Day, December 1, 2022 - Richardo Jackson, CEO and Natacha Etienne of Campbell Health Solutions, Inc.
3. **Presentation:** Certificate of Appreciation to Greenacres Firefighters and Palm Beach County Sheriff's Officers, District 16. - Mayor Joel Flores.

#### CONSENT AGENDA

4. **Official Meeting Minutes:** City Council Meeting Minutes, October 17, 2022. - Quintella Moorer, City Clerk.
5. **Ratification of the Charter Review Committee Appointment:** Appointing Aquannette Thomas to serve a (3) three year term. - Andrea McCue, City Manager.

#### REGULAR AGENDA

6. **PUBLIC HEARING: Ordinance 2022-29: Second Reading:** Amending Chapter 12, Subdivisions and Land Development Regulations, Article 3, Improvements and design standards, Section 12-58, drainage, by adding Sub-section 12-58(K), imposing drainage requirements between properties; providing for repeal of conflicting ordinances; severability, inclusion in the code, and an effective date. - Caryn Gardner-Young, Zoning Administrator.

- 7. PUBLIC HEARING: Ordinance 2022-23: First Reading:** Amending Chapter 16, Zoning Regulations, Article 1, in General, Section 16-1, by amending certain definitions and adding definitions; further amending Chapter 16, Article 4, Supplemental District Regulations, Division 1, Generally, by adopting new Section 16-609, to be entitled "Live Entertainment Permit"; Section 16-610, to be entitled "Outdoor storage, Display, Sales, Cooking and sales of propane tanks"; Section 16-611, to be entitled "Placement and use of portable storage units"; and, Section 16-612, to be entitled "Outdoor seating"; providing for conflicts, severability, codification, an effective date; and for other purposes. - Caryn Gardner-Young, Zoning Administrator.
- 8. QUASI-JUDICIAL PUBLIC HEARING: Resolution 2022-47:** Approving the petition for a Special Exception to allow a 2,016 square foot indoor recreational amusement use in a Commercial Intensive (CI) zoning district, located at 3747 S. Military Trail, as requested by the Petitioner, Aaron Taylor, Agent for the owner, 3757 S. Military Trail, LLC; providing for repeal of conflicting resolutions; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.
- 9. Resolution 2022-60:** Authorizing the execution of an Interlocal agreement between the City of Greenacres and Palm Beach County, pursuant to Chapter 171.046, Florida Statutes, providing for the annexation of a portion of an enclave totaling approximately 7.9636 acres located at 4148 S. Jog Road, 4080 S. Jog Road, 4020 S. Jog Road, 6492 Lake Worth Road, 6350 Lake Worth Road, and 6323 Lake Worth Road; providing for transmittal to the Palm Beach County Board of County Commissioners for subsequent action; and providing for an effective date. - Kara Irwin Ferris, City Consultant.
- 10. Ratification of the Building Board of Adjustments and Appeals Board:** Appointing six (6) of (9) nine members to serve a (4) four year unlimited staggered terms. - Andrea McCue, City Manager.

**DISCUSSION ITEM - None.**

**COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**MAYOR AND CITY COUNCIL REPORT**

**ADJOURNMENT**

**Upcoming Council Meetings**

December 5, 2022.

**Meeting Records Request**

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

**Notice of Council Meetings and Agendas**

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

**Americans with Disabilities Act**

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



## CITY COUNCIL MEETING

### City of Greenacres, Florida

Monday, October 17, 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

Mayor Flores called the meeting to order at 6PM and City Clerk Moorer called the Roll. Mayor Flores saw Councilmember Noble in the parking lot and requested Staff to check on him. He was not present for the Roll Call.

### PLEDGE OF ALLEGIANCE

### AGENDA APPROVAL

Motion made by Councilmember Dugo, Seconded by Deputy Mayor Tharp to approve the agenda.

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

### COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

### SPECIAL BUSINESS

- 1. Presentation:** Palm Tran Bus Shelter Improvement Program. - Clinton Forbes, Executive Director of Palm Tran.

Mr. Forbes highlighted various project happenings within Palm Tran such as paradise pass, the newest bus fleets, upgraded payment options and the Mobility on Demand Project, which was like Uber service.

*Councilmember Noble arrived at the meeting at 6:03PM.*

Mr. Forbes mentioned the 561 Plan and adding electric vehicles to the fleet by year 2032.



Mr. Yash Nagal stated the bus shelter redesign started in 2019 but no proposals were submitted. He discussed the existing infrastructure, solicitation strategies and the timeline for the new upcoming project.

Mr. Nagal showed a bus shelter prototype and some improvements which included charging ports, solar lights, shaded seating, and LCD screens.

Mayor Flores stated Ms. McCue would be the point of contact for Palm Tran and the City was looking forward to the upgrades.

**2. Presentation:** Housing Bond. - Jack Weir, Chair of the Housing Leadership Council.

Mr. Weir said that over 50 thousand households were paying over thirty percent of income for rent. He mentioned there was a severe shortage of housing which caused rent increases in Palm Beach County. He said the selling price of homes had increased by 25 percent.

Mr. Weir stated the price increase caused foreclosures and loss of businesses. He suggested voting for the Palm Beach County Ballot Question No. 1 Bond. He said the goal was to increase supply of housing and increase the workforce housing. Mr. Weir suggested the bond would work by using gap financing replacing more expensive debt and equity required to build units. He said the bond was 20 years.

Mr. Weir said ideal locations would be major commercial thoroughfares near employment that could handle density. He said places such as old hotels or event venues could be redeveloped.

Mr. Weir said the average tax amount per homeowner was \$14.00 per year, he continued to discuss parts of the bonds and areas of focus.

Councilmember Dugo and Deputy Mayor Tharp questioned the workforce housing and building percentages. Mr. Weir said it was not sub-standard housing and there would be a housing percentage on certain types of housing. Councilmember Diaz asked was the gap financing only for first time homeowners and what were projected sunset dates. Mr. Weir said the program would not be prohibited and there would be some restrictions.

Mayor Flores asked about an oversight committee. Mr. Weir explained he was uncertain of any specifics regarding an oversight committee. He asked about the implementation plan. Mr. Weir stated there were no guarantees and it was not low-income housing. He said the bond would be a valuable tool.

He continued to ask additional questions regarding the bond.

The Council thanked Mr. Weir for attending.

**3. Proclamation:** City Government Week, October 17-23, 2022. - Adam Mohammed, Youth Programs Supervisor.

Mr. Mohammed thanked the Council for their recognition. Photos were taken.

**CONSENT AGENDA**

**4. Official Meeting Minutes:** City Council Special /Budget Meeting Minutes, September 28, 2022. - Quintella Moorer, City Clerk.

**5. EMS Write-Off:** - Pursuant to Staff Item Summary and the September 2022 Listing. - Teri Beiriger, Director of Finance.

- 6. Resolution 2022-52:** Approving the Professional Service Agreement between the City of Greenacres and Shamtec, Inc., to provide HVAC and ice machine repair; authorizing the appropriate City Officials to execute the agreement; providing for effective date. - Monica Powery, Director of Purchasing.
- 7. Resolution 2022-53:** Approving a Professional Services Agreement for pressure cleaning services; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.
- 8. Resolution 2022-54:** Approving an Interlocal Agreement with the Town of Lake Clarke Shores for Geographic Information Systems (GIS) services; and providing for an effective date. - Andrea McCue, City Manager.
- 9. Resolution 2022-55:** Satisfying certain liens imposed against residential property, pursuant to Section 15-31, City of Greenacres Code and providing an effective date. - Teri Beiriger, Director of Finance.

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

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

## REGULAR AGENDA

- 10. PUBLIC HEARING: Ordinance 2022-33: Second Reading:** Repealing Chapter 8, "Licenses and Business Regulations," Article 3, "Business Taxes," Section 8-74, "Conversion Therapy Prohibited," providing for conflicts severability, codification, and an effective date; and for other purposes. - Andrea McCue, City Manager and Christy Goddeau, City Attorney.

Ms. Moorer read the ordinance by title.

Ms. McCue stated no changes had been made since the first reading. The City recognized the potential impacts of the Courts decision and therefore felt it was prudent to repeal Ordinance 2022-33.

Staff recommended approval of the ordinance.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Bousquet to approve Ordinance 2022-33 on Second Reading.

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

- 11. Resolution 2022-58:** Opposing conversion therapy on minors; making findings; and providing for an effective date. - Andrea McCue, City Manager.

Ms. McCue stated the City recognizes the potential impacts of the Courts decision and as a result repealed Ordinance 2022-33 but maintained the position that conversion therapy on minors was a practice that was contrary to the community standards of Greenacres. Staff recommended approval.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Diaz to approve Resolution 2022-58.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo,

Councilmember Diaz, and Councilmember Bousquet.

**12. PUBLIC HEARING: Ordinance 2022-34: Second Reading:** Amending the City of Greenacres' budget for the fiscal year beginning October 1, 2021, and ending September 30, 2022, inclusive; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Teri Beiriger, Director of Finance.

Ms. Moorer read the ordinance by title.

Ms. Beiriger stated the ordinance would authorize budget adjustments which would document the movement of funds in the general funds. Staff recommended approval.

Motion made by Councilmember Diaz, Seconded by Councilmember Bousquet to approve Ordinance 2022-34 on Second Reading.

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

**13. Ordinance 2022-29: First Reading:** Amending Chapter 12, Subdivisions and Land Development Regulations, Article 3, Improvements and design standards, Section 12-58, drainage, by adding Sub-section 12-58(K), imposing drainage requirements between properties; 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 proposed zoning code modifications were to establish regulations to avoid stormwater runoff issues which were harmful and otherwise detrimental to neighbors.

Mr. Scott Wood, Building Official stated a berm or wall around the outside of the residential area would be required.

Staff recommended approval.

Motion made by Councilmember Dugo, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-29 on First Reading.

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

**14. Resolution 2022-56:** Adopting a fee schedule for Code Compliance and establishing a Property Enhancement Grant Program account; providing for repeal of conflicts and an effective date. - Andrea McCue, City Manager.

Ms. Moorer read the resolution by title.

Ms. McCue stated the City would establish fees to offset some of the administrative costs and establish a Property Enhancement Grant Program Account where a portion of the Code Compliance Fees would be deposited to help offset the cost of the Property Enhancement Grant Programs.

A \$75.00 fee would be imposed for each case in which a Code Compliance lien was imposed. Staff recommended approval.

Motion made by Councilmember Bousquet, Seconded by Councilmember Dugo to approve Resolution 2022-56.

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

**15. Resolution 2022-59:** Approving the acquisition of real property and providing authorization for City Officials to execute all closing documents and an effective date. - Andrea McCue, City Manager.

Ms. Moorer read the resolution by title.

Ms. McCue stated the City had grown over the last 20 years and to ensure the City met the needs of the community expansion was necessary.

She said the City entered a contract for acquisition of two (2) contiguous unincorporated parcels of 8.69 acres adjacent to 5800 Melaleuca Lane. Two appraisals were obtained consistent with Section 166.045 Florida State Statutes. Ms. McCue said acquiring the parcels above market value was necessary given the current real estate market in Palm Beach County. She said the purchase was a great benefit to the City.

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to approve Resolution 2022-59.

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

**16. Ratification of Charter Review Committee Appointments:** - Appointing nine (9) members to serve three-year terms. - Andrea McCue, City Manager.

Ms. McCue explained the Charter Review Committee ratification process and highlighted the below mentioned members were recommended:

Olga Sierra, by Deputy Mayor Tharp

Larry Tronco, by Councilmember Noble

Emily Jacob-Robarts, by Councilmember Dugo

Mal Colton, by Councilmember Diaz

Charles Shaw, by Councilmember Bouquet

Benjamin Dexter, Peter "Tyler" Wallwork, and Chris Arbor were a mix of employees and business owners.

Staff recommended ratification.

Mayor Flores appointment choice would be added at the next meeting.

Motion made by Councilmember Bousquet, Seconded by Councilmember Dugo to approve the ratification of the Charter Review members.

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

## DISCUSSION ITEM

**17. Naming of City Events, Programs and/or Facilities.** - Andrea McCue, City Manager.

Ms. McCue stated the discussion of naming of events and/or facilities came up during a previous scholarship discussion and she wanted to provide some options for consideration for the Council. Councilmember Bousquet requested Staff return with a

defined policy process. Deputy Mayor Tharp felt a 4/5 majority vote should be included. The Mayor suggested a criterion be added.

The Council agreed to have an ordinance drafted establishing a process for naming events and/or facilities base on Ms. Christy Goddeau' s recommendation.

### **COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

Mr. Roy Gable stated his shutters had sufficient air flow. He said the ordinance was bad and suggested a redo of the Shutter ordinance policy.

### **CITY MANAGER'S REPORT**

Ms. McCue stated the Coastal Clean-up had great participation. She thanked Dinah "Candy" Tejeda, Code Enforcement on a job well done. The Truck or Treat event also had a great turn out. She stated the Toy Drive boxes had been placed around the City to help assistant families. Ms. McCue also reminded everyone that the Comp Plan Study Meetings were held in the Community Center. The Read for the Record would take place on October 27, 2022, and she asked for more volunteers.

18. Community and Recreation Services Department Report.

19. Development and Neighborhood Services Report.

20. Finance Department Report.

21. Fire Rescue Report.

22. Information Technology Report.

23. PBSO District 16 Report.

24. Public Works Report.

25. Purchasing Report.

26. Youth Programs Report.

### **CITY ATTORNEY'S REPORT**

No report.

### **MAYOR AND CITY COUNCIL REPORT**

Deputy Mayor Tharp thanked Staff and Ms. McCue for a great turn out and dedication at the Coastal Clean-up event.

Councilmember Diaz asked for volunteers to participate in the Read for the Record event, especially Spanish speaking volunteers.

Councilmember Bousquet suggested looking into tiny homes and mother-in-law dwellings. She also suggested adding murals to business buildings.

Mayor Flores wanted to recognize the Firefighters and Officers who volunteered during Hurricane Ian in addition to promoting the Toy Drive. He also praised the Coastal Clean-up turn out and suggested hosting the event twice a year.

### **ADJOURNMENT**

7:31PM.

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

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

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



## ITEM SUMMARY

**MEETING DATE:** November 7, 2022

**FROM:** Andrea McCue, City Manager, Administration

**SUBJECT:** Ratification of Charter Review Committee Appointment

### BACKGROUND

Resolution 2019-26, established a Charter Review Committee (CRC) to review, recommend and submit the City Charter and provide recommendations for amendments to the City Council for approval. The CRC has a total of nine (9) members appointed and approved by the Mayor and City Council. The membership is comprised of six (6) members appointed by the Mayor and City Council, one (1) City employee, one (1) Local 2928 IAFF representative, and one (1) local business owner.

### ANALYSIS

The following appointees are being recommended for ratification by the City Council:

Mayor Joel Flores – Aquannette Tyson Thomas, MPA

### FINANCIAL INFORMATION

N/A

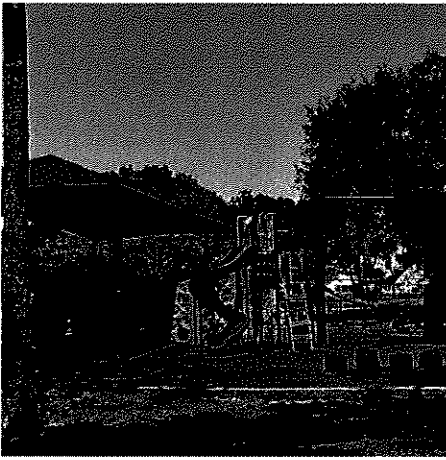
### LEGAL

The City Attorney has reviewed the item and all supporting documents for legal sufficiency and compliance.

### STAFF RECOMMENDATION

Staff is recommending ratification of the CRC Appointment.





# CITY OF GREENACRES

## BOARDS & COMMITTEES

Greenacres has several volunteer boards that provide an invaluable service to the operations of the City. Residents interested in serving their community through volunteer service are encouraged to complete a City Board Application.

**Building Board of Adjustments & Appeals:** A seven (7) member quasi-judicial board with two (2) alternates; hears appeals concerning the Chief Building Official's interpretations of technical building codes of the City; meets on an "as needed" basis.

**Charter Review Committee:** A nine (9) member board made out six (6) Council appointed members, one (1) local 2928 IAFF representative, and one (1) local business owner. The Committee meets on an "as needed" basis to review the City Charter and propose amendments for Council's approval.

**Planning and Zoning Board of Appeals/Local Planning Agency:** A five (5) member advisory Board with two (2) alternates to hear, consider, and make recommendations relating to applications for annexations, zoning, site and development plans and special exceptions; meets monthly. Must be a Greenacres resident, except to obtain members with technical and professional expertise from Palm Beach County.

**Retirement Plan Board of Trustees for Public Safety Officers/Firefighters:** A five (5) member Board of Trustees: two (2) members appointed by City Council; two (2) members elected by the employees of Fire Rescue and former Public Safety Officers; and one (1) member selected by the four (4) members of the Board of Trustees. The Board oversees the Retirement Plan for the City's former officers and firefighters; meets on a quarterly basis.

**Scholarship Committee:** An eight (8) member committee including one (1) Council member liaison as Chair and one (1) alternate. The Committee reviews all scholarship applications; interviews all applicants; and makes recommendations for award winners to the City Council. The Committee only meets during the months of April and May.

**Mayor Flores and the City Council encourage residents to participate in their local government process. For additional information regarding City boards please contact the City Clerk at (561) 642-2006.**

*A great place to live, learn, work & play!*





**CITY OF GREENACRES  
BOARD AND COMMITTEE SERVICE APPLICATION**

NAME: Aquannette Thomas PHONE: 561-707-7210  
 ADDRESS: 5545 Albin Drive  
 CITY, STATE & ZIP: Greenacres, FL 33463  
 EMAIL ADDRESS: aqunannette.thomas@gmail.com  
 EMPLOYER NAME: Valley Bank OCCUPATION: VP, Business Development Officer

Please provide a description of your education and experience as it relates to the board(s) on which you wish to serve and describe your interest for serving. (You may attach a copy of your resume.)

Please see resume attached.

Do you currently hold any City office? ☐ Yes ☒ No

Do you own a business within the City? ☐ Yes ☒ No If yes, which one? \_\_\_\_\_

**On which Board or Committee are you interested in serving?**

- |   |   |
|---|---|
| <input type="checkbox"/> Board of Trustees – PSO & Firefighters | <input type="checkbox"/> Building Board of Adjustments & Appeals                    |
| <input type="checkbox"/> Retirement                             | <input type="checkbox"/> Planning and Zoning Board of Appeals/Local Planning Agency |
| <input checked="" type="checkbox"/> Charter Review Committee    |   |
| <input type="checkbox"/> Scholarship Committee                  |   |

Applicant Signature: *Aquannette Thomas* Date: 10/18/2022

Nominated By: \_\_\_\_\_

# AQUANNETTE TYSON THOMAS, MPA

Greenacres, FL 33463 | (561) 707-7210 | aquannette.thomas@gmail.com | <http://www.linkedin.com/in/aquannettethomas>

## SUMMARY OF QUALIFICATIONS

Highly accomplished professional with over 16 years of experience and progressive leadership in the Banking Industry. Demonstrated success in developing and implementing programs that ensure banks meet the needs of the surrounding community. Exceptional strengths building value-based relationships with community-based organizations, key stakeholders, and non-profit sector policymakers. Expert in collaborating with executive leaders and community members to achieve established goals and objectives.

### LEADERSHIP HIGHLIGHTS

- Experience serving as a CRA ambassador to identify opportunities that increased community involvement and minority owned business development.
- Increased financial literacy in the community by offering financial education courses.
- Transformed non-producing and unmotivated team into actively producing, confident group of bankers.

## AREAS OF EXPERTISE

CRA | Program Management | Project Management | Community Relationship Building  
Fair Lending Regulatory Requirements & Laws | Banking & Lending Experience | Regulatory Processes  
Change Management | Business Development | Relationship Building | Non-Profit Sector | Stakeholder Engagement

## PROFESSIONAL EXPERIENCE

**VALLEY BANK** –West Palm Beach, FL

June 2021 – Present

**VP, BUSINESS DEVELOPMENT OFFICER, COMMUNITY LENDING**

Assist women and minority-owned businesses who are often overlooked by larger institutions by examining their growth potential while fostering and managing their banking relationships to ensure the needs of the bank and clients are met.

