



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, March 04, 2024 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

AGENDA

Mayor and City Council

Joel Flores, Mayor

Peter A. Noble, Deputy Mayor

John Tharp, Councilmember, District I

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Christy Goddeau, City Attorney

Glen J. Torcivia, City Attorney

Tanya Earley, 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:** Florida Bike Month, March 2024. - Brian Ruscher, Deputy Director of Multimodal, Palm Beach Transportation Planning Agency.
2. **Proclamation:** Flood Awareness Week, March 4-8, 2024. - Michael Jerrahian, Building Official.
3. **Proclamation:** Public Procurement Recognition Month. - Monica Powery, Director of Purchasing.
4. **Presentation:** Property Enhancement Grant Program. - Aileen Hernandez, Public Works Specialist.
5. **Presentation:** Palm Beach County Housing Plan. - Jack Weir, Chair of the Housing Leadership Council and Ken Tuma, Urban Design Studio.

CONSENT AGENDA

6. **Official Council Meeting Minutes:** City Council Meeting, February 5, 2024. - Quintella L. Moorer, City Clerk.
7. **EMS Write-Offs:** - Teri Lea Beiriger, Director of Finance.
8. **Resolution 2024-12:** Approving the Memorandum of Understanding between the City of Greenacres and the ELS for Autism Foundation, Inc., for a work experience program; authorizing the appropriate City Officials to execute the Memorandum of Understanding

and to effectuate the terms of the Agreement; and providing for an effective date. - Michele Thompson, Director of Community Recreation Services.

- 9. Resolution 2024-13:** Authorizing a utility easement for the expansion of Palm Beach County Water Utilities Lift Station #5015; and providing for an effective date. - Carlos Cedeno, Director of Public Works.

REGULAR AGENDA

- 10. PUBLIC HEARING: Ordinance 2023-18: Second Reading:** Annexing one (1) parcel of land totaling approximately 0.014 acres, located approximately 986 feet east of south Jog Road, at 6297 Lake Worth Road, as requested by the petitioner, Palm Beach County Board of County Commissioners; providing for redefining the boundary lines of the City of Greenacres to include the subject property in the City's official boundary map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Gionni Gallier, Senior Planner, Development and Neighborhood Services.
- 11. PUBLIC HEARING: Ordinance 2024-01: First Reading:** Amending the future land use map of the future land use element of the City's Comprehensive Plan, to change the future land use designation of one parcel of land totaling approximately 0.0143 Acres, located at 6297 Lake Worth Road, from a Palm Beach County designation of Commercial High with an underlying 5 units per acre (CH/5) to a City of Greenacres designation of Commercial (CM), as requested by the Development and Neighborhood Services Department, agent for the owner, Palm Beach County; providing for repeal of conflicting ordinances; providing for severability; providing for Transmittal to the Florida Department of Commerce (FDOC); providing for inclusion in the comprehensive plan; and providing for an effective date. - Gionni Gallier, Senior Planner, Development and Neighborhood Services
- 12. PUBLIC HEARING: Ordinance 2024-02: First Reading:** Approving a zoning change and official zoning map amendment for one parcel of land totaling approximately 0.0143 acres, located at 6297 Lake Worth Road, from a Palm Beach County designation of General Commercial (CG) to a City of Greenacres designation of Commercial General (CG), as requested by the Development and Neighborhood Services Department, agent for the owner Palm Beach County; providing for changes to the official zoning map; providing for repeal of conflicting ordinances, providing for severability; and providing for an effective date. - Gionni Gallier, Senior Planner, Development and Neighborhood Services.
- 13. Ordinance 2023-22: First Reading:** Annexing eleven parcels of land totaling approximately 3.7109 acres, located at 4205, 4222, 4220, 4210, 4194, 4168, 4221, 4239 south Haverhill Road, 4960 and 4944 Thomas Avenue, and 5051 Flory Drive, as requested by the petitioners Dolly Rodriguez and Heman Panchoosingh, Stephen & Ramona Mohammed, Dolly & Claudia Rodriguez, Geraldo and Carissa Vieira, 4210 Haverhill LLC, 4220 Haverhill Road LLC, Ronald Lamneck, Claudia Rodriguez and Heman Panchoosingh, Dolly Rodriguez and Heman Panchoosingh, Local Boy LLC; providing for redefining the boundary lines of the City of Greenacres to include the subject property in the City's official boundary map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Gionni Gallier, Senior Planner, Development and Neighborhood Services.
- 14. PUBLIC HEARING: Ordinance 2024-07: First Reading:** Amending the future land use map of the future land use element of the City's Comprehensive Plan, to change the future

land use designation of eleven parcels of land totaling approximately 3.7109 acres, located at 4205, 4222, 4220, 4210, 4168, 4194, 4221, 4239 south Haverhill Road, 4960 and 4944 Thomas Avenue, and 5051 Flory Drive from a Palm Beach County designation of LR-3 Low Residential, 3 units per acre and MR-5 Medium Residential, 5 units per acres to a City of Greenacres designation of Commercial (CM), as requested by the petitioners Dolly Rodriguez and Heman Panchoosingh, Dolly and Claudia Rodriguez, Geraldo and Carissa Vieira, 4210 Haverhill LLC, 4220 Haverhill Road LLC, Ronald Lamneck, Claudia Rodriguez and Heman Panchoosingh, Dolly Rodriguez and Heman Panchoosingh, Local Boy LLC; providing for repeal of conflicting ordinances; providing for severability; providing for Transmittal to the Florida Department Of Commerce (FDOC); providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Gionni Gallier, Senior Planner, Development and Neighborhood Services.

- 15. PUBLIC HEARING: Ordinance 2024-08: First Reading:** Approving a zoning change and official zoning map amendment for eleven parcels of land totaling approximately 3.7109 acres, located at 4205, 4222, 4220, 4210, 4168, 4194, 4221, 4239 south Haverhill Road, 4960 and 4944 Thomas Avenue, and 5051 Flory Drive from a Palm Beach County Residential Medium, 5 units per acre (RM) and Agricultural Residential (AR) zoning district to the City of Greenacres Commercial General (CG) zoning district, as requested by the petitioners Dolly Rodriguez and Heman Panchoosingh, Dolly and Claudia Rodriguez, Geraldo and Carissa Vieira, 4210 Haverhill LLC, 4220 Haverhill Road LLC, Ronald Lamneck, Claudia Rodriguez and Heman Panchoosingh, Dolly Rodriguez and Heman Panchoosingh, Local Boy LLC; providing for changes to the official zoning map; providing for repeal of conflicting ordinances, providing for severability; and providing for an effective date.- Gionni Gallier, Senior Planner, Development and Neighborhood Services.
- 16. PUBLIC HEARING: Ordinance 2024-09: First Reading:** Amending Chapter 16, Zoning Regulations, Article 4, Supplementary District Regulations, Division 1, Generally, Section 16-608, Special requirements for the sale of alcoholic beverages near a house of worship or a school, to allow for distance waivers consistent with Chapter 562, Florida Statutes; providing for repeal of conflicting ordinances, severability, inclusion in code, and an effective date. - Tanya Earley, City Attorney.
- 17. PUBLIC HEARING: Ordinance 2024-10: First Reading:** Approving the sale of alcohol for on-premises consumption at the property located on the east side at 5208 S. Haverhill Road (with a future address of 5200 S. Haverhill Road); providing for repeal of conflicting ordinances, severability, and an effective date. - Tanya Earley, City Attorney.
- 18. PUBLIC HEARING: Ordinance 2024-11: First Reading:** Amending Chapter 16, Zoning Regulations, Article 4, Supplementary District Regulations, Division 2, Area and Height Limitations, Section 16-630, Yards, Recreational and Athletic Facilities in Residential Zoning Districts; providing for repeal of conflicting ordinances, severability, inclusion in Code, and an effective date. - Gionni Gallier, Senior Planner, Development and Neighborhood Services.
- 19. PUBLIC HEARING: Ordinance 2023-21: Second Reading:** Annexing three parcels of land totaling approximately 12.86 acres, located approximately 1,750 feet east of Sherwood Forest Boulevard and 370 feet South of Melaleuca Lane, at 4901 and 4977 South 56th Terrace and the adjacent Lake Worth Drainage District Parcel as requested by petitioner, the Development and Neighborhood Services Department, Agent for the

owners, The City of Greenacres and The Lake Worth Drainage District (LWDD), providing for redefining the boundary lines of the City of Greenacres to include the subject property in the City's official boundary map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Denise Malone, Director Development and Neighborhood Services. **ITEM POSTPONED-TBA.**

20. **Ordinance 2023-23: First Reading:** Annexing two parcels of land totaling approximately 6.22 acres, located approximately 1,300 feet east of south Haverhill Road and approximately 1,000 feet south of Melaleuca Lane, at 4964 Gardner Lane and the adjacent Lake Worth Drainage District Drainage Right-of-Way as requested by the Development and Neighborhood Services Department, petitioner, in accordance with Chapter 171.0413 of the Florida statutes; providing for redefining the boundary lines of the city of Greenacres to include the subject property in the city's official boundary map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Denise Malone, Development and Neighborhood Services Director. **ITEM POSTPONED - TBA.**
21. **PUBLIC HEARING: Ordinance 2024-03: First Reading:** Amending the future land use map of the future land use element of the City's Comprehensive Plan, to change the future land use designation of two parcel of land totaling approximately 6.22 acres, located at 4964 Gardner Lane and the adjacent Lake Worth Drainage District Maintenance parcel from a Palm Beach County Designation of Low Residential LR-2, 2 units per acre to a City of Greenacres Designation of Residential Low Density (RS-LD), as requested by the McKenna West of Cotleur Hearing, agent for the owners, City of Greenacres and Lake Worth Drainage District; providing for repeal of conflicting ordinances; providing for severability; providing for Transmittal to the Florida Department Of Commerce (FDOD); providing for inclusion in the Comprehensive Plan; and providing for an effective date. Denise Malone, Director of Development and Neighborhood Services. **ITEM POSTPONED - TBA.**
22. **PUBLIC HEARING: Ordinance 2024-04: First Reading:** Approving a zoning change and official zoning map amendment for two parcels of land totaling approximately 6.22 acres, located at 4964 Gardner Lane and the adjacent Lake Worth Drainage District maintenance parcel from a Palm Beach County designation of Agricultural Residential (AR) to a City of Greenacres designation of Agricultural Residential (AR), as requested by the McKenna West of Cotleur Hearing, agent for the owner 4964 Gardner lane LLC and the Development & Neighborhood Services Department, agent for the City of Greenacres and the Lake Worth Drainage District; providing for changes to the official zoning map; providing for repeal of conflicting ordinances, providing for severability; and providing for an effective date. Denise Malone, Director of Development and Neighborhood Services. **ITEM POSTPONED-TBA.**
23. **PUBLIC HEARING: Ordinance 2024-05: First Reading:** Amending the future land use map of the future land use element of the City's Comprehensive Plan, to change the future land use designation of three parcels of land totaling approximately 12.8627 acres, located at 4901 and 4977 South 56th Terrace and the adjacent Lake Worth Drainage District Maintenance parcel for Canal 14 from a Palm Beach County Designation of Low Residential LR-1, 1 unit per acre to a City of Greenacres designation of Public Institutional (PI), as requested by the Development and Neighborhood Services Department, agent for the owners City of Greenacres and Lake Worth Drainage District; providing for repeal of conflicting ordinances; providing for severability; providing for Transmittal to the Florida

Department of Commerce (FDOC); providing for inclusion in the Comprehensive Plan; and providing for an effective date. Denise Malone, Director of Development and Neighborhood Services. **ITEM POSTPONED - TBA.**

24. **PUBLIC HEARING: Ordinance 2024-06: First Reading:** Approving a zoning change and official zoning map amendment for three parcels of land totaling approximately 12.8627 acres, located at 4901 and 4977 South 56th Terrace and the adjacent Lake Worth Drainage District maintenance parcel for Canal 14 from a Palm Beach County Designation of Agricultural Residential (AR) to a City of Greenacres designation of Government Use (GU), as requested by the Development and Neighborhood Services Department, agent for the owners the City of Greenacres and the Lake Worth Drainage District; providing for changes to the official zoning map; providing for repeal of conflicting ordinances, providing for severability; and providing for an effective date. Denise Malone, Director of Development and Neighborhood Services. **ITEM POSTPONED -TBA.**

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 City Council Meetings

March 18, 2024.

April 1, 2024.

Meeting Records Request

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

Notice of Council Meetings and Agendas

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

Americans with Disabilities Act

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



Property Enhancement Grant Program

Presented by:

Aileen Hernandez, Public Works Specialist

Community Enhancement Outcome

As part of the eligibility requirements for the Property Enhancement Grant Program, the proposed project must enhance the aesthetics and visual appeal of any side of a residence or commercial building that is clearly visible from a public street.

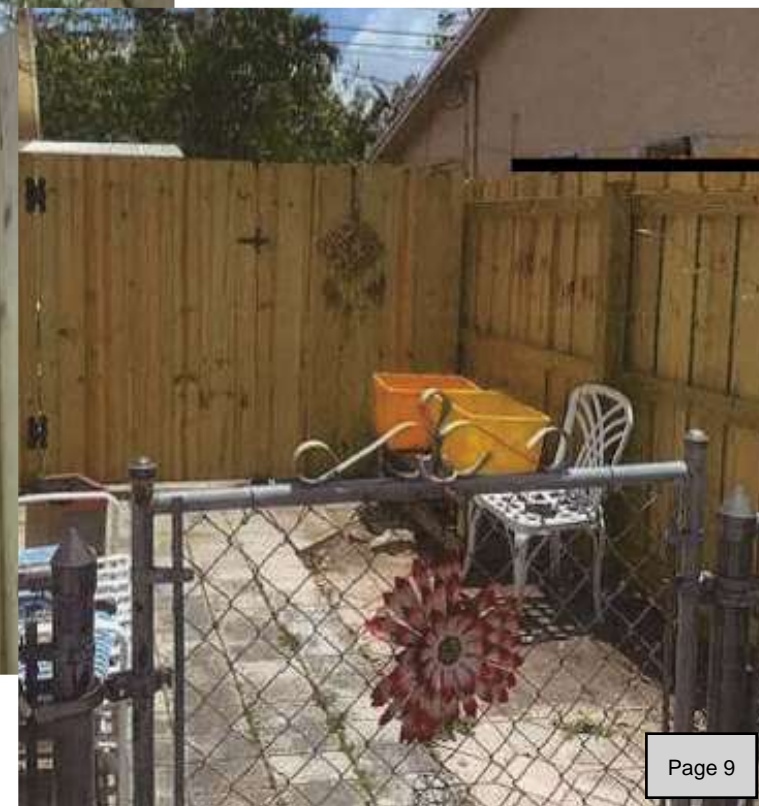
The program has accomplished what it was intended to do. It has **Engaged** and **Encouraged** property owners to rehabilitate the physical appearance and value of their properties.

- As of today, the city has funded a total of \$51,687 for the 2023 awarded projects. Ten (10) properties are still pending completion which will bring the final funded amount to \$95,392.
- Residents and businesses in the community will have spent a combined total of \$261,904.



Pine Ridge South III
Melaleuca Lane

308 Jackson Ave





157 Caribe Court



457 Martin Avenue





Greenacres Bowl
6126 lake Worth Road





526 Swain Boulevard





5532 Biscayne Drive





529 Perry Avenue

Questions?
Comments...



HOUSING FOR ALL

Palm Beach County's Housing Action Plan

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Introduction



Palm Beach County has an affordable and workforce housing crisis. House prices and rents continue to escalate at a pace that far outstrips the increase in workforce income and hinders our businesses' ability to retain and attract workers.

This **PLAN** is a blueprint for how to achieve a significant increase in workforce and affordable housing.

Our **VISION** is sustainable access to financially feasible and diverse housing options available for the broad range of incomes representative of our workforce and community.

Our **GOAL** is to produce, rehabilitate and preserve 20,000 units of workforce and affordable housing by 2032.

Areas of Focus

-  Funding and Financing
-  Planning and Regulatory Reform
-  Neighborhood Revitalization and Community Development
-  Racial Equity

Affordable housing is not merely a laudable social goal; housing costs represent the single largest share of total household expenses for most American families. The remainder of household income drives spending patterns for local goods and services. As housing costs eat up more household income, consumer spending at local businesses suffers and general quality of life for our residents suffers.

The essential role of local government is to ensure that the people it represents have the opportunity to meet the basic need for shelter. A comprehensive and inclusive housing policy is essential to having a functioning community. The availability of housing at all levels of

affordability positively addresses the challenges of economic growth, attainable health care, food security, homelessness, crime and many of the concerns that government spends time and significant dollars trying to meet.

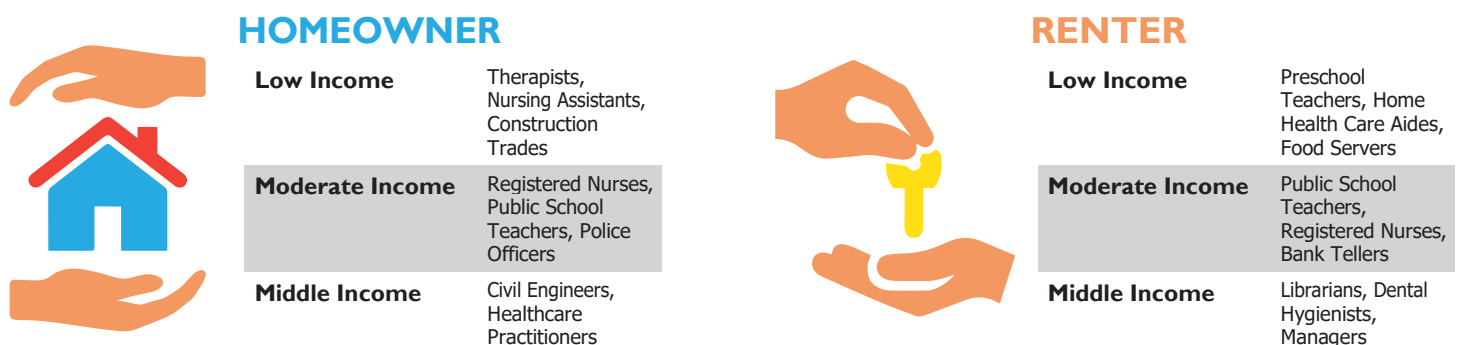
The growing income gap between households at the bottom of the income ladder and those at the top has accelerated over the last decade. Households in the top 20% of income have experienced a dramatic median household net worth increase, while those households in the bottom 20% now have a negative net worth.

Individuals and families with incomes that are less than 60% of Palm Beach County's AMI consume the majority of County government's expenditure of social service allocations. Those dollars can be more efficiently spent and ultimately reduced if we provide the opportunities to both create and preserve housing that they can afford. And it is the right thing to do!

Owning a home is the largest single asset investment held by most Americans — the cornerstone of upward economic mobility and wealth building for middle, moderate and low-income families. Figure 1 shows a range of occupations that fall into these income categories. Figure 2 (next page) illustrates just how out of reach this has become for most residents of Palm Beach County. Even those making 40% more than median wage, such as Civil Engineers and Physical Therapists, are more than \$160,000 short of being able to buy an average home.

Rising rent makes the wealth building necessary to accumulate a down payment unattainable for most renters. The FIU study from 2021 shows that even renters who make 40% more than median wage, such as Librarians and Dental Hygienists, are more than \$400 short of what they can afford for an average rent every month.

Figure 1: What Occupations fall into these Income Categories?



Source, U.S. Bureau of Labor Statistics, Occupational Employment and Wage Statistics for the Miami-Fort Lauderdale West Palm Beach MSA, May 2020

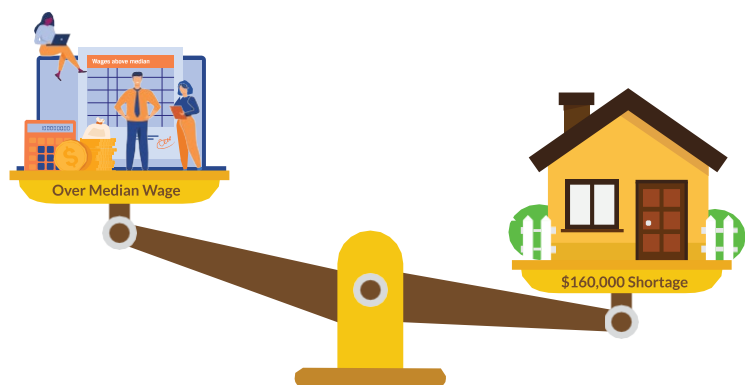


Figure 2

A lower housing cost-burden provides families with the opportunity to afford other vital services essential to quality-of-life, such as health insurance and preventative healthcare. Families on the margin of home affordability are often forced to choose between health care and paying the rent or mortgage, and a single unexpected health expense can throw a family into foreclosure or eviction. These negative impacts have worsened because of the COVID-19 pandemic.

For those who have grown up in Palm Beach County, high housing costs make the decision to stay difficult, given that wages are lower and housing costs higher than many other regions in the U.S.

High housing costs and a shortage of affordable first-time home buying opportunities can hamper regional talent retention, posing a threat to long-term economic development prospects in high-wage, high skill sectors.

Creating new opportunities for better paying jobs is a key factor to solving Palm Beach County's long-term affordable housing issues. Implementing a coherent workforce housing delivery system should, therefore, be an opportunity to accomplish the multiple goals of workforce housing delivery and new, high-wage job creation.

In order to build economic resiliency and sustain the County's strong economic growth, the County and its municipalities must offer a range of affordable housing options. This will require leaders to learn the root causes that created these gaps, then focus resources on narrowing the gaps. A resilient housing market will yield a quantifiable economic output, including job creation, increased tax revenues, and numerous indirect benefits to related businesses. There is a clear relationship between the production of affordable housing, revitalizing neighborhoods, and attracting new businesses. Using an equity lens equips leaders with the awareness that revitalizing neighborhoods requires that residents can afford to live in their communities and are not adversely impacted by gentrification.

Unfortunately, escalating housing prices are significantly impacting Palm Beach County's working families and households. Most

working families and households earn salaries and wages in service sector occupations, including retail trade, leisure and hospitality, and educational and health services. The majority (57 percent) of these low-wage service sector occupations have hourly wages that translate to workers earning 40-60 percent of the County's median household income. The FIU Affordable Housing Needs Assessment found more than 65 percent of owners and 90 percent of renters in these income categories pay more for housing than they can afford (Figure 3). This limits the choices of most service sector working households and families to affordable rental housing opportunities, where available.

The availability of a range of affordable housing options is one of the most important community and economic development issues facing communities. The high rate of resident turnover, the loss of professionals, skilled workers, and key wage earners damages the local economy. Providing housing for a mix of income groups helps retain and attract workers from various backgrounds and skills.

Access to affordable housing is a key component in the social determinants of health. Education outcomes, food insecurity, limited access to health care services, and community engagement are all adversely affected by the cumulative

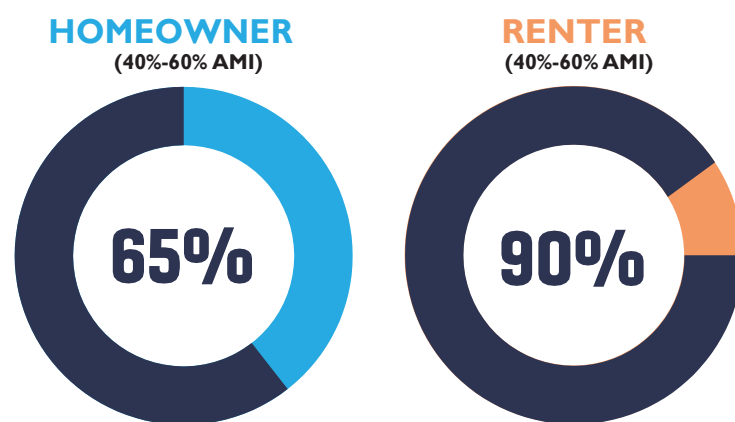
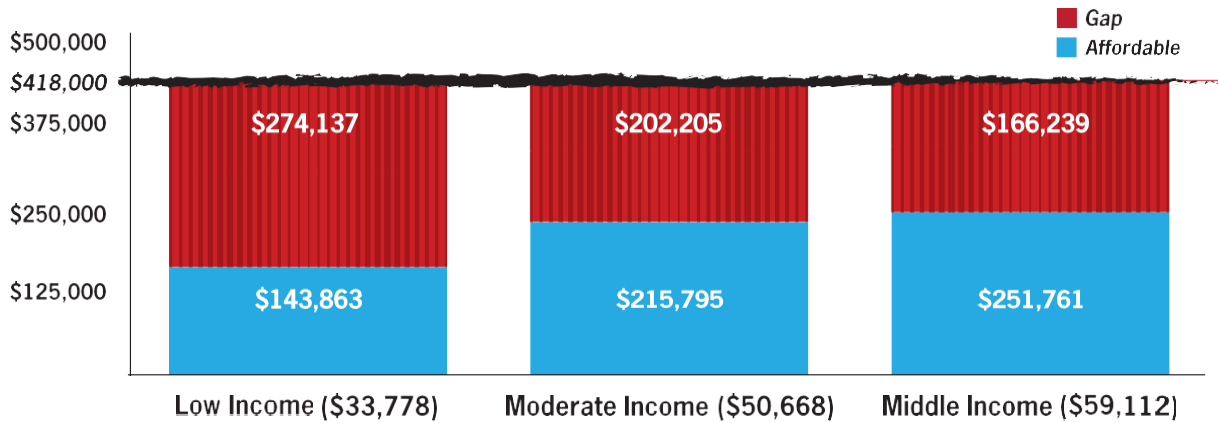


Figure 3: Severely cost-burdened

stress generated by inadequate housing and financial support. However, when the social determinants of health are addressed comprehensively, the local economy is more resilient to macroeconomic cycles like last decade's Great Recession and the current COVID-19 pandemic.

Affordable workforce housing options that consume no more than the recommended 30% of an individual's gross monthly income allows families to have the ability to reinvest in themselves by way of engaging in more preventative health care for their household, being more engaged with

Homeownership Affordability Gap

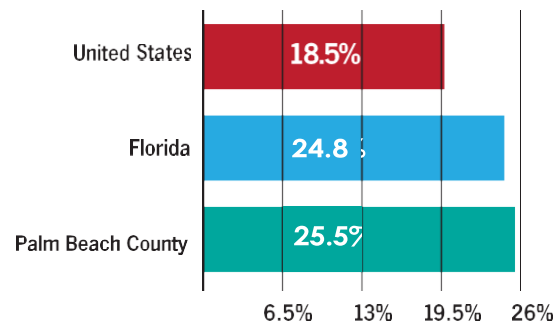


Source: Murray, N., Ilcheva, M., Zyryanova, N., (February, 2021) Palm Beach County Affordable Housing Needs Assessment. FIU Jorge M. Perez Metropolitan Center.

their children's academic journey, giving back to the revitalization of their communities to promote more social engagement and establish a generational pathway to financial stability through homeownership. A spectrum of housing choices and opportunity also helps maintain a steady stream of new small businesses, entrepreneurs, and jobs required to sustain a healthy local economy.

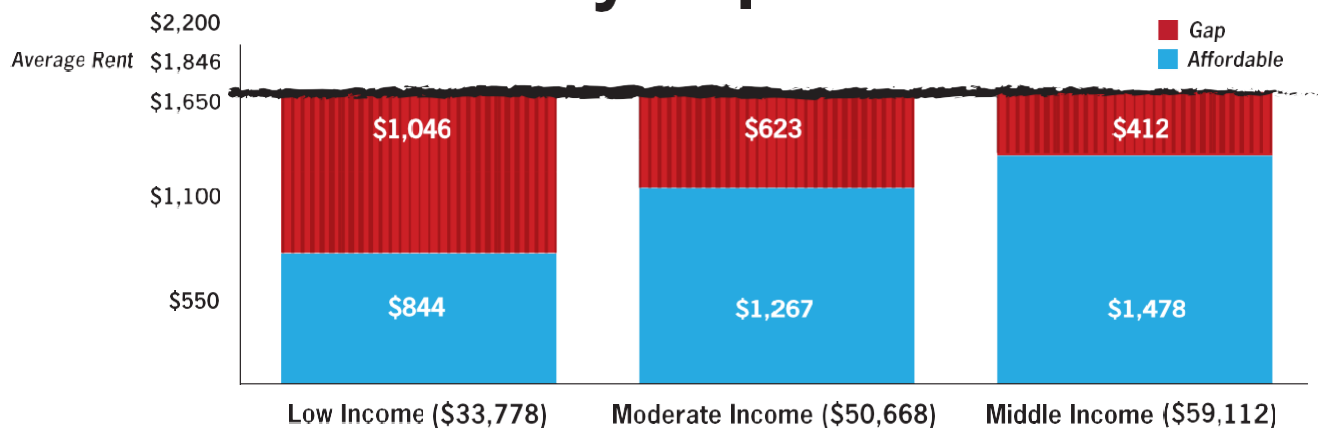
Further, an understanding of the shifting demands for housing is critical for the creation of effective housing policies and strategies. The increasing demand for worker housing has magnified the importance of providing a wide range of owner and renter choices and opportunity with respect to affordability, location, and access to jobs. As such, implementing workforce and affordable housing policies and programs will provide an opportunity to accomplish the multiple goals of affordable housing delivery, job creation, and economic resiliency.

Annual Increase in Home Prices 2020-2021



Source: Federal Housing Finance Agency. House Price Index

Renter Affordability Gap



Source: Murray, N., Ilcheva, M., Zyryanova, N., (February, 2021) Palm Beach County Affordable Housing Needs Assessment. FIU Jorge M. Perez Metropolitan Center.

AREAS OF OPPORTUNITY

Funding & Financing

GOAL

To provide funding and financial resources that will be used to develop, rehabilitate, and preserve 20,000 units of workforce and affordable housing in Palm Beach County over the next decade.

INTRODUCTION

Due to the scale of Palm Beach County's housing affordability crisis, the County and its municipalities must identify additional public resources to improve the community.

Palm Beach County, economically strong and large, is a donor county that contributes substantially more revenue to the State than it receives from Tallahassee. Florida led the nation in innovative affordable housing funding programs when it established the State Housing Trust Fund under the Sadowski Act in 1992 with the SAIL and SHIP programs. But during the last 20 years, the share of funds devoted to housing has steadily declined as state legislators have shifted that Sadowski funding to other priorities. These State trends indicate the County must take action at home to protect the resiliency of the local economy.

The central recommendation of this Housing Plan is for our County to take control of its destiny through a \$200 million local bond issue to develop, renovate, and preserve workforce and affordable housing in the County and its municipalities.

SPECIFIC CHANGES AND RECOMMENDATIONS

Using the \$200 million bond program, plus the other recommendations of the Housing Plan, the creation of 20,000 units over a ten-year period would be targeted, equating to an average subsidy of \$10,000 per unit. In contrast, if the average subsidy were increased to \$40,000 per unit, then the number of units produced would dramatically decline, resulting in 5,000 units produced. In order for the \$200 million bond program to stimulate the creation of 20,000 units, an average subsidy of \$10,000 per unit is projected. This means that bonds are a necessary but insufficient component of the comprehensive funding plan. However, they are a critical catalyst. Addressing the present housing supply shortage in a meaningful way entails combining bond proceeds with other sources of funding, many of which already exist, to achieve a deeper level of income targeting for workforce housing. For a development to have fewer 140% AMI units (which may be near or at market rents), and more 80% AMI units than in Palm Beach County's traditional Workforce Housing Program ladder structure, bond proceeds will need to be paired with another public funding sources. These public funding sources will need to be leveraged with substantial amounts of private debt and equity.

Additional housing funding sources that could be combined with Housing Bond proceeds include the tax-exempt bonds issued by the Palm Beach County Housing Finance Authority (HFA), tax increment financing (TIF) through County and municipal community redevelopment agencies (CRAs), funds generated through the County workforce housing program payments and recycled proceeds from the Neighborhood Stabilization Program, municipal funding contributions and programs and as other sources as set forth below.

Initiative One: Creation of a Local Dedicated Funding Source for Workforce and Affordable Housing

Action 1: Issuance of a \$200 million housing bond by Palm Beach County to fund subordinate low interest loans for construction of new units of workforce and affordable housing. These loan proceeds can be recycled when repaid upon sale or maturity, and leveraged with other sources of public and private financing.

Initiative Two: Combine Bond Proceeds with Other Public Funding Sources to Increase the Number of Workforce Housing Units and Achieve Deeper Income Targeting

Action 2: Leverage bond proceeds with tax-exempt bonds issued by the Housing Finance Authority of Palm Beach County (HFA) and Florida Housing Finance Corporation (FHFC), utilizing 4% housing tax credits to produce affordable housing.

Action 3: Develop workforce and/or affordable housing using tax increment financing by Community Redevelopment Agencies (CRAs) in the County and municipalities.

Action 4: Encourage municipalities to provide a local government contribution towards the development of workforce and affordable housing.

Action 5: Promote the use of the Workforce Housing Program's Exchange Program to provide supplemental gap financing to produce workforce housing by connecting homebuilders with a County WHP obligation and developers producing workforce housing.

Action 6: Consider expanding the use of funds from the County Workforce Housing Trust Fund (funded with WHP payment-in-lieu fees) beyond for-sale homes produced under the WHP program to all housing units throughout the County that meet income targeting criteria for workforce for-sale housing to the extent that excess funds are available.

Action 7: Expand the use of the HFA supplemental fund to provide pre-development and construction financing for single family, duplex, triplex, townhome and small infill multifamily developments.

Action 8: Encourage the County and municipalities to use recycled Neighborhood Stabilization Program funds to support workforce and affordable housing and deeper income targeting in targeted neighborhoods eligible for reinvestment. American Rescue Plan Act funds can both serve as a pilot in lieu of revenue funds and create a future supplement to bond proceeds for foreclosed, vacant and abandoned properties and in specific neighborhoods.

Action 9: Use County Housing Bond proceeds as a source of construction financing on a revolving basis for for-sale housing that meets workforce sales price criteria established by the County in the County and municipalities. We recommend that the County supplement existing sources of permanent financing (i.e., SHIP, HOME), other sources from entitlement municipalities and CRAs, and annual appropriations of ad valorem dollars to the extent available.

Initiative Three: Utilize Other Financing Tools and Techniques to Promote the Production and Rehabilitation of Workforce and Affordable Housing

Action 10: Consider revising the current County Impact Fee Credit Assistance Program utilizing 50% of interest earnings. Consider expanding the program to include school impact fees. Municipalities should also consider deferring or waiving impact fees for workforce and/or affordable housing development.

Action 11: Working with the County property appraiser's office, ensure an appropriate discount on ad valorem property taxes for all workforce and affordable housing projects with deed restrictions.

Action 12: The County and municipalities should explore the institution of a workforce and affordable housing tax abatement program.

Action 13: Create a lending consortium to issue revolving short-term loans for the cash purchase of existing units to be resold to income-eligible homebuyers.

Action 14: Create an initiative led by the Community Foundation and other organizations to build and increase the staffing and capacity of those local nonprofits that support the provision of workforce and affordable housing.

Action 15: Identify social investors to create social impact funds to provide equity financing with lower return parameters for workforce housing projects.

Action 16: The County and municipalities should continue to offer density increases through the sale of Transferable Development Rights (TDRs) at a nominal rate for workforce and affordable housing. Continue annual appropriations for homeless initiatives by the County and municipalities and increase capital funding to support additional homeless services.

Action 17: Encourage financial institutions to improve access to first mortgage financing for homeownership in historically disinvested areas.

Action 18: Encourage financial institutions to make loans and investments that are consistent with the Community Reinvestment Act that support the development of affordable and workforce housing as well as investment in disinvested areas.

HOUSING BOND

Issuance of \$200 million in housing bonds is the first and most important action item of this plan. This section sets forth a proposal for implementation.

BOND ISSUANCE PROCESS

Palm Beach County Board of County Commissioners makes funding for workforce and affordable housing a priority by:

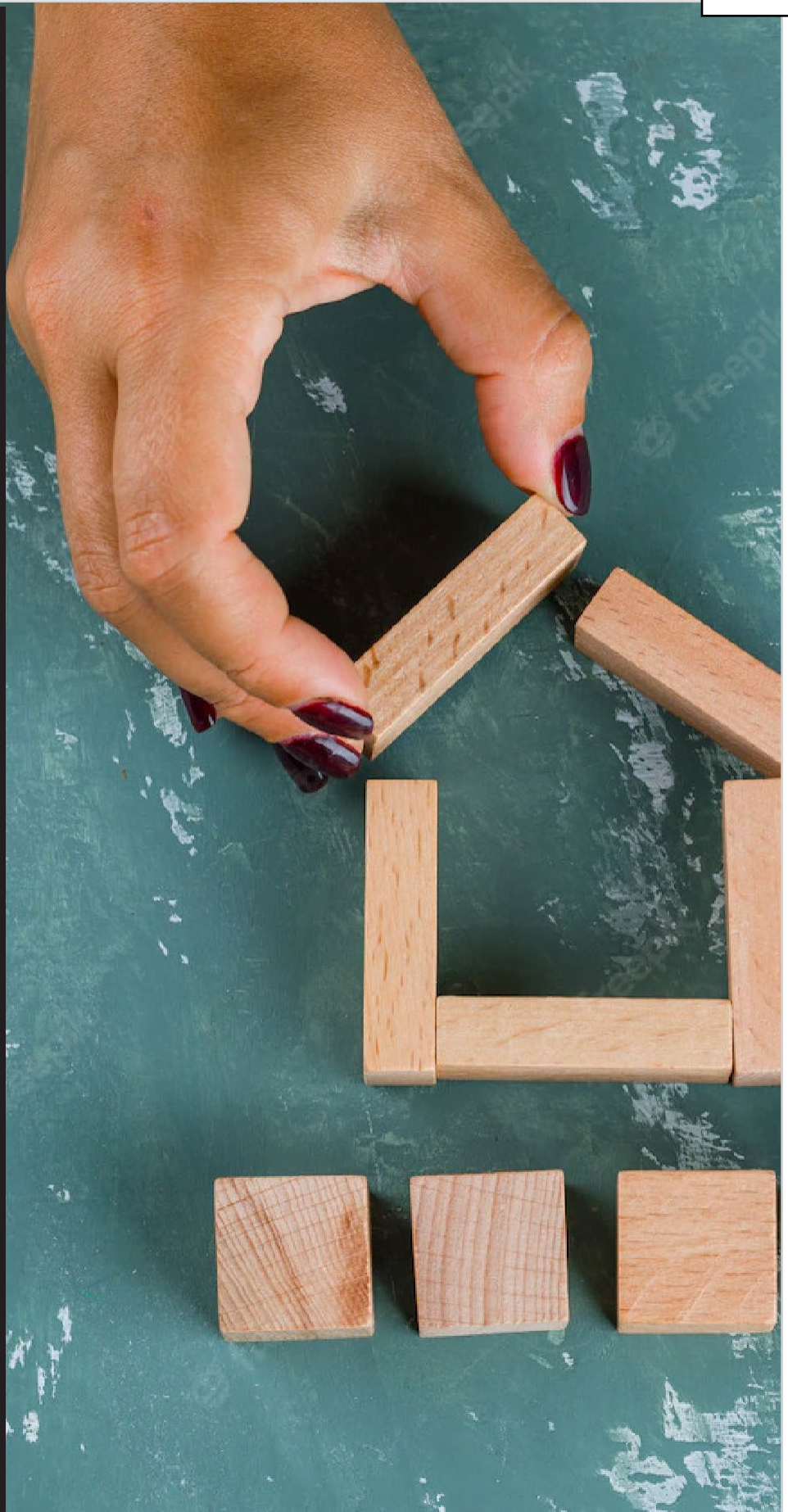
1. Voting to place the issuance of \$200 million in General Obligation Bonds on the ballot in the November 2022 general election.
2. Repurposing \$40 million in County housing funds from other sources to provide gap financing for workforce and affordable housing during the interim period until bonds can be approved and issued.

COMMUNITY ENGAGEMENT & OVERSIGHT

The County, municipalities, the Business Development Board, The Economic Council, the Business Forum (i.e., Chambers of Commerce) and the Housing Leadership Council and nonprofits partner to engage and educate the community about the need for local action and the Bond referendum.

PROGRAM ADMINISTRATION

This plan, both for the bond and for the entirety of the Action Items within this document, is ambitious, and will require not only additional financial resources to fund the financial initiatives, but also additional staff resources to manage the administration of a more robust workforce housing program.



Planning & Regulatory Reform

INTRODUCTION

In addition to new funding tools, sustainable access to financially feasible housing for all residents of our community will require a review of and revisions to certain established planning and regulatory policies and practices of the County and its municipalities. Closing the deficit in new residential units between the current supply delivery of roughly 4,000 units per year and the 6,000 unit per year demand in Palm Beach County based on population growth and demographic trends will require substantive changes in regulatory policy and administrative protocol to spur the requisite increase in housing production, particularly for workforce and affordable housing units.

The objectives of any planning and regulatory reform should be to increase residential production by increasing density and expanding the developable footprint, while enhancing quality-of-life through incentivization of high-quality design and increasing the speed and efficiency of approvals and permitting. In a County in which there is an increasingly finite supply of vacant land, local governments must make more effective use of land available for density, and the most effective tool we have is to increase the areas zoned for a higher

level of residential density. This section of the Plan provides concrete recommendations as to how best to achieve the requisite increase in production.

Another major initiative is to expand the areas on which housing can be developed, both by changing the underlying land use of non-residential commercial properties while making surplus vacant and underutilized land available for the development of workforce and affordable housing. This is accompanied by additional recommendations to incentivize the increased production of workforce and affordable housing units while expediting development approvals and permitting. Collectively, the implementation of the following recommendations can facilitate the changes necessary to deliver more housing units — particularly more workforce and affordable units — to Palm Beach County.

OBJECTIVE

Promote policy and enact code provisions to enable faster approvals of innovative land use to allow greater production and increased, lower-cost, residential capacity for Palm Beach County and its municipalities.



Initiative One: More Density

- Action 1: Explore amending County and municipal Land Development Codes to allow projects containing qualified units (workforce, affordable, and supportive housing) to create an individual development's property development regulations through the Planned Unit Development (PUD) process. Specify that in cases where disagreement exists between the Land Development Codes and the new PUD's property regulations, pursuant to an approved application, the PUD's property regulations prevails.
- Action 2: Explore permitting the construction of Accessory Development Units (ADUs) by right for all existing properties approved for single-family residential units, and as a condition of approval for all residential developments in the County and municipalities without ADUs being counted as additional units for the purposes of land use density calculations.
- Action 3: Consider adopting inclusionary zoning principles to permit and incentivize the construction of higher-density home types such as cottage homes, attached townhomes and multi-plex (duplex and triplex) apartments as allowable for infill development in areas with land use designations that would otherwise prohibit their construction. Explore amending County and municipal zoning and land use codes to reduce minimum lot sizes per unit and dwelling unit sizes.
- Action 4: Review County and municipal zoning and land use codes to address compatibility in a way that does not treat adjacent properties of different density or intensity of use as automatically incompatible. The County's Urban Redevelopment Area (URA) in central Palm Beach County provides a model of how these principles might be applied.
- Action 5: Explore amending County and municipal zoning and land use codes to permit a higher level of density, with bonus density available for projects that provide for workforce and affordable housing units. Review parking requirements to see if a lower level of parking can be justified.

Initiative Two: Expand the Developable Footprint

- Action 6: For projects containing a minimum of twenty-five percent (25%) workforce and/or affordable housing units, the County and local governments should consider an exemption to any regulatory policy within the adopted Comprehensive Plan that would prohibit a future land use application from being processed if the project results in an increase in density or intensity that would result in a roadway segment failing to operate at the adopted level of service.

Policy 3.5-d (PBC Comp Plan):

This policy shall not be applicable to the area designated as Industrial in the Urban Service Area of the Glades Tier amended by FLUA Amendment Inland Logistics Center (LGA 2010-024). This policy shall not be applicable to the Western Communities Residential Overlay. This policy shall not be applicable to the area designated as Multiple Land Use (MLU) on the southwest corner of Glades Road and 95th Avenue South, Boca Raton, as amended by FLUA Amendment Johns Glades West (LGA 2017-003) Ord. 2017- 14. **This policy shall not be applicable to projects containing a minimum of twenty-five percent (25%) workforce and/or affordable housing units.**

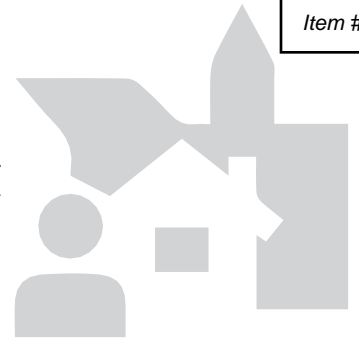
- Action 7: Explore amending the permitted land use on nonresidential properties such as shopping centers, office buildings and other commercial uses to permit high-density residential use, with additional bonus density available for projects that contain workforce or affordable housing units. This will facilitate the redevelopment of sites with obsolescent or dated physical structures and promote more mixed-use developments. Explore changing the zoning for existing non-residential properties to a mixed-use designation that would permit high density residential so that a redevelopment would only have to go through a site plan approval process.
- Action 8: Work with the County and municipalities, community development organizations and land planners to plan for possible development in The Glades. Facilitate higher residential densities for parcels of land with high development potential.
- Action 9: Undertake an inventory of publicly owned land and classify as surplus property vacant or underutilized land that might be suitable for the development of workforce and affordable housing. The County and municipalities should provide an inventory of vacant land and County property holdings with underutilized land. This land may become surplus land at a future date. The County School District and Community Redevelopment Agencies throughout the County should conduct and publish a similar inventory of vacant or underutilized land.
- Action 10: Consider expanding the applicability of the County's Workforce Housing Program to include all unincorporated areas of the County, subject to legal requirements relating to the offset of additional costs, as well as the adequacy of public facilities, particularly in Rural Service Areas. Encourage municipalities to enact workforce housing programs or require workforce housing as a condition of approval in certain market projects when a gap financing source is available.

Initiative Three: Increase the Speed of Processing Development Approvals and Permits

- Action 11: Expedite development approvals and permitting for development with a significant percentage of workforce or affordable housing units. Consider establishing a designated project team in each jurisdiction that will shepherd and expedite the project through the approval/permitting process.

- Action 12: Develop a program where, during times of increased construction activity, County and municipal applications for plan review for building permits can be processed for approval by trained and certified third-party private architectural or engineering professionals ("private providers"), to be reviewed and approved through an expedited process with municipal and County oversight at the appropriate office, department, or board. Develop a program in which building inspections could also be performed by private providers.
- Action 13: Housing advocacy and business groups should work together to support positive staff recommendations and to organize a group to advocate at public meetings for workforce and affordable housing. This will help reduce delay and uncertainty in the approval process.
- Action 14: Florida law now permits the development of affordable housing on any parcel zoned for commercial and industrial use. Palm Beach County has been granted this legislative authority under Florida Statutes, Chapter 125.01055 and all municipalities have been granted the same authority under Florida Statutes, Chapter 166.04151. All local governments are encouraged to adopt policies and procedures for processing and approving affordable and workforce housing developments consistent with this state law without any delay or hindrance. An excellent template for this proactive approach to utilizing this powerful new regulatory tool is the adopted City of West Palm Beach Resolution No. 306-22.
- Action 15: Review the issue of whether developers who receive additional density in return for providing workforce housing units under the County WHP should be required to purchase TDRs from the County for the additional density. Also review the issue of whether funds received from developers who choose to purchase TDRs from the County to obtain additional density should be used for housing purposes rather than being routed to DERM as currently occurs.
- Action 16: Local governments should consider allowing applications for large-scale future land use amendments (FLUA) involving residential projects containing workforce and/or affordable housing units to be filed quarterly, or, if not quarterly, a minimum of four (4) times per calendar year (and if four (4) times per calendar year, are further encouraged to make application filing deadlines as close to quarterly as possible). Additionally, local governments should follow Florida Statute Chapter 163.3187, as may be amended from time to time, relative to the minimum acreage threshold for small scale development amendments.

Neighborhood Revitalization & Community Development



INTRODUCTION

A necessary element of any plan for Palm Beach County to increase the supply of quality workforce and affordable housing will be a focus on the revitalization of historically disinvested neighborhoods. Many of these neighborhoods are located in the eastern part of the County in a north-south corridor that roughly parallels Interstate 95 and the FEC railroad tracks. These neighborhoods have lower incomes and a higher percentage of minority residents than other portions of the County.

There are several reasons for this focus:

- 🚗 In a county where land is increasingly scarce, these neighborhoods provide existing housing stock for rehabilitation, land for new housing, and redevelopment opportunities.
- 🚗 Physical infrastructure – roads, utilities, drainage – are already in place.
- 🚗 Their central location provides ready access to employment centers, shopping, schools and transportation.
- 🚗 Addressing the development of these communities in a comprehensive way provides the best opportunity for increasing homeownership opportunities on a significant scale.

The first step in identifying neighborhoods to target for potential reinvestment is to identify them by traditional criteria: low-income census tracts, income levels, poverty rates, crime levels, etc. The second step is prioritizing a subset of these neighborhoods for targeted public and private investment based on the level of organization in the neighborhood – neighborhood associations, nonprofit entities, churches, business associations – so that any neighborhood revitalization effort rests on a secure foundation. The third step is to determine if the local government for the jurisdiction in which the neighborhood is located is committed to investing

in physical improvements in the neighborhood. One possible approach for local governments (and as part of the implementation of the Housing Plan) is to undertake a pilot program in one or two select neighborhoods in their jurisdictions to maintain focus, effectively channel resources and measure progress and results.

Any successful neighborhood revitalization program will require private investment that will build upon public investment in multiple phases. There will need to be local government investment to upgrade community infrastructure. The School District will want to prioritize investments in schools located in targeted neighborhoods. Local law enforcement will need to work closely with the community for improvements in public safety that will create a virtuous cycle of enhanced safety and further investment.

Once neighborhoods are identified, one of the first housing priorities will be to rehabilitate and repair existing housing (interior and exterior) in these neighborhoods. Public dollars must be made available for substantial rehabilitation (defined as costs more than 50% of assessed value) and there needs to be an established network of credible contractors willing and able to undertake this work. Lighter rehabilitation, repairs and improvements will also be encouraged and eligibility for existing assistance programs will be promoted.

A major priority will be increasing the supply of new housing in disinvested neighborhoods. This will involve securing vacant land as well as creating vacant land by clearing abandoned and dilapidated housing to provide the land required to increase production of new single-family housing, small-scale duplexes, triplexes and townhomes in select areas. It will also involve redevelopment opportunities in commercial corridors for multifamily housing. A crucial component to this effort will be to increase the supply of vacant land by having municipalities and the County identify publicly owned land that can be deemed surplus for the purpose of the



development of new workforce and affordable housing. This increase in the supply of publicly owned vacant land should not be restricted to the selected neighborhoods.

Neighborhood revitalization should present promising opportunities for homeownership, especially for first-time homebuyers. A key element of the housing plan will be to encourage steps that will facilitate homeownership efforts in these neighborhoods and raise the percentage of homes occupied by principal homeowners in these neighborhoods. This section of the plan discusses several ways to facilitate home purchases.

Accomplishing the goals of this housing plan in these neighborhoods will require the commitment of local governments, businesses, lenders, neighborhood organizations, for-profit developers and nonprofit developers. One of the most effective force multipliers in increasing the scale of housing production and rehabilitation in disinvested neighborhoods will be to increase the capacity of nonprofit entities already operating in these communities.

One of the major challenges of any neighborhood revitalization effort will be to encourage reinvestment in underserved neighborhoods while trying to mitigate the displacement of existing residents who have a history in the area and would prefer to remain and reinforce positive trends in the community. This section of the plan makes specific recommendations regarding measures that are in place or that can be taken to minimize existing resident displacement. A comprehensive approach will also involve addressing the housing needs of the most low-income members of the community. Specific recommendations are advanced for forestalling evictions, preventing homelessness and increasing the supply of transitional and supportive housing.

A key element in targeting neighborhoods for revitalization will be the level of organization in the neighborhood and whether it is led by neighborhood associations, nonprofit entities, churches, local businesses, or other community organizations. This is the foundation on which any lasting neighborhood revitalization effort must build, and it is the key to a broad-based community development effort that will impact not only the particular neighborhood but also other similar neighborhoods. The organizations that are formed, the institutions that are built, and the leaders that emerge from a comprehensive community development will provide benefits that extend beyond housing and impact the quality of life in communities throughout Palm Beach County. It is hoped that the investment and activities stemming from this housing plan can serve as a catalyst not only in serving the very obvious housing needs of these communities but also can have a positive impact on the quality of life of its residents.

INITIATIVES & ACTIONS

Initiative One: Target Neighborhoods for Comprehensive Community Development

Action 1: Identify target communities defined by the County, municipalities and non-profit agencies and through the use of criteria lists developed using information from census tracts, CDGB target areas, and infrastructure needs, or other observed indicators (i.e., dilapidated housing stock, lack of sidewalks, inadequate drainage, population income below median income or poverty level, food or digital deserts, lack of green space), level of existing community organization and involvement and local government commitment to physical improvements.

Action 2: Develop a strategy, time frame and budget for neighborhood investment:

1. *Infrastructure:* Improvements can include road, curb and sidewalk paving and repairs, street lighting, storm drainage and flood control, trash removal, vacant land clearing and maintenance, tree planting and other beautification efforts.
2. *Schools:* Partner with the School District to improve schools and school grounds and develop a more effective use of its facilities in historically disinvested areas.
3. *Safety:* County and local law enforcement should work with neighborhood associations to implement a public safety strategy that will be most effective in these neighborhoods.

Action 3: Identify or strengthen neighborhood associations with existing homeowners, tenants, and business owners and other interested parties – local government leaders, nonprofit agencies, developers – to facilitate communication about planning and implementing community development. Encourage the introduction of nonprofit intermediaries such as NeighborWorks, Purpose-Built, the Enterprise Foundation or Local Initiative Support Corporation when warranted.

Initiative Two: Upgrade Existing Housing in Targeted Neighborhoods

Action 4: Working through the County and local governments, establish a program for the rehabilitation of existing housing in selected neighborhoods. Such rehab programs will be financed through County and local government funding sources. Existing rehabilitation programs, often organized through non-profit entities, should be utilized where possible. Local code enforcement officials should play a role in prioritizing selected properties for enforcement, with an emphasis on single-family homes that serve as the primary residence of the owners.

Action 5: Identify and engage absentee landlords with records of deferred maintenance and code enforcement action to bring about immediate improvements or facilitate transfer of the property. Provide accessible solutions and opportunities for education for owners and residents who may not have the knowledge or resources to correct deficiencies.

Action 6: Encourage local governments, neighborhood associations, nonprofit entities and local business leaders to identify multifamily properties for purchase and rehabilitation, including naturally occurring affordable housing (NOAH) without current deed restrictions, to preserve affordable and workforce housing.

Initiative Three: Increase New Housing Production in Targeted Neighborhoods

Action 7: Working with local governments, neighborhood associations and nonprofit entities, identify vacant lands in selected neighborhoods that can be developed for housing. Identify funding and facilitate the process of demolishing vacant blighted buildings.

Action 8: Encourage County and local governments to modify zoning regulations in disinvested neighborhoods that prevent the development of duplexes, triplexes, attached townhomes, accessory dwelling units and cottage homes that can increase density over traditional single-family housing while still maintaining an appropriate smaller scale of development.

Action 9: Promote the redevelopment of failing or vacant retail strip centers, office buildings, hotels, churches and storage centers as multifamily housing, particularly along commercial corridors that are conducive to more density in selected neighborhoods. Support local government, SBA programs and private efforts to facilitate commercial investment and establish new businesses in these neighborhoods, creating a positive dynamic in which more housing creates more commercial opportunities.

Action 10: Identify County and local government surplus land and under-utilized land that can be repurposed for the development of workforce and affordable housing.

Action 11: Encourage the County and municipalities to utilize brownfield redevelopment as an opportunity to provide affordable and workforce housing by (a) committing to efficiently process applications for brownfield redevelopment, and (b) applying for available federal and state funding to enable cleanup and brownfield redevelopment.

Initiative Four: Facilitate Homeownership Opportunities in Targeted Neighborhoods

- Action 12: Establish a short-term revolving loan fund with funds from local lenders that enables local government agencies or nonprofit entities in a particular neighborhood to become all-cash buyers of homes to facilitate resales to local first-time homebuyers.
- Action 13: Encourage use of Community Land Trusts (CLTs) to provide opportunities for home ownership at sustainably affordable prices for first-time homebuyers and lower-wage workers.
- Action 14: Improve access to first mortgage financing from regionally active lenders in underserved neighborhoods. Facilitate lender cooperation in coordinating this financing with second mortgage financing and down payment/closing cost assistance. Provide support to lenders and nonprofit organizations who provide financial counseling for prospective homebuyers and access to information regarding assistance programs.

Initiative Five: Support Nonprofit Developer Capacity to Improve Targeted Neighborhoods

- Action 15: Promote a major philanthropic initiative to increase the staffing and capacity of local non-profit developers (including those formed by housing authorities) and community land trusts to increase staffing and financial capacity so they can increase housing production and rehabilitation activities and cover predevelopment expenses from internal resources.

Initiative Six: Minimize Displacement of Existing Residents of Targeted Neighborhoods

- Action 16: Establish a program through neighborhood associations, nonprofit entities and local governments to ensure that homeowners take advantage of all available homestead exemptions and review assessments and tax bills.
- Action 17: Enhance existing County and local government programs for rental assistance to assist residents of smaller-scale rental properties at risk of displacement from rising rents in targeted neighborhoods.

Initiative Seven: Implement Housing Strategies Targeting Low- and Extremely-Low Income Individuals and Families Threatened with or Experiencing Homelessness

Action 18: Adopt and implement the key principles of Leading the Way Home: Palm Beach County's Plan to End Homelessness, especially the goal to create 2,163 permanent supportive housing units within the next ten years.

- Engage Health/Primary Care/Behavioral Health Entities in Homeless Efforts
- Expand Support Services
- Increase Access to Permanent Supportive and Other Supportive Housing
- Expand Engagement and Advocacy
- Align Funding and Investments
- Enhance Homeless System of Care

- Action 19: Engage and include interested key stakeholders in the integration of efforts with Palm Beach County's Plan to End Homelessness:
- Palm Beach County Homeless and Housing Alliance
 - Homeless Coalition of Palm Beach County
 - The Lord's Place
 - Adopt-A-Family
 - Goodwill
 - Vita Nova
 - Other effective organizations and individuals

- Action 20: The County, working with local governments and nonprofits, should establish an emergency housing relief fund to provide short-term rental assistance to enable low-income and extremely low-income households (below 50% AMI) to avoid eviction and remain housed, thereby avoiding homelessness.