### Key Achievements:

- Create and cultivate relationships with center of influences and community partners by actively networking, and identifying external opportunities to generate new loan, deposit, financial education, and other line of business opportunities while focusing on minority- owned businesses in tandem to meet the banks existing and prospective business client needs.
- Identify opportunities to educate and promote Valley banking and lending solutions to minority- owned businesses while actively collaborating with other lines of businesses to ensure the clients specific needs are consistently met.
- Serves as Valley Bank Women in Business Ambassador for Palm Beach County, Member of the Leadership team for (BELIEVE) Valley Bank's Black Associate Resource Group and Regional Vice Chair of Valley Bank's LGBTQ+ Associate Resource Group PROUD.

**SEACOAST BANK** – Lantana, FL

March 2018 – Present

**AVP, BANKING CENTER MANAGER**

Oversee day-to-day operations of branch to ensure achievement of established goals and objectives. Provide leadership and direction for hiring, training, scheduling, performance appraisals, salary changes, promotion, transfers, corrective action, and termination. Lead effective implementation of talent management practices, including succession planning, attracting/retaining top talent, and continuously developing strong bench strength.

### Key Achievements:

- Took on integral role as member of acquisition team during bank conversion in March 2020 (on brink of pandemic) – successfully onboarded team members into new roles from operational and coaching perspective.
- Supported the SBA Lending Department with the facilitation of the Paycheck Protection Program, by proactively interviewing business clients to analyze financial and related data for qualified applicants.
- Created and cultivated relationships with center of influences and community partners by actively networking, and identifying external opportunities to generate new loan, deposit, and other line of business opportunities

Continued...

# AQUANNETTE TYSON THOMAS, MPA

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while focusing on minority owned businesses in tandem to meet the banks existing and prospective business client needs.

- Served in integral role as CRA Ambassador for Palm Beach County region to help identify opportunities to address affordable housing, workforce development, financial education, health care services, minority - owned business development, and other economic disparities.
- Transformed underperforming and unmotivated team into confident group of bankers by providing motivation and coaching while delivering constructive feedback and engagement during weekly 1-to-1 coaching.
- Successfully achieved goals of two branches while serving as manager of current branch and interim manager of separate branch simultaneously.
- Pioneered coordination and facilitation of financial education courses to community members, non-profit organizations, and students of all levels.
- Championed efforts to build diverse, inclusive, and equal culture by assisting with formation of diversity council and Black associate resource group, as well as creation of first-ever LGBTQ advertisement for bank.

**PNC BANK** – Boynton Beach, FL

June 2010 – March 2018

**BRANCH SALES AND SERVICE CONSULTANT II** (June 2017 – March 2018)

Promoted to acquire and deepen customer base through use of proactive sale strategies. Built partnerships with leaders of local non-profit agencies, schools, and organizations.

**Key Achievements:**

- Cultivated value-based relationships by actively networking within community, conducting joint appointments with Eco-partners and driving continuous development.
- Delivered differentiated client experience by utilizing PNC Conversation and Cash Flow optimizer to uncover client lending and deposit needs while developing sustainable relationships.
- Led branch team to identify opportunities, increase engagement, and mitigate risk by assisting Branch Manager in modeling appropriate communication behaviors.
- Served as PNC Certified Women's Business Advocate and Foundations of Money Management Facilitator.
- Assisted in building a diverse, inclusive, and equal culture by supporting formation of PNC Diversity and Inclusion Council for the Florida East Region Diversity Council.

**ASSISTANT BRANCH MANAGER II** (March 2015 – June 2017)

Oversaw day-to-day branch operations while ensuring policies and procedures were effectively adhered to. Supported and developed team of employees to equip them with knowledge and skills to create memorable experiences for clients.

**Key Achievements:**

- Successfully coached, motivated, and led branch team by assisting Branch Manager with implementation of Human Sigma Action Planning and Branch Success Guide.
- Steered team to achieve highest level of success by conducting daily debriefs and weekly one-on-one training.
- Increased impact and influence of Teller Leads by providing mentorship and co-facilitating meetings/disseminating information that prepared them to lead teams to success.
- Served as PNC Certified Women's Business Advocate and Foundations of Money Management Facilitator.
- Supported PNC in establishing diverse, inclusive, and equal culture by helping with formation of PNC Diversity and Inclusion Council for Florida East Region Diversity Council.

**FINANCIAL SALES CONSULTANT III** (June 2010 – March 2015)

Built lasting relationships to provide sound financial advice and match customized solutions with client needs.

Collaborated with partners to identify and secure new business opportunities.

**Key Achievements:**

- Supported achievement of organizational goals through mentoring new and existing team members.
- Served as Business Banking Specialist, Branch Coordinator for PNC Bank at School Program, and Workplace Banking Ambassador. While identifying and created opportunities in community by networking with local non-profit agencies, schools, and businesses.

### ***Additional Banking Industry Experience (2004 – 2010)***

## **AFFILIATIONS**

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Board Member – Resource Depot  
 Board Member – South Florida Fair and Palm Beach County Expositions, Inc  
 Business Advisory Board Member – T. Leroy Jefferson Medical Society  
 Chair – Leadership Equity and Diversity Committee, Leadership Palm Beach County  
 Co-Board Chair – Compass Community Center  
 Advisory Board Member – PBC Commission on Affordable Housing  
 Leadership Palm Beach County – Class of 2020  
 Member and Past Treasurer – National Coalition of 100 Black Women, West Palm Beach Chapter  
 NorthPac – Palm Beach North Chamber of Commerce  
 Resource Development Committee – Black Chamber of Commerce of Palm Beach County  
 Treasurer and Board Member – St. Mary's Medical Center Foundation  
 Women in Business Committee – Palm Beach North Chamber of Commerce

## **AWARDS & RECOGNITION**

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Diversity and Inclusion Award Honoree – South Florida Business & Wealth Magazine (2022)  
 Blaze Award – Banwo Foundation (2020)  
 40 under 40 Black Leader of today and tomorrow – Legacy Magazine of South Florida (2020)  
 Young Professional of the year – Black Chamber of Commerce of Palm Beach County (2018)  
 Above and Beyond Recipient – Compass Community Center (2017)  
 Ironstone Bank Third Quarter Gem Award Winner (2005)  
 Ironstone Bank, Annual Gem Award Winner (2005)

## **EDUCATION & CERTIFICATIONS**

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**Master's Degree in Public Administration** – Grand Canyon University  
**Bachelor's Degree of Applied Science in Supervision Management** – Palm Beach State College  
**Executive Certificate: Fostering Diversity and Inclusion** – Yale School of Management (August 2020)  
**Diversity, Equity, and Inclusion in the Workplace Certificate** - USF Corporate Training and Professional Education (May 2021)  
**Inclusive and Ethical Leadership Certificate** – USF Corporate Training and Professional Education (November 2021)



## ITEM SUMMARY

**MEETING DATE:** November 7, 2022

**FROM:** Caryn Gardner-Young, Zoning Administrator

**SUBJECT:** **Ordinance 2022-29, ZTA-22-13**  
Drainage Between Properties

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### BACKGROUND

This Zoning Text Amendment is at the request of the City's Development and Neighborhood Services Department to address drainage issues on private properties. There are several reasons a homeowner could have water drainage problems. Sometimes the land where a structure will sit has to be built up, or the land around an existing structure sloped away, in order for rainwater to drain away properly. Grading is a landscaping technique that gently slopes the yard away from the home. It is at such a slight angle that people may not even know their yard is sloping at all.

Why is drainage so important? It may take time for water to get absorbed by the soil, so when there are heavy rains, the water sits on top of the lawn. If the lawn is flat, the water will stay there, pooling. If there is any grading, the water will flow in the direction of the slope. If the yard slopes toward the home instead of away from it (negative grading), then you have an even bigger issue than pooling. Or the water may flow off site and impact upon a neighbor's property. In fact, neighbors have gone to court over just this issue. Before it gets to that point, City Staff is proposing stronger onsite water retainage.

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### ANALYSIS

The principal intent of these proposed text amendments to the Zoning Code is to address stormwater impacts upon a neighbor's property when work is conducted on a property that may impact grading. It is not uncommon for government to regulate such activities especially if complaints are received from the residents impacted. The proposed zoning code modifications are to establish regulations to avoid stormwater runoff issues, which are harmful and otherwise detrimental to neighbors in the enjoyment of their life.

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.

The City Council approved Ordinance 2022-29 on first reading October 17, 2022, by a vote of 5-0.

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## FINANCIAL INFORMATION

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N/A.

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## LEGAL

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Ordinance 2022-29 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed by the City Attorney.

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## STAFF RECOMMENDATION

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*Approval* of ZTA-22-13 through the adoption of Ordinance 2022-29.

**ORDINANCE NO. 2022-29**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 12, SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS, ARTICLE III, IMPROVEMENTS AND DESIGN STANDARDS, SECTION 12-58, DRAINAGE, BY ADDING SUB-SECTION 12-58(K), IMPOSING DRAINAGE REQUIREMENTS BETWEEN PROPERTIES; 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 Code Text Amendment to revise Chapter 12, Article III, specifically adding section 12-58(k) to add requirements for drainage impacts between residential property; and

**WHEREAS**, the Development Review Committee determined that the proposed amendments to section 12-58 are appropriate as further stated in the Committee’s Staff Report and Recommendation, “Exhibit A” dated August 15, 2022 and amended from time to time (attached); and

**WHEREAS**, the proposed amendments are required to address drainage impacts that City Staff has observed in the field; 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:**

**Ordinance No. 2022-29| Drainage**

Page No. 2

**SECTION 1.** The City of Greenacres Code of Ordinance is hereby amended at Chapter 12, “Subdivisions and Land Development Regulations”, Article III, “Improvements and Design Standards”, section 12-58, “Drainage” as follows (additions are indicated by underscoring and deletions are indicated by ~~strikeout~~):

**Sec. 12-58. - Drainage.**

(a) All subdivisions and other development shall have comprehensive stormwater drainage facilities which manage, treat, and discharge water through a legal positive outfall connection to a public street, canal, or natural water course subject to the permission of the entity controlling the receiving body. The stormwater drainage facilities shall be designed in accordance with the standards of Article III.

(b) Stormwater shall be contained on-site in accordance with the provisions and requirements of the South Florida Water Management District (SFWMD) and the Lake Worth Drainage District (LWDD). Rainfall runoff, surface water and ground water shall be managed to minimize degradation of water quality; reduce harmful nutrients, turbidity, debris and other deleterious substances; and to maximize percolation and detention. Runoff from roads, parking lots, roofs and other impervious surfaces should be directed over areas where percolation into the soil can be accomplished prior to introduction into any storm sewer or other receiving facilities. Pervious areas shall be covered with vegetation requiring periodic cutting and removal.

(c) The following features shall be provided with protection against flooding from the below-listed design storm events:

(1) The lowest habitable space of residential and commercial buildings shall be protected from inundation resulting from a 100-year, 3-day rainfall assuming zero discharge; or the 100-year flood elevation per Federal Emergency Management Agency (FEMA) flood insurance rate maps plus one (1) foot; or the 100-year flood elevation as established by SFWMD rule; whichever is most restrictive.

(2) Residential subdivision lots of one-quarter ( $\frac{1}{4}$ ) acre gross area or less shall be protected from a 3-year, 24-hour rainfall.

(3) Residential subdivision lots greater than one-quarter ( $\frac{1}{4}$ ) acre gross area shall be protected from a 3-year, 24-hour rainfall within twenty (20) feet of all habitable buildings and from a duration of inundation of a maximum of eight (8) hours subsequent to the 3-year, 24-hour rainfall for the remainder of the lot.

(4) Local streets, marginal access streets, private streets, and collector streets not included in the thoroughfare plan shall be protected from a 5-year, 24-hour rainfall.



**Ordinance No. 2022-29| Drainage**

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(5) Thoroughfare plan streets shall be protected in accordance with the requirements of the FDOT Drainage Manual.

(6) Residential parking lots shall be protected from a 3-year, 24-hour rainfall; if an exfiltration system is used for storm drainage the parking lot shall be protected from a 5-year, 24-hour rainfall.

(7) Commercial parking lots shall be protected from a 3-year, 1-hour rainfall; if an exfiltration system is used for storm drainage the parking lot shall be protected from a 5-year, 1-hour rainfall.

(8) Recreation and open space areas not specifically designated for stormwater management purposes shall not be subject to inundation exceeding eight (8) hours following a 3-year, 24-hour rainfall.

(9) Preserve areas shall not be subject to inundation of greater or less intensity or duration than pre-development conditions. In order to support the health of existing plant communities, flows and hydrology shall be maintained to the greatest extent possible.

(d) The above listed design storm events shall be based on rainstorms of maximum intensity predicted by the current Florida Department of Transportation Intensity Duration Frequency (IDF) curve charts for Palm Beach County.

(e) The drainage system shall provide for drainage of lots, streets, roads, and other public areas including surface waters which drain into or through the property and historic flow across property lines.

(f) The runoff coefficients used in the design of the system shall be those applicable after complete development has occurred and shall be calculated on sample areas of each type of ultimate use.

(g) The storm sewer system within the right-of-way shall be designed so that the elevation of the hydraulic gradient is never higher than three (3) inches below the grate elevation of any inlet in the system during a 3-year 1-hour storm event.

(h) Pipes and structures used in the drainage system shall meet the following requirements:

(1) Minimum pipe size is to be fifteen (15) inches diameter, except that yard drains serving solely pervious areas on private property and not located beneath paved areas or sidewalks may be no smaller than eight (8) inches in diameter.

(2) The distance between terminating or intermediate structures shall not exceed that required by Florida Department of Transportation Standards for the construction and maintenance of inlets and manholes. The pipe shall be sloped to develop sufficient scouring to minimize sediment.

**Ordinance No. 2022-29| Drainage**

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(3) Structure design shall meet or exceed current Palm Beach County Standards or standards adopted by the City of Greenacres. In order to simplify maintenance and catch sediment and debris that may be carried in the drainage structures and move through the drainage system obstructing pipes and/or the control structures and also degrading downstream water quality, sumps shall be provided in each of the following: the last drainage structure prior to outfall of the system, the control structure, and all drainage structures preceding an exfiltration trench. The minimum depth of the sump shall be twenty-four (24) inches, measured between the inside bottom of the lowest entering pipe and the inside bottom of the structure.

(4) Drainage pipe shall be fitted with headwalls, endwalls, inlets, manholes, and other terminating and intermediate structures.

(5) Pipe used in the drainage system shall meet current American Society for Testing and Materials (ASTM), American Association of State Highway and Transportation Officials (AASHTO), and FDOT specifications. Approved pipe materials shall consist of the following:

- a. Reinforced concrete pipe, with gasketed joints meeting the requirements of AASHTO.
- b. Aluminum, with all joints made using twelve (12) inches wide bands having a watertight gasket of mastic or neoprene.
- c. Coated steel, with all joints made using twelve (12) inches wide bands having a watertight gasket of mastic or neoprene. The pipe shall have an approved corrosion resistant coating.
- d. High density polyethylene (HDPE) meeting ASTM F 8904 or ASTM D 714 standards. This pipe material is not allowed for use within the public road right-of-way except as a "slip-lining" insert for the repair of deteriorated existing pipe.
- (i) Swales may be used in lieu of storm sewers to convey and collect surface waters. Maximum swale grade shall be limited to that grade which will produce water velocities below the threshold of erosion. The side slopes on swale sections shall not be steeper than 4:1 and the swale may occupy all of a water management tract. Swales within the road right-of-way shall be no deeper than six (6) inches.
- (j) All major treatment facilities such as lakes and other detention areas used for stormwater management prior to discharge from development shall be placed in the platted water management tracts and dedicated to the entity responsible for their maintenance. All water management tracts shall include, for maintenance access, a twenty (20) foot maintenance easement around the perimeter and above the maintained water elevation, with a side slope not steeper than 8:1.
- (k) Stormwater runoff shall be retained onsite with the exception of a permitted legal positive outfall piping or direct conveyance to a drainage easement that includes a drainage pipe or swale system, direct conveyance to a lake, or direct conveyance to a retention area. Properties shall be graded such that stormwater runoff does not sheet flow between properties unless the flow is through a drainage easement that is part of master drainage

**Ordinance No. 2022-29| Drainage**

Page No. 5

permit for the entire development; is a perimeter berm; or, a solid concrete drainage retaining wall with the top at the peak stage of the 25 year, 3 day storm event. In residential planned developments swales can be used along the side lot lines in lieu of berms and drainage walls to direct stormwater runoff from between properties to a drainage collection system in either the front or rear of the residential properties. A berm or wall around the outside of the master residential plan development will still be required.

**SECTION 2. Repeal of Conflicting Ordinances.**

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

**Ordinance No. 2022-29| Drainage**

Page No. 6

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.

**Ordinance No. 2022-29| Drainage**  
Page No. 7

**PASSED** on the first reading this 17<sup>th</sup> day of October, 2022.

**PASSED AND ADOPTED** on the second reading this 7<sup>th</sup> day of November, 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

ZTA-22-13 (Ordinance 2022-29)

Revised: 10/17/2022

Date: August 15, 2022



## DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION

### ZTA-22-29: Drainage Between Properties

**Recommendation to City Council:** A City-initiated request for a text amendment that imposes drainage requirements between properties.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

<b>Originating Department:</b>  <b>Planning &amp; Engineering</b>  Project Manager  _____ Caryn Gardner-Young, Zoning Administrator	<b>Reviewed By:</b>  Interim Director of Development and Neighborhood Services  _____ Denise Malone
<b>Approved By:</b>  <b>City Manager</b>  _____ Andrea McCue	<b>Public Notice:</b> <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: _____
<b>Attachments:</b> <ul style="list-style-type: none"> <li>Ordinance 2022-29__</li> </ul>	<b>City Council Action:</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____

### I. Executive Summary

Not every plot of land has perfect drainage. There are several reasons a homeowner could have water drainage problems. Sometimes the land where a structure will sit has to be built up, or the land around an existing structure sloped away, in order for rainwater to drain away properly. Grading is a landscaping technique that gently slopes the yard away from the home. It is at such a slight angle that people may not even know their yard is sloping at all.

Why is drainage so important? It may take time for water to get absorbed by the soil, so when there are heavy rains, the water sits on top of the lawn. If the lawn is flat, the water will stay there, pooling. If there is any grading, the water will flow in the direction of the slope. If your yard slopes toward your home instead of away from it (negative grading), then you have an even bigger issue than pooling. Or the water may flow off site and impact upon a neighbor's property. In fact, neighbors have gone to court over just this issue. Before it gets to that point, City Staff is proposing stronger onsite water retainage.

## **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**

#### **Sec. 12-58. - Drainage.**

(a) All subdivisions and other development shall have comprehensive stormwater drainage facilities which manage, treat, and discharge water through a legal positive outfall connection to a public street, canal, or natural water course subject to the permission of the entity controlling the receiving body. The stormwater drainage facilities shall be designed in accordance with the standards of Article III.

(b) Stormwater shall be contained on-site in accordance with the provisions and requirements of the South Florida Water Management District (SFWMD) and the Lake Worth Drainage District (LWDD). Rainfall runoff, surface water and ground water shall be managed to minimize degradation of water quality; reduce harmful nutrients, turbidity, debris, and other deleterious substances; and to maximize percolation and detention. Runoff from roads, parking lots, roofs and other impervious surfaces should be directed over areas where percolation into the soil can be accomplished prior to introduction into any storm sewer or other receiving facilities. Pervious areas shall be covered with vegetation requiring periodic cutting and removal.

(c) The following features shall be provided with protection against flooding from the below-listed design storm events:

(1) The lowest habitable space of residential and commercial buildings shall be protected from inundation resulting from a 100-year, 3-day rainfall assuming zero discharge; or the 100-year flood elevation per Federal Emergency Management Agency (FEMA) flood insurance rate maps plus one

- (1) foot; or the 100-year flood elevation as established by SFWMD rule; whichever is most restrictive.
- (2) Residential subdivision lots of one-quarter ( $\frac{1}{4}$ ) acre gross area or less shall be protected from a 3-year, 24-hour rainfall.
- (3) Residential subdivision lots greater than one-quarter ( $\frac{1}{4}$ ) acre gross area shall be protected from a 3-year, 24-hour rainfall within twenty (20) feet of all habitable buildings and from a duration of inundation of a maximum of eight (8) hours subsequent to the 3-year, 24-hour rainfall for the remainder of the lot.
- (4) Local streets, marginal access streets, private streets, and collector streets not included in the thoroughfare plan shall be protected from a 5-year, 24-hour rainfall.
- (5) Thoroughfare plan streets shall be protected in accordance with the requirements of the FDOT Drainage Manual.
- (6) Residential parking lots shall be protected from a 3-year, 24-hour rainfall; if an exfiltration system is used for storm drainage the parking lot shall be protected from a 5-year, 24-hour rainfall.
- (7) Commercial parking lots shall be protected from a 3-year, 1-hour rainfall; if an exfiltration system is used for storm drainage the parking lot shall be protected from a 5-year, 1-hour rainfall.
- (8) Recreation and open space areas not specifically designated for stormwater management purposes shall not be subject to inundation exceeding eight (8) hours following a 3-year, 24-hour rainfall.
- (9) Preserve areas shall not be subject to inundation of greater or less intensity or duration than pre-development conditions. In order to support the health of existing plant communities, flows and hydrology shall be maintained to the greatest extent possible.
- (d) The above listed design storm events shall be based on rainstorms of maximum intensity predicted by the current Florida Department of Transportation Intensity Duration Frequency (IDF) curve charts for Palm Beach County.
- (e) The drainage system shall provide for drainage of lots, streets, roads, and other public areas including surface waters which drain into or through the property and historic flow across property lines.
- (f) The runoff coefficients used in the design of the system shall be those applicable after complete development has occurred and shall be calculated on sample areas of each type of ultimate use.
- (g) The storm sewer system within the right-of-way shall be designed so that the elevation of the hydraulic gradient is never higher than three (3) inches below the grate elevation of any inlet in the system during a 3-year 1-hour storm event.
- (h) Pipes and structures used in the drainage system shall meet the following requirements:



(1) Minimum pipe size is to be fifteen (15) inches diameter, except that yard drains serving solely pervious areas on private property and not located beneath paved areas or sidewalks may be no smaller than eight (8) inches in diameter.

(2) The distance between terminating or intermediate structures shall not exceed that required by Florida Department of Transportation Standards for the construction and maintenance of inlets and manholes. The pipe shall be sloped to develop sufficient scouring to minimize sediment.

(3) Structure design shall meet or exceed current Palm Beach County Standards or standards adopted by the City of Greenacres. In order to simplify maintenance and catch sediment and debris that may be carried in the drainage structures and move through the drainage system obstructing pipes and/or the control structures and also degrading downstream water quality, sumps shall be provided in each of the following: the last drainage structure prior to outfall of the system, the control structure, and all drainage structures preceding an exfiltration trench. The minimum depth of the sump shall be twenty-four (24) inches, measured between the inside bottom of the lowest entering pipe and the inside bottom of the structure.

(4) Drainage pipe shall be fitted with headwalls, endwalls, inlets, manholes, and other terminating and intermediate structures.

(5) Pipe used in the drainage system shall meet current American Society for Testing and Materials (ASTM), American Association of State Highway and Transportation Officials (AASHTO), and FDOT specifications. Approved pipe materials shall consist of the following:

- a. Reinforced concrete pipe, with gasketed joints meeting the requirements of AASHTO.
- b. Aluminum, with all joints made using twelve (12) inches wide bands having a watertight gasket of mastic or neoprene.
- c. Coated steel, with all joints made using twelve (12) inches wide bands having a watertight gasket of mastic or neoprene. The pipe shall have an approved corrosion resistant coating.
- d. High density polyethylene (HDPE) meeting ASTM F 8904 or ASTM D 714 standards. This pipe material is not allowed for use within the public road right-of-way except as a "slip-lining" insert for the repair of deteriorated existing pipe.
- (i) Swales may be used in lieu of storm sewers to convey and collect surface waters. Maximum swale grade shall be limited to that grade which will produce water velocities below the threshold of erosion. The side slopes on swale sections shall not be steeper than 4:1 and the swale may occupy all of a water management tract. Swales within the road right-of-way shall be no deeper than six (6) inches.
- (j) All major treatment facilities such as lakes and other detention areas used for stormwater management prior to discharge from development shall be placed in the platted water management tracts and dedicated to the entity responsible for their maintenance. All water management tracts shall include, for maintenance access, a twenty (20) foot maintenance easement around the perimeter and above the maintained water elevation, with a side slope not steeper than 8:1.

(k) Stormwater runoff shall be retained onsite with the exception of a permitted legal positive outfall piping or direct conveyance to a drainage easement that includes a drainage pipe or swale system, direct conveyance to a lake, or direct conveyance to a retention area. Properties shall be graded such that stormwater runoff does not sheet flow between properties unless the flow is through a drainage easement that is part of master drainage permit for the entire development; is a perimeter berm; or, a solid concrete drainage retaining wall with the top at the peak stage of the 25 year, 3 day storm event. In residential planned developments swales can be used along the side lot lines in lieu of berms and drainage walls to direct stormwater runoff from between properties to a drainage collection system in either the front or rear of the residential properties. A berm or wall around the outside of the master residential plan development will still be required.

### **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 address stormwater impacts upon a neighbor's property when work is conducted on a property that may impact grading. It is not uncommon for government to regulate such activities especially if complaints are received from the residents impacted. The proposed zoning code modifications are to establish regulations to avoid stormwater runoff issues, which are harmful and otherwise detrimental to neighbors in the enjoyment of their life.

#### *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 Recommendation:**

*Approval* of ZTA- 22-13 through the adoption of Ordinance 2022-29.

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**CITY COUNCIL ACTION First Reading – October 17, 2022**

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The City Council on a motion made by Council Member Dugo and seconded by Council Member Tharp, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-22-13** as presented by staff.

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**CITY COUNCIL ACTION Adoption Hearing – November 7, 2022**

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## ITEM SUMMARY

**MEETING DATE:** November 7, 2022

**FROM:** Kara Irwin-Ferris, AICP,

**SUBJECT:** **Ordinance 2022-23, ZTA-22-11**  
Supplemental Regulations

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### BACKGROUND

The city has regulations relative to outdoor sales in different areas of the code but is pursuing these changes to centralize the regulations within Chapter 16, Article IV. Supplemental Regulations. Some of the changes are simple reactions to new types of businesses, such as storage pods, which drop the containers on lots and leave them there for a period of time for loading and unloading. Regulations managing timing and location were needed. In addition, retail stores were placing items on the sidewalk for sale, which is not permitted. The code amendment will further clarify that it is prohibited in all zoning districts.

Many changes have occurred in the past year in how business is conducted and code changes are needed to address the impacts. Some restaurants in the city are closing their kitchens at 10:30 pm and bringing in live music, including DJs, to change the venue into a night club, which is not permitted in the zoning district. While live entertainment has been considered an accessory use within restaurants and bars, the changing of the nature of the business with the music is an issue that has to be addressed. It has caused public safety issues for police and assembly issues for Fire Rescue. These businesses have not been inspected to do business in that manner, nor would it be permitted by Code. The safety of the customers is an area of concern for the city's public safety providers.

Finally, outdoor seating has become an issue after the pandemic. When restaurants were limited to 50% capacity, many reached out to the city to add outdoor areas for service. Under the State Governor's Emergency Order, the city allowed for temporary outdoor seating through a temporary use permit. In addition, there have been limited approvals for non-service outdoor seating through the site plan approval process, but some restaurants have put out chairs and seating without approval. While this has been addressed through code enforcement, it was determined that some regulations needed to be added to the code.

The Land Development Staff has reviewed these text amendments and is recommending approval. The Planning Commission reviewed this staff-initiated text amendment on July 14, 2022, and recommended approval by a vote of 5-0.

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### ANALYSIS

City staff initiated this code change to address the need for strengthening code regulations for issues that were occurring within the city relative to live entertainment and businesses

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acting outside of their definitions. After reviewing the City's current standards, staff determined that there was a need to add supplemental regulations to include live entertainment, outdoor storage, outdoor sales, and outdoor seating.

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#### **FINANCIAL INFORMATION**

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N/A

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#### **LEGAL**

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Ordinance 2022-23 was prepared in accordance with all applicable state statutes and City Code Requirements.

The Ordinance was advertised in accordance with Florida State Statutes 166.041(3)(c)1.

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#### **STAFF RECOMMENDATION**

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*Approval* of ZTA-22-11 through the adoption of Ordinance 2022-23.

## ORDINANCE NO. 2022-23

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ZONING REGULATIONS, ARTICLE I, IN GENERAL, SECTION 16-1, BY AMENDING CERTAIN DEFINITIONS AND ADDING DEFINITIONS; FURTHER AMENDING CHAPTER 16, ARTICLE IV, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, BY ADOPTING NEW SECTION 16-609, TO BE ENTITLED “LIVE ENTERTAINMENT PERMIT”; SECTION 16-610, TO BE ENTITLED “OUTDOOR STORAGE, DISPLAY, SALES, COOKING AND SALES OF PROPANE TANKS”; SECTION 16-611, TO BE ENTITLED “PLACEMENT AND USE OF PORTABLE STORAGE UNITS”; AND, SECTION 16-612, TO BE ENTITLED “OUTDOOR SEATING”; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council has determined that a need exists to update and modify criteria for current trends with live entertainment, outdoor sales, placement and use of portable storage units, and outdoor seating; and

**WHEREAS**, the City Council of the City of Greenacres has determined that various sections of Chapter 16 of the City’s Code of Ordinances need to be amended to provide clarity, consistency, and updates to account for these current trends; and

**WHEREAS**, the amendments set forth in this Ordinance are to ensure the allowed uses and activities are addressed through clear guidelines in furtherance of the City’s inherent police and regulatory powers; and

**WHEREAS**, this Ordinance was reviewed by the Planning and Zoning Board of Appeals at a public hearing on June 9, 2022, and the Board recommended approval by a vote of 5 to 0; and

**WHEREAS**, minor revisions were made to this Ordinance after Planning and Zoning Board of Appeal’s review to further clarify the provisions and streamline the content; 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 serving a valid public purpose.

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

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

**SECTION 2.** Chapter 16, Zoning Regulations, Article I, In General, Section 16-1, Definitions is hereby amended as follows (underlined text is added and strike-through text is deleted):

**Ordinance No. 2022-23 | Supplemental Regulations**  
Page No. 2

*[The following definitions shall be placed within the list of definitions in alphabetical order. All other text to remain as-is and is omitted for brevity.]*

**Sec. 16-1. – Definitions.**

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

*Amplified sound* shall mean any sound that is naturally, electronically, mechanically, or otherwise made louder through another device including, but not limited to, a speaker, amplifier, microphone, bullhorn, or drum.

*Outdoor sales* shall mean the selling of any goods, material, merchandise, or vehicles ~~for more than twenty-four (24) hours~~, in an area open to the sky and/or visible from adjacent properties or rights-of-way and is prohibited unless authorized in accordance with a specific provision of this Code or by special event or temporary use permit.

*Outdoor storage* shall mean the keeping of any goods, material, merchandise, or vehicles ~~for more than twenty-four (24) hours~~, in an area open to the sky and/or visible from adjacent properties or rights-of-way and is prohibited unless authorized in accordance with a specific provision of this Code or by special event or temporary use permit.

*Portable storage unit* shall mean any portable, weather-resistant receptacle designed and used for the temporary storage and/or shipment of goods, supplies, or other materials and includes, but is not limited to, storage containers and portable household good pods.

**SECTION 3.** Chapter 16, Zoning Regulations, Article IV, Supplementary District Regulations, Division 1, Generally, is hereby amended by adding section 16-609, as follows:

**Section 16-609. – Live entertainment permit.**

(a) *Purpose.* The purpose of this section is to provide regulations which govern the provision of live entertainment at commercial establishments while protecting the quiet enjoyment of adjacent properties.

(b) *Applicability of permit.*

- (1) A live entertainment permit is required for all new and existing restaurants, bars, cocktail lounges, or other permitted commercial establishments to provide or use the following:
  - a. Outdoor live entertainment with or without amplified sound; and
  - b. Indoor live entertainment with amplified sound.
- (2) A live entertainment permit is valid only for the specific establishment, location, and operator of establishment to whom it is issued.
- (3) A live entertainment permit is not required for conducting a special event in accordance with section 16-718, which requires a permit for temporary uses.

- (4) Live entertainment is accessory to the principal use of the establishment and cannot be a principal use for all or portion of the establishment, such as a concert or night club use.
- (c) Permit required; submittals. Applications for a permit and renewal of a permit under this section shall be made to the building division on a form provided for such purpose by the city, and shall include, along with any other such information deemed reasonably necessary by the reviewers to implement and enforce the provisions of this section, the following:
- (1) The applicant shall submit the application for live entertainment with an application fee and performance bond in amounts as set forth in the city's fee schedule;
  - (2) The name, location, and mailing address of the property owner and tenant (if applicable) proposing to use or provide live entertainment;
  - (3) The name, mailing address, and telephone contact information of the applicant and the written authorization of the property owner(s);
  - (4) A location plan indicating the location of the live entertainment, stage/area for entertainment, speakers, and/or location of any other equipment/facilities that will be used as a part of the live entertainment activities; and
  - (5) A sound management plan which sets forth the methods to be utilized to ensure compliance with the noise limitations set forth in this Code and any other requirements set forth in this Code or the city's Standard Operating Procedures (SOP) for live entertainment permitting (if adopted by the development and neighborhood services department).
- (d) Transferability. A live entertainment permit may be transferred in accordance with the following provisions:
- (1) When a sale or change in ownership occurs to an establishment that has an existing valid live entertainment permit, a request to transfer the permit may be made with the new business tax receipt to the planning, engineering and gis division;
  - (2) The transfer request shall not include any proposed changes to the previously-approved sound management plan. If changes are proposed, the applicant shall apply for a new live entertainment permit;
  - (3) The performance bond as required by this section shall be provided by the new holder of the business tax receipt; and,
  - (4) Upon the issuance of any new live entertainment permit, a new twelve-month period shall commence in accordance with subsection (f) below.
- (e) Standard conditions of approval for all permits. The following are standard conditions of approval for all live entertainment permits.
- (1) Sound generated by or emanating from establishments that are using or providing live entertainment shall comply with the noise limitations set forth in this Code;
  - (2) Hours of live outdoor entertainment shall not extend beyond 10:00 p.m. unless:
    - a. Specific approval is received through the application and issuance of a special events permit in accordance with section 16-718, special events; or



- b. The applicant submits a sound management plan, certified by an acoustical engineer, which verifies that sound levels generated will remain within the standards set forth in this Code and further complies with the SOP (if any) for live entertainment permitting. A copy of the adopted SOP (if any) shall be kept on file with the city clerk and shall be available for public inspection during normal business hours.
  - (3) Such other conditions of approval to ensure the live entertainment does not negatively impact the quiet enjoyment of adjacent properties.
- (f) *Standards for review.* When considering applications for a live entertainment permit, the city shall consider the following:
  - (1) The amount and type of screening, buffering, or separation between the establishment and adjacent properties, with reference to type, dimensions, and character, shall be fully and clearly depicted on the submitted plans and must be adequate to mitigate sound impacts upon adjacent properties; and
  - (2) The land and buildings which are the subject of the application must be of sufficient size, shape, type of building, and the like to ensure the proposed live entertainment can be accommodated without negative impact on adjacent properties.
- (g) *Issuance, renewal and revocation.*
  - (1) If the city issues a live entertainment permit or renews a live entertainment permit, the permit shall be in effect for 12 months from the date of issuance or renewal by the city unless earlier revoked as stated herein.
  - (2) After 12 months, the permit or renewed permit shall expire and the commercial establishment must apply for a new permit or a renewal of the permit. A renewed permit may be granted by the city if there are no changes to the conditions for granting the original permit including without limitation no changes in the sound management plan. If the performance bond submitted with the previously issued permit has expired, a new performance bond must be submitted with the application to renew. If a live entertainment permit expires and a renewal is not sought within thirty (30) days, the city will return the performance bond to the commercial establishment.
  - (3) The city may revoke a live entertainment permit if the commercial establishment violates any terms and conditions of the permit, the sound management plan, this section, or is found in violation of other provisions of this Code which relate to the operation of the commercial establishment. If the city revokes a live entertainment, it shall send written notice to the commercial establishment of the revocation and may retain the performance bond if the grounds for the revocation include a violation of the sound management plan. The commercial establishment may appeal the revocation to the city's special magistrate within twenty (20) days of receipt of the notice of revocation. Such appeal will then be heard within thirty (30) days of the city's receipt of the appeal and notice of the hearing will be sent to the commercial establishment by regular first class mail. A commercial establishment whose live entertainment permit is revoked (and such revocation upheld if appealed) may re-apply for a new live entertainment permit six (6) months after the date of revocation with sufficient showing that all grounds for the revocation have been corrected.

(h) *Enforcement.* The provisions of this section may be enforced through standard code enforcement procedures and the alternative citation procedures provided in Chapter 2. If an establishment provides live entertainment without a permit or in violation of an establishment's permit or in violation of the requirements of this section, the violation is deemed irreparable in nature and the violator may be required to pay a fine not to exceed \$5,000 per violation. Each day such a violation continues to exist shall be deemed a new violation. The city may retain the performance bond, in whole or in part, to pay any fines or costs assessed if the commercial establishment is found in violation.

**SECTION 4.** Chapter 16, Zoning Regulations, Article IV, Supplementary District Regulations, Division 1, Generally, is hereby amended by adding section 16-610, as follows:

**Section 16-610. – Outdoor Storage, Display, Sales, Cooking and Sales of Propane Tanks.**

(a) *Outdoor Storage, Display, and Sales.*

- (1) Enclosed activities. Commercial sales, displays, retail activities, and all other similar commercial business activities including, but not limited to, the storage of goods and materials, shall be conducted within a completely enclosed building. No outdoor commercial sales, display, retail activities, or other similar commercial business activities including, but not limited to, the storage of goods and materials, shall be permitted at any time unless authorized by this section, other specific provision of this Code, or by special event or temporary use permit.
- (2) Outdoor storage, display, and/or sales may be permitted in the Commercial Intensive (CI) zoning district where such outdoor storage, display, and/or sales are customarily incidental to the principal use of the permitted commercial business and the outdoor storage, display, and/or sales are permitted by existing special exception criteria governing the principal use. There shall be no outdoor storage, display, or sales by any person operating or conducting a commercial business which is different or distinct from the permitted principal use at such location.
- (3) Outdoor storage and display of loose materials such as sand, gravel, lumber, cardboard boxes, pallets, or other similar materials which are subject to being scattered or blown about the premises by normal weather conditions is prohibited.
- (4) Unless specifically authorized by this section, by other specific provision of this Code or by special event or temporary use permit, outdoor storage, display, and sales is prohibited within all zoning districts.

(b) *Outdoor Cooking.* Commercial establishments are prohibited from cooking outdoors of an enclosed and properly permitted building or structure including, but not limited to, grilling, smoking, frying or other heating or preparation of food, unless specifically approved through the issuance of a special event or temporary use permit.