Racial Equity

INTRODUCTION

Throughout Palm Beach County and Florida in general, housing inequity persists. The homeownership gap between whites and blacks is substantial, with 76 percent of whites being homeowners compared to 48 percent of blacks. Many historical factors have contributed to this, including lack of loan products for minorities, segregation, redlining, deed restrictions, and heirs' property issues. With the passage of the 1944 GI Bill, homeownership was a dream that many veterans looked forward to actualizing returning home from WWII. But that dream was deferred for approximately 1.2 million Black veterans who were denied access to the program. Even after the 1968 passage of the Fair Housing Act, Black Americans and other minorities have continued to experience housing inequalities and may never recoup that compounding generational wealth. Compounding generational losses create a chasm that requires a concerted effort to narrow. Remaining challenges include changing credit requirements, insufficient resources for down payments, housing affordability and chronic renter burden.

Those in positions of power and influence directly impact their fellow residents' lives, health, and wealth. Housing insecurity is a key aspect in the social determinants of health, and the ripple effects of housing insecurity are manifest in higher instances of health concerns,

lower literacy, greater involvement with the criminal justice system, and higher levels of unemployment or underemployment.

When decisions are made by individuals who are far removed from the issues being resolved, it can often lead to the utilization of programs that have little to no impact. As a result, issues arise that exacerbate preexisting inequities. Social determinants of health are eroded when equity is not at the forefront of every conversation surrounding workforce and affordable housing and has to be intentionally embedded into each phase, rather than being seen as a separate spoke in the wheel. To fix inequities, we have to promote equity.

OBJECTIVE

Promote equity throughout the housing policy to end systemic inequities. Work to create awareness of the problem, its origins, barriers to action, and benefits of investing in solutions to gain support for the work to be done. Demonstrate the multidimensional nature of community problems and how concerns about affordable housing can create increased community engagement, decreased criminal activity, increased literacy rates, chronic illness reduction, increased property values and county-wide economic growth and resilience.



Initiative One: Assessment of Inequality in Neighborhoods and Identification of Policies and Actions That Lead to Marginalization of Neighborhoods.

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| Action 1: | Initiate a study that includes an assessment of housing and community stability in historically disinvested areas. The focus will be on neighborhoods that were subjected to redlining, physical barriers and other practices which had a negative impact on communities. FIU is contracted by the HLC to do this study. |
| Action 2: | Measure lost generational wealth in neighborhoods subjected to redlining and other deleterious impacts such as deed restrictions as compared to neighborhoods that have been free of these historical impacts (FIU study). |
| Action 3: | FIU study will disaggregate data findings by income, race, ethnicity, gender, age, education, and occupation and determine the relationship with housing affordability. |
| Action 4: | Based on the findings of the equity assessment, develop programs that will address the identified housing funding and financing needs with an emphasis on educating residents to navigate the borrowing process. |

Initiative Two: Community Engagement

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| Action 5: | Prioritize historically disinvested neighborhoods for engagement and assessment. |
| Action 6: | Identify priority needs and challenges in these priority neighborhoods including low rates of owner-occupied units, rehabilitation/repairs, and infrastructure needs. |
| Action 7: | Develop a list of resources to address challenges including homebuyer subsidy, rehabilitation/repair/replacement funds, code enforcement strategies and legal assistance. |
| Action 8: | Provide resources for low-income households to address legal issues related to homeownership (Heirs' Property Rights, decedents being intestate). |

Initiative Three: Policy and Program Alignment

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| Action 9: | Encourage local governments to promote rental and home ownership opportunities, especially in historically disinvested neighborhoods. |
| Action 10: | Encourage the County and local governments to participate in programs that will review policies to ensure that their actions are aligned to a high degree with equity and inclusion. "Close The Gap" is a two-year program collaborating with technical experts to develop an integrated plan to assist in these efforts. West Palm Beach is currently participating in this program. |

IMPLEMENTATION AND ADMINISTRATION

Implementation and Administrative Objective

Implement a comprehensive process to identify solutions to the challenges that public and private organizations have in meeting the current and future housing needs of Palm Beach County. Actively track and promote municipal and community participation in the planning and growth of Palm Beach County.

Introduction

The Palm Beach County Housing Plan is an Action Plan. The recommendations of the plan must be accompanied by advocacy of those recommendations, and a process to measure the metrics that are a part of those recommendations. Without a process for implementing and administering the Housing Plan, it is unlikely that the goals of the Housing Plan will be realized. We propose that the Housing Steering Committee and its Housing Core Groups continue to provide oversight and guidance. We further propose that the Housing Leadership Council of Palm Beach County ("HLC") be given the task of (i) establishing committees and working groups, from members of the Housing Steering Committee and other stakeholders, to advocate for the County, municipalities, lenders, employers and others to adopt the recommendations of the County Housing Plan, and (ii) monitor and provide periodic status reports on the progress that is being made toward the goals of the Housing Plan.

Actions:

A. Implementation — Funding and Financing Recommendations

1. Create a political action committee through The Economic Council and work with the HLC and the Economic Council to advocate for issuance of general obligation bonds and approval of referendum.

Note: This was accomplished.

2. Bond Issue and other funding sources that are funded by Palm Beach County will be administered by the Palm Beach County Department of Housing and Economic Development (DHED) to develop RFPs and applications for funding, criteria for evaluating proposals and procedures for disbursement of funds consistent with the recommendations in the Funding and Financing section of the County Housing Plan.

3. For non-bond funding sources, the Housing Steering Committee will evaluate and make recommendations to the County regarding what an appropriate municipal contribution should be for housing developed in that municipality.

4. Funding sources either funded by municipalities or administered by municipalities (including CRAs): Each municipality to develop RFPs and applications for funding, criteria for evaluating proposals and procedures for disbursement of funds consistent with the recommendations in the Funding and Financing section of the County Housing Plan.

5. Palm Beach County Planning and Zoning Department to continue to administer the WHP / Inclusionary Zoning Program consistent with the recommendations in the Funding and Financing section of the County Housing Plan.

B. Implementation — Planning and Regulatory Reform Recommendations

1. Best Practices - The Planning and Regulatory Core Group of the Housing Steering Committee will develop a series of "best practices" to best implement the recommendations of the Planning and Regulatory Reform section of the Housing Plan.
2. Form a subcommittee for each of the 15 largest municipalities in the County to advocate for the recommendations in the Planning and Regulatory Reform section of the Housing Plan. These committees will be created by the HLC and will consist of local residents, stakeholders, planning professionals, representatives of Palm Beach County, Housing Steering Committee members and, where possible, staff and/or elected officials of each municipality.

C. Implementation — Neighborhood Revitalization and Community Development Recommendations

1. The Neighborhood Revitalization and Community Development Core Group of the Housing Steering will (a) develop a methodology for identifying the specific communities where the County Housing Plan will initially focus its efforts, based on the criteria set forth in the Neighborhood Revitalization and Community Development section of the Housing Plan, and (b) use that methodology to identify those specific communities.
2. For each community, the HLC will identify and engage one or more community leaders to head up a committee of diverse membership (which hopefully will include elected officials and/or government staff) to (a) advocate to government the recommendations of the Neighborhood Revitalization and Community Development section of the Housing Plan that

can be implemented by government, (b) work with the HLC to identify and advocate to non-governments the recommendations of the Neighborhood Revitalization and Community Development section of the Housing Plan that can be implemented by non-governments, and (c) establish public-private partnerships where a combination of government and non-government entities are required,

D. Implementation – Racial Equity Recommendations

1. Conduct a voluntary base line assessment of community-based organizations that serve the priority areas to identify community trust and concerns in order to measure future improvement from the Housing Plan implementation.
2. Provide ongoing public engagement, accessible in multiple languages, to create trust and transparency for the Housing Plan implementation.

E. Administration - Appointment of one County employee responsible for oversight and administration of all of the County's affordable and workforce housing programs. Major municipalities should consider taking similar action.

1. The HLC to establish a program to monitor progress and specific benchmarks.
2. The HLC to regularly monitor and evaluate the Housing Plan and implementation to ensure that the objectives are met.
3. The HLC and Housing Steering Committee to recruit stakeholder membership in committees and subcommittees.
4. The HLC to monitor progress on specific actions recommended by the Housing Plan.

5. The HLC to provide annual report on progress and success stories.

6. The HLC to produce workshops and information sessions to counter unfounded neighborhood objections to affordable and workforce housing.

7. The HLC to create and maintain a website that promotes affordable and workforce housing and tells success stories.

8. The HLC to provide community-wide outreach to explain the Housing Plan and how it benefits the community.

9. The HLC to organize groups to appear in support of affordable and workforce housing developments that are recommended for approval by County or municipal staff.

10. County to create and maintain a portal to serve as an information source on the location and availability of affordable and workforce housing units in the entire County, not just the unincorporated areas. Municipalities to assist by providing data to the County.

F. Funding of Implementation and Administration of Plan

1. Develop a community philanthropic initiative to provide funding to compensate the HLC for the staff required for the services it will provide.



APPENDICES

A. Credits

PALM BEACH COUNTY HOUSING STEERING COMMITTEE

MORRIS G. "SKIP" MILLER,
PBC HOUSING STEERING COMMITTEE CHAIR

STEERING COMMITTEEPARTICIPANTS

Carlos Alleyne	Joel Engelhardt	Lisa King	F. Martin Perry
Sammy Alzofon	Shirley Erazo	Jim Knight	Shelly Petrolia
Jesse Bailey	Jonathan Evans	Taniel Koushakjian	Amy Pettway
Verdenia Baker	Mary Evans	Jan Kranich	Sergio Piedra
Cheryl Banks	Terri Ferguson	Ezra Krieg	Tatiana Pumphrey
Mary Lou Bedford	Jennifer Ferriol	Parisa Hamzetaash	Amanda Radigan
Jim Bell	Kara Ferris	Margaret LaCalle	Daniel Ramos
Maria Bello	Pat Fitzgerald	Gonzalo La Cava	Beth Rappaport
Juanita Bernal	Lois Frankel	Cindee LaCourse-Blum	Kevin Ratterree
Mack Bernard	Patrick Franklin	Tom Lanahan	Chuck Ridley
Derrick Berry	Gionni Gallier	Lori LaVerriere	Mercedes Rodas
Katrina Blackmon	Maxine Gayle	Marcus Laws	Myrna Rosoff
Jodie Boisvert	George Gentile	Wesley Ledesma	Barbara Roth
Julie Botel	Lesley George	Austin Lee	Michael Rumpf
David Brandt	Anne Gerwig	Matthew Leger	Janice Rutan
Jonathan B. Brown	Dodi Glas	Rachelle Litt	Patrick Rutter
Sherry Brown	Kim Glas-Castro	Joseph F. Lo Bello	Sal Saldaña
Fabiola Brumley	Craig Glover	Rocio Lopez	Christian Santa
Teesha Buddle	Felicia Goldstein	Jim Lyons	Mary Savage-Dunham
Debra Buff	Josephine Gon	Karen Lythgoe	Martin Schneider
Donald Burgess	Sam Goodstein	Domenick V. Macri, Sr.	Carlos R. Serrano
Charlotte Burnett	Emily E. Gorman	Denise Malone	Brian Seymour
Layren Calvo	Dorothy Gravelin	Sergio A. Mariaca	Caroline Shamsi-Basha
Leondrae Camel	Scott Hansel	Marsha Martino	Joyell Shaw
Aimee Carlson	Ryan Harding	Lindsay Mason	Joann Skaria
Natalie Carron	Omari Hardy	Chrystal Mathews	Kelly Smallridge
Tracy Caruso	Ross Harness	Hanna Matras	Carlton S. Smith
Genessa Casanova	Melinda Harstad	Teresa McClurg	Katy Smith
Rose Cesar	Don Hearing	Andrea McCue	Crystal Spears
Lynda Charles	Stephanie Heidt	Tammy McDonald	Adam Temple
Whitney Cherner	Daryl Houston	Arthur Menor	Ken Thomas
Phyllis Choy	Sherry Howard	Sharon Merchant	Jennifer C. Thomason
Irwin Cineus	Michael Howe	Andrew Meyer	Christine Tibbs
Shereena Coleman	Isaac Hoyos	Dorrit Miller	Wendy Tippet
Matthew V. Constantine	Woody Hughes	Willie A. Miller, Jr.	Lori Vinikoor
Caitlin Copeland	Michele Jacobs	Sheri Montgomery	Whitney Cunningham Walker
Tim Coppage	Renée A. Jadusingh	Jennifer Morton	William Waters
Jodi Cross	Enith Jaimes	Melissa Murray	Michael Weiner
Julia Dattolo	Annetta Jenkins	Terri Murray	John "Jack" F. Weir
Tiffany David	Dorina L. Jenkins-Gaskin	Tequisha Myles	Tim Wheat
Simone Davidson	Kurt Jetta	Lisa Nisenson	Marlon White
Michelle DePoter	Elliott Johnson	Linda Odum	Steve Wilson
Jonathan Dolphus	Markeisha Johnson	Michael Odum	Anna Yeskey
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Wendy Tippet
Director of Human Services and Community Action, Community Services Department

Resource: Ned Murray, Ph.D., AICP

"Palm Beach County Affordable Housing Needs Assessment, February 2021"

April 14 2021: Financing

Sandra Veszi Einhorn, Executive Director, Coordinating Council of Broward

"Broward County's Housing Plan: Advocacy, Housing Policies, Addressing the Affordable Housing Shortage, Creation of the Affordable Housing Coalition in 2016"

Tim Wheat, Regional Vice President, Pinnacle Housing Group

"How Deals are Made; Obstacles to Building More Affordable Housing in Palm Beach County"

May 12, 2021: Planning & Regulatory Barriers

George Gentile, Senior Partner, Gentile Glas Holloway O'Mahoney & Associates, Inc.

"Regulatory Process Differences That Make It Difficult to Work in Workforce Housing or Housing That Will Meet the Needs of Essential PBC Workers"

Don Hearing, Principal, Coteleur & Hearing

"Easier Ways to Develop Affordable/ Workforce Housing"

Michael Howe, Senior Planner, Palm Beach County Planning Division

"Workforce Housing Program: Description and Explanation of the County's Inclusionary Zoning Program"

Kevin Ratterree, Vice President, GL Homes of Florida

"Land Use Changes, Rezoning & Density Bonuses"

John "Jack" F. Weir, Principal and President, Eastwind Development, LLC

"Zoning from a Multifamily Perspective"

June 9, 2021: Neighborhood Revitalization

Armando Fana, Assistant City Administrator, City of West Palm Beach

"Factors Impacting Neighborhood Revitalization For All Citizens And Income Levels: Market Forces, Zoning Practices And Rules, Political Will, Nimbyism"

Hugh Morris, Manager, Community Development and Growth, National Association of Realtors

"Strategies for Density & Housing"

Ralph Stone, Executive Director of the Housing Finance Authority of Broward County

"Neighborhood Revitalization in Broward County and Clearwater, FL"

July 14 2021: Understanding Racial Equity

Barbara Cheives, President and CEO, CONVERGE and Associates Consulting

"Understanding the History of Racial Equity in Palm Beach County"

John Sapora, Disaster Recovery and Resiliency Manager, Jacksonville Office of Local Initiative Support Corporation

"Appraisal Gap Issues, Initiatives of the Local Initiative Support Corporation, National Funder Interest"

Kristopher Smith, Community Development Officer, Jacksonville Office of Local Initiative Support Corporation

"Appraisal Gap Issues, Initiatives of the Local Initiative Support Corporation, National Funder Interest"

August 11, 2021: Bond Financing

David Brandt, Executive Director, Housing Finance Authority of Palm Beach County Moderator

Clarence Brown, Division Director, Community and Housing Management, Miami-Dade County

"How The Surtax Program Has Been Used as a Funding Source for Affordable Housing In Miami-Dade County"

Jonathan B. Brown, Director, Palm Beach County Housing and Economic Development

"Update on County COVID Funding"

Morris G. "Skip" Miller, Partner, Greenspoon Marder

"Public Funding and Direct Revenues and Expenditures on the Part of Palm Beach County"

John F. "Jack" Weir, Principal and President, Eastwind Development, LLC "Workforce multi-family rental (60%-140% AMI)"

Larry Zabik, Founder, Zabik & Associates "Owner Occupied Single Family and Condominium/Townhouse: Affordable and Workforce"

Debbie Zommeraand, Financial Advisor to the Broward County Housing Finance Authority

"Affordable Multi-family with 4% Federal Low-Income Housing Tax Credit (up to 60% of AMI)"

September 9, 2021: Planning & Regulatory Barriers

Ana Maria Aponte, AICP, LEED AP, City Urban Designer, City of West Palm Beach

"The Density Incentive Program Recently Incorporated In The City Of West Palm Beach"

Patricia Behn, Planning Director, Palm Beach County Planning Division

"What Palm Beach County Is Doing To Promote Affordable And Workforce Housing From A Planning And Zoning Perspective"

Bryan Davis, Principal Planner, Palm Beach County Planning Division

"Overview of Palm Beach County's Urban Redevelopment Area concepts, the recent Southport project approved in the area, and the work that County Planning staff has recently begun on updating the density concepts in the Comprehensive Plan"

Ralph Stone, Executive Director, Housing Finance Authority of Broward County

"Broward County's Recently Enacted Ordinance That Gives Commercially Zoned Property a Dual Underlying Multi-Family Housing Zoning Designation"

October 13, 2021: Neighborhood/Community Revitalization

Shirley Erazo, President/CEO, Delray Beach Housing Authority and Delray Housing Group, Inc.

"The Role of Housing Authorities in Community Revitalization"

Renée A. Jadusingh, Executive Director, Delray Beach Community Redevelopment Agency

"The Role Of CRAs In Community Revitalization"

Annetta Jenkins, Director of Neighborhood Services, Riviera Beach CRA; Executive Director, Riviera Beach CDC Moderator

Terri Murray, Executive Director, Neighborhood Renaissance

"Neighborhood Revitalization From the Ground Up: Coleman Park"

Linda Odum, Executive Director, West Palm Beach Housing Authority

"The Role of Housing Authorities in Community Revitalization"

B. Making of This Plan

This Plan was built on the findings on the 2021 Palm Beach County Housing Needs Assessment, conducted by the Jorge M. Perez Metropolitan Center.

The published document can be found at the following link: <https://www.hlcpcb.org/housing-resources/research-and-reports/palm-beach-county-affordable-housing-needs-assessment/>

CREATING THE COUNTY HOUSING – HOUSING FOR ALL

Armed with this irrefutable data making it clear that Palm Beach County does indeed have a severe shortage of affordable and workforce housing, the Housing Summit Steering Committee “morphed” into the Housing Steering Committee and took on the task of developing a County Housing Plan that, if followed, would go a long way toward alleviating that shortage.

The Housing Steering Committee set up four “Housing Core Groups,” to review and make recommendations in the following areas:

1. Funding and Financing;
2. Planning and Regulatory Reform;
3. Neighborhood Revitalization and Community Development; and
4. Racial Equity

The Core Groups first made monthly presentations over a period of approximately 12 months to the Housing Steering Committee in a series of Zoom meetings designed to educate the Housing Steering Committee about what steps other communities were taking to increase the availability of affordable and workforce housing. Those meetings were open to the general public and were also attended by stakeholders and others interested in seeing how the issue was being addressed. A number of those who attended those meetings would up being added to the Housing Steering Committee and the Housing Core Groups.

At the conclusion of the monthly educational presentations each of the Housing Core Groups drafted an outline of its recommendations, followed up by specific action items. These outlines and specific action items were reviewed by the entire Housing Steering Committee and are reflected in the County Housing Plan that is now being presented.

The Palm Beach County Housing Plan is the next step in a process that began five years ago. For this Plan to be successful, the recommendations of the Plan must be implemented, which will require the combined efforts of local government, the business community, lenders and other funders, developers and builders and the non-profit community. Everyone in our community deserves safe and affordable shelter, even if providing so may require financial and other sacrifices.

The Palm Beach County Housing Plan would not be possible without the contributions of literally dozens of individuals. See Appendix A for those who contributed to the development of the Plan.

C. Bond Proceeds Allocation Process Recommendations

Item # 5.

The Palm Beach County Housing Bond Allocation Process will be governed by the General Guidelines and Funding Criteria and Process approved by the Board of County Commissioners on October 3, 2023, which is included herein.

Palm Beach County

Housing Bond Allocation Process

October 3, 2023

1. GENERAL GUIDELINES (as approved by the voters)

A) Background

On June 21, 2022, Palm Beach County Board of Commissioner (BCC), by Resolution R-2022-0626 approved the issuance of \$200 million General Obligation (GO) taxable bond for the purpose of financing all or a portion of the costs of increasing workforce and affordable housing in Palm Beach County and calling for a bond referendum which was approved by voters of Palm Beach County on November 8, 2022.

B) Bond Program (Exhibit A of the Bond Referendum)

Workforce and Affordable housing units will consist of the acquisition, construction and equipping of the following:

- **Condominiums:** a for-sale housing type characterized by multiple attached housing units within a single structure or multiple structures where housing units are individually owned and common areas are under joint ownership.
 - **Multi-family Rental Units:** a rental housing type characterized by multiple attached housing units within a single structure or multiple structures under singular ownership, where individual housing units are rented to tenants through leasehold agreements.
 - **Single-family homes:** a for-sale housing type characterized by one single detached housing unit per structure and property under individual ownership.
 - **Townhomes:** a for-sale housing type characterized by two to four attached multi-story units per structure where housing units are individually owned and common areas are under joint ownership.
- Projects can be mixed-income and mixed-use; however, bond financing will only be available for the eligible housing units that meet the County requirements.

C) Project Financing

Projects may be financed combining public and/or private funding sources.

D) Definitions

- **Mixed-income** means projects that provide housing for households whose income range could qualify as affordable, workforce and market rate.
- **Mixed-use** means projects that have residential and non-residential components.
- **Affordable housing** means housing that is affordable to households whose income does not exceed 80% of the Area Median Income (AMI) Using the FY 2022 AMI chart, for a household of 4, the maximum income is \$73,600, subject to annual adjustment.
- **Workforce housing** means housing that is affordable to households whose income is between 60% AMI and 140% AMI. Using the workforce housing chart for 2022, the eligible household income must be between \$54,180 – \$126,420, subject to annual adjustment.

E) Bond Issuance

- 1) Required Board of County Commissioners (BCC) authorization and voter approval of \$200 million General Obligation (GO) housing bond
- 2) Bonds can be issued all at once or in tranches
- 3) Taxable bond issuance has a 20-year term

F) Allocation Process

- 1) Request for Proposals for developers will be issued by the County and will award loans through a competitive process for countywide development projects.
- 2) Bonds will fund loans for permanent financing for multi-family rental projects and loans for construction financing for homeownership/for-sale units.
- 3) Awards subject to be reclaimed, if the project has not begun construction within one year of final BCC approval.
- 4) All awards must be approved by the Board of County Commissioners.

G) Compliance and Monitoring

- 1) Projects must provide annual financial reports prepared by Certified Public Accountant.
- 2) Report of the utilization of restricted units by project must be submitted to the County, as required.
- 3) Projects subject to review by Palm Beach County Office of the Inspector General and the Palm Beach County Internal Auditor.
- 4) Compliance reviews will be conducted by the County.

2. FUNDING CRITERIA AND PROCESS (approved by the BCC on October 3, 2023)

The BCC maintains the right to modify the following sections of the Bond Allocation Criteria Process at any time.

A) PROJECT REQUIREMENTS

- 1) Housing units (rental and for-sale) constructed with bond proceeds shall be identified as “County Assisted” Housing Units.
 - a) At least 50% of the County-Assisted homeowner (for-sale) units shall serve households with incomes no greater than 120% AMI.
 - b) The minimum number of County Bond funded units created in any multi-family rental project is based on whether a project has a municipal development order mandating the creation of affordable and/or workforce housing units. Units created as part of another local government obligation are not eligible for Bond proceeds. In order to be eligible to receive Bond proceeds, the project must meet one of the following criteria:
 - i. For projects that do not have any other local government obligation to create affordable or workforce housing units, the greater of ten (10) units or ten percent (10%) of the total project units must be created to apply for Bond proceeds.
 - ii. For projects that have other local government obligation to create affordable or workforce housing units, all Bond funded units must be in addition to those units created by the other local government obligation. There is no minimum requirement for the number of additional Bond funded units.
 - c) For projects located within a municipality, the municipality shall provide funding or another form of assistance (i.e. expedited permitting, land donation, fee waiver, etc.) to the bond-financed project developed within its jurisdiction. Developers must ensure the project meets municipal requirements associated with the proposed expedited permitting or other forms of assistance.
- 2) All for-sale units constructed in whole or in part with bond financing, must be sold to individuals or families who are income certified and approved by the Department of Housing & Economic Development (DHED).
- 3) Maximum sales price and resale provisions will follow the requirements approved by the County. Principal, interest, tax and insurance payment (PITI), as well as the condominium and/or homeowners association fees cannot exceed the maximum debt-to-income ratio limits the County will establish.
- 4) Bond funds cannot be used for housing units that serve to meet a Palm Beach County Workforce Housing Program (WHP) obligation, including the use of the Exchange Option or a municipal obligation resulting from a development approval process. However, bond funds may assist other housing units within a project that are **additional** to those units serving the WHP obligation / Exchange Option or municipal obligation.
- 5) Principal owners involved in housing projects must be compliant with housing agreements issued by the State of Florida, as well as counties and municipalities within the State, or unless otherwise approved by the County.

B) Disbursements, Loan Terms and Repayments

- 1) Disbursements from bond proceeds / loan funds will be paid out to a project based on construction draw process or a cost reimbursement process. The use of a construction draw or cost reimbursement process must be approved by the County.
- 2) Project Surety
Bond funded projects will require a Payment and Performance Bond or Letter of Credit.
- 3) Rental Units
 - a) Projects providing **workforce housing units** will have a loan term up to 20 years, with interest rates ranging from 1% – 3% (the range of interest rates is subject to change), and a fully amortized loan for the full term. Each proposal submitted should have a minimum Debt Service Coverage Ratio, which will be established as part of the RFP process. Loans may be fully amortizing or may be interest only during the first 10-years of the loan.
 - b) Projects awarded to for-profit developers providing **affordable housing units** will have a loan term up to 20 years with an interest rate of 1.0%. Projects awarded to non-profit developers will have a loan term up to 20 years with an interest rate of 0%. Loans may be fully amortizing or may be interest only during the first 10-years of the loan. Loans may also have an option for a longer amortization, with a final balloon payment at the end of the 20-year term. Payment of loan debt service is subject to available cash flow. Cash flow is defined as project cash flow from rental income and other income generated by the Project, less (i) all sums due or currently required to be paid under the documents executed in connection with the senior loans, including, without limitation, debt service payment on senior loans, project reserves, and (ii) operating expenses, including any deferred developer fees, as specifically defined in the loan agreement. A certification of Project income and expenses, certified by an independent Certified Public Accountant, will be provided annually to the County for use in County's sole discretion to determine net cash flow and the payments due hereunder. All unpaid principal and interest is due at loan maturity. Each proposal submitted should have a minimum Debt Service Coverage Ratio, which will be established as part of the RFP process.
- 4) For-Sale Units
 - a) All for-sale projects will have a construction loan with a term up to 3 years, and an interest rate of 1.0% with repayment upon sale of the units. For-sale projects awarded to non-profit developers will have a loan term up to 3 years with an interest rate of 0%, and repayment due upon sale of the units.

- b) Sale price for all for-sale units shall not exceed sales prices as defined by Palm Beach County's Workforce Housing Program and amended from time to time.

C) Deed Restriction and Period of Affordability

1) Rental Units

- a) Minimum affordability period (i.e. the length of time the units will be deed restricted) will be no less than 30 years. The affordability period will commence once occupancy is documented for the final bond assisted unit. Should other project development funding sources require an affordability period longer than 30 years; the County's deed restriction for affordability will match the longest required period. Buyout, reduction or removal of affordability restrictions will not be permitted.
- b) Maximum rents / rent limits for the County-assisted multi-family units cannot exceed the approved multi-family rental rates issued by Florida Housing Finance Corporation, as adjusted by Palm Beach County for the applicable income tier and housing unit size.

2) For-Sale Units

- a) All for-sale units developed with bond financing will have deed restrictions with a minimum affordability period of 15 year recurring, starting upon sale of the unit to the homeowner. Buyout, reduction or removal of restrictions or requirements will not be permitted.

D) Re- Sale Requirements

1) Rental Units

- a) If the project development is sold, or 50% (aggregate) or more of the ownership changes to a non-affiliated entity, the loan must be satisfied, and the deed restriction will remain in place until the end of the affordability period. This excludes non-affiliated ownership changes where the Low-Income Housing Tax Credit (LIHTC) syndicator / investor changes. If there is an assignment by a general partner or managing member of its ownership interest to another entity which was a project partner at closing of the County Loan, the County will review and evaluate the change in ownership to see what amount of the bond loan, if any, should be repaid.
- b) The County shall be given a 60-day notice of intent to sell (by certified mail) when a project, funded in whole or in part with bond funds, is being sold, or 50% (aggregate) or more of the ownership changes to a non-affiliated entity.

2) For-Sale Units

The County shall be given a 60-day notice of intent to sell (by certified mail) when any of the Bond funded for-sale housing units are being re-sold during the period of affordability. The County shall retain the first right of refusal to purchase the home at the approved sales price or identify an eligible buyer to purchase the home at the approved price. DHED must approve the eligibility of all buyers prior to re-sale.

E) Project Selection and Loan Award

- 1) Responsiveness review and evaluation of proposals will be conducted by DHED.
- 2) A Selection Committee comprising of County staff will review applications and recommend projects to be funded by the Board of County Commissioners for conceptual approval.
- 3) All conceptually-approved projects will undergo third party credit underwriting and if successful, funding award will be presented to the Board of County Commissioners for final approval. DHED may also assist with the underwriting of proposals.

F) Credit Underwriting and Cost Certification

- 1) Projects will undergo credit underwriting to assess (in part) the credit worthiness of the developer, right sizing of State/County/Municipal funding and the viability of the project.
- 2) Costs associated with credit underwriting will be paid for by the developer and third party credit underwriters will be procured by the County.
- 3) In instances where non-County funding for projects require credit underwriting, unified credit underwriting will be considered on a case-by-case basis.
- 4) A Third Party cost certification must be submitted by the developer and approved by DHED on all Bond funded for-sale units, prior to the start of construction.

G) Compliance and Monitoring Report

- 1) Annual audited financial statements will be required from developers regarding projects funded with County bond financing, with the first audit period to correspond with the first year after the project has received its certificate of occupancy (CO).
- 2) Project owners must submit a compliance report on the utilization of restricted units by project to the County on an annual basis or upon request. The County or a third-party monitor will conduct periodic monitoring of projects for compliance with all programmatic requirements, including physical inspections and property management review.
- 3) Annual monitoring fee for rental projects will be \$2,500 (or as amended).

H) Ranking / Scoring Criteria (may include, but not be limited to the following)

- 1) Rental Unit Projects
 - a) Qualifications and Experience
 - b) Readiness to Proceed / Project Schedule
 - c) Leveraging
 - d) Very-low Income Targeting (50% AMI and below units for affordable housing projects)
 - e) Quality of Proposed Project
 - f) Financial Viability

- g) Rental Affordability
- h) Green Building and Sustainability
- i) Percentage of affordable/workforce housing units
- 2) For Sale Unit Projects
 - a) Qualifications and Experience
 - b) Readiness to Proceed / Project Schedule
 - c) Financial Viability
 - d) Leveraging
 - e) Quality of Proposed Project

l) Tenant/Homebuyer qualification

Housing units developed with bond proceeds should ensure rental and ownership policies take into consideration extenuating / extraordinary circumstances and do not impose non-industry standard barriers to occupancy or ownership when assisting low-to-moderate income households. For example, if an individual/family lost their home or was evicted due to a loss of household income related to the COVID-19 pandemic (*or an economic condition recognized by the County*), an eviction or foreclosure on their credit report should not be the sole reason to deny them an opportunity for housing.

AHC (Affordable Housing Collaborative) of Palm Beach County: The AHC is a group of housing stakeholders that meet on a monthly basis to discuss topics and issues relevant to affordable housing. Members include non-profits, counseling agencies, lenders, real estate professionals, attorneys, municipal staff and many others. The group meets the third Wednesday of every month at 12:30, usually at the Children's Services Council. The AHC is all volunteer but has a contract with HLC (Housing Leadership Council) to provide administrative functions including managing the membership list, sending meeting notices and other administrative tasks.

AMI (Area Median Income): The median divides the income distribution into two equal parts: one-half of the cases falling below the median income and one-half above the median. HUD uses the median income for families in metropolitan and non-metropolitan areas to calculate income limits for eligibility in a variety of housing programs. HUD estimates the median family income for an area in the current year and adjusts that amount for different family sizes so that family incomes may be expressed as a percentage of the area median income.

Annual Action Plan: The annual plan submitted by entitlement municipalities that outlines the programs and activities funded through the U.S. Department of Housing and Urban Development (HUD).

CAH (Commission on Affordable Housing): A local advisory board to the Palm Beach County Commission on affordable housing issues, especially involving SHIP funding.

CDC (Community Development Organization): A CDC is usually a local, non-profit entity organized to address long-term community revitalization by building affordable housing, assisting or starting small businesses, and creating jobs.

CDBG (Community Development Block Grant): A pass-through HUD program that allocates funding to "entitlement cities and counties," as well as states for smaller cities and rural areas, on a formula basis; funds can be used for a variety of affordable housing, economic development, infrastructure and other projects.

CFR (Code of Federal Regulations): The rules and requirements published by administrative agencies and departments, like HUD, the Dept. of Education, and the like.

CHDO (Community Housing Development Organization): Under the HOME Program, a CHDO is a private, non-profit, 501(c)(3) tax exempt organization that has, among its purposes, the provision of decent, affordable housing to low- and moderate-income persons.

CLT (Community Land Trust): A community land trust is a private non-profit corporation created to acquire and hold land for the benefit of a community and provide secure affordable access to land and housing for community residents. In particular, CLTs attempt to meet the needs of residents least served by the prevailing market.

CoC (Continuum of Care): Authorized under the several "McKinney Act" Programs administered by HUD, Continuum of Care funds are allocated at the local level by regional "Continuum of Care" agencies (see "LAHSA" below) to provide an array of services to the homeless.

Consolidated Plan: A plan developed by a local government which describes the needs, resources, priorities, and proposed activities to be undertaken with funds provided under various federal programs. A consolidated plan is required for all participating jurisdictions.

Cost-Burdened: Policymakers and advocates consider a household cost burdened if more than 30% of their income goes towards housing costs. Being housing cost burdened is an indicator that a household may be unable to afford other critical and nondiscretionary costs such as health and childcare, food, and transportation.

Displacement: Displacement occurs when residents can no longer afford to remain in their homes due to rising housing costs. Residents may also be forced out by lease non-renewals, evictions, eminent domain, or physical conditions that render homes uninhabitable as investors await redevelopment opportunities. While displacement occurs routinely in low-income neighborhoods, when it occurs in the context of new development and an influx of wealthier residents, the displacement becomes a characteristic of gentrification.

FHFC (Florida Housing Finance Corporation): The FHFC's mission is as follows: (1) finance affordable housing for very low-, low-, and moderate-income people; and (2) to stimulate the home building industry. The FHFC obtains funds through program revenues and by issuing bonds that are secured by mortgages taken in exchange for the FHFC's loans. The FHFC also receives appropriations of federal grants and tax credits as well as Sadowski Act documentary stamp tax revenues to finance affordable single- and multi-family housing to be occupied by very low-, low-, and moderate-income persons.

FHA: Federal Housing Administration: A sub-organization of HUD, the FHA "provides mortgage insurance on loans made by FHA-approved lenders throughout the United States and its territories." In effect, it often subsidizes housing purchases and building.

FMR (Fair Market Rent): The maximum chargeable gross rent in an area for projects participating in the HUD Section 8 program. Determined by HUD.

Gentrification: Gentrification is the process that occurs when more public and private investment is made in a neighborhood. This often changes the character of a neighborhood through the influx of higher income residents and new businesses. Gentrification often increases the economic value of a neighborhood, but it can result in displacement of existing residents and businesses. Gentrification often shifts a neighborhood's racial or ethnic composition and increases average household income.

HED (Housing and Economic Development): Palm Beach Housing and Economic Development administers local housing programs.

HECM (Home Equity Conversion Loan): This is also known as a reverse mortgage. This product is used by seniors who need access to the equity in their home.

HFA: Palm Beach County Housing Finance Authority is a dependent special district of Palm Beach County, and the seven members of the Housing Finance Authority are appointed by the Board of County Commissioners. It is a self-supporting entity and receives no federal, state or local funding.

HOME (HOME Investment Partnerships Program): HOME funds are allocated on a needs-based formula to state and local governments designated participating jurisdictions (PJs) and require non-federal match of HOME dollars. The Florida Housing Finance Corporation (FHFC) administers the state's HOME program.

HUD (U.S. Department of Housing and Urban Development): The department within the federal government that is mandated by Congress to create conditions for every family to have decent and affordable housing, to ensure equal housing opportunities for all, and to strengthen and enrich the nation's communities.

IZ (Inclusionary Zoning): Mandatory programs require developers to build affordable units in exchange for development rights (e.g., additional density). Voluntary programs rely on incentives to encourage developments to "opt-in."

LIHTC (Low Income Housing Tax Credit): A competitive federal program administered by the state which grants income tax credit to developers who build or substantially rehabilitate affordable rental housing. The tax credits are used to raise project equity.

Leveraging: Using a small amount of funds to attract other funds, including loans, grants and equity investments. The premise of leveraging is to use public dollars in conjunction with private dollars to increase the number of affordable housing units.

Loan Guarantees: A pledge by a third party that, in case of default by the borrower, promises to repay all or a portion of the borrowed amount. State and local governments and non-profit intermediaries are often sources of loan guarantees, with the Federal Housing Administration (FHA) being one of the most well-known.

Low-Income Person or Household: A person or household whose annual (gross) income does not exceed 80 percent of the area median income, as determined by HUD, with adjustments for smaller and larger families.

LHAP (Local Housing Assistance Plan): Plans that outline local housing priorities and initiatives through the State Housing Initiatives Partnership (SHIP) Program.

LTV (Loan to Value): The LTV ratio expresses the ratio of the first mortgage lien as a percentage of the total appraised value of the real property.

Market Value: The price a property would sell for in a competitive market when there has been a normal offering time, no coercion, arms-length bargaining, typical financing, and informed buyer and sellers.

Moderate-Income Person or Household: A person or household whose annual (gross) income does not exceed 120 percent of the area median income, as determined by HUD, with adjustments for smaller and larger families.

MRB (Mortgage Revenue Bonds): State and local housing finance agencies (HFAs) sell tax-exempt bonds and use the money that is raised to lend to first-time homebuyers. Because buyers of these bonds accept a lower rate of return on their investment than if the bonds were taxable, HFAs can lend proceeds to the homebuyers at interest rates below conventional mortgage rates.

MOA (Memorandum of Agreement): A memorandum of agreement (MOA) or cooperative agreement is a document written between parties to cooperatively work together on an agreed upon project or meet an agreed upon objective. The purpose of an MOA is to have a written understanding of the agreement between parties. The MOA can also be a legal document that is binding and hold the parties responsible to their commitment or just a partnership agreement.

MOU (Memorandum of Understanding): Similar to Memorandum of Agreement. The MOU can also be a legal document that is binding and hold the parties responsible to their commitment or just a partnership agreement.

MLS (Multiple Listing Service): A computer-based service that provides real estate professionals with detailed listings of most homes currently on the market. Much of the information can now be obtained by the public through websites like www.realtor.com.

NIMBY (Not in My Backyard): The term is used to describe a new development's opposition by residents in its vicinity. The new project being opposed is generally considered a benefit for many but has negative side-effects on its close surroundings. As a result, residents nearby the immediate location would consider it undesirable and would generally prefer the building to be "elsewhere".

NOFA: Notice of Funding Availability: This is synonymous with "RFP" and means a document issued by a funder to solicit proposals.

NSP: Neighborhood Stabilization Program. Funded through ARRA (Economic Stimulus package in 2009). There were three funding cycles - NSP1, NSP2 and NSP3. Programs have wrapped up but there is still program income from many programs.

PHA (Public Housing Authority): A Public Housing Authority is responsible for the management and operation of its local public housing program. They may also operate other types of housing programs, including Section 8 subsidies.

PJ (Participating Jurisdiction): Can be a housing authority or a municipality

PITI: Principal, Interest, Taxes & Insurance payments to determine a total housing payment.

PMI (Private Mortgage Insurance): Coverage that, in instances of default, guarantees a lender the partial payment of an outstanding loan balance. Traditionally, lenders require PMI in instances where the loan to value ratio is higher than 80 percent, however, lenders have been known to waive this requirement under their affordable housing programs.

Pro Forma: Projected annual income and expenses for a rental development for a given period (usually 15 years).

RFA (Request for Funding Assistance): This is synonymous with "RFP" and means a document issued by a funder to solicit proposals.

RFP (Request for Proposals): This is the basic acronym used to describe documents that offer guidelines for grant funding.

RFQ (Request for Qualifications): This refers to providing qualifications of personnel in response to a task or project.

REO (Real Estate Owned): Property that is owned by a lender, usually acquired through a foreclosure, or through a deed in lieu of foreclosure.

Reserves: Funds held to pay future liabilities. Typical reserves include replacement reserve for major repairs, operating reserve for covering negative cash flow and contingency funds

RESPA (Real Estate Settlement Procedures Act): RESPA requires that lenders give all borrowers of federally related mortgage loans an estimate of settlement costs and a HUD-prepared booklet with information about real estate transactions, settlement services, cost comparisons, and relevant consumer protection laws.

RPC (Regional Planning Council): RPCs provide planning and technical assistance to local governments on federal and state issues such as housing, growth management, emergency management, and intergovernmental coordination. The State of Florida has 11 RPCs.

Secondary Market: Markets into which originating lenders sell their loans to investors who are seeking longer term investments (such as Fannie Mae).

SAIL (State Apartment Incentives Loan Program): Funds that come from the Housing Trust Fund to provide gap financing to those building multi-family housing.

Severely Cost-Burdened: Policymakers and advocates consider a household severely cost burdened if more than 50% of their income goes towards housing costs. Being housing severely cost-burdened is an indicator that a household may be unable to afford other critical and nondiscretionary costs such as health and childcare, food, and transportation.

SHIP (State Housing Initiatives Partnership): Florida Housing administers the State Housing Initiatives Partnership program (SHIP), which provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The program was designed to serve very low, low and moderate income families. SHIP dollars may be used to fund emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buy-downs, acquisition of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling.

SF-424: Standard Form 424: This is the basic cover form for most federal grant applications.

SGA (Solicitation for Grant Applications): Like a Request for Proposals (RFP), an SGA

SRO (Single Room Occupancy): SROs provide housing for elderly, disabled, the working poor and others who, without SROs might otherwise be homeless. An SRO room typically has a sink, closet, and sleeping space. Bathroom, shower and kitchen spaces are generally shared with others

Subordinated (Secondary or Tertiary) Debt: If more than one lender has a lien on a property, the subordinated debt is paid after the debt of lien holders in superior (or first) positions.

Subsidy: Financial assistance in the form of government loans, grants, or other contributions that are used to make housing affordable.

Sweat Equity: The value of volunteer labor in producing affordable housing.

TARP (Troubled Assets Relief Program): TARP allows the United States Department of the Treasury to purchase or insure up to \$700 billion of "troubled" assets.

TDR (Transfer of Development Rights): TDR programs allow landowners to sever development rights from properties in government-designated low-density areas, and sell them to purchasers who want to increase the density of development in areas that local governments have selected as higher density areas.

WHP (Workforce Housing Program): The Workforce Housing Program provides for the development of workforce housing units in all new residential developments in unincorporated Palm Beach County. The program is intended to serve the housing needs of people employed in the jobs that the general population of the community relies upon to make the community economically viable.

Very Low-Income Person or Household: A person or household whose annual (gross) income does not exceed 50 percent of the area median income, as determined by HUD, with adjustments for smaller and larger families. Florida publishes these figures annually, and updated charts may be obtained from the Florida Housing Finance Corporation (FHFC).

E. Sources

Aponte, A. M. (2021, September 9). The Density Incentive Program Recently Incorporated in the City of West Palm Beach." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Behn, P. (2021, September 9). "What Palm Beach County is Doing to Promote Affordable and Workforce Housing from a Planning and Zoning Perspective." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Brown, C. (2021, August 11). "How the Surtax Program Has Been Used as a Funding Source for Affordable Housing in Miami-Dade County." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Brown, J. (2021, August 11). "Update on County COVID Funding." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Cheives, B. (2021, July 14). "Understanding the History of Racial Equity in Palm Beach County." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Davis, B. (2021, September 9). "Overview of Palm Beach County's Urban Redevelopment Area Concepts, the Recent Southport Project, and work on updates to the Density concepts in the Comprehensive Plan." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Fana, A. (2021, June 9). "Factors Impacting Neighborhood Revitalization for All Citizens and Income Levels: market forces, zoning practices and rules, political will and NIMBYism." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Gentile, G. (2021, May 12). "Regulatory Process Differences That Make It Difficult to Work in Workforce Housing Shortage, Creation of the Affordable Coalition in 2016." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Hearing, D. (2021, May 12). "Easier Ways to Develop Affordable Housing." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Howe, M. (2021, May 12). "Workforce Housing Program; Description and Explanation of the County's Inclusionary Housing Program." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Jadusingh, R. A. (2021, October 13). "The Role of CRAs in Community Revitalization." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Miller, S. (2021, August 11). "Public Funding and Direct

Revenues and Expenditures on the Part of Palm Beach County." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Morris, H., (2021, June 9). Strategies for Density and Housing." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Murray, N., Ilcheva, M., Zyryanova. (2021, February). "2020 Palm Beach County Needs Assessment." Florida International University Jorge M. Perez Metropolitan Center. <https://www.hlcpcb.org/housing-resources/research-and-reports/palm-beach-county-affordable-housing-needs-assessment/>

Murray, T. (October 13, 2021). Neighborhood Revitalization from the Ground Up." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Odum, L., and Erazo, S. (2021, October 13). "The Role of Housing Authorities in Community Revitalization." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Ratterree, K. (2021, May 12). "Land Use Changes, Rezoning and Density Bonuses." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Smith K., and Sapora, J. (2021, July 14). "Understanding Racial Equity." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Stone, R. (2021, September 9). "Broward County's Recently Enacted Ordinance that gives Commercially Zoned Property a Dual Underlying Multi-Family Housing Zoning Designation." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Stone, R. (2021, June 9). "Neighborhood Revitalization in Broward County and Clearwater, FL." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Veszi Einhorn, S. (2021, April 14). "Broward County's Housing Plan: Advocacy, Housing Policies, Addressing the Affordable Housing Shortage, Creation of the Affordable Housing Coalition in 2016." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Weir, J. (2021, May 12). "Zoning from a Multifamily Perspective." Virtual presentation to the Housing Leadership Council of Palm Beach County.

Wheat, T. (2021, April 14). "How Deals are Made; Obstacles to Building More Affordable Housing in Palm Beach County." Virtual presentation to the Housing Leadership Council of Palm Beach County.



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, February 05, 2024 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

MINUTES

Mayor and City Council

Joel Flores, Mayor

Peter A. Noble, Deputy Mayor

John Tharp, Councilmember, District I

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Christy Goddeau, City Attorney

Glen J. Torcivia, City Attorney

Tanya Earley, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion made by Councilmember Bousquet, Seconded by Councilmember Dugo to approve the agenda with the removal of Item 16.

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

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

SPECIAL BUSINESS

1. Proclamation: Black History Month, February 2024.

Ms. Moorer read the proclamation by title.

Ms. Davida Arnold, Director of Marketing and Ms. Tahlia Gray of National Black MBA Associations Inc. accepted the proclamation and spoke about upcoming events around Palm Beach County. She thanked the Council for the recognition.

Photos were taken.

2. Proclamation: Pink Shirt Day, February 28, 2024. - Benjamín Dexter, Youth Programs Supervisor and Adam Mohammed, Youth Programs Supervisor.

Ms. Moorer read the proclamation by title.

Mr. Mohammed and some program kids thanked the Council for their recognition.

Photos were taken.

- 3. Proclamation:** Random Acts of Kindness. - Benjamin Dexter, Youth Programs Supervisor and Adam Mohammed, Youth Programs Supervisor.

Ms. Moorer read the proclamation by title.

Photos were taken.

- 4. Presentation:** Recognition of Outstanding Academic Achievement and Dedication to Renaud Felix, Jr. - Mayor Joel Flores.

Mayor Flores presented the Outstanding Achievement Certificate to Mr. Felix.

Ms. Kerline Prophete, Palm Beach State College, Dean of Student Development/Student Success thanked the Council and welcomed students to enroll at Palm Beach State College.

Photos were taken.

- 5. Presentation:** Fire Rescue Promotions. - Chief Brian Fuller, Fire Recue.

Chief Fuller presented and introduced all Firefighter promotions. He presented all Driver Operators: Caitlin Bouschet, Richard Conner, Sheridan Hause, Micheal Richards, and Rhonda Schilling-Pittman whom were pinned by family members. He presented all Lieutenants: Diana Albert, Dion Ambrogio (not present) Christopher Cooney (not present) Alexis Kaviany, Sean McCabe, Christopher Nault and Zachary Schroeder whom were pinned by family members.

Photos were taken.

Mayor Flores convened the meeting at 6:28pm.

Mayor Flores reconvened the meeting at 6:31pm.

CONSENT AGENDA

- 6. Official Council Meeting Minutes:** City Council Special Meeting, January 8, 2024. - Quintella L. Moorer, City Clerk.
- 7. Resolution 2024-10:** Satisfying certain liens imposed against residential property, pursuant to Section 15-31, City of Greenacres Code. - Teri Beiriger, Director of Finance.
- 8. Resolution 2024-11:** Appointing an alternate Special Magistrate and approving an amended agreement with the Law Firm of Davis & Associates, P.A., for the provision of alternate Special Magistrate services for Code Compliance Hearings pursuant to Section 2-288 of the City's Code of ordinances; authorizing the City Manager to execute said agreement; and providing for an effective date. - Tanya Early, City Attorney.
- 9. Write-Off:** Approval of False burglary alarm write-offs. - Teri Beiriger, Director of Finance.
- 10. Write-off:** Approval of outstanding miscellaneous billing balance write-off. - Teri Beiriger, Director of Finance.

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

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

Councilmember Diaz, and Councilmember Bousquet.

REGULAR AGENDA

11. QUASI-JUDICIAL: PUBLIC HEARING: Resolution 2024-08: Approving the petition for a Special Exception to allow a private club and associated outdoor recreational facilities with ancillary Club Café, retail, and events within a residential low (rl-3) zoning district located approximately 2,300 feet south of the intersection of Melaleuca Lane and Haverhill Road on the east side at 5208 S. Haverhill Road (with a future address of 5200 S. Haverhill Road), as requested by the petitioner, Michael Miles, agent for the owner, the Pickleball Club; providing for repeal of conflicting resolutions; and providing for an effective date. - Gionni Gallier, Senior Planner.

Ms. Moorer read the resolution by title.

Mr. Gallier read the Quasi-Judicial process.

Ms. Moorer swore in four people.

No ex-parte communications were recorded.

Mr. Miles, Dynamic Engineering Consultants requested a site plan and special exception to allow a private pickleball club. He showed a rendering of the proposed building and highlighted a few amenities and benefits of the club.

Mr. Brain McCarthy, CEO, The Pickleball Club, was moved by the presentations during the meeting. He thanked the City for providing that experience. He mentioned some of the organizations events they were hosting geared around pickleball. Mr. McCarthy said Ms. McCue and Staff were very proactive and he wanted to recognize them. He thanked the Staff for reaching out and was looking forward to the project.

Mr. Gallier stated Staff reviewed the project and the applicant met all requirements and Staff approved the project with the listed conditions. He said all notices were mailed.

Councilmember Tharp asked what numbered property was Greenacres, and Mr. McCarthy replied four.

Mayor Flores asked about Hours of 8-9pm roughly and no traffic controls were reported. Councilmember Diaz asked the number of jobs would the project bring, he stated roughly around 35. Mayor Flores thanked Staff for their efforts.

Motion made by Councilmember Tharp, Seconded by Councilmember Dugo to approve Resolution 2024-08.

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

12. QUASI-JUDICIAL: PUBLIC HEARING: Resolution 2024-09: Approving the application for site plan approval to construct a private club and associated outdoor recreational facilities with ancillary Club Café, retail, and events within a residential low (rl-3) zoning district, located approximately 2,300 feet south of the intersection of Melaleuca Lane and Haverhill Road on the east side at 5208 S. Haverhill Road (with a future address of 5200 S. Haverhill Road), as requested by the petitioner, Michael Miles, agent for the owner, the Pickleball Club; providing for repeal of conflicting resolutions; and providing for an effective date. - Gionni Gallier, Senior Planner.

Ms. Moorer read the resolution by title.

Mr. Gallier noted Staff recommends approval with the conditions outlined in the Staff report. He said Condition number 27 should be deleted as it was a duplicate of Condition number 7.

Motion made by Councilmember Diaz, Seconded by Councilmember Bousquet to approve resolution 2024-09.

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

13. Ordinance 2023-18: First Reading: Annexing one (1) parcel of land totaling approximately 0.014 acres, located approximately 986 feet east of south Jog Road, at 6297 Lake Worth Road, as requested by the petitioner, Palm Beach County Board of County Commissioners; providing for redefining the boundary lines of the City of Greenacres to include the subject property in the City's official boundary map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Denise Malone, Director of Development and Neighborhood Services.

Ms. Moorer read the ordinance by title.

Ms. Malone stated the annexation was for a small County owned parcel known as the lift station. She said it would complete the volunteer annexation. Staff recommended approval.

Motion made by Councilmember Diaz, Seconded by Councilmember Bousquet to approve Ordinance 2023-18 on First Reading.

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

14. Ordinance 2023-21: First Reading: Annexing three parcels of land totaling approximately 12.86 acres, located approximately 1,750 feet east of Sherwood Forest Boulevard and 370 feet south of Melaleuca Lane, at 4901 and 4977 South 56th Terrace and the adjacent Lake Worth Drainage District parcel as requested by petitioner, the Development & Neighborhood Services Department, agent for the owners, the City of Greenacres and the Lake Worth Drainage District (LWDD); providing for redefining the boundary lines of the City of Greenacres to include the subject property in the City's official boundary map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Denise Malone, Director Development and Neighborhood Services.

Ms. Moorer read the ordinance by title.

Ms. Malone stated the annexation was another volunteer annexation which included two City owned parcels and adjoining the Lake Worth District parcel. The site was projected as the City's Emergency Operating Center and Fire Rescue. Staff recommended approval.

Motion made by Councilmember Bousquet, Seconded by Councilmember Diaz to approve Ordinance 2023-21 on First Reading.

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

DISCUSSION ITEM

15. Form 6 (financial disclosure) Litigation - Tanya Early, City Attorney.

Ms. Early, City Attorney stated the Firm was contacted by Weiss Serota Law Firm whom was representing various municipalities regarding Form 6. They wanted to see if Greenacres wanted to join the litigation which would require a flat fee of \$10,000. Ms. Early was not aware of any filed lawsuit to date. She wanted to get the Councils consensus.

Deputy Mayor Noble wanted to know how many other cities had joined the litigation. Ms. Early stated according to other sources only ten of over a hundred total cities have joined.

Mayor Flores felt the information was too vague to make a decision and suggested exploring future. Councilmember Bousquet was opposed to the litigation, she felt there was no argument. Councilmember Diaz was opposed and she felt it was fighting an uphill battle. Councilmember Tharp was opposed. Councilmember Dugo was opposed.

Deputy Mayor Noble was in favor of getting more information such as finding out more details of the litigation. He was no in favor of Form 6.

Majority of Council declined to move forward with pursuing a litigation against Form 6 requirements. Deputy Mayor Noble was in favor of gathering more information before declining joining the litigation.

No further action would be taken.

Deputy Mayor Noble disagreed with the consensus to not move forward with gathering more information on the litigation.

16. Political Signs. - Paula Bousquet, Councilmember District 5.

This item was removed.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Ms. Emily Jacobs-Robarts, resident, provided a petition from her community to request the installation of a speed limit radar on Woodlake and Biscayne Boulevard.

CITY MANAGER'S REPORT

17. Community and Recreation Services Report.

18. Development and Neighborhood Services Report.

19. Economic Development Report.

20. Finance Report.

21. Fire Rescue Report.

22. Information Technology Report.

23. Palm Beach Sheriff's Office, District 16 Report.

24. Public Works Report.

25. Purchasing Report.

26. Youth Programs Report.

Ms. McCue stated the February 19, 2024 Council meeting would be cancelled due to President's Day. She mentioned a few upcoming agenda items, Small Business survey and Chickasaw Road project. She thanked Staff for attending Career Day at Palm Beach State College.

Mayor Flores suggested detailed questions for the survey.

Councilmember Tharp suggested adding a question regarding providing negative feedback.

CITY ATTORNEY'S REPORT

None.

MAYOR AND CITY COUNCIL REPORT

Councilmember Diaz asked the status of the Church construction on Jog Road. Ms. McCue would provide.

Councilmember Dugo asked was a Form 6 training planned. Ms. McCue confirmed it would be after March 19.

Councilmember Tharp suggested Code Enforcement visit the church construction for possible violations.

Councilmember Bousquet said people notice the improvements and thanked Ms. McCue.

Mayor Flores wants to incorporate more artwork at the Artzy Event; he attended the District 3 event and traffic was the topic of discussion. He mentioned he was coaching basketball at the Community Center and Staff does a great job.

ADJOURNMENT

7:22pm

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



ITEM SUMMARY

MEETING DATE: March 4, 2024

FROM: Teri Beiriger, Finance Director, Finance Department

SUBJECT: Accounts Receivable Write-offs for EMS

BACKGROUND

The City of Greenacres bills residents for ambulance transport and emergency life support services. The City switched to a third-party billing in 2022. Collection on outstanding EMS billing from the previous in-house software system(s) continued. Some of these items have been on the City books dating back as far as 2016. All efforts have been exhausted to collect these aged receivables. The Director of Finance shall have the authority to write off minor, uncollectible debts to the City, not to exceed two hundred dollars (\$200.00) per account per fiscal year. Prior city council approval shall be required for discharging debt greater than two hundred dollars (\$200.00) per account per fiscal year. Along with an aging debit, there is also a credit balances on accounts. Some of these were disputes with insurance companies and other were undetermined. Accounts date back as far as 2006.

ANALYSIS

Twenty-three (23) accounts total \$13,010.40 remain outstanding dating as far back as 2016. Twenty-two (22) accounts remain with a credit totaling (\$30,751.65) balance dating back as far as 2006. These accounts have been on the City's books in all efforts exhausted status for many years. The City cannot take any other collection or refund efforts and request approval to write-off the outstanding balance of (\$17,741.25)

FINANCIAL INFORMATION

Attached is a copy of the aging reports.

LEGAL

The memo has been prepared in accordance with applicable City Code requirements.

STAFF RECOMMENDATION

Approval of EMS write-offs.