(c) *Propane Tanks for Retail Sales.* Notwithstanding the other provisions of this section, propane tanks offered for retail sales will be permitted by right for certain uses in zoning districts which allow retail sales. No additional business tax receipt will be required for

**Ordinance No. 2022-23 | Supplemental Regulations**

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permitted propane tank retail sales; however, the public service tax for the propane tank sales is applicable. A retailer will be considered eligible for propane tank retail sales for the purposes of this Code if the following criteria are met:

- (1) Retail sales must be a permitted use in the applicable zoning district.
- (2) Only retail drugstores, retail hardware stores, supermarkets, convenience stores, and existing licensed LP Gas retailers shall be permitted to sell propane tanks for retail sales.
- (3) Food markets shall not be permitted to sell propane tanks for retail sales.
- (4) A building permit clearly indicating the dimensions and setbacks of the location of the proposed metal case or propane locker shall be required prior to installation. The maximum capacity of the metal case or propane locker will be used to determine the number of propane tanks which may be offered for sale at a given time.
- (5) The metal case or propane locker shall be located under an overhang and on an accessible route. Installation shall not obstruct the accessible route.
- (6) The Fire Marshall shall review and approve the location of the metal case or propane locker in accordance with NFPA Storage Requirements for LP Gas Cylinders.

**SECTION 5.** Chapter 16, Zoning Regulations, Article IV, Supplementary District Regulations, Division 1, Generally, is hereby amended by adding section 16-611, as follows:

**Section 16-611. - Placement and use of portable storage units.**

- (a) *Purpose.* The purpose of this section is to provide for uniform guidelines for the placement and use of portable storage units.
- (b) *Time limitation.* For residentially zoned districts or zoning districts where residential uses are permitted or legally grandfathered in, portable storage units may be located and utilized for no more than fourteen (14) consecutive days. The development and neighborhood services director or designee may grant one (1) extension not to exceed fourteen (14) additional consecutive days for good cause. Only one (1) portable storage unit per residential dwelling is permitted in any twelve (12)-month period unless there is a change of ownership of the residential dwelling during such twelve (12)-month period.
- (c) *Placement.* The placement of the portable storage unit shall be on a paved driveway or other approved parking area surface and shall be accomplished in such a manner that no landscaping is damaged as a result of the placement. Portable storage units shall not be located in the street or any portion of the public right-of-way or any easement and shall be placed on in such a manner as to not create a visibility obstruction for any adjacent public right-of-way, driveway or sidewalk.
- (d) *Removal of portable storage units during tropical storm watch or warning and hurricane warning or watch required.* In the event the National Weather Service, National Hurricane Center, or appropriate weather agency declares a tropical storm watch or warning or a hurricane watch or warning that may impact the city, all portable storage units located

within the city shall be immediately removed from the residential property so as not to create a safety hazard because of hurricane or tropical storm force winds. The removal and replacement of any portable storage unit pursuant to this subsection shall not count toward the twelve (12)-month limitation period as set forth in subsection (b) above nor shall compliance with this subsection diminish the total number of days allowed.

- (e) A commercial establishment may be permitted by temporary use permit to locate and utilize a portable storage unit at the commercial establishment's premises. Only one (1) portable storage unit per the specific commercial establishment is permitted in any twelve (12)-month period unless there is a change of ownership of the commercial establishment during such twelve (12)-month period. Placement and location shall be addressed through the temporary use permitting process.

**SECTION 6.** Chapter 16, Zoning Regulations, Article IV, Supplementary District Regulations, Division 1, Generally, is hereby amended by adding section 16-612, as follows:

**Section 16-612. – Outdoor Seating.**

(a) For the purposes of this section, *serve* or *service* shall mean the act of a waiter, waitress, server, or other employee or agent of a restaurant, establishment, or institution taking food and/or beverage orders from customers in a seated area and/or providing food and/or beverages to customers in a seated area.

(b) *Authorization.* Outdoor seating shall be permitted as an accessory use to a restaurant, establishment, or institution serving food and/or beverages in an enclosed area, subject to the following requirements:

- (1) *Access.* The outdoor seating area is adjacent to, and has direct access through, a doorway to that portion of the restaurant, establishment, or institution which is enclosed.
- (2) *Location.* The outdoor seating area is located adjacent to the restaurant, establishment, or institution and is owned or leased for this purpose.
- (3) *General circulation.* The outdoor seating area can be accommodated without impeding the access of the general public to one (1) or more of the following:
  - a. The enclosed portion of the restaurant, establishment, or institution selling food and/or beverages;
  - b. Any other use located within the same building or structure; or
  - c. Any unauthorized common elements shared by the restaurant, business, or institution and any other users of the same building or structure.
- (4) *Safety.* Outdoor seating shall comply with all building, fire, and applicable safety code requirements.
- (5) *Parking.* Parking for areas utilized for outdoor seating, with or without service, shall be calculated and provided as outlined below. Outdoor seating shall not be established if required parking cannot be provided on site or if a nonconformity is created.
  - a. Outdoor seating area, without service, which constitutes no more than twenty-five (25) percent of the Gross Floor Area (GFA) of the restaurant, establishment, or institution serving food and/or beverages, shall be exempt

- from the parking requirements set forth in this Code. Outdoor seating area, without service, consisting of more than twenty-five (25) percent of the GFA shall provide parking for the entire outdoor seating area at a rate of 1 space per 250 sq. ft. of GFA of the outdoor seating area.
- b. Outdoor seating area, with service, shall provide parking at a rate of 1 space per 250 sq. ft. of GFA of the outdoor seating area.
  - c. An indoor seating area may be restricted to be replaced by an outdoor seating area on a per-square-foot basis without increasing the required number of parking spaces as originally approved in the development order.
- (6) Outdoor furniture. Only furniture that is designed as outdoor furniture, which can withstand the elements, rain, and intense sun, shall be utilized in the outdoor seating area.
- (c) Review. Outdoor seating may be included as an element of an overall application for development order approval or as an amendment to an existing development order through a Minor Site Plan Amendment application. In addition to any other requirements contained herein, each application for approval of outdoor seating shall include the following information:
- (1) Site plan. A site plan, at a scale acceptable to the city, illustrating how the outdoor seating may be reasonably accommodated and indicating the following:
    - a. The building or structure for which the outdoor seating area is proposed as an accessory use and whether service will be provided in the outdoor seating area;
    - b. The location of the restaurant, establishment, or institution and its permitted primary use;
    - c. The proposed location of the outdoor seating area, including number of tables and chairs, any fencing, required screening, or materials to separate the seating area from adjacent areas and/or properties with approximate distances shown;
    - d. The location of any sidewalks or other pedestrian walkways or passageways adjacent to or affected by the proposed outdoor seating area, and the location of all existing or additional parking to be provided for the outdoor seating area;
    - e. If applicable, a copy of a valid and current state alcoholic beverage license to serve alcohol where the proposed outdoor seating area will be, or any other license or permit required by the city for operation; and,
    - f. The location of any indoor seating area that is being restricted and replaced by an outdoor seating area.
  - (2) Consent. A copy of the written consent of the individual, corporation, or other entity that owns the property upon which the outdoor seating will be located.
  - (3) Indemnification. The applicant shall provide, in a form acceptable to the city attorney, indemnification of the city for any liability for personal injury and property damage due to the approval and use of the outdoor seating area.
  - (4) Renderings. Photographs, renderings, elevations, samples, and other materials as may be required by the city which illustrate the following: the style and color of all furnishings and menu boards, and the color, style, and materials used for storage, fencing, screening, or otherwise separating the outdoor seating area from other areas and adjacent properties.

(5) *Alcohol.* Alcoholic beverages may be consumed in the outdoor seating area provided the primary use is licensed to serve alcoholic beverages in accordance with Chapter 8, Article II of this Code and all alcoholic beverages are furnished from an enclosed area. Outdoor bars are prohibited.

(d) *Minimum standards.* Outdoor seating shall, at a minimum, comply with the following requirements:

(1) *Walkways.* Outdoor seating shall be arranged, when in use, in a manner that provides pedestrian accessibility, maintains compliance with the Americans with Disabilities Act (ADA), and meets all building codes.

(2) *Multiple tenants.* Outdoor seating located on a pedestrian walkway which provides access to more than one (1) occupant of a building shall provide an unobstructed passageway of at least six (6) feet in width. The unobstructed passageway shall be located adjacent to, but not through, the outdoor seating area.

(3) *Location.* Outdoor seating shall be located only adjacent to the principal use provided by the restaurant, establishment, or institution, and shall not be located in front of or adjacent to any other use, user, or tenant, unless otherwise approved by the development and neighborhood services director or designee.

(4) *Prohibited location.* Outdoor seating shall not be located within any area designated and required for parking.

(5) *Fencing or screening.* Fencing or screening may be required as a means to physically separate such use from any adjacent public passageway, street, or community as a means for public safety and to avoid nuisances. When outdoor seating is proposed adjacent to parking spaces or drive aisles, safety elements such as bollards or reinforced planters shall be utilized to prevent vehicle intrusion. In areas located within a courtyard or developments that are designed to accommodate the outdoor seating in a safe manner, fencing or screening may not be necessary.

(6) *Compatibility.* Outdoor seating, including fencing and screening materials, shall be compatible in color and style with the exterior of the building. Signs, lettering, or advertising, shall not be attached to outdoor seating areas or fencing or screening of such areas. Small labels may be permanently attached to the furnishing to identify ownership for security purposes.

(7) *Storage.* Outdoor seating and furnishings shall be stored in a secure manner when not in use. If seating and furnishings are stored outside, solid colored tarps shall be used to cover. Heaters and other seasonal equipment shall not be visible from the public right-of-way when not in use. If a hurricane or tropical storm watch or warning is issued for the city, all unaffixed outdoor seating and furnishings shall be stored inside a secure building or structure.

(8) *Hours of operation.* Excluding outdoor seating located in inner courtyards, outdoor seating, with or without service, shall comply with the following hours of operation:

a. *Sunday through Wednesday.* Use of the outdoor seating is prohibited between the hours of 10:30 p.m. and 7:00 a.m.

b. *Thursday through Saturday.* Use of the outdoor seating is prohibited between the hours of 11:30 p.m. and 7:00 a.m.

(9) *Live Entertainment.* Live entertainment in outdoor seating areas is prohibited unless approved under a live entertainment permit.

(e) *Exemptions.* The following are exempt from formal review of outdoor seating but shall comply with all other applicable requirements of this section and this Code:

(1) *Casual seating without service.* Restaurants, establishments, and institutions, or other permitted uses that serve food and/or beverages in an enclosed building or structure may have outdoor casual seating, such as a bench or tables and chairs, and shall meet all accessibility standards.

(2) *De minimus standard.* Restaurants, establishments, and institutions, or other permitted uses that serve food and/or beverages in an enclosed building or structure may be approved for outdoor seating without service for a maximum of three (3) tables (twelve (12) seats) or no more than two hundred (200) square feet, whichever is less, provided the outdoor seating meets all accessibility standards.

\* \* \* \* \*

**SECTION 7. 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 8. 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 9. 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 10. Effective Date.** The provisions of this Ordinance shall become effective after it is adopted.

[The remainder of this page intentionally left blank.]



**Passed on the first reading this \_\_\_\_ day of \_\_\_\_\_, 2022.**

**PASSED AND ADOPTED on the second reading this \_\_\_\_ day of \_\_\_\_\_, 2022.**

\_\_\_\_\_  
**Joel Flores, Mayor**  
**Attest:**

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

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

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

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

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

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

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

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

ZTA-22-11 (Ordinance 2022-23)  
Exhibit "A"  
Date: July 7, 2022

Revised: 07/14/2022  
10/28/2022



## LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

### **Subject/Agenda Item:**

**Ordinance 2022-23: ZTA-22-11 – Supplemental regulations for Outdoor Sales, Entertainment, & Seating**

**Public Hearing and First Reading:** A City-initiated text amendment to the Zoning Code in order to add regulations to address live entertainment, outdoor sales, outdoor storage, and outdoor seating in the city.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

#### **Originating Department:**

**Planning & Engineering**

Project Manager

\_\_\_\_\_  
Kara Ferris

#### **Reviewed By:**

#### **Approved By:**

**City Manager**

\_\_\_\_\_  
**Andrea McCue**

#### **Public Notice:**

☐ Required

☒ Not Required

PC Dates: 6/30/22, 8/4/22, 10/27/22

Papers LWH

Mailing:

☐ Required

☒ Not Required

Notice Distance: \_\_\_\_\_

#### **Attachments:**

- Ordinance 2022-23

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

☐ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: \_\_\_\_\_

## **I. Executive Summary**

The proposed zoning text amendment is a city-initiated request to add regulations to the city Supplemental Regulations in Zoning. City staff initiated this code change to address the need for strengthening code regulations for issues that were occurring within the city relative to live entertainment and businesses acting outside of their definitions. After reviewing the City's current standards, staff determined that there was a need to add supplemental regulations to include live entertainment, outdoor storage, outdoor sales, outdoor seating, and finally performance standards.

## **II. Background**

The city has regulations relative to outdoor sales in different areas of the code but is pursuing these changes to centralize the regulations within Chapter 16, Article IV. Supplemental Regulations. Some of the changes are simple reactions to new types of businesses, such as storage pods, which drop the containers on lots and leave them there for a period of time for loading and unloading. Regulations managing timing and location were needed. In addition, retail stores were placing items on the sidewalk for sale, which is not permitted. The code amendment will further clarify that it is prohibited in all zoning districts.

Many changes have occurred in the past year in how business is conducted and code changes are needed to address the impacts. Some restaurants in the city are closing their kitchens at 10:30 pm and bringing in live music, including DJs, to change the venue into a night club, which is not permitted in the zoning district. While live entertainment has been considered an accessory use within restaurants and bars, the changing of the nature of the business with the music is an issue that has to be addressed. It has caused public safety issues for police and assembly issues for Fire Rescue. These businesses have not been inspected to do business in that manner, nor would it be permitted by Code. The safety of the customers is an area of concern for the city's public safety providers.

Finally, outdoor seating has become an issue after the pandemic. When restaurants were limited to 50% capacity, many reached out to the city to add outdoor areas for service. Under the State Governor's Emergency Order, the city allowed for temporary outdoor seating through a temporary use permit. In addition, there have been limited approvals for non-service outdoor seating through the site plan approval process, but some restaurants have put out chairs and seating without approval. While this has been addressed through code enforcement, it was determined that some regulations needed to be added to the code.

## **III. Proposed Zoning Code Amendments:**

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Text shown in ~~striketrough~~ is to be deleted. Text shown in underline is to be added:

### **Proposed Change #1**

**Sec. 16-1. – Definitions.**

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

Amplified sound shall mean any sound that is naturally, electronically, mechanically, or otherwise made louder through another device including, but not limited to, a speaker, amplifier, microphone, bullhorn, or drum.

Outdoor sales shall mean the selling of any goods, material, merchandise, or vehicles ~~for more than twenty four (24) hours~~, in an area open to the sky and/or visible from adjacent properties or rights-of-way and is prohibited unless authorized in accordance with a specific provision of this Code or by special event or temporary use permit.

Outdoor storage shall mean the keeping of any goods, material, merchandise, or vehicles ~~for more than twenty four (24) hours~~, in an area open to the sky and/or visible from adjacent properties or rights-of-way and is prohibited unless authorized in accordance with a specific provision of this Code or by special event or temporary use permit.

Portable storage unit shall mean any portable, weather-resistant receptacle designed and used for the temporary storage and/or shipment of goods, supplies, or other materials and includes, but is not limited to, storage containers and portable household good pods.

## Proposed Change #2

**Section 16-609. – Live entertainment permit.**

(a) Purpose. The purpose of this section is to provide regulations which govern the provision of live entertainment at commercial establishments while protecting the quiet enjoyment of adjacent properties.

(b) Applicability of permit.

- (1) A live entertainment permit is required for all new and existing restaurants, bars, cocktail lounges, or other permitted commercial establishments to provide or use the following:
  - a. Outdoor live entertainment with or without amplified sound; and
  - b. Indoor live entertainment with amplified sound.
- (2) A live entertainment permit is valid only for the specific establishment, location, and operator of establishment to whom it is issued.
- (3) A live entertainment permit is not required for conducting a special event in accordance with section 16-718, which requires a permit for temporary uses.

- (4) Live entertainment is accessory to the principal use of the establishment and cannot be a principal use for all or portion of the establishment, such as a concert or night club use.
- (c) Permit required; submittals. Applications for a permit and renewal of a permit under this section shall be made to the building division on a form provided for such purpose by the city, and shall include, along with any other such information deemed reasonably necessary by the reviewers to implement and enforce the provisions of this section, the following:
- (1) The applicant shall submit the application for live entertainment with an application fee and performance bond in amounts as set forth in the city's fee schedule;
  - (2) The name, location, and mailing address of the property owner and tenant (if applicable) proposing to use or provide live entertainment;
  - (3) The name, mailing address, and telephone contact information of the applicant and the written authorization of the property owner(s);
  - (4) A location plan indicating the location of the live entertainment, stage/area for entertainment, speakers, and/or location of any other equipment/facilities that will be used as a part of the live entertainment activities; and
  - (5) A sound management plan which sets forth the methods to be utilized to ensure compliance with the noise limitations set forth in this Code and any other requirements set forth in this Code or the city's Standard Operating Procedures (SOP) for live entertainment permitting (if adopted by the development and neighborhood services department).
- (d) Transferability. A live entertainment permit may be transferred in accordance with the following provisions:
- (1) When a sale or change in ownership occurs to an establishment that has an existing valid live entertainment permit, a request to transfer the permit may be made with the new business tax receipt to the planning, engineering and gis division;
  - (2) The transfer request shall not include any proposed changes to the previously-approved sound management plan. If changes are proposed, the applicant shall apply for a new live entertainment permit;
  - (3) The performance bond as required by this section shall be provided by the new holder of the business tax receipt; and,
  - (4) Upon the issuance of any new live entertainment permit, a new twelve-month period shall commence in accordance with subsection (f) below.
- (e) Standard conditions of approval for all permits. The following are standard conditions of approval for all live entertainment permits.
- (1) Sound generated by or emanating from establishments that are using or providing live entertainment shall comply with the noise limitations set forth in this Code;
  - (2) Hours of live outdoor entertainment shall not extend beyond 10:00 p.m. unless:
    - a. Specific approval is received through the application and issuance of a special events permit in accordance with section 16-718, special events; or

- b. The applicant submits a sound management plan, certified by an acoustical engineer, which verifies that sound levels generated will remain within the standards set forth in this Code and further complies with the SOP (if any) for live entertainment permitting. A copy of the adopted SOP (if any) shall be kept on file with the city clerk and shall be available for public inspection during normal business hours.
- (3) Such other conditions of approval to ensure the live entertainment does not negatively impact the quiet enjoyment of adjacent properties.
- (f) Standards for review. When considering applications for a live entertainment permit, the city shall consider the following:
  - (1) The amount and type of screening, buffering, or separation between the establishment and adjacent properties, with reference to type, dimensions, and character, shall be fully and clearly depicted on the submitted plans and must be adequate to mitigate sound impacts upon adjacent properties; and
  - (2) The land and buildings which are the subject of the application must be of sufficient size, shape, type of building, and the like to ensure the proposed live entertainment can be accommodated without negative impact on adjacent properties.
- (g) Issuance, renewal and revocation.
  - (1) If the city issues a live entertainment permit or renews a live entertainment permit, the permit shall be in effect for 12 months from the date of issuance or renewal by the city unless earlier revoked as stated herein.
  - (2) After 12 months, the permit or renewed permit shall expire and the commercial establishment must apply for a new permit or a renewal of the permit. A renewed permit may be granted by the city if there are no changes to the conditions for granting the original permit including without limitation no changes in the sound management plan. If the performance bond submitted with the previously issued permit has expired, a new performance bond must be submitted with the application to renew. If a live entertainment permit expires and a renewal is not sought within thirty (30) days, the city will return the performance bond to the commercial establishment.
  - (3) The city may revoke a live entertainment permit if the commercial establishment violates any terms and conditions of the permit, the sound management plan, this section, or is found in violation of other provisions of this Code which relate to the operation of the commercial establishment. If the city revokes a live entertainment, it shall send written notice to the commercial establishment of the revocation and may retain the performance bond if the grounds for the revocation include a violation of the sound management plan. The commercial establishment may appeal the revocation to the city's special magistrate within twenty (20) days of receipt of the notice of revocation. Such appeal will then be heard within thirty (30) days of the city's receipt of the appeal and notice of the hearing will be sent to the commercial establishment by regular first class mail. A commercial establishment whose live entertainment permit is revoked (and such revocation upheld if appealed) may re-apply for a new live entertainment

permit six (6) months after the date of revocation with sufficient showing that all grounds for the revocation have been corrected.