City of Greenacres
GAC EMS Receivables
Aging Schedule as of January 31, 2024

Invoice #	Serv Date	Due Date	+120 Days	Aging based on Service	
				Age in Days	1/31/2024
16 4329	10/13/16	06/01/21	\$661.61	2,666	
GAC17004161A	09/26/17	12/01/17	\$953.00	2,318	
GAC17005615	12/28/17	06/01/21	\$655.32	2,225	
GAC18000770	02/16/18	06/01/21	\$693.05	2,175	
GAC18002115	05/18/18	08/01/18	\$721.30	2,084	
GAC18004697	10/28/18	04/01/21	\$215.00	1,921	
GAC18005344	12/08/18	02/01/21	\$215.00	1,880	
GAC19000323.3	01/21/19	06/01/19	\$702.40	1,836	
GAC19001152	03/14/19	08/01/19	\$737.50	1,784	
GAC19002261	05/20/19	02/01/21	\$235.00	1,717	
GAC19003466	08/03/19	11/01/19	\$722.65	1,642	
GAC19003490	08/05/19	04/01/21	\$230.00	1,640	
GAC19003930	09/01/19	02/01/21	\$235.00	1,613	
GAC19004148	09/13/19	02/01/20	\$660.77	1,601	
GAC19004323	09/23/19	06/01/21	\$703.75	1,591	
GAC19004458.2	10/01/19	01/01/20	\$795.55	1,583	
GAC19004669.1	10/13/19	01/01/20	\$721.30	1,571	
GAC19004852	10/23/19	01/01/20	\$724.00	1,561	
GAC19005157	11/12/19	01/01/20	\$450.00	1,541	
GAC19005902	12/29/19	03/01/20	\$840.10	1,494	
GAC20000419	01/27/20	02/01/21	\$220.00	1,465	
GAC20000593A	02/07/20	04/01/20	\$678.10	1,454	
GAC20000728	02/15/20	07/01/20	\$240.00	1,446	

\$13,010.40

\$13,010.40 GAC EMS A/R

(\$30,751.65) Credit Balance

(\$17,741.25) Net Balance

City of Greenacres
GAC EMS Receivables
Accounts with Credit Balances

Invoice #	Serv Date	Due Date	+120 Days
97 2377.3	03/18/99	02/01/16	(\$23,301.30)
GAC19001115	03/11/19	12/01/19	(\$800.95)
GAC19000296.1	01/19/19	05/01/20	(\$778.39)
GAC19005511	12/05/19	04/01/20	(\$629.30)
GAC19001698	04/15/19	09/01/19	(\$624.50)
GAC20000744	02/16/20	08/01/20	(\$583.52)
GAC19001191	03/16/19	08/01/19	(\$512.53)
GAC20000964	02/29/20	08/01/20	(\$476.18)
GAC19004685	10/14/19	05/01/20	(\$471.40)
GAC20000326A	01/21/20	04/01/20	(\$443.92)
GAC18005383	12/10/18	06/01/19	(\$374.38)
GAC18003912	09/09/18	06/01/19	(\$353.53)
12 2678	07/13/12	11/01/12	(\$342.74)
GAC19005751	12/19/19	03/01/20	(\$259.77)
06 1191	03/20/06	12/01/06	(\$250.65)
16 5320	12/19/16	04/01/17	(\$94.17)
11 4159	11/15/11	01/01/12	(\$92.24)
11 1894	05/17/11	04/01/12	(\$89.82)
GAC18000965A	03/02/18	12/01/18	(\$88.58)
11 4317	11/27/11	02/01/12	(\$75.95)
17A0941	03/03/17	07/01/17	(\$74.93)
08 4079.1	11/18/08	07/01/09	(\$32.90)
			(\$30,751.65)

**Memorandum of Understanding between
Els for Autism Foundation, Inc., and the City of Greenacres for Work Experience
Program**

RECITALS

This Memorandum of Understanding ("MOU") is entered into this ____ January ____ day of ____ 24 ____, 2024 by and between Els for Autism Foundation, Inc., a Florida not-for-profit corporation ("Els for Autism"), and the City of Greenacres, a Florida municipal corporation ("work site" or "City").

WHEREAS, Els for Autism is a non-profit organization that provides lifetime services and collaborative partnerships for persons with autism spectrum disorder ("ASD"); and

WHEREAS, the purpose of this MOU is to establish a collaborative relationship between the City and Els for Autism in securing training opportunities for persons with ASD; and

WHEREAS, Els for Autism's services include a Work Experience Program, as further described in Section 2 below, that offers internship-like work experiences for adults with ASD ("Participants"); and

WHEREAS, the City would like to contribute to the Work Experience Program by providing opportunities for professional development to Participants within the City's Community and Recreation Services Department ("CRS"); and

WHEREAS, the City and Els for Autism can benefit mutually from the placement of Participants in the CRS; and

NOW, THEREFORE, the parties to this MOU set forth the following as the terms and conditions of their understanding:

1. The foregoing recitals are true and correct and are incorporated herein.
2. **Work Experience Program:** The Work Experience Program ("WE"), is an internship-style employment learning experience for those enrolled with the Els for Autism Foundation. This experience is structured for the participant to gain useful hands-on employment experience in a field of interest for them.
 - An Els for Autism Foundation Employment Specialist/Job Coach will be onsite for the duration of the program with up to 4 Participants. The Employment Specialist/Job Coach role is to assist the work site supervisors to support those working in their department while promoting independence and creating natural supports.
 - Work Site supervisors will be providing training and onboarding for each of the Participants and will be provided with support as needed from the Employment Specialist/Job Coach.

Prior to the start of the WE program; Els for Autism will provide a sensitivity training on ASD to the Work Site staff to ensure all staff are familiar with autism. Further, the Employment Specialist/Job Coach will schedule time to be trained in the areas of the work site in which the Participants will work. During this training time, the Employment Specialist/Job Coach will need to take videos and/or photos to create visual supports for the employees participating in the WE program.

Prior to the first day of the program, an Orientation session will be conducted at the Work Site, with Participants, key family members, site supervisors, and any other personnel the Work Site needs present. The Orientation session will allow for onsite supervisors to meet Participants, any additional items to be reviewed, and a tour of the facility to be provided.

A banquet is held at the close of the program at Els for Autism to celebrate the successful completion of the training program to include supervisors and other personnel involved in the program.

Upon completion of the program, the Work Site may employ any of the Participants; however, this is not a requirement. Arrangements can be made should the Work Site wish to employ a participant sooner than completion of the program. If the Work Site does employ anyone from the program, Els for Autism would provide additional job coaching support for Participants enrolled in Vocational Rehabilitation for up to 180 days and staff would be available for ongoing, regular, routine consultations over the phone or in person if requested.

Work Site Name: City of Greenacres, Community and Recreation Services Department, ("CRS") 501 Swain Blvd, Greenacres, Florida, 33463

Schedule: City of Greenacres is as follows:

- Days/Times: Monday, Wednesday, Thursday, 9am-1pm
- Dates: March 25, 2024 - May 31, 2024

Departments/Positions: The following areas have been selected for this WE Program and subject to change as needed:

1. Custodian
2. Custodian
3. Custodian
4. Rec Aide

3. **Term; Termination:** This MOU will be effective when it is fully executed by both parties and is for a term of one (1) year. This MOU may be renewed, extended, and/or modified upon the mutual, written agreement of the parties. This MOU may be terminated without cause by either party with thirty (30) days written notice to the other party.

4. **Insurance:**

Prior to the effective date of this MOU, Els for Autism shall be required to submit to the City's Community and Recreation Services Department a copy of its Certificate of Insurance, reflecting, at a minimum, the following coverages:

Worker's Compensation Insurance to apply for all employees in compliance with the Workers Compensation Law of the State of Florida and such state where work is performed and all applicable federal laws.

Comprehensive General Liability Insurance with minimum limits of one million dollars (\$1,000,000.00) per occurrence combined single limit for bodily injury liability and property damage liability. Coverage must be afforded on a form no more restrictive than the latest edition of the Comprehensive General Liability Policy, without restrictive endorsements, as filed by the Insurance Services Office, and must include:

- Premises and/or Operations.
- Independent contractors.
- Broad Form Property Damage.
- Broad Form Contractual Coverage applicable to this specific MOU.
- Personal Injury Coverage with employee and contractual exclusions removed with minimum limits of coverage equal to those required for Bodily Injury Liability and Property Damage Liability.

Business Automobile Liability Insurance with minimum limits of one million dollars (\$1,000,000.00) per occurrence combined single limit for bodily injury liability and property damage liability. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability Policy, without restrictive endorsement, as filed by the Insurance Services Office and must include all of the following:

- Any vehicle owned by Els for Autism. If no vehicle(s) are owned by Els for Autism a statement to that extent shall be provided to the City.
- Hired and non-owned vehicles (required regardless of whether Els for Autism owns a vehicle).
- Employers' non-ownership (required regardless of whether Els for Autism owns a vehicle).

All insurance, other than Worker's Compensation shall specifically include the City as an "Additional Insured" on a primary, non-contributing basis.

Coverage must be maintained during the full term of this MOU. If there is a cancellation of or change to the policy submitted as proof of coverage, it is the responsibility of the Els for Autism to insure it or the Insurance carrier, notifies the City at least thirty (30) days before expiration of or any changes to the policy.

Neither approval nor failure to disapprove insurance furnished by the Els for Autism shall relieve Els for Autism from responsibility to provide insurance as required by this MOU.

Els for Autism shall deliver to the City the required certificate(s) of insurance and endorsement(s) before the City signs this MOU.

Els for Autism's failure to obtain, pay for, or maintain any required insurance shall constitute a material breach upon which the City may immediately terminate or suspend this MOU. In the event of any termination or suspension, the City may use the services of another independent contractor without the CITY incurring any liability to Els for Autism.

5. Indemnification and Liability:

Els for Autism agrees to indemnify, defend, and hold harmless the City, its officers, employees, and agents from all liabilities, damages, losses, costs, suits, and claims, including but not limited to reasonable attorney's fees (at the trial and appellate levels), to the extent caused by, or arising from, the performance of this MOU by Els for Autism (including its officers, directors, employees, representatives, agents, and Participants). Els for Autism shall not be required to indemnify, defend, or hold harmless the City with respect to the City's performance of this MOU. Nothing contained in this provision or in any of the MOU shall be construed or interpreted as consent by the City to be sued, nor as a waiver of sovereign immunity beyond the waiver provided in Section 768.28, Florida Statutes, as amended from time to time. The provisions of this section ("Indemnification and Liability") shall survive the termination of the MOU.

6. Controlling Law; Venue; Jury Trial Waiver:

This MOU shall be governed by the laws of the State of Florida. Any and all legal action, including mediation, arising out of or related to this MOU will be held exclusively in Palm Beach County, Florida. Each party also agrees to waive any and all rights to a trial by jury for any and all disputes or claims which may be related to or arise out of the MOU.

7. Independent Contractor:

This MOU shall not make the parties a partnership or joint venture. For purposes of the MOU, Els for Autism (including its officers, directors, employees, agents, and Participants) shall be deemed an independent contractor of the City and not an employee, agent, or servant of the City.

8. Compliance with Applicable Law: Els for Autism shall comply with all applicable federal, state, and local laws, rules, and regulations in connection with this MOU.

9. Public Records:

Els for Autism understands and acknowledges that the City and this MOU are subject to Florida's Public Records Act, Chapter 119, Florida Statutes. To the extent Els for Autism is acting on behalf of the City as provided under section 119.011(2), Florida Statutes, it specifically agrees to:

a. Keep and maintain public records required by the City to perform the services under the MOU.

b. Upon request from the City's custodian of public records or designee, provide the City with a copy of the requested records or allow the records to be inspected

or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.

c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the MOU and following the termination of the MOU if such records are not transferred to the City.

d. Upon completion of the MOU, transfer, at no cost, to the City all public records in possession of Els for Autism or keep and maintain public records required by the City to perform the services under this MOU. If Els for Autism transfers all public records to the City upon termination of the MOU, it shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Els for autism keeps and maintains public records upon completion of the Contract Documents, it shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request from the City's custodian of public records or designee, in a format that is compatible with the information technology systems of the City.

IF ELS FOR AUTISM HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO COMPANY'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE CONTRACT DOCUMENTS, PLEASE CONTACT THE CUSTODIAN OF PUBLIC RECORDS OR DESIGNEE AT THE CITY OF GREENACRES, ATTN: CITY CLERK, (561) 642-2006; 5800 MELALEUCA LANE, GREENACRES, FL 33463; CITYCLERK@GREENACRESFL.GOV.

10. Assignment:

This MOU shall not be assigned, transferred, or otherwise encumbered by either party without prior written consent of the other party.

11. Entire Agreement:

This MOU constitutes the entire understanding and agreement between the Parties and supersedes all prior negotiations, correspondents, conversations, agreements, or understandings applicable to the matters contained herein. This MOU may be modified only by the mutual written consent of the parties.

12. Notices:

All notices hereunder must be in writing and, unless otherwise provided herein, shall be deemed validly given on the date personally delivered to the address indicated below; or on the third (3rd) business day following deposit, postage prepaid, using certified mail, return receipt requested, in any U.S. postal mailbox or at any U.S. Post Office to the address indicated below; or on the next day following delivery by a nationally recognized overnight courier to the address indicated below. Should the either party have a change of address, the other party shall immediately be notified in writing of such change,

provided, however, that each address for notice must include a street address and not merely a post office box. All notices, demands or requests shall be given as follows:

FOR CITY:

CRS DIRECTOR
CITY OF GREENACRES
5800 MELALEUCA LANE
GREENACRES, FL 33463

FOR ELS FOR AUTISM:

Dr. Erin Brooker Lozott
Els for Autism Foundation®
18370 Limestone Creek Road,
Jupiter, FL, 33458

13. **Severability:**

Should any part, term or provision of this MOU be declared invalid, void, or unenforceable, all remaining parts, terms and provisions hereof shall remain in full force and effect and shall in no way be invalidated, impaired, or affected thereby.

14. **Counterparts:**

This MOU may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same document.

IN WITNESS WHEREOF, the parties hereto have made and executed this MOU on the day and year first above written.

[Signatures follow on the next page.]


Program Director

Dated: 1/26/2024

By: _____
Joel Flores, Mayor

ATTEST:

Quintella Moorer, City Clerk

Approved as to form and legal
sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: March 4, 2024

FROM: Michele Thompson, Community & Recreation Services Director

SUBJECT: RESOLUTION 2024-12 APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN ELS FOR AUTISM FOUNDATION, INC., AND THE CITY OF GREENACRES FOR WORK EXPERIENCE PROGRAM

BACKGROUND

For several years the city has been in discussions with the Els for Autism Foundation regarding their Work Experience Program, and is an internship-style, employment learning experience for those enrolled. The Els for Autism Foundation is a non-profit organization that provides lifetime services and collaborative partnerships for persons with autism spectrum disorder (ASD). The Memorandum of Understanding (MOU) for the Work Experience Program has been in negotiations for several weeks. The terms were finally agreed upon and on January 24, and the Els for Autism Foundation signed the MOU that requires City Council approval.

ANALYSIS

The city will contribute to the Work Experience Program by providing a professional development training location at the Greenacres Community Center for 4 participants with an Employment Specialist/Job Coach onsite for the duration of the program to provide support. The program will run for 10 weeks from March 25 – May 31, 2024; Monday, Wednesday and Thursday from 9 a.m. – 1 p.m. Participants will be responsible for transportation to and from the work site. The two (2) participants will be learning custodial functions and two (2) will be learning Rec Aide II and customer service functions.

FINANCIAL INFORMATION

The MOU provides for four (4) participants along with an Employment Specialist/Job Coach at the no cost to the City for the Work Experience Program. Participants enrolled will learn new professional development and employment skills.

LEGAL

The Els for Autism Foundation has provided a Certificate of Insurance naming the City as an Additional Insured. The terms of this Agreement were negotiated successfully, and the Resolution and Agreement has been prepared in accordance with the Florida Statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of Resolution 2024-12 for the Memorandum of Understanding between Els for Autism Foundation, Inc. and the City of Greenacres for the Work Experience Program.

RESOLUTION NO. 2024-12

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF GREENACRES AND THE ELS FOR AUTISM FOUNDATION, INC., FOR A WORK EXPERIENCE PROGRAM; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE MEMORANDUM OF UNDERSTANDING AND TO EFFECTUATE THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Els for Autism Foundation, Inc., is a non-profit organization that provides lifetime services and collaborative partnerships for persons with autism spectrum disorder (ASD); and

WHEREAS, Els for Autism Foundation seeks to enter a Memorandum of Understanding (MOU) with the City to establish a collaborative relationship and provide training opportunities for persons with ASD; and

WHEREAS, Els for Autism's services include a 10-week Work Experience Program that offers internship-like work experiences for adults with ASD; and

WHEREAS, the City would like to contribute to the Work Experience Program by providing opportunities for professional development to participants within the City's Community and Recreation Services Department; and

WHEREAS, the City Council finds approving the MOU with Els for Autism Foundation serves a valid public purpose.

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

SECTION 1. The City Council hereby authorizes the MOU (Exhibit "A") between the City of Greenacres and Els for Autism Foundation for a 10-week Work Experience Program at the Greenacres Community Center.

Resolution No. 2024-12 Memorandum of Understanding between the City of Greenacres and the Els for Autism Foundation, Inc. Work Experience Program

Page No. 2

SECTION 2. The City hereby authorizes the appropriate City officials to execute the Memorandum of Understanding (Exhibit “A”) and take any actions necessary to effectuate its terms.

SECTION 3. The City Council hereby directs the Community & Recreation Services Department to transmit a certified copy of the Resolution, along with the executed (Exhibit “A”), to the Els of Autism Foundation, Inc.

SECTION 4. This Resolution shall become effective upon adoption.

Resolution No. 2024-12 Memorandum of Understanding between the City of Greenacres and the Els for Autism Foundation, Inc. Work Experience Program

Page No. 3

RESOLVED AND ADOPTED this 4th of day of March, 2024

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Peter Noble, Deputy Mayor

Voted:

John Tharp, Council Member *District I*

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



ITEM SUMMARY

MEETING DATE: March 4, 2024

FROM: Carlos Cedeño, Director, Public Works Department

SUBJECT: **Resolution 2024-13**
Utility Easement Palm Beach County Water Utilities Department
Lift Station #5015

BACKGROUND

The Palm Beach County Water Utilities Department (PBCWUD) is planning a project to replace, reposition and expand wastewater lift station #5015 located on the west end of the City's B-Canal. This lift station is critical infrastructure that moves wastewater from surrounding communities within the City of Greenacres toward the wastewater treatment plant. This project will improve the lift station's long-term operability and reliability, reduce maintenance costs, and enable remote monitoring to reduce response times in the event of any emergency.

The construction of the lift station will require access to property owned by the City of Greenacres, PBCWUD requests that the City of Greenacres grant a Utility Easement. This perpetual easement would allow for perpetual, unrestricted and nonexclusive easement in, over, under, through, upon, and across the Easement Area for the purposes of constructing, operating and maintaining public utilities and providing utility services to and from properties or lands. This may include the Property, to provide utility service to properties which may not be contiguous to the Easement Area, including the right to lay, or cause to be laid, and to maintain, repair, rebuild, operate and control utility pipes, poles, wires, mains, transmission lines, appurtenances and device. The easement allows Palm Beach County Water Utilities Department the right to clear and keep it clear of brush, trees, and permanent structures and fire hazards.

ANALYSIS

In order for the replacement, reposition and expansion of Lift Station #5015 to occur, Palm Beach County Water Utilities is requesting the City of Greenacres provide a Utility Easement together with all rights of ingress and egress necessary for the full and complete use, occupation, and enjoyment of the Easement Area, all rights and privilege and the permanent, full and free right and authority to own, construct, operate, maintain, repair, install, rebuild and replace utility facilities within the Easement Area.

FINANCIAL INFORMATION

This agreement does not have a financial impact on the City's or the Public Works Department operating budget.

LEGAL

The Resolution has been prepared in accord with the applicable City Code requirements.

STAFF RECOMMENDATION

Approval of the Utility Easement Agreement through adoption of Resolution 2024-13.

RESOLUTION NO. 2024-13**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING A UTILITY EASEMENT FOR THE EXPANSION OF PALM BEACH COUNTY WATER UTILITIES LIFT STATION #5015; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on April 17, 2023, Palm Beach County Water Utilities Department contacted the City of Greenacres to request a Temporary Construction Easement ; and

WHEREAS, on January 8, 2024, the City of Greenacres Council approved a temporary construction easement for the expansion of the Palm Beach County Water Utilities Lift Station #5015; and

WHEREAS, Lift Station #5015 is critical infrastructure that moves wastewater from surrounding communities within the City of Greenacres toward the wastewater treatment plant; and;

WHEREAS, Palm Beach County Water Utilities Department shall be solely responsible for the maintenance, repair and restoration at its sole cost and expense of the Easement Premises and all of the required improvements to Lift Station #5015 during the term of the Temporary Construction Easement; and

WHEREAS, Palm Beach County Water Utilities Department desires an unrestricted and nonexclusive easement for public utility purposes through the property as more particularly described in Exhibit "A"; and

WHEREAS, these improvements will benefit the residents of the City of Greenacres, as well as the residents of surrounding areas of the City; and

WHEREAS, the City of Greenacres willing to grant such easement and finds granting such easement serves a valid public purpose

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

SECTION 1. That the appropriate City officials are hereby authorized to execute all
necessary documents required to effectuate the terms of the agreement.

SECTION 2. This Resolution shall be effective March 4, 2024.

RESOLVED AND ADOPTED this 4th day of March 2024

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Deputy Mayor

Voted:
John Tharp, Council Member, *District I*

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

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

Resolution No. 2024-13 | Utility Easement
PBC WUD Lift Station #5015
Page No. 3

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: March 4, 2024

FROM: Denise Malone, AICP, Development and Neighborhood Services Director

SUBJECT: **Ordinance 2023-18, ANX-23-01 – Second Reading Adoption**
PBC Utility Parcel 6297 Lake Worth Road

BACKGROUND

This application is for the voluntary annexation of a county owned property as provided for in a previously approved annexation Interlocal Service Boundary Agreement (ISBA). On December 20, 2022, Palm Beach County Board of County Commissioners adopted Resolution 2022-1532, which provided for the enclave annexation of the seven (7) outparcels of Lake Worth Plaza West via Interlocal Agreement. The Interlocal Agreement included consent to voluntarily annex an adjacent 0.0143-acre County-owned utility parcel developed with a lift station and located at 6297 Lake Worth Road. Voluntary annexation of this utility site is the final parcel within an enclave that will incorporate an area completely surrounded by the City of Greenacres, which will allow for better service provision within the area.

ANALYSIS

The approximately 0.014-acre site is located in unincorporated Palm Beach County within the identified Future Annexation Area of the City and is part of existing Palm Beach County pocket adjacent to the city. The site contains one (1) parcel having a Palm Beach County zoning designation of Commercial General (PBC CG). The site is contiguous to the City's boundary to the north, east and south. Consequently, the proposed annexation will remove the existing unincorporated pocket. The site is developed with a Palm Beach County lift station to serve the adjacent area and will require little to no service demand. Palm Beach County owns the property and maintains the site and the infrastructure.

The voluntary annexation meets all 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 a location identified as part of the City's future annexation area and will eliminate an existing enclave area.

The City Planning and Zoning Board of Appeals recommended approval by a vote of five (5) to zero (0) at their meeting on January 11, 2024. The City Council approved this petition on first reading February 5, 2024, by a unanimous vote of 5-0.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2023-18 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed by the City Attorney.

STAFF RECOMMENDATION

Approval of ANX-23-01 through the adoption of Ordinance 2023-18.

ORDINANCE NO. 2023-18

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ANNEXING ONE (1) PARCEL OF LAND TOTALING APPROXIMATELY 0.014 ACRES, LOCATED APPROXIMATELY 986 FEET EAST OF SOUTH JOG ROAD, AT 6297 LAKE WORTH ROAD, AS REQUESTED BY THE PETITIONER, PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR REDEFINING THE BOUNDARY LINES OF THE CITY OF GREENACRES TO INCLUDE THE SUBJECT PROPERTY IN THE CITY'S OFFICIAL BOUNDARY MAP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners, which gave consent through the adoption of Resolution 2022-1532, is herein known as the "Petitioner" for the herein described property; and;

WHEREAS, the petitioner has requested by written petition to have the property voluntarily annexed into the municipal limits of the City of Greenacres; and

WHEREAS, the subject property hereinafter described is reasonably compact and contiguous to the corporate limits of the City of Greenacres, thus making said petition for annexation appropriate at this time; and

WHEREAS, the City of Greenacres has heretofore been authorized to annex lands in accordance with Section 171.044 of the Florida Statutes; and

WHEREAS, the City of Greenacres Planning Commission has held a duly advertised public hearing on January 11, 2024 and recommended approval of petition ANX-23-01 to annex the subject property into the City of Greenacres; and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with the Development and Neighborhood Services Staff Report and Recommendation dated January 5, 2024, as amended, attached hereto as Exhibit "A" 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; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres.

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

SECTION 1. The City Council finds that the written petition for voluntary annexation (PBC Resolution 2022-1532) filed with the City bears the signature of the owners of the real property and is hereby annexed into the City of Greenacres, Florida.

SECTION 2. The boundary lines of Greenacres, Florida, are hereby redefined to include the described real property lying in Palm Beach County into the City's Boundary Map:

Legal Description

PCN: 00-42-44-22-00-000-5270

Being a portion of:

The Southeast one-quarter of the Southwest one-quarter of the Southeast one-quarter less the West 320' thereof of Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida.

Less however, that part lying within the right-of-way for Lake Worth road (SR 802) as recorded in road book 5, pages 125-138, inclusive, public records, Palm Beach County, Florida.

Said lands situate, lying, and being Palm Beach County, Florida. Containing 4.78 acres more or less.

Commence at the Southwest corner of said property; thence due East (on an assumed bearing) along the Northerly right-of-way line of Lake Worth Road, for 2.00 feet to the point of beginning of this description; thence continue due East for 25.00 feet; thence due North for 25.00 feet; thence due West for 25.00 feet; thence due South for 25.00 feet to the point of beginning.

The right-of-way adjacent thereto.

Ordinance No. 2023-18 | ANX-23-01 6297 Lake Worth Road
Page No. 3

CONTAINING A TOTAL OF 0.0143 ACRES MORE OR LESS.

The above-described parcel is subject to road rights-of-way, easements and reservations of record.

The above-described real property is hereby annexed by and declared to be within the corporate limits of the City of Greenacres, Florida.

Location Map



Section 3. That the above-described real property shall immediately become subject to all of the franchises, privileges, immunities, debts, obligations, liabilities, ordinances and laws to which lands in the City of Greenacres are now or may be subjected to and persons residing thereon shall be deemed citizens of the City of Greenacres.

Section 4. The annexation of the subject property, including adjacent roads, alleys, or the like, if any, shall not be deemed accepted by the City of any maintenance responsibility for such roads, alleys, or the like, unless otherwise specifically initiated by the City pursuant to current requirements and conditions.

SECTION 5. The City Manager is hereby directed to do all things necessary to effectuate this annexation.

SECTION 6. 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 7. 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 8. Effective Date

The provisions of this Ordinance shall become effective upon adoption.

[The remainder of this page intentionally left blank.]

Passed on the first reading this 5th day of February, 2024.

PASSED AND ADOPTED on the second reading this 4th day of March, 2024.

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

ANX-23-01
(Ordinance 2023-18)
Exhibit "A"

Revised: 01/11/2024
02/05/2024

Date: January 05, 2024



DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2023-18: ANX-23-01 – PBC Utility Parcel - 6297 Lake Worth Road

Voluntary Annexation:

A voluntary annexation of one (1) parcel of land owned by Palm Beach County and developed as utility infrastructure. The 0.0143-acre parcel is an enclave located at 6297 Lake Worth Road. Please see "Exhibit A" for location map.

[X] Recommendation to APPROVE

[] Recommendation to DENY

[] Quasi-Judicial

[X] Legislative

[X] Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Gionni Gallier, Senior Planner	Reviewed By: Director of Development & Neighborhood Services (DNS) _____ Denise Malone, AICP, Director DNS
Approved By: City Manager _____ Andrea McCue	Public Notice: [X] Required [] Not Required Date: 12/28/23, 2/15/24, 2/22/24 Paper: Lake Worth Herald, PBP Mailing [] Required [X] Not Required Notice Distance: 300'
Attachments: <ul style="list-style-type: none"> • Ordinance 2023-18 • Exhibit "A" 	City Council Action: [] Approval [] Approve with conditions [] Denial [] Continued to: _____

I. Executive Summary

The proposed annexation involves one parcel, totaling approximately 0.014 acres, located within unincorporated Palm Beach County and identified within the City's Future Annexation Area. The parcel is the last parcel that was within an enclave located at the southeast and northeast corners of the intersection of Lake Worth Road and South Jog Road, for which the city has pursued annexation of multiple parcels through an Interlocal Service Boundary Agreement (ISBA), Enclave Interlocal, and voluntary annexation initiatives.

The applicant, Palm Beach County, is proposing a voluntary annexation as provided for in Section 171.044, Florida Statutes. This annexation proposal was advertised in the Lake Worth Herald on December 28, 2023. Additionally, the proposal was submitted to the County Administrator and to County Planning staff on December 29, 2023, via certified return receipt.

II. Site Data:

Property Information:	See Exhibit A
Size:	0.0143 total acres

III. Annexation/Zoning History:

On December 20, 2022, Palm Beach County Board of County Commissioners adopted Resolution 2022-1532, which provided for the annexation of the seven (7) outparcels of Lake Worth Plaza West via Interlocal Agreement. The Interlocal Agreement included consent to voluntarily annex an adjacent 0.0143-acre County-owned utility parcel developed with a lift station and located at 6297 Lake Worth Road.