- (h) *Enforcement.* The provisions of this section may be enforced through standard code enforcement procedures and the alternative citation procedures provided in Chapter 2. If an establishment provides live entertainment without a permit or in violation of an establishment's permit or in violation of the requirements of this section, the violation is deemed irreparable in nature and the violator may be required to pay a fine not to exceed \$5,000 per violation. Each day such a violation continues to exist shall be deemed a new violation. The city may retain the performance bond, in whole or in part, to pay any fines or costs assessed if the commercial establishment is found in violation.

### Proposed Change #3

#### **Section 16-610. – Outdoor Storage, Display, Sales, Cooking and Sales of Propane Tanks.**

- (a) *Outdoor Storage, Display, and Sales.*
- (1) Enclosed activities. Commercial sales, displays, retail activities, and all other similar commercial business activities including, but not limited to, the storage of goods and materials, shall be conducted within a completely enclosed building. No outdoor commercial sales, display, retail activities, or other similar commercial business activities including, but not limited to, the storage of goods and materials, shall be permitted at any time unless authorized by this section, other specific provision of this Code, or by special event or temporary use permit.
  - (2) Outdoor storage, display, and/or sales may be permitted in the Commercial Intensive (CI) zoning district where such outdoor storage, display, and/or sales are customarily incidental to the principal use of the permitted commercial business and the outdoor storage, display, and/or sales are permitted by existing special exception criteria governing the principal use. There shall be no outdoor storage, display, or sales by any person operating or conducting a commercial business which is different or distinct from the permitted principal use at such location.
  - (3) Outdoor storage and display of loose materials such as sand, gravel, lumber, cardboard boxes, pallets, or other similar materials which are subject to being scattered or blown about the premises by normal weather conditions is prohibited.
  - (4) Unless specifically authorized by this section, by other specific provision of this Code or by special event or temporary use permit, outdoor storage, display, and sales is prohibited within all zoning districts.
- (b) *Outdoor Cooking.* Commercial establishments are prohibited from cooking outdoors of an enclosed and properly permitted building or structure including, but not limited to, grilling, smoking, frying or other heating or preparation of food, unless specifically approved through the issuance of a special event or temporary use permit.

(c) Propane Tanks for Retail Sales. Notwithstanding the other provisions of this section, propane tanks offered for retail sales will be permitted by right for certain uses in zoning districts which allow retail sales. No additional business tax receipt will be required for permitted propane tank retail sales; however, the public service tax for the propane tank sales is applicable. A retailer will be considered eligible for propane tank retail sales for the purposes of this Code if the following criteria are met:

- (1) Retail sales must be a permitted use in the applicable zoning district.
- (2) Only retail drugstores, retail hardware stores, supermarkets, convenience stores, and existing licensed LP Gas retailers shall be permitted to sell propane tanks for retail sales.
- (3) Food markets shall not be permitted to sell propane tanks for retail sales.
- (4) A building permit clearly indicating the dimensions and setbacks of the location of the proposed metal case or propane locker shall be required prior to installation. The maximum capacity of the metal case or propane locker will be used to determine the number of propane tanks which may be offered for sale at a given time.
- (5) The metal case or propane locker shall be located under an overhang and on an accessible route. Installation shall not obstruct the accessible route.
- (6) The Fire Marshall shall review and approve the location of the metal case or propane locker in accordance with NFPA Storage Requirements for LP Gas Cylinders.

#### **Proposed Change #4**

### **Section 16-611. - Placement and use of portable storage units.**

- (a) Purpose. The purpose of this section is to provide for uniform guidelines for the placement and use of portable storage units.
- (b) Time limitation. For residentially zoned districts or zoning districts where residential uses are permitted or legally grandfathered in, portable storage units may be located and utilized for no more than fourteen (14) consecutive days. The development and neighborhood services director or designee may grant one (1) extension not to exceed fourteen (14) additional consecutive days for good cause. Only one (1) portable storage unit per residential dwelling is permitted in any twelve (12)-month period unless there is a change of ownership of the residential dwelling during such twelve (12)-month period.
- (c) Placement. The placement of the portable storage unit shall be on a paved driveway or other approved parking area surface and shall be accomplished in such a manner that no landscaping is damaged as a result of the placement. Portable storage units shall not be located in the street or any portion of the public right-of-way or any easement and shall be



placed on in such a manner as to not create a visibility obstruction for any adjacent public right-of-way, driveway or sidewalk.

- (d) Removal of portable storage units during tropical storm watch or warning and hurricane warning or watch required. In the event the National Weather Service, National Hurricane Center, or appropriate weather agency declares a tropical storm watch or warning or a hurricane watch or warning that may impact the city, all portable storage units located within the city shall be immediately removed from the residential property so as not to create a safety hazard because of hurricane or tropical storm force winds. The removal and replacement of any portable storage unit pursuant to this subsection shall not count toward the twelve (12)-month limitation period as set forth in subsection (b) above nor shall compliance with this subsection diminish the total number of days allowed.
- (e) A commercial establishment may be permitted by temporary use permit to locate and utilize a portable storage unit at the commercial establishment's premises. Only one (1) portable storage unit per the specific commercial establishment is permitted in any twelve (12)-month period unless there is a change of ownership of the commercial establishment during such twelve (12)-month period. Placement and location shall be addressed through the temporary use permitting process.

#### **Proposed Change #5**

#### **Section 16-612. – Outdoor Seating.**

(a) For the purposes of this section, *serve* or *service* shall mean the act of a waiter, waitress, server, or other employee or agent of a restaurant, establishment, or institution taking food and/or beverage orders from customers in a seated area and/or providing food and/or beverages to customers in a seated area.

(b) Authorization. Outdoor seating shall be permitted as an accessory use to a restaurant, establishment, or institution serving food and/or beverages in an enclosed area, subject to the following requirements:

- (1) Access. The outdoor seating area is adjacent to, and has direct access through, a doorway to that portion of the restaurant, establishment, or institution which is enclosed.
- (2) Location. The outdoor seating area is located adjacent to the restaurant, establishment, or institution and is owned or leased for this purpose.
- (3) General circulation. The outdoor seating area can be accommodated without impeding the access of the general public to one (1) or more of the following:
  - a. The enclosed portion of the restaurant, establishment, or institution selling food and/or beverages;
  - b. Any other use located within the same building or structure; or
  - c. Any unauthorized common elements shared by the restaurant, business, or institution and any other users of the same building or structure.

- (4) Safety. Outdoor seating shall comply with all building, fire, and applicable safety code requirements.
- (5) Parking. Parking for areas utilized for outdoor seating, with or without service, shall be calculated and provided as outlined below. Outdoor seating shall not be established if required parking cannot be provided on site or if a nonconformity is created.
- a. Outdoor seating area, without service, which constitutes no more than twenty-five (25) percent of the Gross Floor Area (GFA) of the restaurant, establishment, or institution serving food and/or beverages, shall be exempt from the parking requirements set forth in this Code. Outdoor seating area, without service, consisting of more than twenty-five (25) percent of the GFA shall provide parking for the entire outdoor seating area at a rate of 1 space per 250 sq. ft. of GFA of the outdoor seating area.
  - b. Outdoor seating area, with service, shall provide parking at a rate of 1 space per 250 sq. ft. of GFA of the outdoor seating area.
  - c. An indoor seating area may be restricted to be replaced by an outdoor seating area on a per-square-foot basis without increasing the required number of parking spaces as originally approved in the development order.
- (6) Outdoor furniture. Only furniture that is designed as outdoor furniture, which can withstand the elements, rain, and intense sun, shall be utilized in the outdoor seating area.
- (c) Review. Outdoor seating may be included as an element of an overall application for development order approval or as an amendment to an existing development order through a Minor Site Plan Amendment application. In addition to any other requirements contained herein, each application for approval of outdoor seating shall include the following information:
- (1) Site plan. A site plan, at a scale acceptable to the city, illustrating how the outdoor seating may be reasonably accommodated and indicating the following:
    - a. The building or structure for which the outdoor seating area is proposed as an accessory use and whether service will be provided in the outdoor seating area;
    - b. The location of the restaurant, establishment, or institution and its permitted primary use;
    - c. The proposed location of the outdoor seating area, including number of tables and chairs, any fencing, required screening, or materials to separate the seating area from adjacent areas and/or properties with approximate distances shown;
    - d. The location of any sidewalks or other pedestrian walkways or passageways adjacent to or affected by the proposed outdoor seating area, and the location of all existing or additional parking to be provided for the outdoor seating area;
    - e. If applicable, a copy of a valid and current state alcoholic beverage license to serve alcohol where the proposed outdoor seating area will be, or any other license or permit required by the city for operation; and,

- f. The location of any indoor seating area that is being restricted and replaced by an outdoor seating area.
- (2) Consent. A copy of the written consent of the individual, corporation, or other entity that owns the property upon which the outdoor seating will be located.
- (3) Indemnification. The applicant shall provide, in a form acceptable to the city attorney, indemnification of the city for any liability for personal injury and property damage due to the approval and use of the outdoor seating area.
- (4) Renderings. Photographs, renderings, elevations, samples, and other materials as may be required by the city which illustrate the following: the style and color of all furnishings and menu boards, and the color, style, and materials used for storage, fencing, screening, or otherwise separating the outdoor seating area from other areas and adjacent properties.
- (5) Alcohol. Alcoholic beverages may be consumed in the outdoor seating area provided the primary use is licensed to serve alcoholic beverages in accordance with Chapter 8, Article II of this Code and all alcoholic beverages are furnished from an enclosed area. Outdoor bars are prohibited.
- (d) Minimum standards. Outdoor seating shall, at a minimum, comply with the following requirements:
- (1) Walkways. Outdoor seating shall be arranged, when in use, in a manner that provides pedestrian accessibility, maintains compliance with the Americans with Disabilities Act (ADA), and meets all building codes.
- (2) Multiple tenants. Outdoor seating located on a pedestrian walkway which provides access to more than one (1) occupant of a building shall provide an unobstructed passageway of at least six (6) feet in width. The unobstructed passageway shall be located adjacent to, but not through, the outdoor seating area.
- (3) Location. Outdoor seating shall be located only adjacent to the principal use provided by the restaurant, establishment, or institution, and shall not be located in front of or adjacent to any other use, user, or tenant, unless otherwise approved by the development and neighborhood services director or designee.
- (4) Prohibited location. Outdoor seating shall not be located within any area designated and required for parking.
- (5) Fencing or screening. Fencing or screening may be required as a means to physically separate such use from any adjacent public passageway, street, or community as a means for public safety and to avoid nuisances. When outdoor seating is proposed adjacent to parking spaces or drive aisles, safety elements such as bollards or reinforced planters shall be utilized to prevent vehicle intrusion. In areas located within a courtyard or developments that are designed to accommodate the outdoor seating in a safe manner, fencing or screening may not be necessary.
- (6) Compatibility. Outdoor seating, including fencing and screening materials, shall be compatible in color and style with the exterior of the building. Signs, lettering, or advertising, shall not be attached to outdoor seating areas or fencing or screening of such areas. Small labels may be permanently attached to the furnishing to identify ownership for security purposes.

- (7) Storage. Outdoor seating and furnishings shall be stored in a secure manner when not in use. If seating and furnishings are stored outside, solid colored tarps shall be used to cover. Heaters and other seasonal equipment shall not be visible from the public right-of-way when not in use. If a hurricane or tropical storm watch or warning is issued for the city, all unaffixed outdoor seating and furnishings shall be stored inside a secure building or structure.
- (8) Hours of operation. Excluding outdoor seating located in inner courtyards, outdoor seating, with or without service, shall comply with the following hours of operation:
- a. Sunday through Wednesday. Use of the outdoor seating is prohibited between the hours of 10:30 p.m. and 7:00 a.m.
  - b. Thursday through Saturday. Use of the outdoor seating is prohibited between the hours of 11:30 p.m. and 7:00 a.m.
- (9) Live Entertainment. Live entertainment in outdoor seating areas is prohibited unless approved under a live entertainment permit.
- (e) Exemptions. The following are exempt from formal review of outdoor seating but shall comply with all other applicable requirements of this section and this Code:
- (1) Casual seating without service. Restaurants, establishments, and institutions, or other permitted uses that serve food and/or beverages in an enclosed building or structure may have outdoor casual seating, such as a bench or tables and chairs, and shall meet all accessibility standards.
  - (2) De minimus standard. Restaurants, establishments, and institutions, or other permitted uses that serve food and/or beverages in an enclosed building or structure may be approved for outdoor seating without service for a maximum of three (3) tables (twelve (12) seats) or no more than two hundred (200) square feet, whichever is less, provided the outdoor seating meets all accessibility standards.

#### **IV. Staff Analysis:**

City staff initiated this code change to address the need for strengthening code regulations for issues that were occurring within the city relative to live entertainment and businesses acting outside of their definitions. After reviewing the City's current standards, staff determined that there was a need to add supplemental regulations to include live entertainment, outdoor storage, outdoor sales, outdoor seating, and finally performance standards.

#### **OUTDOOR SEATING**

The city has no regulations, so we currently do not allow, except for outdoor seating approved through the site plan process for recently approved new gas stations, Dunkin donuts, and Zaxby's. They were approved without service.

#### **LIVE ENTERTAINMENT**

This issue is related to the restaurant and bars trying to get away with changing the business after 10:30 when the kitchen is closed and acting more like a nightclub. They are also using restaurant space as an entertainment venue when they sell tickets for shows and require cover charges for entrance into the business, this is no longer a restaurant use and not permitted in many of the zoning districts.

## **OUTDOOR SALES AND STORAGE**

This is an issue that we have been meaning to address. We have limited code sections regarding outdoor sales and storage for businesses. While it is clear in the x=zoning districts that uses are restricted from selling goods outdoors, it needs to be added to the supplemental regulations to address uses like retail stores and businesses.

## **PARKING AND STORAGE OF PORTABLE STORAGE UNITS**

The city has had issues with the storage PODS that get dropped off in yards to be filled and then removed at a later date. This gives them a clear amount of time to allow loading and unloading for these storage services.

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

The petition was reviewed by the Land Development Staff on May 12, 2022 and May 19, 2022, and recommended for approval.

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

## **V. Zoning Text Amendment Criteria:**

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

The proposed change is needed to regulate current business trends that have become a nuisance in the city.

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

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

## **VI. Staff Recommendation:**

***Approval*** of ZTA-22-11.

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**PLANNING, ZONING AND APPEALS BOARD RECOMMENDATION – July 14, 2022**

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The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Litowsky, by a vote of four (4) to one (1) with Commissioner Robarts dissenting recommended approval of Zoning Text Amendment ***ZTA-22-11 (Supplemental Regulations)*** as presented by staff.

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**CITY COUNCIL ACTION First Reading – November 7, 2022**

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**CITY COUNCIL ACTION Adoption Hearing**

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## ITEM SUMMARY

**MEETING DATE:** November 7, 2022

**FROM:** Caryn Gardner-Young, Zoning Administrator

**SUBJECT:** **Resolution 2022-47, SE-22-02**  
Alpha-G Arcade

### BACKGROUND

A request from Aaron Taylor, agent for 3757 Military Trail LLC, for Special Exception approval for an Indoor Recreation Amusement use in the Commercial Intensive (CI) zoning district within the existing Warbanks Plaza located at 3769 South Military Trail. The proposed Special Exception is to move an existing Indoor Recreational Amusement use from a 1,700 square foot inline bay to an existing 2,016 square foot inline bay in the same location - Warbanks Plaza. The applicant is not proposing any changes to the exterior of the building nor is the applicant adding additional machines.

The indoor recreational amusement will be used as a game room consisting of fifty (50) video slot machines. It is limited to adults and the applicant has stated it will cater primarily to senior customers. As previously mentioned, the center will have fifty (50) video slot machines with buttons which, as stated by the applicant, allow the player to influence the results through application of skill. Winnings are paid out in the form of printed vouchers, which can be redeemed for gift certificates from local retailers; these vouchers cannot be redeemed for cash.

The Development Review Committee has reviewed this proposal and recommended approval, followed by the Planning and Zoning Board of Appeals recommending approval by a vote of 5-0 at their meeting on October 13, 2022.

### ANALYSIS

The applicant is requesting a Special Exception approval to permit an Indoor Recreational Amusement use. This is the second request for this approval. The first request was withdrawn due to inactivity. The applicant has addressed outstanding building code violations.

The proposal has satisfied the Special Exception criteria and findings of fact as indicated in the staff report. Specifically, it will not create a nuisance factor detrimental to the adjacent and nearby properties, it is compatible with the existing character of this commercial area and maintains safe and efficient traffic at this shopping center. The proposed Indoor Recreational Amusement use will utilize existing parking and the property's existing access points. Conditions are proposed which will ensure the operation conforms to the exemption contained in Section 849.161(1)(a),(b),(c), and (d) of the Florida Statutes.

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**FINANCIAL INFORMATION**

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N/A

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**LEGAL**

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Resolution 2022-47 was prepared in accordance with all applicable State statutes and City Code requirements. The attached statement from the arcade operator describes the business in detail and it appears to meet the requirements of Section 849.161(1)(a),(b),(c), and (d) of the Florida Statutes.

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**STAFF RECOMMENDATION**

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*Approval* of SE-22-02 through the adoption of Resolution 2022-47.



**RESOLUTION NO. 2022-47**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE PETITION FOR A SPECIAL EXCEPTION TO ALLOW A 2,016 SQUARE FOOT INDOOR RECREATIONAL AMUSEMENT USE IN A COMMERCIAL INTENSIVE (CI) ZONING DISTRICT, LOCATED AT 3757 S. MILITARY TRAIL, AS REQUESTED BY THE PETITIONER, AARON TAYLOR, AGENT FOR THE OWNER, 3757 MILITARY TRAIL, LLC; AND PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS AND AN EFFECTIVE DATE.**

**WHEREAS**, Aaron Taylor, hereafter “Petitioner”, as agent for the owner, 3757 Military Trail, LLC, has submitted a petition for a Special Exception (SE 22-02) approval to allow a 2,016 square foot Indoor Recreational Amusement use to be located within a Commercial Intensive (CI) zoning district, located at 3757 S. Military Trail, pursuant to Section 16-499, Commercial Intensive (CI) regulations of the Zoning Code; and

**WHEREAS**, the Petitioner presented this matter to the Development Review Committee of the City of Greenacres on September 9<sup>th</sup> and 15<sup>th</sup> 2022. Review Departments and Agencies provided comments to the Development and Neighborhood Services Department which, in turn, recommended approval of the Special Exception to allow for an Indoor Recreational Amusement use within a Commercial Intensive (CI) zoning district, with the conditions identified in the Development Review Committee Staff Report and Recommendation, Exhibit “A” dated September 15, 2022, as revised; and

**WHEREAS**, the Planning and Zoning Board of Appeals reviewed the petition at a public hearing on October 13, 2022, for compliance with the Special Exception Criteria as indicated by the Findings of Fact contained in the Development Review Committee Staff Report and Recommendation and has found that the project is in compliance with said criteria; and

**WHEREAS**, the Planning and Zoning Board of Appeals recommends to the City Council approval of the petition with conditions; and

**WHEREAS**, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Special Exception to allow for an Indoor Recreational Amusement use within a Commercial Intensive (CI) zoning district subject to the conditions stipulated in the Development Review Committee Report and Recommendation at the November 7, 2022, Public Hearing.

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

**SECTION 1.** The Petition, SE-22-02, a Special Exception to allow for an Indoor Recreational Amusement use within a Commercial Intensive (CI) zoning district, is hereby approved with stipulated conditions.

**SECTION 2.** The approval of Petition SE-22-02 is subject to all conditions contained in the Development Review Committee Staff Report and Recommendation, Exhibit "A", dated September 15, 2022, as revised (attached and incorporated herein by reference).

**SECTION 3.** All resolutions in conflict herewith are hereby repealed.

**SECTION 4.** This approval is subject to the following conditions, which shall be the responsibility of and binding upon the Applicant, its successors and assigns:

1. The most stringent requirements of Exhibit "A" Development Review Committee Staff Report and Recommendation dated September 15, 2022, as amended and Exhibit "B" Site and Development Plan stamp-dated August 11, 2022, as hereafter defined shall apply. (Planning)
2. The Special Exception is limited to the described Indoor Recreational Amusement

operation. Changes to another type of Indoor Recreational Amusement will require a new Special Exception. (Planning)

3. Hours of operation shall be limited to between 10:00 a.m. and 12:00 midnight, seven days a week. (Building)
4. In accord with the requirements of 546.10(3), (5)(b), (6)(a) and (7) of the Florida Statutes, the Indoor Recreational Amusement shall comply with the following (Building and PBSO):
  - a. All games shall be activated by inserting or using currency or a coin, card, coupon, slug, token, or similar device;
  - b. All games shall require the application of skill in order to win, with no material element of chance inherent in the game or machine;
  - c. All games shall award points or coupons only; machines shall not pay out in cash;
  - d. Points or coupons may be exchanged for merchandise only, excluding cash, gift cards and certificates, alcoholic beverage, tobacco products, an item or device that can be used to activate an amusement game or machine, and coupons or points with a value greater than the amount in F.S. 646.10(7) (currently \$5.25);
  - e. The wholesale cost of the merchandise or prize awarded in exchange for accumulated points or coupons shall not exceed 100 times the amount in 546.10(7) (currently calculates to \$525.00);
  - f. Merchandise for redemption shall be maintained on the premises and the redemption shall take place on site;
  - g. A maximum of 50 amusement games or machines shall be on the premises;
  - h. The business shall be operated for the entertainment of the general public and tourists as a bona fide amusement facility.
5. No outdoor speakers shall be permitted. (Building)
6. No noise from inside the tenant space shall be audible at the west property line of Warbanks Plaza. (Building)
7. The special exception is limited to the approved 2,016 square feet of area, in the location known as 3757 South Military Trail. Any increase in the size of the area or change in location will require a modification of this Special Exception. (Planning)
8. Access to the business shall be limited to those eighteen (18) years of age and older only. A sign to this effect shall be posted on the entry door. (Building)
9. All customer access shall be from the front (east-side) of the bay only. (Building)
10. No alcohol shall be sold or otherwise dispensed on the premises. (Building)
11. Interior aisles shall be a minimum of 44" wide and maintained free and clear of

obstructions such as games, chairs, etc. at all times. (Fire Rescue and Building)

12. The property owner and tenant shall indemnify the City of Greenacres from damages resulting from law enforcement action. (PBSO and City Attorney)
13. Temporary use permits are necessary for any outside activities or events over and above the normal operations of the described indoor recreational amusement operation. (Planning)
14. The applicant shall submit for and obtain a City Business Tax Receipt upon approval of SE 22-02. The issuance, continuation, and renewal of the Business Tax Receipt is conditioned upon the strict conformance of the operation of the proposed use with the above listed conditions of approval. Failure to comply with the conditions of approval shall be cause for revocation of the Business Tax Receipt. (Building)
15. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres". (Planning)
16. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or certificates of completion and/or occupancy. (Building)
17. In the event that a court determines that activity of the sort proposed is illegal under the statutes of the State of Florida, this Special Exception approval shall be deemed null and void. (Planning and City Attorney)

**Section 5.** This resolution shall become effective upon its adoption subject to the conditions of Petition SE-22-02 being satisfied.

**RESOLVED AND ADOPTED this 7th of day of November, 2022.**

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

**Attest:**

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

\_\_\_\_\_  
**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*

*Voted:*

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

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

SE-22-02  
Exhibit "A"  
Date: September 15, 2022

Revised: 10/13/2022

	<b>DEVELOPMENT REVIEW COMMITTEE REPORT AND RECOMMENDATION</b>
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**Subject/Agenda Item:**

**Resolution 2022-47: Special Exception for Indoor Recreation Amusement Use**

**Consideration of Approval:** A request from Aaron Taylor, agent for 3757 Military Trail LLC, for Special Exception approval for an Indoor Recreation Amusement use. The proposed use is within the Warbanks Plaza, at 3757 South Military Trail.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☒ Quasi-Judicial

☐ Legislative

☒ Public Hearing

<b>Originating Department:</b>  <b>Planning, GIS &amp; Engineering</b>  Project Manager  _____ Caryn Gardner-Young, AICP Zoning Administrator	<b>Reviewed By:</b>  Interim Director Development and Neighborhood Services  _____ Denise Malone
<b>Approved By:</b>  <b>City Manager</b>  _____ <b>Andrea McCue</b>	<b>Public Notice:</b> <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: Paper: Lake Worth Herald Mailing <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Notice Distance: <u>300'</u>

<b>Attachments:</b> <ul style="list-style-type: none"> <li>• Resolution 2022-47</li> <li>• Site Plan / Floor Plan</li> </ul>	<b>City Council Action:</b> <input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____
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## **I. Executive Summary**

The applicant is requesting a Special Exception approval to allow the relocation and expansion of an internet café/arcade use from a 1,700 square foot inline bay to an existing 2,016 square foot inline bay in the same plaza - Warbanks Plaza (SE-22-02). The use most similar to the proposed use, video game arcade, is included within the definition of an Indoor Recreational Amusement in Sections 16-1 of the City Code.

## **II. Site Data:**

<b>Existing Use:</b>	Commercial
<b>Proposed Use:</b>	Indoor Recreational Amusement
<b>Parcel Control Number:</b>	18-42-44-24-00-000-7150
<b>Parcel Size:</b>	1.04 acres
<b>Future Land Use Designation:</b>	Commercial (CM)
<b>Zoning District:</b>	Commercial Intensive (CI)

<b>Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:</b>			
<b>Direction</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning District</b>
<i>North</i>	Offices	City Commercial (CM)	City Commercial Intensive (CI)
<i>South</i>	Retail	City Commercial (CM)	City Commercial Intensive (CI)
<i>East</i>	Commercial, Vacant	Village of Palm Springs (COM)	Village of Palm Springs (CG)
<i>West</i>	Multi-family development (Whispering Winds)	City Residential Medium Density (RS-MD)	City Residential Medium Density (RM-2)

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

The Palm Beach County Property Appraiser's Office indicates that the existing commercial building was built in 1984 and that it is currently 10,465 square feet. The subject property was annexed into the City of Greenacres as petition ANX-10-03 on November 1, 2010, through Ordinance 2010-28. At the same time, the City Council approved a future land use designation of Commercial (CM) as petition CPA-10-07 through Ordinance 2010-29 and a zoning designation of Commercial Intensive (CI) as petition ZC-10-07 through Ordinance 2010-30. In conjunction with the annexation, the existing approved Palm Beach County site plan was accepted as a valid City site plan and a case number of SP-10-05 assigned for filing and tracking purposes. On October 16, 2016, a Special Exception to allow an Indoor Recreational Amusement use, under the name Get Hooked Arcade, was approved by the City Council (SE 16-02). This approval was for only 1,700 square feet.

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

**Sec. 16-1** pertaining to Definitions

**Sec. 16-171 through 16-178** pertaining to Special Exceptions

**Sec. 16-496 through 16-506** pertaining to the Commercial Intensive (CI) zoning district

**Sec. 16-736 through 16-737** pertaining to Transitional Areas

**Sec. 16-1241 through 16-1312** pertaining to landscaping

**Sec. 16- 1331 through 16-1340** pertaining to off-street parking

#### **V. Staff Analysis:**

##### ***Background:***

The proposed Special Exception is to move an existing Indoor Recreational Amusement use from a 1,700 square foot inline bay to an existing 2,016 square foot inline bay in the same plaza - Warbanks Plaza. The applicant is not proposing any changes to the exterior of the building nor is the applicant adding additional machines (Maintaining a maximum of 50 machines). Indoor Recreational Amusement use is an allowed use as a Special Exception in the CI district per Section 16-499(20). The use most similar to the proposed use, video game arcade, is included within the definition of an Indoor Recreational Amusement in Section 16-1 of the City Code:

*“Indoor recreational amusement shall mean establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as bowling, pool, billiards, arcades which feature coin or token-operated devices or similar devices, such as pinball and video games, with three (3) or more devices, and bingo halls.”*

*“Arcade, game / video shall mean any establishment, room, place or business location in which there are available to the public more than three (3) coin- or token-operated amusement devices which are coin- or token-operated or where a fee is charged for the operation of such devices.”*

*“Amusement device / coin- or token-operated shall mean any amusement machine or device operated by means of insertion of a coin, token, or similar object for the purpose of amusement or skill, or for the playing of which, a fee is charged...”*

Chapter 546.10 of the Florida Statutes clarifies the operation and use of amusement games or machines and provides regulations to distinguish the use from prohibited gambling:

(3)(a) “Amusement game or machine” means a game or machine operated only for the bona fide entertainment of the general public which a person activates by inserting or using currency or a coin, card, coupon, slug, token, or similar device, and, by the application of skill, with no material element of chance inherent in the game or machine, the person playing or operating the game or machine controls the outcome of the game....

(3)(b) “Arcade amusement center” means a place of business having at least 50 amusement games or machines on premises which is operated for the entertainment of the general public and tourists as a bona fide amusement facility.



The applicant has stated the amusement center will cater to adults over 18 years of age. The center will have fifty (50) amusement machines in a combination of traditional arcade equipment and/ or computerized games which, as stated by the applicant, the games allow the player to influence the results through the application of skills. Winnings are paid out in the form of printed vouchers, which can be redeemed for prizes such as merchandise or for additional games; these vouchers cannot be redeemed for cash.

According to Section 16-737(2) f, video game arcades are prohibited within the Transitional Area where CI zoning abuts residential zoning. The subject bay lies outside the Transitional Area but the existing building is located within the Transitional Area. While the proposed use is most similar to a video game arcade, it has a few substantial differences. The proposed use, as conditioned below, will be for adults only rather than the children typically present at video game arcades and the machines used by the business are quieter than typical video game arcade machines. In reviewing the basis for prohibiting video game arcades in the Transitional Area, the analysis and public hearing minutes associated with the most recent relevant code amendment (ZTA-93-02, Ordinance 93-22) are instructive. The main factors used to determine which uses would be prohibited in the Transitional Area were noise, alcoholic beverage sales, and late hours. The proposed use, as presented by the applicant and as conditioned below, adequately distinguishes itself from the prohibited uses by being for adults, thus avoiding noisy teen crowds and child-oriented machines, and by having no alcohol and not having late hours. Thus, the prohibition in Section 16-737(2)f should not apply.

A similar Special Exception request was filed in 2021. The petition was recommended for approval by the Planning and Zoning Board of Appeals. When it came before the City Council, questions arose in regard to the condition of the site and whether the property owner obtained required building permits for the new tenant space. The actions that have been taken since the last attempt to obtain this Special Exception are as follows:

1. Permit for Interior Electrical & Sign Electrical has been issued. Final Inspection was passed on September 14, 2022. A sign permit for a new sign will have to be pulled. The owner has contacted 3 different sign companies and none of them will do As-Built drawing and pull a permit for a sign they did not fabricate or install. The existing sign has been removed, until a sign company can provide permit plans and submit a permit for a brand-new sign.
2. Agent has sent an email to the Landlord and informed him of the city's concerns for the Plaza's maintenance.

On September 9, and 15, 2022, the Development Review Committee reviewed this petition and recommended approval subject to the conditions contained in this staff report.

***Development Review Committee Comments:***

Planning, GIS, and Engineering Division:	Incorporated into Staff Report
Building Department:	Incorporated into Staff Report
Fire Rescue Department:	No objections.
Public Works Department:	No objections.
PBSO District 16:	No objections.
Community & Rec Services Department:	No objections

### ***Plan Details:***

The petitioner's concept plan stamp-dated August 11, 2022, depicts the following:

1. A floor area of 2,016 square feet.
2. Floor Plan indicating a Game Room containing a total of 50 amusement machines.
3. Two restrooms.

### **VI. Special Exception Criteria and Findings of Fact:**

#### **1. The proposed use complies with all relevant elements of the Comprehensive Plan;**

***Finding:*** The proposed Indoor Recreation Amusement center complies with Future Land Use Element Objectives 1 and 6; Intergovernmental Element Objective 3; and Transportation Element Goal 1, Objective 4 of the City of Greenacres' Comprehensive Plan. The request complies with the objectives and policies of the City of Greenacres' Comprehensive Plan directing commercial activities to appropriate areas. An Indoor Recreational Amusement is allowed subject to Special Exception approval in the Commercial Intensive (CI) zoning district.

#### **2. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe will not be adversely affected by the proposed special exception;**

***Finding:*** The proposed Special Exception is to relocate and convert the tenant space within an existing commercial building to an Indoor Recreational Amusement. As such, no changes are being proposed for the existing vehicular circulation of the subject site. A traffic study demonstrates that the impacts of the change in use of part of the plaza and increase in square footage for the use will not result in additional traffic so roadway capacity is adequate.

#### **3. Off-street parking and loading is provided where required, with particular attention to the items in (2) above will not adversely affect public health and safety;**

***Finding:*** The building was originally approved for retail uses. Per Table 16-1336(B) of the Zoning Code, Retail and Indoor Recreational Amusement have similar parking requirements. Therefore, there will be no impact on the required parking and an additional loading space is not necessary.

#### **4. Refuse and service areas provided with particular reference to items (2) & (3) above will not adversely affect public health and safety.**

***Finding:*** The City's franchise hauler will serve the site for all refuse collection. Trash generation by the proposed use is not expected to be excessive in comparison to retail uses. One dumpster is located to the rear of the building that will provide an adequate storage area for refuse and will not adversely affect public health and safety.

**5. The proposed use will not create a nuisance factor detrimental to adjacent and nearby properties and the City as a whole;**

**Finding:** The proposed development as conditioned below will not create a nuisance factor that is detrimental to adjacent and nearby properties. The building is located along Military Trail. This Palm Beach County Urban Principal Arterial is a major commercial thoroughfare in the local area, with commercial uses occupying both sides of the road. The proposed use is located adjacent to Offices to the north which are located at the northwest corner of Bowman Street and Military Trail. Immediately south of the proposed use is a commercial property with Retail uses and a multi-family development to the west. Across Military Trail to the east is a commercial building (vacant) in the Village of Palm Springs. The proposed use is being relocated closer to Military Trail and further away from the residential properties immediately to the west of the shopping center. However, the residential properties will still be separated from the tenant space by a 6-foot-high masonry wall, an approximately 5-foot-wide landscape buffer, and a 20-foot-wide drive aisle area. With the separation and buffering described, and the conditions listed below, the proposed use will not create any off-site impacts in excess of the existing retail approval.

**6. The location, availability, and compatibility of utilities for the requested use will not adversely affect public health and safety;**

**Finding:** The plaza already exists and is served by utilities; therefore, the proposal will not adversely affect public health and safety in this regard.

**7. The screening and buffering of the requested use are consistent with the applicable zoning requirements relative to type, dimension, and character;**

**Finding:** The proposed Special Exception is to convert approximately 2,016 sq. ft. of existing inline retail space to an Indoor Recreational Amusement use. The existing setbacks are adequate for the existing plaza and for the proposed use as described in criterion number (5) above and as conditioned below. As such, no changes are being proposed for the existing setbacks. The landscape buffers along the rights-of-way are existing and are not being modified as part of this request.

**8. Signs and proposed exterior lighting is provided with reference to glare, traffic safety and economic effect, and compatibility and harmony with properties in the district;**

**Finding:** All building identification signs shall meet the requirements of the City's Zoning Code. All exterior lighting shall meet City code requirements for limiting spill onto adjacent neighboring residential areas and onto major roads.

**9. The requested use appears to meet the required yards and other open space;**

**Findings:** Warbanks Plaza has an approved site plan and contains legal non-conforming structures in regard to yard and open space requirements. No exterior modifications are proposed, and thus there is no impact on required setbacks and lot coverage.

**10. Proposed general use is compatible with adjoining properties and other property in the district;**

**Finding:** The proposed Indoor Recreational Amusement as described in this staff report, and as conditioned below, is compatible with the uses in the surrounding area, is consistent with the prevailing commercial character of the area and is allowed as a Special Exception under the Commercial Intensive (CI) zoning district regulations. Off-site impacts greater than those associated with other uses permitted in the CI district are not expected.

**11. The change suggested is not out-of-scale with the needs of the neighborhood or the City;**

**Finding:** The proposed Indoor Recreational Amusement is in scale with the surrounding needs of the neighborhood. The applicant has stated that the use will provide a recreational opportunity for the senior and retiree community.

**12. The requested use and structure is consistent with any special requirements set out in the Schedule of District Regulations for the particular use and structure involved;**

**Finding:** There are no special requirements for an Indoor Recreational Amusement in a Commercial Intensive (CI) zoning district, and the proposal meets the intent of the Transitional Area requirements by restricting access to adults 18 years of age or older and prohibiting alcohol sales as conditioned below.

**VII. Staff Recommendation:**

**Approval** of SE-22-02 through adoption of Resolution 2022- 47 with the following conditions:

1. The most stringent requirements of Exhibit "A" Development Review Committee Staff Report and Recommendation dated September 15, 2022, as amended, and Exhibit "B" Site and Development Plan stamp-dated August 11, 2022, as hereafter defined shall apply. (Planning)
2. The Special Exception is limited to the described Indoor Recreational Amusement operation. Changes to another type of Indoor Recreational Amusement will require a new Special Exception. (Planning)
3. Hours of operation shall be limited to between 10:00 a.m. and 12:00 midnight, seven days a week. (Building)
4. In accord with the requirements of 546.10(3), (5)(b), (6)(a) and (7) of the Florida Statutes, the Indoor Recreational Amusement shall comply with the following (Building and PBSO):
  - a. All games shall be activated by inserting or using currency or a coin, card, coupon, slug, token, or similar device;
  - b. All games shall require the application of skill in order to win, with no material element of chance inherent in the game or machine;
  - c. All games shall award points or coupons only; machines shall not pay out in cash;
  - d. Points or coupons may be exchanged for merchandise only, excluding cash, gift

- cards and certificates, alcoholic beverage, tobacco products, an item or device that can be used to activate an amusement game or machine, and coupons or points with a value greater than the amount in F.S. 646.10(7) (currently \$5.25);
- e. The wholesale cost of the merchandise or prize awarded in exchange for accumulated points or coupons shall not exceed 100 times the amount in 546.10(7) (currently calculates to \$525.00);
  - f. Merchandise for redemption shall be maintained on the premises and the redemption shall take place on site;
  - g. A maximum of 50 amusement games or machines shall be on the premises;
  - h. The business shall be operated for the entertainment of the general public and tourists as a bona fide amusement facility.
5. No outdoor speakers shall be permitted. (Building)
  6. No noise from inside the tenant space shall be audible at the west property line of Warbanks Plaza. (Building)
  7. The special exception is limited to the approved 2,016 square feet of area, in the location known as 3757 South Military Trail. Any increase in the size of the area or change in location will require a modification of this Special Exception. (Planning)
  8. Access to the business shall be limited to those eighteen (18) years of age and older only. A sign to this effect shall be posted on the entry door. (Building)
  9. All customer access shall be from the front (east-side) of the bay only. (Building)
  10. No alcohol shall be sold or otherwise dispensed on the premises. (Building)
  11. Interior aisles shall be a minimum of 44" wide and maintained free and clear of obstructions such as games, chairs, etc. at all times. (Fire Rescue and Building)
  12. The property owner and tenant shall indemnify the City of Greenacres from damages resulting from law enforcement action. (PBSO and City Attorney)
  13. Temporary use permits are necessary for any outside activities or events over and above the normal operations of the described indoor recreational amusement operation. (Planning)
  14. The applicant shall submit for and obtain a City Business Tax Receipt upon approval of this petition business. The issuance, continuation, and renewal of the Business Tax Receipt is conditioned upon the strict conformance of the operation of the proposed use with the above listed conditions of approval. Failure to comply with the conditions of approval shall be cause for revocation of the Business Tax Receipt. (Building)
  15. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres". (Planning)
  16. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or certificates of completion and/or occupancy. (Building)

17. In the event that a court determines that activity of the sort proposed is illegal under the statutes of the State of Florida, this Special Exception approval shall be null and void. (Planning and City Attorney)

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**PZAB RECOMMENDATION –October 13, 2022**

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The Planning and Zoning Board of Appeals on a motion made by Board Member Emily Robarts and seconded by Board Member Betty Litowsky, voting five (5) to zero (0), ***recommended approval*** of Special Exception ***SE-22-02***, as presented by staff.