The parcel is the last unincorporated parcel within an existing enclave along Lake Worth Road just east of South Jog Road. Palm Beach County did not want to include their County-owned parcel within the previously approved Interlocal Service Boundary Agreement (ISBA) for seven (7) parcels within the original enclave, nor was it included in the Enclave Interlocal for the Lake Worth Plaza West outparcels that were annexed via Resolution 2022-60. Instead, the County proposed to annex the utility parcel via Voluntary Annexation.

Based on the consent provided for in Resolution 2022-1532, the City is moving forward to voluntarily annex the parcel into the City of Greenacres and complete the elimination of the adjacent enclave to the Lake Worth Plaza West. The annexation of this parcel meets the intent of Chapter 171 F.S. since the area is contiguous to the City's municipal boundary and an enclave. The area is also within the City's identified Future Annexation Area.

Future planning applications for this parcel, including a comprehensive plan amendment and a zoning change, will be considered and processed following the successful annexation into the city.

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.

The proposed voluntary annexation is consistent with the Comprehensive Plan and the City's mapped Future Annexation Area.

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 voluntary annexation.

The proposed voluntary annexation is consistent with the City Code of Ordinances, complies with the Florida Statutes, and the City's procedures for annexation have been met.

VI. Staff Analysis:

Development Review Committee Comments:

The petition was informally reviewed by the Development Review Committee (DRC).

Planning and Engineering:	Incorporated into report
Building:	No objections
Public Works:	No objections
Fire Rescue:	No objections
PBSO District #16:	No objections

Background:

The one (1) parcel is surrounded by the City, so the site is contiguous to the City's boundary on the north, south, east and west perimeters. City Future Land Use and Zoning designations will be applied to the properties through a concurrent application process.

CONSISTENCY WITH FLORIDA STATUTES

Section 171.044, Florida Statutes, includes criteria that an area being considered for voluntary annexation shall satisfy prior to local government annexation:

(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.

Staff Comment: The subject area is located within unincorporated Palm Beach County, is contiguous on all sides to the City's municipal boundaries and is reasonably compact. The parcel is concentrated in a single area. Therefore, the proposed annexation is consistent with this section of the Florida Statutes.

(2) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for two consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for four (4) consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

Staff Comment: The subject property is owned by Palm Beach County under single ownership, and through adoption of an Interlocal Agreement (Resolution 2022-1532), the PBC Board of County Commissioners has agreed to be annexed. Prior to the adoption of the Ordinance by the City Council for annexation, the notice (legal advertisement) will be published once each week for two consecutive weeks in the City's local newspaper (The Palm Beach Post), to meet the requirements of the Florida Statute.

(3) An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within seven (7) days after the adoption of such ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds.

Staff Comment: This requirement shall be satisfied within seven days of adoption of the Ordinance by the City Council.

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.

Staff Comment: Palm Beach County has been directly notified of the submission of this voluntary annexation petition. On December 22, 2023, the Preliminary Notification, as outlined in the Palm Beach County Voluntary Annexation Process Overview as governed by Chapter 177.044, Florida Statutes, and Ordinance 2007-018, was completed. This was accomplished through a letter mailed to Ms. Verdenia Baker, County Administrator, with copies to the Palm Beach County Planning Director Kevin Fisher, as instructed in the Palm Beach County overview documentation. The City met with Palm Beach County Planning staff on January 23, 2024 and did not get any negative comments on ANX-23-01.

(5) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

Staff Comment: The proposed annexation does not create an enclave as defined in Chapter 171.031(13)(a) and (b), Florida Statutes. Annexation of the subject property does not create an area that is enclosed and bounded on all sides by the City, nor does it create an area that is enclosed and bounded within the City and a natural or manmade obstacle that allows passage of vehicular traffic to that unincorporated area only through the City. The subject property is an existing enclave as the property is only accessible by vehicular traffic through the City of Greenacres along Lake Worth Road, and the annexation will remove an existing enclave.

(6) Not fewer than ten (10) days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the Board of the County Commissioners of the county wherein the municipality is located. The notice provision provided in this subsection may be the basis for a cause of action invalidating the annexation.

Staff Comment: A copy of the notice was provided via certified mail to the Board of County Commissioners no fewer than ten days prior to publishing the Ordinance notice in The Palm Beach Post as required.

LEVEL OF SERVICE ANALYSIS (LOS)

Water and Wastewater

The property is located within the Palm Beach County Water Utilities Department (PBCWUD) service area and is developed with a lift station to support adjacent development. It is utilized to meet the required level of service for adjacent development.

Solid Waste

The property is in the Solid Waste Authority of Palm Beach County (SWA) service area that is the provider of solid waste disposal and recycling services. After annexation, the property will be serviced by the City's current waste services contract, Waste Management.

Recreation

The City has established a level of service for parks and recreation facilities of three (3) acres per 1,000 residents. The site will have a commercial designation and will not contribute to an increase in population, the City's existing park and recreation facilities are sufficient to accommodate this annexation and still maintain the level-of-service standards.

Drainage

The subject property is located within the boundaries of the Lake Worth Drainage District (LWDD), South Florida Water Management District (SFWMD) and Palm Beach County, which will not change after annexation. The drainage for the project is provided for onsite with available outfall to the north and south of the site.

Roadway

Currently, the site is accessed from Lake Worth Road via a shared access easement through the Liberty Shopping Center, as the lift station on the parcel provides support for the sewer system that serves the development. Since the access is along a private access easement and not a city road, the annexation will not impact the annual roadway improvement expenses of the city.

Public Safety

No issues were raised through the City's Development Review Committee process. PBSO District #16 and Fire Department have indicated capacity is available to serve the proposed annexation area to maintain the police and fire Levels of Service.

Traffic

The traffic impacts of annexation on the surrounding road network will not be modified based on the annexation. This annexation would not result in any additional adverse traffic impacts to the City's roadways. Future development of the site would require a Palm Beach County Traffic Performance Standards approval with approved access.

Conclusion of Level of Service Analysis

The Applicant's analysis demonstrates that there will be no direct adverse impacts on the adopted Level of Service (LOS) standards for water, wastewater, solid waste, recreation, police and fire services, and traffic. Therefore, the proposed annexation will not pose a negative impact on the public facilities in the area.

CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN

The proposed annexation area is consistent with the overall Goals, Objectives, and Policies of the Comprehensive Plan. More specifically, the annexation is consistent with Objective 4 that states "The City shall support 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 established plans." Policy 4(a)(2) further requires that "The petitioned area must have "a unity of interests with the City" and be "a logical extension" of the City's boundaries. " The proposed site is conveniently surrounded by the city, and is already developed around all sides so no environmental resources will be impacted and discourages urban sprawl through infill areas within the City.

Annexation Findings of Fact:

The proposed annexation is consistent with the Goals, Objectives and Policies of the City's Comprehensive Plan. The parcel is contiguous to the city and is 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 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 is consistent with the provisions in Chapter 171, F.S., Specifically the subject property is not irregular in shape, reasonably compact, and immediately contiguous to the City's municipal boundaries. The subject area is an existing enclave; thus, the proposed annexations will remove the existing enclave.

- (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 property has "a unity of interests with the City" and is "a logical extension" of the City of Greenacres' boundaries. The property is identified as part of the Future Annexation Area in the City's Comprehensive Plan. The site is also an enclave contiguous to the City's boundary. The annexation of the parcel is a logical extension of the city boundaries.

The development is compatible and consistent with other development in the city as it is developed with utility infrastructure that supports the adjacent development.

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

Findings: Since the property proposed for annexation is contiguous to the City and within an existing unincorporated pocket, the City can extend the same level of service provided to similar parcels within the City. The utility parcel is developed with infrastructure to support adjacent development level of service demands and has little to no demands for services.

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

Findings: The annexation of the subject property will not create an unreasonable expense or burden upon the City of Greenacres.

- (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 pocket areas. 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 between 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 property without degrading any established levels of service, since the City is already providing governmental services to other developments in the immediate area of the subject parcel.

Summary of Annexation Criteria:

The voluntary annexation meets all 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 area.

VII. Staff Recommendation:

Approval of ANX-23-01 through the adoption of Ordinance 2023-18.

**PLANNING AND ZONING BOARD OF APPEALS
RECOMMENDATION – January 11, 2024**

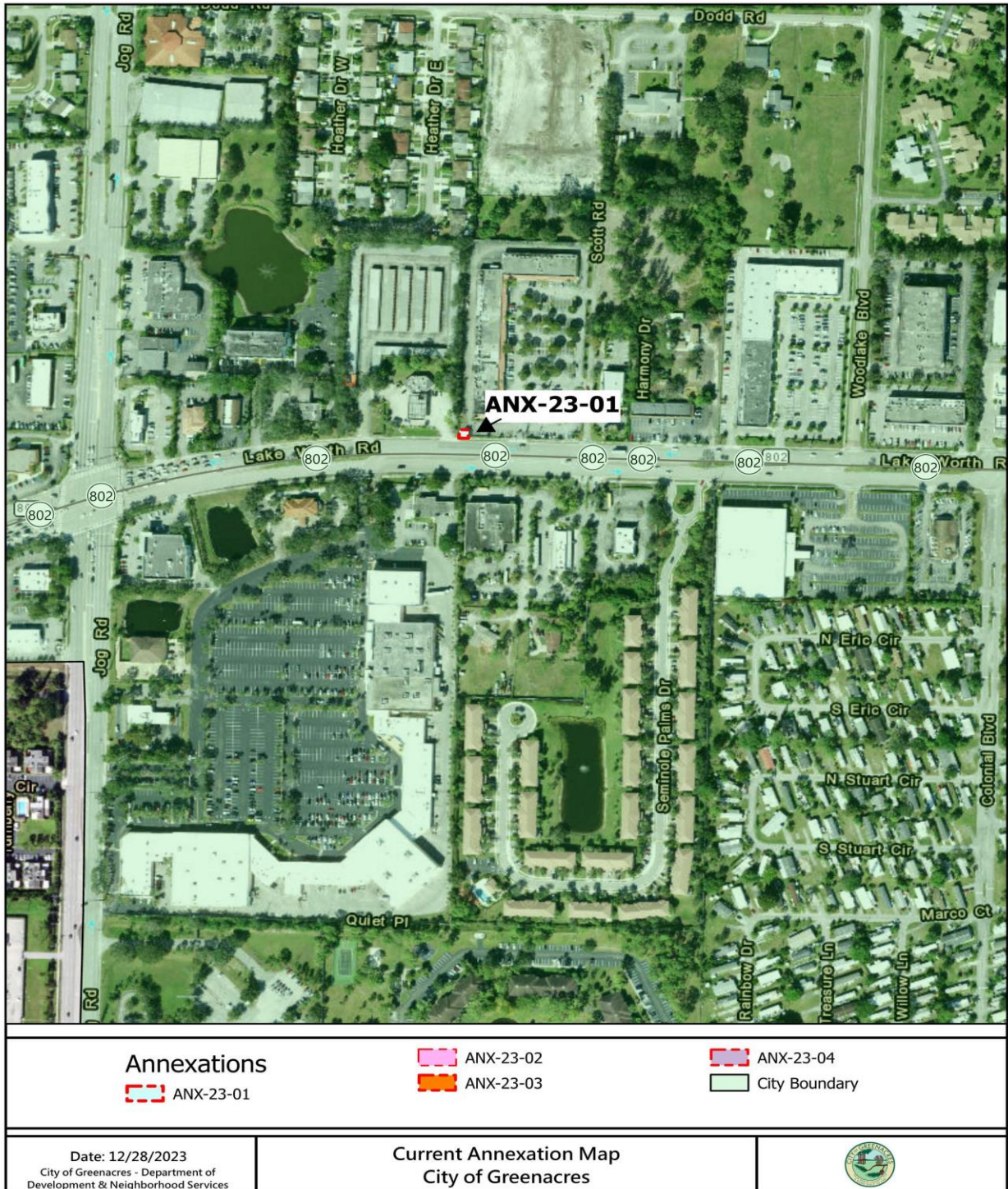
The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Hayes, voting five (5) to zero (0), ***recommended approval*** of Annexation ***ANX-23-01 (PBC Utility Parcel)***, as presented by staff.

CITY COUNCIL ACTION 1st Reading – February 5, 2024

The City Council on a motion made by Council Member Diaz and seconded by Council Member Bousquet, voting five (5) to zero (0), ***approved ANX-23-01 (PBC Utility Parcel)***, through **Greenacres Ordinance 2023-18**, as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – March 4, 2024

Exhibit A (Voluntary Annexation Maps and Information Sheets)



**Palm Beach County
Annexation Information Sheet**

Please submit the following information regarding each proposed annexation:

Annexation Name	ANX-23-01 6297 Lake Worth Road (PBC Utilities)
Annexation Type	Voluntary
Acres	0.0143 acres
Location	On the north side of Lake Worth Road, 1,000 feet east of the intersection of Lake Worth Road and South Jog Road at 6297 Lake Worth Road
Existing Use	Utility
Proposed Use	Utility
County Future Land Use	PBC Medium Residential 5 Units Per Acre (MR-5) Commercial High with and underlying MR-5 (CH/5)
County Zoning	PBC Agricultural Residential (AR)/ PBC General Commercial (CG)
City Future Land Use	Commercial (CM)
City Zoning	Commercial General (CG)
First Reading (if known)	February 5, 2024
Second Reading (if known)	March 4, 2024
Ordinance Num. (if known)	Ordinance 2023-18
Location Map	(Please Attach)
Parcel Control Numbers	00-42-44-22-00-000-5270



ITEM SUMMARY

MEETING DATE: March, 4, 2024

FROM: Denise Malone, AICP, Director Development and Neighborhood Services

SUBJECT: **Ordinance 2024-01, CPA-24-01 – Future Land Use Amendment First Reading**
PBC Utility Parcel 6297 Lake Worth Road

BACKGROUND

A City initiated request for a future land use designation for one parcel of land that is approximately 0.0143-acre site at 6297 Lake Worth Road. The request is for a change from Palm Beach County (PBC) Commercial High, with an underlying 5 Units per Acre (CH/5) to City Commercial (CM). A voluntary annexation (ANX-23-01) and a zoning change (ZC-24-01) is being considered and processed concurrent with the petitions.

The Land Development Staff has reviewed this proposal and recommended approval, followed by the Planning Commission recommending approval by a vote of 5-0 at their meeting on February 8, 2024.

ANALYSIS

This small-scale future land use amendment is needed in order to replace the existing Palm Beach County (PBC) Commercial High, with an underlying 5 Units per Acre (CH/5) future land use designation with an appropriate City designation of Commercial (CM). The Advisory Future Land Use Map (Map FLU 9) recommends Commercial (CM) for the subject area. The City is following the proposed designation.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2024-01 was prepared in accordance with all applicable State Statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of CPA-24-01 through the adoption of Ordinance 2024-01.

ORDINANCE NO. 2024-01

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN, TO CHANGE THE FUTURE LAND USE DESIGNATION OF ONE PARCEL OF LAND TOTALING APPROXIMATELY 0.0143 ACRES, LOCATED AT 6297 LAKE WORTH ROAD, FROM A PALM BEACH COUNTY DESIGNATION OF COMMERCIAL HIGH WITH AN UNDERLYING 5 UNITS PER ACRE (CH/5) TO A CITY OF GREENACRES DESIGNATION OF COMMERCIAL (CM), AS REQUESTED BY THE DEVELOPMENT & NEIGHBORHOOD SERVICES DEPARTMENT, AGENT FOR THE OWNER PALM BEACH COUNTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMERCE (FDOC); PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Greenacres, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, and in accordance with all of its terms and provisions, has prepared and adopted a Comprehensive Plan which has been certified by the State of Florida Division of Community Development; and

WHEREAS, Chapter 163.3187 provides for small-scale future land use amendments for properties fifty (50) acres or less; and

WHEREAS, the subject properties meet the requirements of 163.3187; and

WHEREAS, the City of Greenacres Planning and Engineering Department is herein known as the "Petitioner" for the herein described properties; and

WHEREAS, the petitioner is requesting to change the City of Greenacres Future Land Use Map from a Palm Beach County future land use designation of Commercial High, with an underlying 5 units per acre (CH/5) to a City of Greenacres future land use designation of Commercial (CM) for the subject property; and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on February 8, 2024, and has recommended approval of petition CPA-24-01 to amend the Comprehensive Plan; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing to receive comments on CPA-24-01 concerning the proposed amendment to the Comprehensive Plan and has considered all comments received as required by state law and local ordinance; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres.

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

SECTION 1. Future Land Use Map Designation.

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

Legal Description**PCN: 00-42-44-22-00-000-5270**

Being a portion of:

The Southeast one-quarter of the Southwest one-quarter of the Southeast one-quarter less the West 320' thereof of Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida.

Less however, that part lying within the right-of-way for Lake Worth road (SR 802) as recorded in road book 5, pages 125-138, inclusive, public records, Palm Beach County, Florida.

Said lands situate, lying, and being Palm Beach County, Florida. Containing 4.78 acres more or less.

Commence at the Southwest corner of said property; thence due East (on an assumed bearing) along the Northerly right-of-way line of Lake Worth Road, for 2.00 feet to the point of beginning of this description; thence continue due East for 25.00 feet; thence due North for 25.00 feet; thence due West for 25.00 feet; thence due South for 25.00 feet to the point of beginning.

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 0.0143 ACRES MORE OR LESS.

The above-described parcel is subject to road rights-of-way, easements and reservations of record.

The above-described real property is hereby annexed by and declared to be within the corporate limits of the City of Greenacres, Florida.

Section 2. Authorization to Make Changes.

That the Development & Neighborhood Services Department is further authorized to make the necessary map change to the Comprehensive Plan to reflect the change authorized by this Ordinance.

SECTION 3. Repeal of Conflicting Ordinances.

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

SECTION 4. Severability

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

Section 5. Transmittal to the FDOC.

The Development & Neighborhood Services Department shall send copies of the future land use amendment and Ordinance to the Treasure Coast Regional Planning Council (TCRPC) and the Florida Department of Commerce (FDOC).

Section 6. Inclusion in the Comprehensive Plan.

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

Section 7. Effective Date.

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

[The remainder of this page intentionally left blank.]

Passed on the first reading this ____ day of ____, 2024.

PASSED AND ADOPTED on the second reading this ____ day of ____, 2024.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Deputy Mayor

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

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

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

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

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

CPA-24-01
Exhibit "A"
Date: January 30, 2024

Revised: 02/08/2024



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2024-01: CPA-24-01 PBC Utility Parcel – 6297 Lake Worth Road

Recommendation to City Council: A city-initiated for a small-scale Future Land Use Map Amendment for approximately 0.0143 acres from PBC CH/5 (Commercial High, with and underlying 5 Units per Acre) to City Commercial (CM) land use designation. The site is located at 6297 Lake Worth Road.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

Originating Department: Development and Neighborhood Services

Project Manager

Gionni Gallier, Senior Planner

Reviewed By:

Director of Development & Neighborhood Services (DNS)

Denise Malone, AICP, Director DNS

Approved By:

City Manager

Andrea McCue

Public Notice:

☒ Required ☐ Not Required

Date: 1/25/24, 2/22/24, 3/7/24

Paper: Lake Worth Herald

Mailing

☐ Required ☒ Not Required

Notice Distance:

Attachments:

- Existing and Proposed Land Use Maps
- Location Map
- Ordinance 2024-01

City Council Action:

☒ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: _____

I. Executive Summary

The proposed comprehensive land use amendment (CPA-24-01) involves one parcel, totaling approximately 0.014 acres, recently annexed into the city boundary through voluntary annexation (ANX-23-01). The parcel is the last parcel that was within an enclave located at the southeast and northeast corners of the intersection of Lake Worth Road and South Jog Road, for which the city pursued annexation of multiple parcels through an Interlocal Service Boundary Agreement (ISBA), Enclave Interlocal, and voluntary annexation initiatives.

The site contains one (1) 0.0143-acre parcel having a Palm Beach County zoning designation of Agriculture Residential (PBC AR) / PBC General Commercial (CG). This application is a request for a small-scale Future Land Use Amendment for the parcel from PBC Commercial High with an underlying 5 Units per Acre (CH/5) to City Commercial (CM). The site is accessed through the Liberty Plaza commercial plaza site, which was annexed through an Interlocal Agreement with Palm Beach County Board of County Commissioners (BCC). The BCC adopted Resolution 2019-1164 on August 20, 2019, and the City of Greenacres City Council adopted Resolution 2019-15 on July 1, 2019, to approve the Enclave Interlocal. The County's parcel, which was improved with a lift station, was not included in the annexation, even though it was part of the commercial plaza. The property is the last parcel left in the enclave and contiguous to the City's boundary on all sides.

II. Site Data

Existing Use:	Palm Beach County Lift Station
Proposed Use:	PBC Utility Lift Station
Parcel Control Numbers:	00-42-44-22-00-000-5270
Parcel Size:	0.0143 acres
Existing Future Land Use Designation:	PBC Commercial High, with an underlying 5 Units per Acre (CH/5)
Proposed Future Land Use Designation:	City Commercial (CM)
Existing Zoning District:	PBC Agricultural Residential (AR)/PBC General Commercial (CG)
Proposed Zoning District:	City Commercial General (CG)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Liberty Plaza, Church, Undeveloped land	City Residential Medium Density (RS-MD)	City Commercial (City CG), City Residential Medium Density (City RM-2)
<i>South</i>	Lake Worth Plaza West	City Commercial (City CM)	City Commercial Intensive (City CI)
<i>East</i>	Liberty Plaza, Soma Medical Office	City Commercial (City CM)	City Commercial General (City CG)
<i>West</i>	Public Storage, Shell Gas Station	City Commercial (City CM)	City Commercial Intensive (City CI)

III. Annexation/Zoning History

On December 20, 2022, Palm Beach County Board of County Commissioners adopted Resolution 2022-1532, which provided for the annexation of the seven (7) outparcels of Lake Worth Plaza West via Interlocal Agreement. The Interlocal Agreement included consent to voluntarily annex an adjacent 0.0143-acre County-owned utility parcel developed with a lift station and located at 6297 Lake Worth Road.

The parcel is the last unincorporated parcel within an existing enclave along Lake Worth Road just east of South Jog Road. Palm Beach County did not want to include their County-owned parcel within the previously approved Interlocal Service Boundary Agreement (ISBA) for seven (7) parcels within the original enclave, nor was it included in the Enclave Interlocal for the Lake Worth Plaza West outparcels that were annexed via Resolution 2022-60. Instead, the County proposed to annex the utility parcel via Voluntary Annexation.

Based on the consent provided for in Resolution 2022-1532, the City is moving forward to voluntarily annex (ANX-23-01) the parcel into the City of Greenacres and complete the elimination of the adjacent enclave to the Lake Worth Plaza West.

The site contains one (1) 0.0143-acre parcel having a Future Land Use designation of Palm Beach County (PBC) Commercial High, with an underlying 5 Units per Acre (CH/5) and a zoning designation of Agriculture Residential (PBC AR) / PBC General Commercial (CG). This application is a request for a small-scale Future Land Use Amendment for the parcel from PBC Commercial High with an underlying 5 Units per Acre (CH/5) to City Commercial (CM). Future planning applications for this parcel, including a zoning change (ZC-24-01), will be considered and processed concurrent with the annexation of the parcel.

IV. Data and Analysis

Background:

This small-scale future land use amendment is needed in order to replace the existing Palm Beach County (PBC) Commercial High, with an underlying 5 Units per Acre (CH/5) future land use designation with an appropriate City designation of Commercial (CM). The Advisory Future Land Use Map (Map FLU 9) recommends Commercial (CM) for the subject area. The City is following the proposed designation.

The site was developed as a lift station to serve adjacent development and is included within the Liberty Plaza site. It was sold to Palm Beach County utilities in 1985 from the plaza owner at that time, Third Generation INC. The site serves the adjacent development to meet the level of service for sewer services by Palm Beach County Utilities Department. The site was zoned consistent with the plaza and has not been changed. Utility infrastructure on commercial sites usually has consistent land use and zoning with the commercial sites as it is supporting infrastructure, similar to water, drainage, and other utilities. While most utilities are private on site, Palm Beach County purchased this parcel and maintains it.

Level Of Service Analysis:

A Level of Service (LOS) analysis is required to address the potential impact of a land use amendment on public services and facilities. The future-land use amendment has been analyzed relative to the provision

of adequate urban services. All service providers have confirmed that there will be adequate capacity available for traffic, water, sewer, solid waste, drainage, police, fire, schools, and recreation services.

The proposed City of Greenacres CM future land use designation allows a maximum lot coverage of 30%/35' height and a FAR of .35, whereas the County allows an 85% lot coverage and a 1.0 FAR. The overall density allowance would be less than Palm Beach County, both designations permit the development of utility infrastructure.

POTENTIAL IMPACTS UNDER EXISTING LAND USE

Table 2: Palm Beach County Development Potential				
Land Use	Area	Max FAR/Lot Coverage	Residential	Max Potential development
PBC CH/5	0.0143 acres	1.0 / .85	5 units/acre	.07 units
		622.9 square feet/ 529 square feet	<1 unit	622 square feet commercial
Maximum Development Potential				622 square foot commercial use
Average Daily Trips (1 unit X 10 avg daily trips) (ITE code 210)				10 ADT
Average Daily Trips ((622/1000)*37.01) (ITE Code 820)				23 ADT

POTENTIAL IMPACTS UNDER PROPOSED LAND USE

Table 3: Greenacres Development Potential				
Land Use	Area	Lot Coverage	FAR	Max Potential
COG CM	0.0143 acres	35%	.35	
		218 square feet	218 square feet	218 square feet
Maximum Development Potential				218 square feet
Average Daily Trips ((218/1000)*37.01) (ITE Code 820)				8 ADT

In addition, as the above intensity analysis demonstrates, the proposed CM land use designation will be less than the maximum density of the County CH/5 designations but allows for the continuation of the existing use of the site.

The proposed (CM) future land use designation for the site is consistent with the existing development pattern in the area and appropriate currently.

Table 4: Public Facilities Impacts Table – CPA-24-01 PBC Utility Site

Public Facility	Demand- Existing FLU Max Development Potential (see Table 2)	Demand Proposed FLU Max Development Potential (see Table 3)	Change	Available Public Facilities to meet LOS for increased demand
Roadways	<1 unit (.7) x 10 ADT/du = 7 ADT	0 units= 0 ADT	Remove 10 trips	YES
Recreation*	<1 unit (.7) x 3 persons/du= 2 persons	0 units = 0 persons	Remove 2 net persons demand	YES
Potable Water*	<1 unit (.7) x 3 persons/du= 2 persons x 126 gal/person/day = 252 gal/day	0 units x 3 persons/du= 0 persons x 126 gal/person/day = 0 gal/day	Remove 252 net gallon per day	YES
Sanitary Sewer*	<1 unit (.7) x 3 persons/du= 2 persons x 85 gal/person/day = 170 gal/day	0 units x 3 persons/du= 0 persons x 85 gal/person/day = 0 gal/day	Remove 170 net gallon per day	YES
Drainage	Requirements are the same regardless of land use or development type		None	YES
Solid Waste*	<1 (.7) du x 3 persons/du = 2 persons x 7.13 pounds/person/day = 14.26 lbs./day	0 du x 3 persons/du = 0 persons x 7.13 pounds/person/day = 0 lbs./day	Remove 14.26 net pounds (lbs.) per day	YES
Mass Transit*	7 ADT x .05% transit trips/vehicle trip = 0.0035 transit trips	0 ADT x .05% transit trips/vehicle trip = 0 transit trips	Remove 0.0035 net transit trips	YES
*The level of service standards does not divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons, pounds, acres, or transit trips per person served per day that include both residential and non-residential uses.				

Traffic

The city prepared a basic Level of Service Traffic Evaluation for the subject property based on impacts from the Average Daily Trips (ADT). The analysis examined the traffic impacts of the current future land use designation, PBC Commercial High / 5 units per acre (CH/5)(see Table 2), and the proposed future land-use designation, City of Greenacres Commercial (CM)(see Table 3), and concludes that the proposed Comprehensive Plan Map Amendment meets the City's transportation standards and is consistent with the City's Comprehensive Plan Transportation Element.

Potable Water and Sanitary Sewer

The property is located within the Palm Beach County Water Utilities Department (PBCWUD) service area and is developed with a lift station to support adjacent development. It is utilized to meet the required level of service for adjacent development.

Based on the City's current Comprehensive Plan, the permitted capacity for all plants owned and operated by PBCWUD in 2008 is 87 million gallons daily (MGD) average and 129 MGD maximum per Permit #50-00135. Currently, PBCWUD has a total potable water capacity of 129 MGD with approximately 74 MGD committed and in use, which leaves 13 MGD of extra capacity available. The PBCWUD does not use level of service standards that divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons per person served per day that include both residential and non-residential uses. The adopted level of service for Potable Water is 126 gallons per capita per day. The existing and proposed land use designation are both non-residential, as the size of the lot does not meet minimum lot requirements for development because it is a utility structure developed on a commercial shopping center site that was dedicated to Palm Beach County for ownership and maintenance.

The City of Greenacres is within the PBC Central Region and is served by the East Central Region Wastewater Treatment Plant (ECR), which is operated by the City of West Palm Beach. The projected

sewage generation for the Central and Southern Regions of Palm Beach County service areas will be less than the available capacity of 44.0 MGD outlined in the County's Comprehensive Plan. All County projections account for the current and future residents of the City of Greenacres. The existing Level of Service of the PBCWUD system, is 85 gallons of wastewater produced and treated per capita per day as outlined in Palm Beach County's Comprehensive Plan. This level of service adopted by Palm Beach County will be the same for the City of Greenacres since it is served by PBCWUD. The PBCWUD does not use level of service standards that divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons per person served per day that include both residential and non-residential uses.