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**CITY COUNCIL ACTION – November 7, 2022**

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## ITEM SUMMARY

**MEETING DATE:** November 7, 2022

**FROM:** Kara Irwin-Ferris, AICP,

**SUBJECT:** **Resolution 2022-60, ANX-22-01**

Enclave Interlocal Annexation for Lake Worth Plaza West Outparcels/Shell Station

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### BACKGROUND

The approximately 7.9636 total acres proposed for annexation are contiguous to the City, and the identified enclave is one hundred and ten (110) acres or less in size. In accord with the provisions of Chapter 171.046(2)(a), enclaves one hundred and ten (110) acres or less in size may be annexed through an Interlocal Agreement between the City and the County. The proposed annexation will eliminate an existing enclave.

The property data list (Exhibit 1) contains the address, owner name, legal description, existing future land use designation, existing zoning designation, apparent existing use, and taxable value for each parcel. The list also contains a calculation of the property tax increase due to annexation based on deletion of the PBC Fire Rescue FY 2023 MSTU millage of 3.4581 and addition of the City's total FY 2023 millage of 6.3000 (a net increase in millage of 2.9419). City Future Land Use and Zoning designations will be applied to the properties through a separate process in the near future.

The Land Development Staff has reviewed this proposal and recommended approval for future annexation during the approval of the ISBA process.

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### ANALYSIS

The proposed Interlocal Agreement has been prepared in accord with Chapter 163 Part 1 and Chapter 171.046(2)(a) of the Florida Statutes. The area in question consists of one (1) enclave as determined by Palm Beach County. The enclave is less than 110 acres and is contiguous to the City's municipal boundaries. The enclave is within the City's Future Annexation Area and adjacent properties are already receiving City services. Annexation will improve service delivery for Greenacres and Palm Beach County and reduce jurisdictional confusion.

Upon approval of the Interlocal Agreement, it will be forwarded to the Board of County Commissioners. If the Agreement is approved by the County, the properties will be considered annexed into the City of Greenacres. If the Agreement is not approved by the County, the properties will remain in unincorporated Palm Beach County.

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**FINANCIAL INFORMATION**

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The City will be provided with tax revenue to off-set the additional service needs of the subject property.

In accordance with the ISBA, the City will be required to pay the Palm Beach County Fire Rescue MSTU rate against the Property Appraisers taxable value for a limited time and upon expiration of that Agreement, the City Fire Rescue Department would provide full services.

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**LEGAL**

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The Interlocal Agreement has been reviewed for conformity with State Statutes.

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**STAFF RECOMMENDATION**

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*Approval* of Resolution 2022-60 authorizing execution of the Interlocal Agreement between the City of Greenacres and Palm Beach County.

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**RESOLUTION NO. 2022-60**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF GREENACRES AND PALM BEACH COUNTY, PURSUANT TO CHAPTER 171.046, FLORIDA STATUTES, PROVIDING FOR THE ANNEXATION OF A PORTION OF AN ENCLAVE TOTALING APPROXIMATELY 7.9636 ACRES LOCATED AT 4148 S JOG ROAD, 4080 S JOG ROAD, 4020 S JOG ROAD, 6492 LAKE WORTH ROAD, 6350 LAKE WORTH ROAD, AND 6323 LAKE WORTH ROAD; PROVIDING FOR TRANSMITTAL TO THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS FOR SUBSEQUENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 171.046, Florida Statutes, provides for annexation of certain enclaves into a municipality by entering into an Interlocal Agreement between the Municipality and the County having jurisdiction over such enclaves; and

**WHEREAS**, Chapter 171.046, Florida Statutes, limits annexation by Interlocal Agreement to enclaves of one hundred and ten (110) acres or less in size; and

**WHEREAS**, Chapter 171.031(13)(a) and (b), Florida Statutes, defines enclaves as developed or improved property enclosed within and bounded on all sides by a single municipality, or enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows passage of vehicular traffic to that unincorporated area only through the municipality; and

**WHEREAS**, it has been determined that the parcels to be annexed via this Interlocal Agreement meet the requirements set out in Sections 171.031(13)(a) and (b) and 171.046, Florida Statutes, as such enclave is developed or is improved, is one hundred and ten (110) acres or less in size, and is completely surrounded by the City or is surrounded by the City and a natural or manmade obstacle that allows passage of vehicular traffic to the enclave only through the City; and

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**WHEREAS**, the City has determined that it is appropriate and will promote efficient provision of governmental services for the City to annex certain enclaves; and

**WHEREAS**, the City entered into an Interlocal Service Boundary Agreement (ISBA) adopted by the City of Greenacres on August 15, 2022 by City Ordinance 2022-01, and by the County on September 13, 2022, by Ordinance 2022-025; and

**WHEREAS**, it has been determined by the City and by the County that the parcels to be annexed via this interlocal Agreement meet the requirements set out in Section 171.031 (a) and (b) and 171.046, Florida Statutes (2022), as such enclaves are developed or are improved, are 110 acres or less in size, and are completely surrounded by the City or are surrounded by the City and a natural or manmade obstacle that allows passage of vehicular traffic to the enclaves only through the City; and

**WHEREAS**, the enclave identified herein is within the future annexation area of the City of Greenacres as set forth in the Annexation Element of the Comprehensive Plan; and

**WHEREAS**, the City Council of the City of Greenacres further finds that, in accordance with the Land Development Staff Report and Recommendation dated October 27, 2022, attached hereto as Exhibit “2” and by this reference made a part hereof, the proposed annexation of the subject property is in the best interest of the citizens of the City of Greenacres, and is in accordance with State and local law.

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

**SECTION 1.** The City Council of the City of Greenacres hereby approves the Interlocal Agreement (incorporated and attached herein as Exhibit “1”) with Palm Beach County for the annexation of six (6) parcels within an enclave totaling approximately 7.9636 acres located at

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4148 S Jog Road, 4080 S Jog Road, 4020 S Jog Road, 6492 Lake Worth Road, 6350 Lake Worth Road, and 6323 Lake Worth Road.

**SECTION 2.** The City Council of the City of Greenacres hereby authorizes the appropriate City officials to execute the Agreement on behalf of the City of Greenacres and to do all things necessary to effectuate the terms of the Agreement. The City Manager and City Attorney are hereby authorized to make any non-substantive changes to the Interlocal Agreement necessary to effectuate the terms authorized herein.

**SECTION 3.** Upon execution of the Interlocal Agreement, the City Clerk is hereby directed and authorized to transmit sufficient copies of same to the appropriate officials of Palm Beach County for the County's consideration and execution.

**SECTION 4.** This resolution shall be effective upon its adoption.

RESOLVED AND ADOPTED this 7th of day of November, 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

ANX-22-01 (Resolution 2022-60)  
Exhibit "2"  
Date: October 27, 2022

Revised:



## LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

### Subject/Agenda Item:

### **Resolution 2022-60: 2019 Interlocal Annexation – ANX-22-01 Lake Worth West Outparcels and Shell Station**

**Consideration of Approval:** A city-initiated request to annex an enclave through an Interlocal Agreement with Palm Beach County. The six (6) parcels are located at 4148 S Jog Road, 4080 S Jog Road, 4020 S Jog Road, 6492 Lake Worth Road, 6350 Lake Worth Road, and 6323 Lake Worth Road.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☐ Public Hearing

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

Project Manager

Kara Ferris

#### **Reviewed By:**

#### **Approved By:**

City Manager

Andrea McCue

#### **Public Notice:**

☐ Required

☒ Not Required

Date:

Paper:

Mailing

☒ Required

☒ Not Required

#### **Attachments:**

- Resolution 2022-60
- Interlocal Agreement (Exhibit 1)
- Property Data List (Exhibit A and B)
- Location Map

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

☒ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: \_\_\_\_\_

## **I. Executive Summary**

The approximately 7.9636 total acres proposed for annexation are contiguous to the City, and the identified enclave is less than one hundred and ten (110) acres in size. In accord with the provisions of Chapter 171.046(2)(a), enclaves one hundred and ten (110) acres or less in size may be annexed through an Interlocal Agreement between the City and the County. The proposed annexation will eliminate an existing enclave, which the Florida Legislature has determined can create significant problems in planning, growth management, and service delivery.

## **II. Site Data:**

<b>Property Data:</b>	See Exhibit A
<b>Size:</b>	7.9636 acres

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

The subject properties are currently in unincorporated Palm Beach County and are considered to be within an enclave. In accord with Chapter 171.031(13)(a) and (b), the subject properties are enclosed within and bounded on all sides by the City or enclosed within and bounded by the City and a natural or manmade obstacle which allows vehicular traffic to them only by passing through the City.

The parcels are also included within an Interlocal Service Boundary Agreement (ISBA) adopted by the City of Greenacres on August 15, 2022 by City Ordinance 2022-01, and by the County on September 13, 2022, by Ordinance 2022-025. The purpose of the Agreement was to jointly determine how to provide services to residents and property in the most efficient and effective manner while balancing the needs and desires of the community to the area identified in the unincorporated area. The agreement established the means and process by which future annexations and planning activities would be accomplished. The ISBA set forth the proposed future land use and zoning as well as service delivery for all parcels within the Agreement.

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

### **Annexation Element:**

Objective 1, page ANX 19--	addresses efficiency, concurrency and levels of service (LOS).
Objective 1, Policy c), page ANX 19--	prohibits creating enclaves, or pocket areas which are not reasonably compact.
Objective 2, page ANX 19--	encourages orderly annexation in the future annexation boundaries through coordination with adjacent municipalities and Palm Beach County.

Objective 4, page ANX 20--

supports annexations which are deemed necessary to promote the orderly growth of the City and will not adversely impact the City's ability to fulfill other plans.

Objective 4, Policy a), page ANX 20--

outlines six guidelines for annexations.

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

**Article III, Section 10** of the City Charter relating to annexation

**Sec. 16-8 of the City Code** relating to zoning of annexed areas

**Chapter 171, Florida Statutes** relating to annexation

## **VI. Staff Analysis:**

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

The annexation of the six (6) parcels were reviewed and discussed during the Interlocal Service Boundary Agreement process and all service delivery issues were determined and set forth in the ISBA.

Planning and Engineering Dept.:	No
Building Department:	No objections
Public Works Department:	No objections
Fire Rescue Department:	No objections
PBSO District #16:	No objections

### ***Background:***

The property data list (Exhibit A) contains the address, owner name, legal description, existing future land use designation, existing zoning designation, apparent existing use, and taxable value for each parcel. The list also contains a calculation of the property tax increase due to annexation based on deletion of the PBC Fire Rescue FY 2023 MSTU millage of 3.4581 and addition of the City's total FY 2023 millage of 6.3000 (a net increase in millage of 2.8419). Per the approved ISBA, the City will make payment to Palm Beach County for up to five years a sum equivalent to the Palm Beach County Fire Rescue MSTU for the annexed parcels. City Future Land Use and Zoning designations will be applied to the properties through a separate process in the near future.

### ***Annexation Findings of Fact:***

The proposed annexation is consistent with the Goals, Objectives and Policies of the City's Comprehensive Plan. The parcels are contiguous to the City and are within the boundaries of the Future Annexation Area in the Annexation Element of the Comprehensive Plan.

In addition, the following six guidelines, as specified in Objective 4(a) on page 20 and 21 of the Annexation Element within the Comprehensive Plan, must be addressed. The guidelines apply to both

City-initiated and voluntary annexations.

***Specific Criteria Findings:***

In all future annexation requests, the City shall be guided by the following:

- (1) **The area in question must meet statutory requirements pertaining to contiguity, compactness and irregular shape.**

***Findings:*** The annexation petition is consistent with the provisions in Chapter 171, F.S., specifically because the subject properties are not irregular in shape, reasonably compact, and immediately contiguous to the City's municipal boundaries. In addition, the petition is consistent with Chapter 171.046(2)(a) because the identified enclave is one hundred and ten (110) acres or less in size

- (2) **The petitioned area must have "a unity of interests with the City" and be "a logical extension" of the City's boundaries.**

***Findings:*** The subject properties have "a unity of interests with the City" and are "a logical extension" of the City of Greenacres' boundaries. The properties are identified as part of the Future Annexation Area in the City's Comprehensive Plan and the annexation of this area will allow the City to eliminate the existing enclave, which is consistent with the intent of both the City's Comprehensive Plan and Florida Statutes.

- (3) **The area shall have a growth potential sufficient to warrant the extension of services.**

***Findings:*** The area has a growth potential sufficient to warrant the extension of services. Development and redevelopment activity is taking place in the immediate vicinity and adjacent properties within the City are already receiving City services. Since the properties proposed for annexation are contiguous to the City and within existing enclave, there will be minimal effect upon infrastructure and services provided within the City.

- (4) **The deficit of income against expense to the City shall not be unreasonable.**

***Findings:*** The annexation of the subject properties will not create an unreasonable expense or burden upon the City of Greenacres. Since the subject properties are contiguous to developed parcels already in the City, and they are located in an existing enclave, their annexation will not adversely affect the City's overall level of service, nor will it substantially increase costs to the City to warrant the annexation unreasonable. The City will also be provided with revenue from the property taxes of the subject properties and the elimination of an enclave will improve service delivery efficiency.

- (5) **The advantages both to the City of Greenacres and to the petitioned area must outweigh the disadvantages.**

***Findings:*** The advantages to both the City of Greenacres and the proposed annexation area outweigh any potential disadvantages. The City will benefit by annexing land that is currently identified in the future annexation area and implementing goals, objectives and policies of the Annexation Element of the Comprehensive Plan to eliminate enclaves. Further, the annexation



of the subject property will allow the City to improve the identity of the area as being part of Greenacres and improve service delivery efficiency for the City and Palm Beach County.

- (6) **The City of Greenacres must be willing and able to provide City services as well as ensure that services provided by Palm Beach County are furnished to the newly annexed area within a reasonable time.**

**Findings:** The City of Greenacres will be able to provide City services to the subject properties in accordance with the city's established levels of service, since the City is already providing governmental services to other developments along Lake Worth Road, in the immediate area of the subject parcels.

***Summary of Annexation Criteria:***

The proposal meets all of the guidelines specified in the City's Comprehensive Plan and Chapter 171 of the Florida Statutes for the annexation of property. It is a logical extension of the City's boundaries in locations identified as part of the City's future annexation area and will eliminate an existing enclave identified by the County.

**VII. Staff Recommendation:**

**Approval** of ANX-22-01 through the adoption of Resolution 2022-60 authorizing execution of an Interlocal Agreement with Palm Beach County per Chapter 171.046(2)(a) F.S. for the Annexation of six (6) parcels within an existing enclave.

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**CITY COUNCIL ACTION Adoption Hearing – November 7, 2022**

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**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS' ACTION  
December 20, 2022**

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

**Attest:**

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



## ITEM SUMMARY

**MEETING DATE:** November 7, 2022  
**FROM:** Andrea McCue, City Manager, Administration  
**SUBJECT:** Ratification of Building Board of Adjustments and Appeals (BBAA)

### BACKGROUND

Pursuant to Florida Building Code, Section 113, BBAA rules on appeals of determinations by the City Building Official and Fire Marshal's interpretations of the City of Greenacres Building and Fire Code. The qualified individuals have experience and training in building construction. The BBAA must consist of a layperson, architect, engineer, relator, general contractor, fire code protection contractor, and a fire code enforcement professional. The BBAA has nine (9) members recommended by the Mayor and approved by the City Council. The membership is comprised of seven (7) Regular Members, and two (2) Alternate Members. The Members serve four (4) year staggered unlimited terms. Members are required to file a financial disclosure form.

### ANALYSIS

The following appointees are being recommended for ratification:

General Contractor – Jose Acosta  
 City Resident and Business Owner – Widline Pierre  
 City Resident and Business Owner – Leonard Grant  
 City Resident and Studying Masters in Engineering- Jerome Small  
 City Resident and Planner – Gerald Lodge  
 City Resident and Contract Compliance Specialist – Jorge Sigler  
 3 Vacancies Remain

### FINANCIAL INFORMATION

N/A

### LEGAL

The City Attorney has reviewed the item and all supporting documents for legal sufficiency and compliance.

### STAFF RECOMMENDATION

Staff recommending ratification of the BBAA Appointments. See attached BBAA applications.



## CITY OF GREENACRES

### BOARDS & COMMITTEES

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**Building Board of Adjustments & Appeals:** A seven (7) member quasi-judicial board with two (2) alternates; hears appeals concerning the Chief Building Official's interpretations of technical building codes of the City; meets on an "as needed" basis.

**Charter Review Committee:** A nine (9) member board made out six (6) Council appointed members, one (1) local 2928 IAFF representative, and one (1) local business owner. The Committee meets on an "as needed" basis to review the City Charter and propose amendments for Council's approval.

**Planning and Zoning Board of Appeals/Local Planning Agency:** A five (5) member advisory Board with two (2) alternates to hear, consider, and make recommendations relating to applications for annexations, zoning, site and development plans and special exceptions; meets monthly. Must be a Greenacres resident, except to obtain members with technical and professional expertise from Palm Beach County.

**Retirement Plan Board of Trustees for Public Safety Officers/Firefighters:** A five (5) member Board of Trustees: two (2) members appointed by City Council; two (2) members elected by the employees of Fire Rescue and former Public Safety Officers; and one (1) member selected by the four (4) members of the Board of Trustees. The Board oversees the Retirement Plan for the City's former officers and firefighters; meets on a quarterly basis.

**Scholarship Committee:** An eight (8) member committee including one (1) Council member liaison as Chair and one (1) alternate. The Committee reviews all scholarship applications; interviews all applicants; and makes recommendations for award winners to the City Council. The Committee only meets during the months of April and May.

**Mayor Flores and the City Council encourage residents to participate in their local government process. For additional information regarding City boards please contact the City Clerk at (561) 642-2006.**

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'22 JAN 5 AM 10:43

# **CITY OF GREENACRES** **BOARD AND COMMITTEE SERVICE APPLICATION**

NAME: Gerald J. Lodge Jr. PHONE: (302) 367-8869  
 ADDRESS: 624 Sea Pine Way B3  
 CITY, STATE & ZIP: Greenacres, FL 33415  
 EMAIL ADDRESS: glodge34@gmail.com  
 EMPLOYER NAME: Palm Beach County PZB (Planning) OCCUPATION: Planner II

Please provide a description of your education and experience as it relates to the board(s) on which you wish to serve and describe your interest for serving. (You may attach a copy of your resume.)