The proposed land use amendment meets the City's potable water LOS standard of 126 gallons per day per capita (GPD) and the sanitary sewer LOS Standard of 85 gallons per day per capita. The PBCWUD has shown that sufficient excess capacity exists to meet the demands of the existing development and is not impacted negatively by the proposed land use amendment.

Solid Waste

The Solid Waste Authority of Palm Beach County (SWA) is the provider of solid waste disposal and recycling services for the area. Capacity is available for the coming year, five-year, and ten-year planning periods. As of September 2020, the Authority's Landfill located at the Palm Beach Renewable Energy Park has an estimated 26,926,868 cubic yards of landfill capacity remaining. The City's comprehensive plan does not use level of service standards that divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons per person served per day that include both residential and non-residential uses. The adopted level of service for Solid Waste is 7.13 pounds per capita per day.

Drainage

The site is located within the boundaries of the Lake Worth Drainage District (LWDD). The developed site is located within a developed shopping center and provides sewer infrastructure for the area as a lift station, which is owned and operated by Palm Beach County. The city's adopted Level of Service for drainage is Legal Positive Outfall, and per SFWMD regulations. The site is located within the boundaries of the South Florida Water Management District Intracoastal Basin C-51. Runoff will be directed to an on-site water management lake and/or exfiltration trench by means of paved or grass swales and/or inlets and storm sewer. Legal positive outfall is available via discharge to adjacent right-of-way. Requirements for drainage are the same regardless of the land use or development type.

Schools

There is no residential population, therefore there will be no demand for School Capacity.

Recreation

The City's Comprehensive Plan and Land Development Regulations require the evaluation of the impact on the Recreation Level of Service generated by new residents from an amendment. The current Citywide recreation and open space inventory total is approximately 137.90 acres. Based on the current population of 45,476 (BEBR 4/2023), the city exceeds the Level of Service (LOS) of 3.0 acres per 1,000 population by 1.90 acres ($45,476 / 1,000 \times 3 = 136$) ($137.90 - 136 = 1.90$). The proposed comprehensive plan amendment will not generate any additional residents (0 units x 2.2 Persons per household), therefore, there will not be a demand for additional acres of recreation and open space facilities.

Conclusion of Level of Service Analysis

The proposed development demonstrates that there will be no adverse impacts on the adopted Level of Service (LOS) standards for sanitary sewer and potable water, solid waste, drainage, public safety,

schools, recreation, and traffic. Therefore, the proposed Comprehensive Plan Map Amendment from PBC CH/5 to COG CM will not pose a negative impact on the public facilities in the area. The City has determined that adequate capacity exists for the proposed amendment.

Land Use Analysis:

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

A. Compatibility:

North: To the north of the subject parcel there is a developed commercial parcel that this site is enclosed by through which the site is accessed. The proposed land use designation of (CM) for the parcel located at 6297 Lake Worth Road is identical to the adjacent land use to the north; therefore, there will be no adverse impacts from the proposed future land use amendment.

South: The adjacent properties to the south has a Planned Commercial development with a Commercial (CM) future land use and Commercial Intensive (CI) zoning district across Lake Worth road.

East & West: To the east, and west of the subject parcel all properties have the same Commercial (CM) future land use with Commercial Intensive (CI) and Commercial General (CG) zoning districts. There is a public storage building and gas station to the west and the Soma Medical office to the east. The proposed designation is identical to the adjacent land use; therefore, there will be no adverse impacts from the proposed future land use amendment.

Conclusions: Reviewing the adjacent existing commercial development to the north shows that the proposed City Commercial future land use designation is compatible with the surrounding properties and the general commercial activity along this portion of Lake Worth Road.

B. Concurrency:

As previously stated, this future land use amendment will provide this site with a City future land use designation based on its annexation. Any future changes to the site will be evaluated for compliance with level of service standards by all relevant agencies as part of site and development plan approval. The applicant meets the level of service (LOS) standards for this site.

C. Consistency with City's Comprehensive Plan:

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

1. Future Land Use Element

Objective 8, Policy c)

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

* * * (1 through 10 and 12 through 16 omitted for brevity) * * *

(11) Commercial General – 30% lot coverage, 0.35 FAR

Objective 10, Policy e)

The City of Greenacres shall regulate and control all future land use activities which affect the topography, materials beneath the land's surface and availability of services by implementing the following policies:

Policy e)

In reviewing future land use amendments in the City's Future Annexation Area, the City will utilize the Advisory Future Land Use Map (Map 9) as the basis for the assignment of future land use designations as well as consideration of the goals, objectives and policies contained in this Element and an analysis of the proposal's compatibility with adjacent uses in order to determine the appropriate designation.

Objective 11, Policies a, b & c)

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

Policy a)

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

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

Policy b)

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

Policy c)

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

Policy d)

The City will continue to utilize the nodal system (Section VI A.1 and A.2 of the Future Land Use Element) in conjunction with Map 5 to designate Future Land Uses in activity spheres and infill corridors.

V. Consistency with the Treasure Coast Regional Planning Council SRPP

The proposed future land use amendment represents a means of increasing commercial opportunities in the City through the process of infill development, rather than approving land uses which will encourage urban sprawl. This is consistent with the intent of Regional Goal 2.1, which discourages urban sprawl development patterns and Regional Goal 5.1, which states that redevelopment, revitalization and infill of existing neighborhoods and districts should be encouraged. The proposed Commercial (CM) future land use designations are consistent with the intent of Regional Goal 8.1 which states that development should take place concurrent with or after the provision of necessary infrastructure and services. As a result, the proposed future land use amendment is consistent with the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan (SRPP) concerning appropriate development patterns.

VI. Consistency with Chapter 163, Florida Statutes

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

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

VII. Staff Recommendation

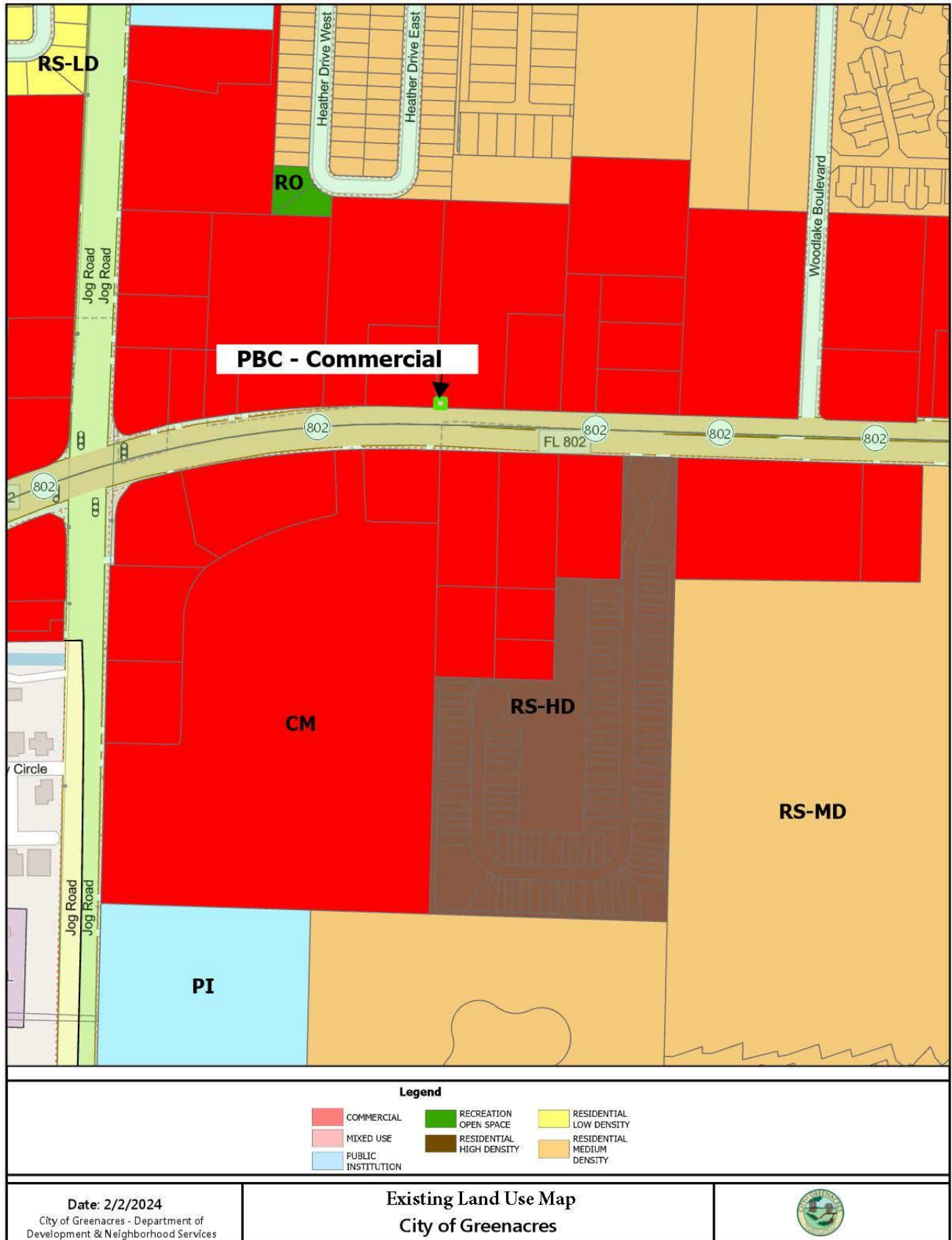
Approval of CPA-24-01 through the adoption of Ordinance 2024-01.

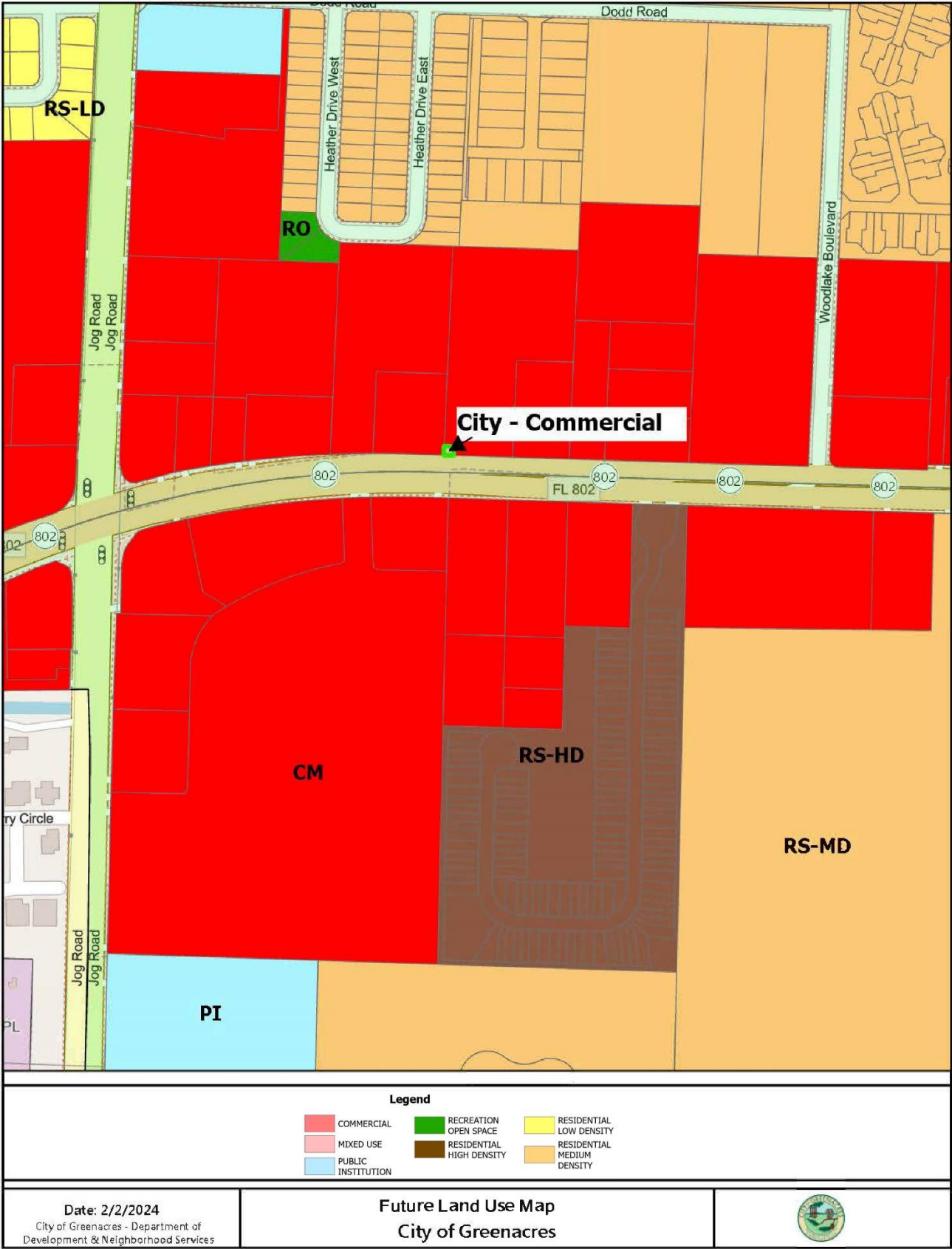
LOCAL PLANNING AGENCY ACTION – February 8, 2024

The Local Planning Agency on a motion made by Board Member Edmundson and seconded by Board Member Hayes, voting five (5) to zero (0), *recommended approval* of **CPA-24-01**, as presented by staff.

CITY COUNCIL ACTION First Reading – March 4, 2024

CITY COUNCIL ACTION Adoption Hearing







ITEM SUMMARY

MEETING DATE: March, 4, 2024

FROM: Denise Malone, AICP, Director Development and Neighborhood Services

SUBJECT: **Ordinance 2024-02, ZC-24-01 – Zoning Change First Reading**
PBC Utility Parcel 6297 Lake Worth Road

BACKGROUND

A City initiated request for a zoning change for one parcel of land that is approximately 0.0143-acre site at 6297 Lake Worth Road. The request is for a zoning change from Palm Beach County (PBC) General Commercial (CG) to City Commercial General (CG). A voluntary annexation (ANX-23-01) and a small-scale future land use change (CPA-24-01) are being considered and processed concurrent with the petitions.

The Land Development Staff has reviewed this proposal and recommended approval, followed by the Planning Commission recommending approval by a vote of 5-0 at their meeting on February 8, 2024.

ANALYSIS

This zoning change is needed in order to replace the existing Palm Beach County (PBC) General Commercial (CG) to City of Greenacres Commercial General (CG).

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2024-02 was prepared in accordance with all applicable State Statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of ZC-24-01 through the adoption of Ordinance 2024-02.

ORDINANCE NO. 2024-02

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE AND OFFICIAL ZONING MAP AMENDMENT FOR A PARCEL OF LAND TOTALING APPROXIMATELY 0.0143 ACRES, LOCATED AT 6297 LAKE WORTH ROAD FROM A PALM BEACH COUNTY GENERAL COMMERCIAL (CG) TO CITY OF GREENACRES COMMERCIAL GENERAL (CG), AS REQUESTED BY THE DEVELOPMENT & NEIGHBORHOOD SERVICES DEPARTMENT, AGENT FOR THE OWNER PALM BEACH COUNTY; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres Development & Neighborhood Services Department is herein known as the "Petitioner" for the herein described property; and

WHEREAS, the Petitioner is requesting a rezoning of one (1) parcel of land totaling approximately 0.0143 acres more or less, from a Palm Beach County zoning designation of General Commercial (CG) to a City of Greenacres zoning designation of Commercial General (CG); and

WHEREAS, the Planning Commission has held a duly advertised public hearing on February 8, 2024 and reviewed the application for compliance with the staff findings relevant to the criteria for a Zoning Change as detailed in the Land Development Staff Report and Recommendation, Exhibit "A", dated February 2, 2024, as revised; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing on March 4, 2024 and has considered all comments received concerning the proposed amendment to the Official Zoning Map as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed zoning change ordinance is consistent with the City's Comprehensive Plan, said Plan being adopted pursuant to the Local

Ordinance No. 2024-02 | PBC Utility Parcel

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Government Comprehensive Planning and Land Development Regulation Act and certified by the State of Florida Division of Community Development; and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with Exhibit “A”, “Land Development Staff Report and Recommendation”, dated February 2, 2024, as revised (attached), the proposed amendment changing the zoning district of one (1) parcel of land totaling approximately 0.0143 acres more or less, from a Palm Beach County zoning designation of General Commercial (CG) to a City of Greenacres zoning designation of Commercial General (CG); is in the best interest of the citizens of the City of Greenacres.

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

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

Section 2. Zoning Change and Zoning Map Amendment.

The request by the Petitioner to change the zoning designation for one (1) parcel of land totaling approximately 0.0143 acres more or less, from a Palm Beach County zoning designation of General Commercial (CG) to a City of Greenacres zoning designation of Commercial General (CG), is hereby granted for the property located at 6297 Lake Worth Road, legally described as follows:

PCN: 00-42-44-22-00-000-5270

22-44-42, S 25 FT OF E 25 FT OF W 347 FT OF SE 1/4 OF SW 1/4 OF SE 1/4 LYG N OF & ADJ TO LAKE WORTH RD R/W K/A LIFT STATION #238

Being a portion of:

The Southeast one-quarter of the Southwest one-quarter of the Southeast one-quarter less the West 320' thereof of Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida.

Ordinance No. 2024-02 | PBC Utility Parcel

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Less however, that part lying within the right-of-way for Lake Worth road (SR 802) as recorded in road book 5, pages 125-138, inclusive, public records, Palm Beach County, Florida.

Said lands situate, lying, and being Palm Beach County, Florida. Containing 4.78 acres more or less.

Commence at the Southwest corner of said property; thence due East (on an assumed bearing) along the Northerly right-of-way line of Lake Worth Road, for 2.00 feet to the point of beginning of this description; thence continue due East for 25.00 feet; thence due North for 25.00 feet; thence due West for 25.00 feet; thence due South for 25.00 feet to the point of beginning.

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 0.0143 ACRES MORE OR LESS.

Section 3. Authorization to Make Changes.

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

Section 4. Repeal of Conflicting Ordinances.

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

Section 5. Severability

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

Ordinance No. 2024-02 | PBC Utility Parcel

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inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 6. Effective Date

The provisions of this Ordinance shall become effective consistent with the effective date of Ordinance No. 2024-01, which is the companion small scale comprehensive plan amendment ordinance (changing the Future Land Use designation for the property).

[The Remainder of this Page Intentionally Left Blank.]

Passed on the first reading this ____ day of ____, 2024.

PASSED AND ADOPTED on the second reading this ____ day of ____, 2024.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Council Member, *District I*

Voted:
Peter Noble, Deputy Mayor

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

ZC-24-01
Exhibit "A"
Date: February 2, 2024

Revised: 02/08/2024



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2024-02: ZC-24-01 PBC Utility Parcel – 6297 Lake Worth Road

Recommendation to City Council: A City of Greenacres initiated request for zoning change approval for approximately 0.0143 acres, located on the north side of Lake Worth Road east of South Jog Road (6297 Lake Worth Road).

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☒ Quasi-Judicial

☐ Legislative

☒ Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Gionni Gallier, Senior Planner	Reviewed By: Director of Development & Neighborhood Services (DNS) _____ Denise Malone, AICP, Director DNS
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: 1/25/24, 2/22/24, 3/7/24 Paper: Lake Worth Herald <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Notice Distance: 300'

Attachments: <ul style="list-style-type: none"> • Ordinance 2024-02 • Aerial Map • Existing and Proposed Zoning Map 	City Council Action: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____
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I. Executive Summary

A City initiated request for zoning change from PBC Commercial High with an underlying 5 units per acre (CH/5) to City Commercial (CM) and PBC General Commercial (CG) to City Commercial General (CG). The subject property is being concurrently annexed into the City (ANX-23-01) through Ordinance 2023-18.

II. Site Data:

Existing Use:	Palm Beach County Lift Station
Proposed Use:	PBC Utility Lift Station
Parcel Control Numbers:	00-42-44-22-00-000-5270
Parcel Size:	0.0143 acres
Existing Future Land Use Designation:	PBC Commercial High, with an underlying 5 Units per Acre (CH/5)
Proposed Future Land Use Designation:	City Commercial (CM)
Existing Zoning District:	PBC Agricultural Residential (AR)/PBC General Commercial (CG)
Proposed Zoning District:	City Commercial General (CG)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Liberty Plaza, Church, Undeveloped land	City Residential Medium Density (RS-MD)	City Commercial (City CG), City Residential Medium Density (City RM-2)
<i>South</i>	Lake Worth Plaza West	City Commercial (City CM)	City Commercial Intensive (City CI)
<i>East</i>	Liberty Plaza, Soma Medical Office	City Commercial (City CM)	City Commercial General (City CG)
<i>West</i>	Public Storage, Shell Gas Station	City Commercial (City CM)	City Commercial Intensive (City CI)

III. Annexation/Zoning History:

On December 20, 2022, Palm Beach County Board of County Commissioners adopted Resolution 2022-1532, which provided for the annexation of the seven (7) outparcels of Lake Worth Plaza West via Interlocal Agreement. The Interlocal Agreement included consent to voluntarily annex an adjacent 0.0143-acre County-owned utility parcel developed with a lift station and located at 6297 Lake Worth Road.

The parcel is the last unincorporated parcel within an existing enclave along Lake Worth Road just east of South Jog Road. Palm Beach County did not want to include their County-owned parcel within the previously approved Interlocal Service Boundary Agreement (ISBA) for seven (7) parcels within the original enclave, nor was it included in the Enclave Interlocal for the Lake Worth Plaza West outparcels that were annexed via Resolution 2022-60. Instead, the County proposed to annex the utility parcel via Voluntary Annexation.

Based on the consent provided for in Resolution 2022-1532, the City is moving forward to voluntarily annex (ANX-23-01) the parcel into the City of Greenacres and complete the elimination of the adjacent enclave to the Lake Worth Plaza West.

The site contains one (1) 0.0143-acre parcel having a Future Land Use designation of Palm Beach County (PBC) Commercial High, with an underlying 5 Units per Acre (CH/5) and a zoning designation of Agriculture Residential (PBC AR) / PBC General Commercial (CG). This application is a request for a rezoning from PBC Commercial General (CG) to the City of Greenacres (COG) Commercial General (CG). Concurrently, an application is being processed for a small-scale Future Land Use Amendment for the parcel from PBC Commercial High with an underlying 5 Units per Acre (CH/5) to City Commercial (CM). The proposed zoning is consistent with the City's proposed Land Use designation.

IV. Applicable Comprehensive Plan Provisions:

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

1. Future Land Use Element

Objective 8, Policy c)

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

** * * (1 through 9 and 11 through 16 omitted for brevity) * * **

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

Objective 11, Policies a, b, & c)

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

Policy a)

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

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

Policy b)

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

Policy c)

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

V. Applicable City Code Provisions:

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

Division 10. Commercial General (CG) (Section 16-471 through 16-495)

The commercial general (CG) district is intended for general commercial activity. Permitted uses and special exceptions within this designation require land areas and location convenient to automotive traffic. This district will serve a group of neighborhoods and provide goods and services for a consumer market within a three-mile radius. This district will be found primarily along thoroughfares designated as a regional collector or minor arterials in the Comprehensive Plan. In some instances, this district may also be found along major arterials. It is not the intent of this district that it shall be used to encourage the extension of strip commercial areas.

VI. Staff Analysis:

Land Development Staff Comments:

The petition was informally reviewed by the Development Review Committee (DRC).

Planning and Engineering:	Incorporated into report
Building:	No objections
Public Works:	No objections
Fire Rescue:	No objections
PBSO District #16:	No objections

Change Criteria and Findings of Fact:

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

Specific Criteria Findings:

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

Finding: The proposed Commercial General (CG) zoning district will be consistent with the property's proposed Commercial (CM) future land use designation. The CG district is intended for general commercial activity; permitted uses and special exceptions within this designation require land areas and locations convenient to automotive traffic. The zoning designation allows for a large range of commercial uses in support of the Goals, Objectives, and Policies of the Comprehensive Plan directing commercial activity to infill locations along the Lake Worth Road Corridor.

(2) The existing land use pattern.

Finding: The proposed Commercial General (CG) zoning designation is consistent with the existing land use pattern in the area. The Commercial designations and uses which surround the site to the east, west, and south are within a commercial service corridor that functions on both a local and a regional level. The proposed zoning designation is consistent with the adjacent property located within the City of Greenacres to the east and compatible with the character of the parcel to the west with a Palm Beach County Commercial General (CG) zoning designation and the parcels to the south with City Commercial Intensive (CI) zoning.

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

Finding: This proposed zoning change will not create an isolated zoning district. The parcels are located along the Lake Worth Road commercialized corridor with existing commercial uses and designations on three sides, including an identical designation to the east.

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

Finding: These previously developed parcels are surrounded on three sides by developed commercial land uses.

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

Finding: The properties were previously annexed into the City and therefore require an appropriate City zoning designation.

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

Finding: The properties were previously annexed into the City and therefore requires an appropriate City zoning designation.

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

Finding: The proposed change will replace the existing County commercial-type zoning designation with a City commercial zoning designations which allows similar uses and intensity of development. Thus traffic and public safety will not be negatively impacted. Furthermore, any redevelopment must satisfy Traffic Performance Standards as part of the site plan approval process.

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

Finding: The proposed zoning change will not adversely affect living conditions in the area. The parcel is currently developed and is expected to continue in the current use; any future projects will be required to include adequate landscaping, setbacks, and buffering in accordance with the City Zoning Code.

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

Finding: The property was previously annexed into the City and therefore require an appropriate City zoning designation.

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

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

VII. Staff Recommendation:

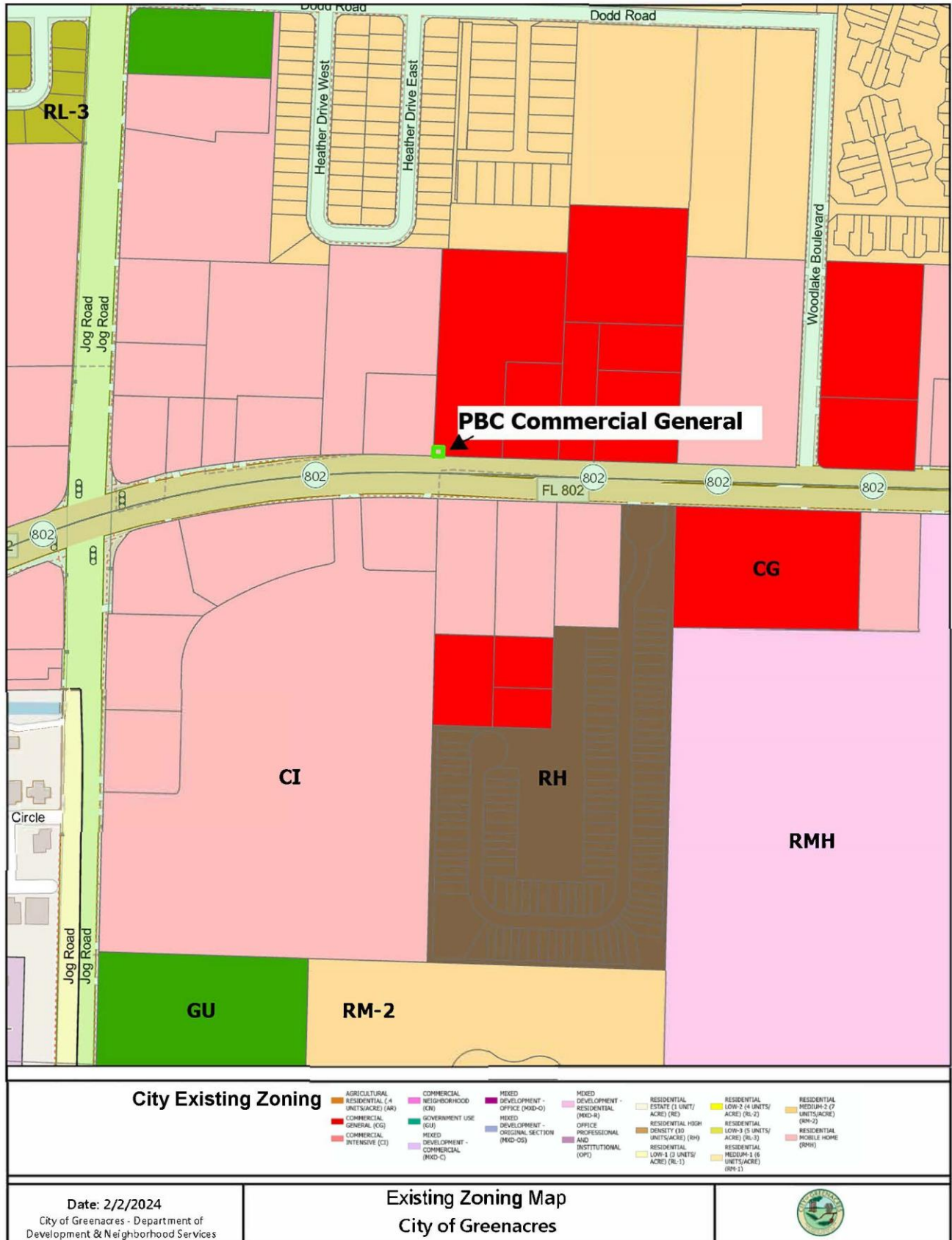
Approval of ZC-24-01 through the adoption of Ordinance 2024-02.