Education : BA from University of Delaware in Geography  
Experience : I have worked for Palm Beach County Planning for 5 years as a planner I and now a Planner II. Most of my work is related to GIS and Intergovernmental processes. This includes: 1) processing annexations. 2) Reviewing IPARC notices 3) Creating graphics for public hearing. 4) Review DRD applications and plans for consistency with the Comp. Plan. 5) I am also project manager for future land use amendments and have experience presenting to the County Planning Commission and Board of County Commissioners. I am also the "element planner" for the Recreation and Open Space Element (ROSE)

Do you currently hold any City office? ☐ Yes ☒ No

Do you own a business within the City? ☐ Yes ☒ No If yes, which one? \_\_\_\_\_

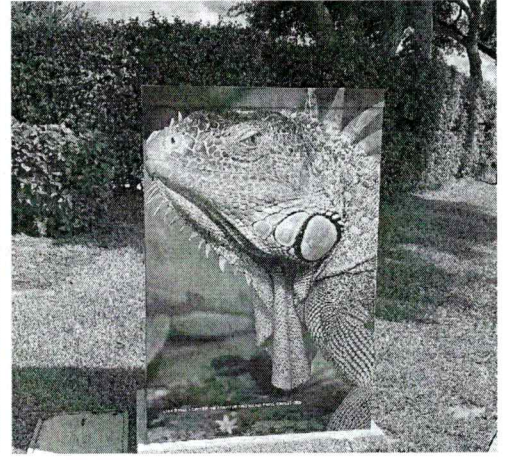
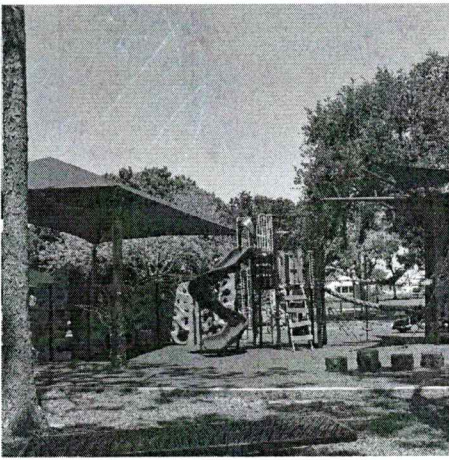
## **On which Board or Committee are you interested in serving?**

- |  |  |
|--|--|
| <input type="checkbox"/> Board of Trustees – PSO & Firefighters Retirement | <input checked="" type="checkbox"/> Building Board of Adjustments & Appeals                    |
| <input type="checkbox"/> Charter Review Committee                          | <input checked="" type="checkbox"/> Planning and Zoning Board of Appeals/Local Planning Agency |
| <input type="checkbox"/> Scholarship Committee                             |  |

Applicant Signature: Gerald J. Lodge Jr. Date: 1/4/2022

Nominated By: COUNCILMAN Jonathan Pearce





# CITY OF GREENACRES

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**CITY OF GREENACRES  
BOARD AND COMMITTEE SERVICE APPLICATION**

NAME: Leonard Grant PHONE: 754-366-7643  
ADDRESS: 152 Two Pine Dr.  
CITY, STATE & ZIP: Greenacres, FL 33413  
EMAIL ADDRESS: aubrey@mmplakeworth.com  
EMPLOYER NAME: Grant Family Holdings OCCUPATION: Business Owner

Please provide a description of your education and experience as it relates to the board(s) on which you wish to serve and describe your interest for serving. (You may attach a copy of your resume.)

I owned and operated a printing business and employed residents in Palm Beach for 12 years.

Having served 8 years in the Army Reserve and receiving an Honorable Discharge is where my initial training began.

I have been fortunate to work with several organizations and committees over the years starting in Pompano Beach.

I have served as committee chair and HOA president for several organizations and I understand Roberts Rules of Order.

Do you currently hold any City office? ☐ Yes ☒ No

Do you own a business within the City? ☒ Yes ☐ No If yes, which one? Minuteman Press Lakeworth

**On which Board or Committee are you interested in serving?**

- ☐ Board of Trustees – PSO & Firefighters  
Retirement  
☒ Charter Review Committee  
☒ Scholarship Committee

- ☐ Building Board of Adjustments & Appeals  
☒ Planning and Zoning Board of Appeals/Local  
Planning Agency

Applicant Signature: Leonard Aubrey Grant Jr. Digitally signed by Leonard Aubrey Grant Jr.  
Date: 2022.03.31 11:35:51 -04'00' Date: 3-31-2022

Nominated By: Judy Dugo



## CITY OF GREENACRES

### BOARDS & COMMITTEES

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3/23/22  
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Item # 10.

**CITY OF GREENACRES  
BOARD AND COMMITTEE SERVICE APPLICATION**

NAME: Widline Pierre PHONE: 561-859-7493  
ADDRESS: 8467 White Egret Way  
CITY, STATE & ZIP: Lake Worth, Florida 33467  
EMAIL ADDRESS: widlinep34@gmail.com or widlinep@livingsoullc.com  
EMPLOYER NAME: Living Soul LLC OCCUPATION: Former School Counselor/Mental Health

Please provide a description of your education and experience as it relates to the board(s) on which you wish to serve and describe your interest for serving. (You may attach a copy of your resume.)

My name is Widline Pierre, I am a dedicated business owner and a mentor of a  
non-profit organization. I am also a former School Counselor and Mental Health Therapist and

I know the importance of investing and empowering our children, our teens who will eventually shape our future.

My experiences have pushed me to apply for the Scholarship Committee and it will be a great  
way for me to continue the legacy I started many years ago when I became a school counselor.

I was recently selected for the "Mentor Spotlight" for Scholar Career Coaching Organization.

I will be a great fit for this Committee where I can continue to pay it forward to our youths.

www.livingsoullc.com

https://www.instagram.com/p/CaP0OHNF9H5/?utm\_source=ig\_web\_copy\_link

Do you currently hold any City office? ☐ Yes ☒ No

Do you own a business within the City? ☐ Yes ☒ No If yes, which one? \_\_\_\_\_

**On which Board or Committee are you interested in serving?**

- ☐ Board of Trustees – PSO & Firefighters  
Retirement  
☐ Charter Review Committee  
☒ Scholarship Committee

- ☒ Building Board of Adjustments & Appeals (Verbal)  
☐ Planning and Zoning Board of Appeals/Local  
Planning Agency

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Nominated By: \_\_\_\_\_

- Able to function as an integral part of multidisciplinary treatment team including therapists, case manager, program nurse, psychiatrist and educational representatives to determine the best treatment plan for the clients.
- Able to use variety of psychological assessment tools to indicate and determine the needs of treatment, able to create an individualized treatment plans for youths entering level six and level eight of Department of Juvenile Justice Program.
- Able to conduct group therapy consists of 15 youths and able to get the group's dynamics going effectively and positively. Able to facilitate daily group sessions for youths who have substance abuse and mental health disorders.

## **Technology:**

- Have found some great website resources that will be beneficial to our ELL students. I can teach teachers of them to assist our ELLs students to learn better and increase their Bloom Taxonomy high order level of thinking.
- Knowledgeable of i-Ready and able to train our ELL students on technology to help their kids at home.
- Utilizing technology to conduct ELL Parents meetings.

## **DEGREE | 2005-2011 | BARRY UNIVERSITY**

- Master degrees in Mental Health Counseling and School Counseling
- Bachelor degree in Liberal Arts with a Concentration in Behavioral Science
- Educational Leadership Program as Non-Degree student, Florida Atlantic University Class 2020

## **Skills & Talents:**

### **MANAGEMENT**

- Participated at Teacher Fest as a Presenter to conduct new training that teachers can apply and benefit from (Vision Board for Educators).
- Created a comprehensive development academic group for ELL students. Trained on RRR, LLI and School Based team.
- Member of the Leadership team and developed training group for ELL parents
- HIV/AIDS risk preventions, CPR, PAR Certified/ Students Rights and Code of Ethics, Privacy. Microsoft Word / Excel/ and Microsoft PowerPoint. Three-Year Temporary Certification as a Professional Guidance Counselor. CFARS and speak Creole.

## **REFERENCES AVAILABLE UPON REQUEST**

# WIDLINE PIERRE

1911 Sherri Circle, Palm Springs FL 33406 | 561-572-6773 | wpierre26@gmail.com

## PROFESSIONAL EXPERIENCE

ESOL School Counselor

Palm Beach County School District

August 2012 – Present

- The main school counselor in charge to lead small group counseling, individual counseling and training for the ESOL parents and academic group for the ELL students.
- Classroom guidance that focuses on student success skills program, self-concept, assisted with school-based and IEP, administered in the past CELLA, now WIDA, FSA and set up for Imagine Learning for students.
- Conducted own Pre-Assessment test for the new ESOL students to determine their level of understanding of Language and Content.
- Increased collaboration and teacher support and created a warm climate for new ELL students.
- Implemented strategic plan and rigorous techniques to assist teachers in the classroom regarding our ELL students.

Student Academic Achievement Results:

- 10 ELL students whom have worked with have improved their test scores, their reading levels have increased and 9 out of 10 have moved from the low 25. 1 out of 10 students stayed in the low 25 for reading.
- Fastest improvement with their behaviors, increased their writing, mathematics and reading levels.
- Have worked with two new 1<sup>st</sup> graders from Haiti, before the end of summer 2018 both students were able to recite all the 26 letters of the alphabet. They were able to recognize and sound 15 letters of the alphabet and 20 sight words.
- Created a comprehensive self-concept and creativity ELL group for the ELL students.
- Increased in College Readiness by creating and founding a Career Committee for Annual Career Day. Designed the whole career day and planned with the committee by providing them with their duties and responsibilities.

## PROFESSIONAL EXPERIENCE

Registered Mental Health Therapist

South Mental Health Center September 2013-August 2017

- Provide individual counseling, group therapy sessions and family counseling to young youths with a variety of mental health problems/disorders or dually diagnosed youths, with co-occurring substance abuse/addiction and criminal act behaviors.





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**CITY OF GREENACRES  
BOARD AND COMMITTEE SERVICE APPLICATION**

NAME: Jorge Sigler Garcia PHONE: 561-945-5223  
 ADDRESS: 2831 Waters Edge Cir.  
 CITY, STATE & ZIP: Greenacres, Florida, 33413  
 EMAIL ADDRESS: siglerj@gmail.com  
 EMPLOYER NAME: B2Gnow OCCUPATION: Account Director

Please provide a description of your education and experience as it relates to the board(s) on which you wish to serve and describe your interest for serving. (You may attach a copy of your resume.)

Served as main Contract Compliance Specialist for Facility Renewal and  
Deferred Maintenance projects funded with the Sales Tax Referendum.  
Projects included Construction Management, Architecture and  
Engineering projects ranging from \$300,000 to over \$30M.  
the main focus of my position was ensure contract compliance with  
small business policies to ensure participation of local small businesses  
according to Policy 6.143, referring to small business participation from the  
tri-county area.

Do you currently hold any City office? ☐ Yes ☒ No

Do you own a business within the City? ☐ Yes ☒ No If yes, which one? \_\_\_\_\_

**On which Board or Committee are you interested in serving?**

- |  |  |
|--|--|
| <input type="checkbox"/> Board of Trustees – PSO & Firefighters Retirement | <input checked="" type="checkbox"/> Building Board of Adjustments & Appeals                    |
| <input type="checkbox"/> Charter Review Committee                          | <input checked="" type="checkbox"/> Planning and Zoning Board of Appeals/Local Planning Agency |
| <input type="checkbox"/> Scholarship Committee                             |  |

Applicant Signature: Jorge Sigler Digitally signed by Jorge Sigler Date: 2022.10.13 07:36:16 -04'00' Date: 10/13/2022

Nominated By: Councilmember, Susy Díaz





# CITY OF GREENACRES BOARD AND COMMITTEE SERVICE APPLICATION

NAME: JOSE V. ACOSTA PHONE: 561-662-4900  
 ADDRESS: 413 SWAIN BLVD.  
 CITY, STATE & ZIP: GREENACRES, FL 33463  
 EMAIL ADDRESS: 2COSCON @ Gmail.com  
 EMPLOYER NAME: WEALTH BUILDER'S PROPERTIES LLC OCCUPATION: GENERAL CONTRACTOR

Please provide a description of your education and experience as it relates to the board(s) on which you wish to serve and describe your interest for serving. (You may attach a copy of your resume.)

I HAVE BEEN WORKING IN CONSTRUCTION FOR MORE THAN 35 YEARS  
IN DIVERSE TYPE OF PROJECTS FROM REMODELING, RESTORATION AND  
NEW CONSTRUCTION, RESIDENTIAL AND COMMERCIAL.

I HAVE HAD MY GENERAL CONTRACTING LICENSE FOR MORE THAN 25 YEARS  
AND HAVE BEEN INVOLVED IN NUMEROUS JOBS AND PROJECTS

I WAS ALSO AWARDED A FEDERAL PROJECT WITH THE CITY OF WEST PALM BEACH  
TO BUILD 28 HOMES IN AN AFFORDABLE HOUSING PROJECT. THE PROJECT  
WAS ONGOING FROM 2004 TO 2006 AND WAS COMPLETED IN EXCELLENT  
WORKMANSHIP FULFILLING ALL REQUIRED CODES AND EXPECTATIONS  
WE HAVE BUILT MANY NEW HOMES IN THE CITY OF GREENACRES ALSO.

Do you currently hold any City office? ☐ Yes ☒ No

Do you own a business within the City? ☐ Yes ☒ No If yes, which one? \_\_\_\_\_

On which Board or Committee are you interested in serving?

- |  |   |
|--|---|
| <input type="checkbox"/> Board of Trustees – PSO & Firefighters Retirement | <input checked="" type="checkbox"/> Building Board of Adjustments & Appeals |
| <input type="checkbox"/> Charter Review Committee                          | <input type="checkbox"/> Planning Commission/ Local Planning Agency         |
| <input type="checkbox"/> Scholarship Committee                             | <input type="checkbox"/> Zoning Board of Adjustments & Appeals              |

Applicant Signature: [Signature] Date: 11-22-2020

Nominated By: \_\_\_\_\_



## CITY OF GREENACRES BOARD AND COMMITTEE SERVICE APPLICATION

NAME: Jerome Small PHONE: 561-572-7680  
 ADDRESS: 1246 Sweet Violet Ct  
 CITY, STATE & ZIP: Florida, 33415  
 EMAIL ADDRESS: LancersLeed@gmail.com  
 EMPLOYER NAME: Palm Beach County EPW OCCUPATION: Student Field Engineer

Please provide a description of your education and experience as it relates to the board(s) on which you wish to serve and describe your interest for serving. (You may attach a copy of your resume.)

Resume

Do you currently hold any City office? ☒ Yes ☐ No

Do you own a business within the City? ☐ Yes ☒ No If yes, which one? \_\_\_\_\_

### On which Board or Committee are you interested in serving?

- |  |   |
|--|---|
| <input type="checkbox"/> Board of Trustees – PSO & Firefighters Retirement | <input checked="" type="checkbox"/> Building Board of Adjustments & Appeals |
| <input type="checkbox"/> Charter Review Committee                          | <input type="checkbox"/> Civil Service Board                                |
| <input checked="" type="checkbox"/> Code Enforcement Board                 | <input checked="" type="checkbox"/> Planning Commission                     |
| <input type="checkbox"/> Scholarship Committee                             | <input checked="" type="checkbox"/> Zoning Board of Adjustments & Appeals   |

Applicant Signature: [Signature] Date: 5/19/20

Nominated By: Andrea McCue



1246 Sweet Violet Ct  
West Palm Beach, FL 33415

**Jerome Small**

(561) 572-7680  
[lancersleed@gmail.com](mailto:lancersleed@gmail.com)

**Education:** UF Geomatics Masters (current) Florida Atlantic University (Bachelors in Geosciences), Palm Beach State College (Associates Degree), John I Leonard High School (High School Diploma), Cambridge International University (AICE Diploma)

**Work:** Palm Beach County Environmental Resources Management: 07/2018 – 09/2019  
Environmental Engineering and Resources Protection Intern. Involved work such as Bathymetric data collection, AutoCAD, Storage Tank Compliance and Inspections, Trimble GPS work, Drones, prescribed burn education

Palm Beach County Engineering and Roadway: Surveying Intern 08/2019 – present Involved equipment and work such as Theodolites, Leica, Level, Measuring Wheel, Plumb Bob, Ranging Rod, Tripod, Total Station, MicroStation,

Pine Jog Environmental Education Center 08/2013 – 05/2018 (Volunteer Student Intern)-  
Natural Areas Maintenance, Orchid Propagation lab work, Environmental Design, exotic plant removal

**College:** Physics with Calculus Lab, Statistics, Physical Geology Lecture and Lab, Hydrogeology, Structural Geology, Stratigraphy and Sedimentation, GIS and Mapping, Environmental Engineering Internship

**12<sup>th</sup> Grade:** AICE Environmental Resources and Management, ESC 1000 Earth Science (Palm Beach State), MGF 1106 Liberal Arts (Palm Beach State), AICE Travel and Tourism, AICE English A, AICE Global Perspectives A level, AICE General Papers, AVID 4, AICE Business AS, AICE Business A, AICE US History,

**11<sup>th</sup> Grade:** AICE Physics, AICE Marine, EDG 4045 Civic Engagement through Environmental Service Learning (FAU Pine Jog Fellowship Fall Semester), HUN 1201 Elements of Nutrition (Palm Beach State), AP Stats, AICE Psychology (AICE Science), AICE ICT AS Level, AICE ICT A Level, AVID 3, AMH 2010 US History to 1865 (Palm Beach State), Life Management Skills, Economics, AICE English AS,

**10<sup>th</sup> Grade:** Chemistry Honors; Chemistry Regular, EDG 4044 Survey of Current Environmental Issues through Service Learning (FAU Pine Jog Fellowship Summer Semester), GEA 1000 Principles of Geography and Conservation (Palm Beach State), Pre-Calculus Hon, AICE Thinking Skills, AVID 2, AP Government, English 3 Honors, US History Honors

**Notable GPA Information:** Went from a 1.7 GPA in my first semester of high school to a 3.5 GPA (still improving); Florida Atlantic University GPA: 3.8; Palm Beach State College GPA: 3.7; Associated at events with Philippe Cousteau Jr., Miss Florida (Mary Katherine Fechtel), Governor Rick Scott, and Congressman Ted Deutch, Dr. Mehmet Oz, Tinu Pena

**Field and Laboratory Skills and Techniques:** Pine Jog Environmental Education Center (Pine Jog Fellowship Program, STEM mentoring program, H2O to Go Program, Orchid Lab experience, Pine Jog Environmental Education Center Volunteering, Pine Jog Afterschool Program (mentoring and volunteering), Pine Jog Elementary School (mentoring and volunteering); Earth Echo International Virtual Youth Program (Worked with Philippe Cousteau



Jr.); Wastewater and Water management experience from father; AVID; Computer Academy Magnet Program; Donating healthy food to people and peers; Python Programming

**Community Service:** Over 4263 Community Service Hours

**Awards and Achievements:** Perfect Attendance (3 years), Community Service (4 years), National Academy of Future Scientist and Technologist Award of Excellence (1); The National Society of High School Seniors Scholarship Award (1); Citizenship Award (1); AVID Award (1); Microsoft Scholarship Winner

**Altruism:** Two hundred and fifty dollar scholarship I donated to John I Leonard towards agricultural purposes

**Representations, Organizations, and Events:** Science Fair (How much Biogas do different fruit and vegetable purees make); Academic Games; Learn Green Conference; SECME Olympiad; Envirothon (environmental competition); Pine Jog Green Gala (volunteered with Kristi Moyer); Academy Awards; School Board Meetings; Strawberry Festival Volunteering; Pine Jog Enchanted Forest Volunteering; The Breakers Hotel (volunteered with Rick Hawkins and measured the sustainability of the hotel); Mounts Botanical Garden, Palm Beach Zoo and Conservation Society (volunteered in summer 2015); Audubon Society of the Everglades (volunteered with Susan Snyder); Palm Beach County Beekeepers Association (volunteered with Al Salopek);

**Organizations Volunteered:** Our Florida Reefs; Sierra Club; Solid Waste Authority (volunteered with Brian Elkins); Grey Mocking Bird Community Garden (volunteered with Brian Kirsch); South Florida Water Management District (volunteered with Robert Wanvestraut); Sustainability Office of West Palm Beach (volunteered with Penni Redford); Grassy Waters Preserve (volunteered with Pat Painter); Storm Treatment Area Loxahatchee (volunteered with Lou Toth); Strazulla Marsh (volunteered with and Ellen Lake); West Palm Beach Wastewater Plant; Boca Water Treatment Plant (volunteered with Marie Przybylski); Florida Fish and Wildlife Commission (volunteered with Kelly Gestring); Everglades Foundation; USDA (volunteered with LeRoy Rogers); Lake Worth Lagoon (volunteered with Wendy Puz); Green Cay Farms (volunteered with Nancy Roe)

**Research Projects:** Project John I Leonard Restoration (Pine Jog Fellows Fall project, ongoing); Victoria Woods Homeowners Association (Community Farm developed in environmental preserve with minimal impacts; almost 10 years and continuing); Started Gardens/Farms all over Palm Beach County (ongoing); AICE Global AS (How to improve Food Diets); AICE Global (Should Organic Foods Be Implemented into School Lunch)

**Certifications:** Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Microsoft Word Expert, Microsoft Access, Microsoft Excel Expert,

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