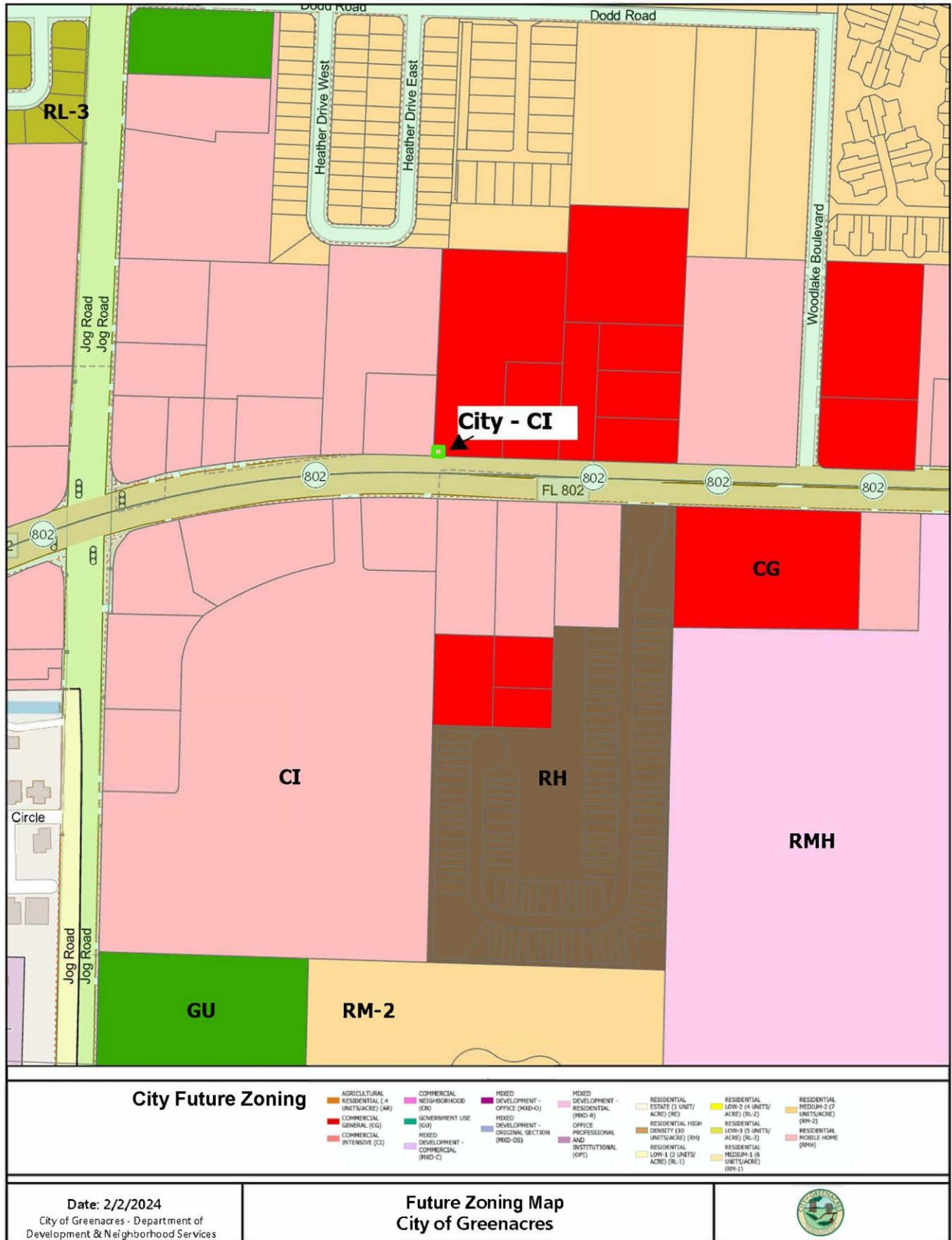
PLANNING COMMISSION RECOMMENDATION – February 8, 2024

The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Board Member Hayes, voting five (5) to zero (0), ***recommended approval*** of Zoning Change ZC-24-01, as presented by staff.

CITY COUNCIL ACTION First Reading

CITY COUNCIL ACTION Adoption Hearing







ITEM SUMMARY

MEETING DATE: March 4, 2024

FROM: Denise Malone, AICP, Development and Neighborhood Services Director

SUBJECT: **Ordinance 2023-22, ANX-23-04 First Reading**
Haverhill Road Annexations

BACKGROUND

A voluntary annexation of eleven (11) parcels totaling approximately 3.9895 acres further reducing the size of an existing enclave.

ANALYSIS

The subject properties are contiguous to the City's municipal boundaries to the east and south and is within the City's identified future annexation area. Since the subject properties are contiguous to developed parcels already in the City, and are located in an existing unincorporated pocket, its 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. After reviewing this petition, staff has determined that the voluntary annexation does not create any enclaves and is consistent with all the provisions of Chapter 171, Florida Statutes, as well as the City's Comprehensive Plan and Zoning Code governing annexations.

The Planning and Zoning Board of Appeals recommended approval by a vote of 5-0 at their meeting on January 11, 2024.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2023-22 was prepared in accordance with all applicable State statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of ANX-23-04 through the adoption of Ordinance 2023-22.

ORDINANCE NO. 2023-22

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ANNEXING ELEVEN PARCELS OF LAND TOTALING APPROXIMATELY 3.7109 ACRES, LOCATED AT 4205, 4222, 4220, 4210, 4168, 4194, 4221, 4239 SOUTH HAVERHILL ROAD, 4960 AND 4944 THOMAS AVENUE, AND 5051 FLORY DRIVE, AS REQUESTED BY THE PETITIONERS DOLLY RODRIGUEZ & HEMAN PANCCHOOSINGH, DOLLY & CLAUDIA RODRIGUEZ, GERALDO & CARISSA VIEIRA, 4210 HAVERHILL LLC, 4220 HAVERHILL ROAD LLC, RONALD LAMNECK, CLAUDIA RODRIGUEZ & HEMAN PANCCHOOSINGH, DOLLY RODRIGUEZ & HEMAN PANCCHOOSINGH, LOCAL BOY LLC; PROVIDING FOR REDEFINING THE BOUNDARY LINES OF THE CITY OF GREENACRES TO INCLUDE THE SUBJECT PROPERTY IN THE CITY'S OFFICIAL BOUNDARY MAP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Dolly Rodrieguez & Heman Panchoosingh, Dolly & Claudia Rodriguez, Geraldo & Carissa Vieira, 4210 HAVERHILL LLC, 4220 HAVERHILL ROAD LLC, Ronald Lamneck, Claudia Rodriguez & Heman Panchoosingh, Dolly Rodriguez & Heman Panchoosingh, and LOCAL BOY LLC, are herein known as the "Petitioner" for the described properties; and;

WHEREAS, the Petitioner has requested by written petition to have the described properties voluntarily annexed into the municipal limits of the City of Greenacres; and

WHEREAS, the subject properties hereinafter described are reasonably compact and contiguous to the corporate limits of the City of Greenacres, thus making said petition for annexation appropriate at this time; and

WHEREAS, the City of Greenacres has heretofore been authorized to annex lands in accordance with Section 171.044, Florida Statutes; and

WHEREAS, the City of Greenacres Planning and Zoning Board of Appeals held a duly advertised public hearing on January 11, 2024 and recommended approval of petition ANX-23-04 to annex the subject property into the City of Greenacres; and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with the Development and Neighborhood Services Staff Report and Recommendation dated January 05, 2024, as amended, attached hereto as Exhibit “A” and by this reference made a part hereof, the proposed annexation of the described properties is in the best interest of the citizens of the City of Greenacres, and is in accordance with State and local law; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres.

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

SECTION 1. The City Council finds that the Petitioner’s written petition for voluntary annexation filed with the City bears the signature of the owners of the real property described herein and the real property is hereby annexed into the City of Greenacres, Florida.

SECTION 2. The boundary lines of Greenacres, Florida, are hereby redefined to include the described real property lying in Palm Beach County into the City’s Boundary Map:

Legal Description

PCN: 00-42-44-25-00-000-3170

Parcel 1

The West 264 feet of the South 66 1/2 feet of the North 532 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the East 44 feet thereof, and LESS a parcel of land for road right of way purposes in the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, County of Palm Beach, State of Florida, and more particularly described as follows:

All that portion of the South 66.5 feet of the North 532 feet of the West 264 feet of the West 1/2 of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of said Section 25 lying West of the proposed East right of way line of Haverhill Road as shown on the right-of-way map recorded in Road Plat Book 5, Pages 16 and 17, Public Records of said County; LESS the existing right-of-way as described by deed recorded in Deed Book 62, page 31, Public Records of said County over and across the West 25 feet of the above described portion of land.

PCN: 00-42-44-25-00-000-3160

Ordinance No. 2023-22 | ANX-23-04 Haverhill Road Parcels

Page No. 3

Parcel 2

The South 66.50 feet of the North 532.00 feet, LESS the West 220.00 feet thereof, of the West half (W ½) of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-25-00-000-3150**Parcel 3**

The North 66 ½ feet of the South 133 feet of the North 532 feet of the west half of the Southwest quarter of the Northwest quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-25-00-000-3180**Parcel 4**

The South 133 feet of the North 399 feet of the West ½ of the Southwest ¼ of the Northwest ¼ of the Northwest 14 of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

4168 S Haverhill Rd (PCN: 00-42-44-25-00-000-3210**Parcel 5**

The West ½ of the South 66.33 feet of the South 133 feet of the North 266 feet of the West ½ of the South West ¼ of the Northwest ¼ of the Northwest ¼ of Section 25, Township 44 South, Range 42 East, (less the West 40 feet of RD R/W), as recorded in the Official Records of Palm Beach County, Florida, O.R. Book 7286, Page 1059.

PCN: 00-42-44-25-00-000-3190 & PCN: 00-42-44-25-00-000-3200),**Parcel 6 and 7**

Parcel 1: The West 90 feet of the East Half of the South 66.33 feet of the South 133 feet of the North 266 feet of the West 1/2 of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

Parcel 2: The South 66.33 feet of the North 266 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter, LESS the West 255 feet thereof, Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida. Together with the Grant of Easement recorded in O.R. Book 19117, Page 1604, Public Records of Palm Beach County, Florida, more particularly described as follows: The North 20 feet of the South 133 feet of the North 399 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-26-01-000-0060**Parcel 8**

Lot 6, Florwood Subdivision, Less the East 15 feet of Haverhill Road right-of-way, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 13.

Ordinance No. 2023-22 | ANX-23-04 Haverhill Road Parcels

Page No. 4

PCN: 00-42-44-26-01-000-0070**Parcel 9**

Lot 7, Florwood Subdivision, Less the East 15 feet of Haverhill Road right-of-way, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 13.

PCN: 00-42-44-26-01-000-0080**Parcel 10**

Lots 8 and 9, in Florwood, a subdivision of the East ½ of the Southwest ¼ of the Northeast ¼ of Section 26, Township 44 South, Range 42 East, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

PCN: 00-42-44-26-01-000-0050**Parcel 11**

Lot 5, Florwood Subdivision, according to the plat thereof, recorded in Plat Book 23, Page 13 of the Public Records of Palm Beach County, Florida.

AND:

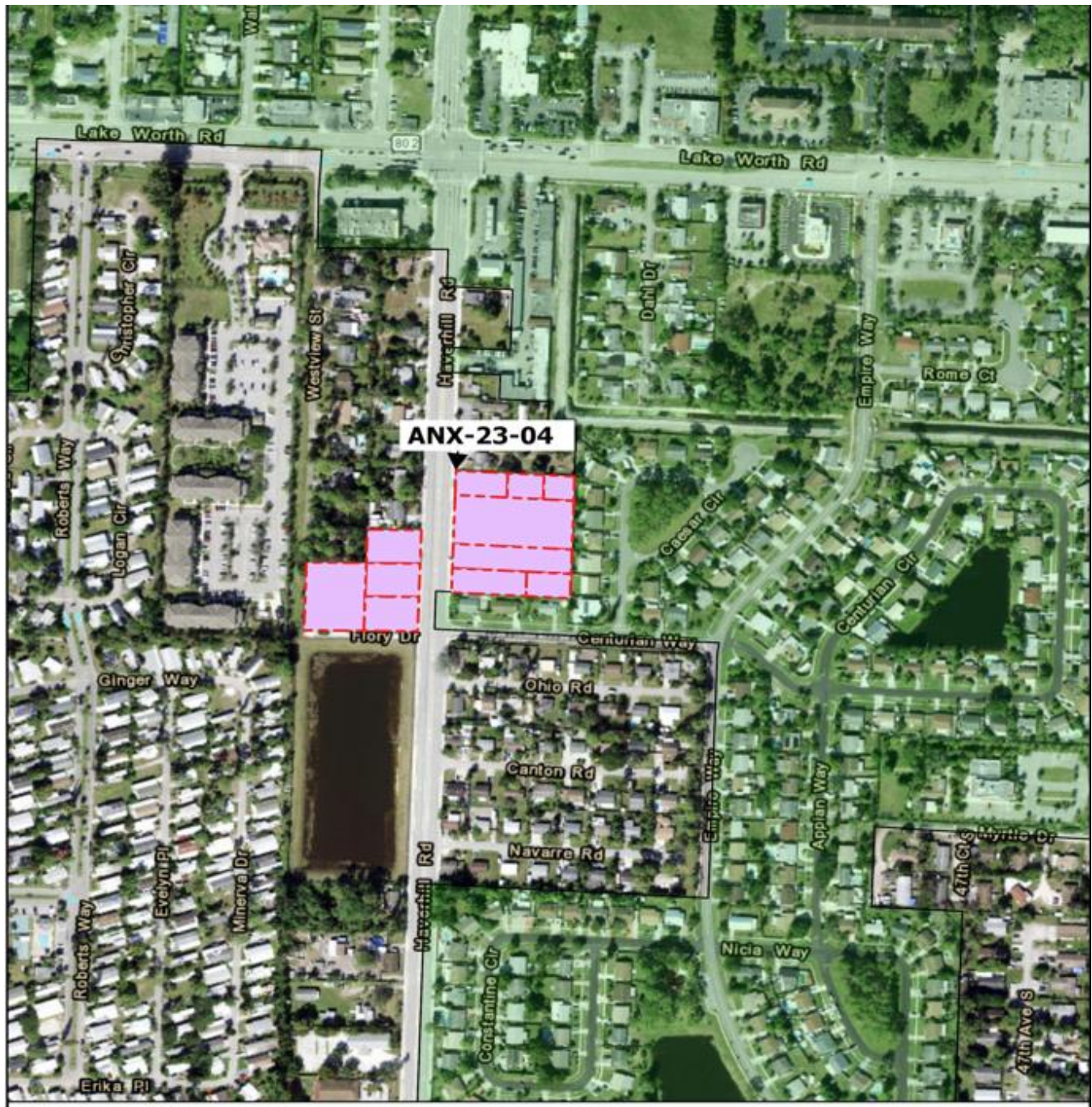
The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 3.7109 ACRES MORE OR LESS.

The above-described real property are subject to road rights-of-way, easements and reservations of record.

The above-described real property is hereby annexed by and declared to be within the corporate limits of the City of Greenacres, Florida.

Location Map



Section 3. That the above-described real property shall immediately become subject to all of the franchises, privileges, immunities, debts, obligations, liabilities, ordinances, and laws to which lands in the City of Greenacres are now or may be subjected to and persons residing thereon shall be deemed citizens of the City of Greenacres.

Section 4. The annexation of the above described real property, including adjacent roads, alleys, or the like, if any, shall not be deemed accepted by the City for any maintenance responsibility for such roads, alleys, or the like, unless otherwise specifically initiated by the City pursuant to current requirements and conditions.

Section 5. The real property with Property Control Numbers (PCN): 00-42-44-25-00-000-3210, 00-42-44-25-00-000-3200, 00-42-44-25-00-000-3190, 00-42-44-25-00-000-3150, 00-42-44-25-00-000-3170, 00-42-44-25-00-000-3160, and 00-42-44-25-00-000-3180 are currently zoned in unincorporated Palm Beach County as Medium Residential (RM) with existing dwelling units. Additionally, the real property with PCN: 00-42-44-25-00-000-3180 (hereinafter referred to as the “Rodriguez Property” within this section) has for several years been utilized for Agricultural Residential (AR) uses including the operation of a landscape lawn maintenance business with associated accessory office and on-site landscape vehicle parking as further shown on the Palm Beach County Property Appraiser Office’s most recent aerial photographs and pictometry (prior to the effective date of this Ordinance). Upon annexation by the City of Greenacres, the Rodriguez Property may continue its existing aforementioned AR operations under the terms outlined in the Annexation Agreement attached hereto as **Exhibit “B”** and incorporated herein.

Section 6. The real property with Property Control Numbers (PCN): 00-42-44-26-01-000-0080, 00-42-44-26-01-000-0070, 00-42-44-26-01-000-0060, 00-42-44-26-01-000-0050, and 00-42-44-26-01-000-0040 are currently zoned in unincorporated Palm Beach County as Agricultural Residential (AR). Additionally, the real property with PCN: 00-42-44-26-01-000-0060 and 00-42-44-26-01-000-0070 (“Lamneck Property”) has for several years been solely

utilized for the specific operation of AR landscaping and tree care service business as further shown on the Palm Beach County Property Appraiser Office's most recent aerial photographs and pictometry (prior to the effective date of this Ordinance). The Lamneck Property may continue AR uses as they existed as of the effective date and under the terms outlined in the Annexation Agreement attached hereto as **Exhibit "C"** and incorporated herein.

Section 7. The City Manager is hereby directed to do all things necessary to effectuate this annexation.

Section 8. 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 9. 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 10. Effective Date. The provisions of this Ordinance shall become effective upon adoption.

[The remainder of this page intentionally left blank.]

Passed on the first reading this 4th day of March, 2024.

PASSED AND ADOPTED on the second reading this _____ day of _____, 2024.

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

ANX-23-04
(Ordinance 2023-22)

Exhibit "A"

Date: January 05, 2024

Revised: 01/11/2024
02/23/2024



DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2023-22: ANX-23-04 Haverhill Road Voluntary Annexation

A voluntary annexation of eleven (11) residential parcels of land totaling 3.7109 acres located on the east and west side of Haverhill Road, approximately 935 feet south of Lake Worth Road. Please see "Exhibit A" for location map.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Gionni Gallier, Senior Planner	Reviewed By: Director of Development & Neighborhood Services (DNS) _____ Denise Malone, AICP, Director DNS
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 12/28/23 Paper: Lake Worth Herald Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: 300'
Attachments: <ul style="list-style-type: none"> • Ordinance 2023-22 • Exhibit "A" 	City Council Action: <input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____

I. Executive Summary

The proposed annexation involves multiple parcels, totaling approximately 3.7109 acres, located within unincorporated Palm Beach County and identified within the City's Future Annexation Area. These parcels are part of an existing Palm Beach County enclave within the City's boundaries and consequently, the proposed annexation will reduce the size of the existing enclave.

The applicants are proposing a voluntary annexation as provided for in Section 171.044, Florida Statutes. This annexation proposal was advertised in the Lake Worth Herald on December 28, 2023. The proposal was submitted to the County Administrator and to County Planning staff on December 29, 2023 via certified return receipt. Additionally, the proposal was submitted to IPARC on February 7, 2024. To date, Staff has not received any objections to the request.

II. Site Data:

Property Information:	See Exhibit A
Size:	3.7109 total acres

III. Annexation/Zoning History:

This collection of properties, currently part of unincorporated Palm Beach County, encompasses multiple parcels totaling 3.7109 acres. These parcels include both developed lands, featuring single-family homes, and undeveloped areas, such as vacant lots. They are all situated within the designated Future Annexation Area of the City, forming part of several Palm Beach County enclaves adjacent to the City's limits.

Future planning applications for these parcels, including future land use map amendment and rezoning are concurrently being considered and processed following the successful annexation into the city. The proposed annexation of these parcels is a voluntary action by the applicants, in compliance with Section 171.044, Florida Statutes.

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.

The proposed voluntary annexations are consistent with the Comprehensive Plan and the City's mapped Future Annexation Area.

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 voluntary annexation

The proposed voluntary annexations are consistent with the City Code of Ordinances, comply with the Florida Statutes, and the City's procedures for annexation have been met.

VI. Staff Analysis:

Development Review Committee Comments:

The petition was informally reviewed by the Development Review Committee (DRC).

Planning and Engineering:	Incorporated into report
Building:	No objections
Public Works:	No objections
Fire Rescue:	No objections
PBSO District #16:	No objections

Background:

The annexation area includes twelve (11) lots, eight (8) are developed with single-family homes, one (1) is developed with a duplex, and two (2) are vacant lots. The homes have been built as early as 1946 and as late as 1992, and several parcels feature shared access easements along South Haverhill Road. The County has verified that there are no outstanding active code cases for the properties.

The Properties at Property Control Numbers (PCN) 00-42-44-25-00-000-3210, 00-42-44-25-00-000-3200, 00-42-44-25-00-000-3190, 00-42-44-25-00-000-3150, 00-42-44-25-00-000-3170, 00-42-44-25-00-000-3160, and 00-42-44-25-00-000-3180 are located on the east side of Haverhill Road and are currently zoned in the County as Medium Residential (RM) with existing dwelling units. Additionally, the property at 4194 South Haverhill Road (PCN: 00-42-44-25-00-000-3180) has for several years been utilized for Agricultural Residential (AR) uses including the operation of a landscape lawn maintenance business with associated accessory office and on-site landscape vehicle parking.

The Properties at Property Control Numbers (PCN) 00-42-44-26-01-000-0080, 00-42-44-26-01-000-0070, 00-42-44-26-01-000-0060, and 00-42-44-26-01-000-0050 are located on the west side of Haverhill Road and are currently zoned in the County as Agricultural Residential (AR). Additionally, the properties at 4221 and 4239 South Haverhill Road (PCNs: 00-42-44-26-01-000-0060 and 00-42-

44-26-01-000-0070) have for several years been solely utilized for the specific operation of AR landscaping and tree care service business.

Upon annexation by the City of Greenacres, the properties have requested to continue the aforementioned AR uses as they existed as of the effective date and under the terms outlined in the proposed annexation Ordinance, Ordinance 2023-22 and as set forth through Annexation Agreements by Resolution 2024-14 and Resolution 2024-15. Any other non-conformities which may be created as a result of the annexation of the Property herein shall be permitted to exist subject to the restrictions and provisions regarding non-conforming buildings, structures and uses set forth in the City of Greenacres City Code. Moreover, the Property Owner shall take no action to expand, enlarge or make any addition to the existing non-conforming buildings, structures and uses located on the Property during the term of this Agreement.

To the extent that the foregoing current uses do not comply with the provisions of the City of Greenacres City Code, such current uses shall be allowed to continue for a period of ten (10) years from the effective date of this Agreement. However, the current AR uses of the property shall immediately cease and/or be removed in the event one of the following takes place: (1) Property owner ceases the current business operations or becomes otherwise insolvent; (2) Property owner fails to maintain all State, County and/or Municipal licenses necessary to operate for these specific business operations; or (3) Property owner takes any action to expand, enlarge, or make any additions to the aforementioned non-conforming uses

The current zoning of the properties for the east side of Haverhill Road is PBC Residential Medium (RM), 5 units per acre and the current zoning of the properties on the west side of PBC Agricultural (AR). The property owners have requested that the city designate the properties with a commercial zoning and land use.

CONSISTENCY WITH FLORIDA STATUTES

Section 171.044, Florida Statutes, includes criteria that an area being considered for voluntary annexation shall satisfy prior to local government annexation:

(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.

Staff Comment: The subject area is located within unincorporated Palm Beach County, is contiguous on two sides to the City's municipal boundaries (east and south) and is reasonably compact. The parcel is concentrated in a single area. Therefore, the proposed annexation is consistent with this section of the Florida Statutes.

(2) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for two consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for four (4) consecutive weeks at some conspicuous

place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

Staff Comment: The eleven (11) subject properties are each under single ownership, and the City has received the signature of the property owners of the area to be annexed. Prior to the adoption of the Ordinance by the City Council for annexation, the notice (legal advertisement) will be published once each week for two consecutive weeks in the City's local newspaper (The Palm Beach Post), to meet the requirements of the Florida Statute.

(3) An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within seven (7) days after the adoption of such ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds.

Staff Comment: This requirement shall be satisfied within seven days of adoption of the Ordinance by the City Council.

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.

Staff Comment: Palm Beach County has been directly notified of the submission of this voluntary annexation petition. On December 22, 2023, the Preliminary Notification, as outlined in the Palm Beach County Voluntary Annexation Process Overview as governed by Chapter 177.044, Florida Statutes, and Ordinance 2007-018, was completed. This was accomplished through a letter mailed to Ms. Verdenia Baker, County Administrator, with copies to the Palm Beach County Planning Director Kevin Fisher, as instructed in the Palm Beach County overview documentation. The City met with Palm Beach County Planning staff on January 23, 2024 and County staff had no objections to the annexation. The proposal was submitted to IPARC on February 7, 2024.

(5) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

Staff Comment: The proposed annexation does not create an enclave as defined in Chapter 171.031(13)(a) and (b), Florida Statutes. Annexation of the subject property does not create an area that is enclosed and bounded on all sides by the City, nor does it create an area that is enclosed and bounded within the City and a natural or manmade obstacle that allows passage of vehicular traffic to that unincorporated area only through the City. The subject property is located within an existing enclave as the property is only accessible by vehicular traffic through the City of Greenacres along South Haverhill Road, and the annexation will reduce the size of an existing enclave.

(6) Not fewer than ten (10) days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the Board of the County Commissioners of the county wherein the municipality is located. The notice provision provided in this subsection may be the basis for a cause of action invalidating the annexation.

Staff Comment: A copy of the notice will be provided via certified mail to the Board of County Commissioners no fewer than ten days prior to publishing the Ordinance notice in The Palm Beach Post as required.

LEVEL OF SERVICE ANALYSIS (LOS)

Water and Wastewater

The properties are located within the Palm Beach County Water Utilities Department service area and currently receives potable water service through (PBCWUD). Sanitary Sewer is currently not provided for the area. PBCWUD will continue to provide potable water service after annexation and any development of the site will be required to connect to sewer services.

Solid Waste

The property is located in the Solid Waste Authority of Palm Beach County (SWA) service area that is the provider of solid waste disposal and recycling services. After annexation, the property will be serviced by the City's current waste services contract, Waste Management.

Recreation

The City has established a level of service for parks and recreation facilities of three (3) acres per 1,000 residents. Based on the existing population estimate of 3.0 residents per single-family structure and 2.6 residents per duplex (single-family attached) for the proposed annexation area, the City's existing park and recreation facilities are sufficient to accommodate this additional population and still maintain the level-of-service standards.

Drainage

The subject properties are located within the boundaries of the Lake Worth Drainage District (LWDD), South Florida Water Management District (SFWMD) and Palm Beach County, which will not change after annexation. The drainage for the sites is provided for onsite.

Roadway

Currently, the parcels are accessed from South Haverhill Road, which is a county owned and maintained right-of-way. Since the city does not maintain South Haverhill Road, the annexation will not impact the annual roadway improvement expenses of the city.

Public Safety

No issues were raised through the City's Development Review Committee process. PBSO District #16 and Fire Department have indicated capacity is available to serve the proposed annexation area to maintain the police and fire Levels of Service.

Traffic

The traffic impacts of annexation on the surrounding road network will not be modified based on the annexation. This annexation would not result in any additional adverse traffic impacts to the City's roadways. Future development of the site would require a Palm Beach County Traffic Performance Standards approval with approved access.

Conclusion of Level of Service Analysis

The Applicant's analysis demonstrates that there will be no direct adverse impacts on the adopted Level of Service (LOS) standards for water, wastewater, solid waste, recreation, police and fire services, and traffic. Therefore, the proposed annexation will not pose a negative impact on the public facilities in the area.

CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN

The proposed annexation area is consistent with the overall Goals, Objectives, and Policies of the Comprehensive Plan. More specifically, the annexation is consistent with Objective 4 that states "The City shall support 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 established plans." Policy 4(a)(2) further requires that "The petitioned area must have "a unity of interests with the City" and be "a logical extension" of the City's boundaries. " The proposed site is conveniently located near municipal services and is already developed around all sides so no environmental resources will be impacted and discourages urban sprawl through infill areas within the city.

Annexation Findings of Fact:

The proposed annexation is consistent with the Goals, Objectives and Policies of the City's Comprehensive Plan. The parcel is contiguous to the city and is 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 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 annexations are consistent with the provisions in Chapter 171, F.S., Specifically the subject properties are not irregular in shape, reasonably compact, and immediately contiguous to the City's municipal boundaries. The subject areas are located within an existing enclave, thus the proposed annexations will reduce the size of the existing enclave.

- (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 property has "a unity of interests with the City" and is "a logical extension" of the City of Greenacres' boundaries. The property is identified as part of the Future Annexation Area in the City's Comprehensive Plan. The sites are also an infill location contiguous to the City's boundary within an existing unincorporated pocket. The annexation of the parcels is a logical extension of the city limits and provides for the extension of the

City's boundaries toward future annexation of the pocket area.

The development is compatible and consistent with other development in the city that desires the local support services such as recreation, parks, and local City Hall services. The interests of the existing and proposed community are congruent to the City's.

(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 property proposed for annexation is contiguous to the City and within an existing unincorporated pocket, the City is able to extend the same level of service provided to residents within the City.

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

Findings: The annexation of the subject property will not create an unreasonable expense or burden upon the City of Greenacres. Since the subject property is contiguous to developed parcels already in the City, and it is located in an existing unincorporated pocket, its 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 property and the reduction of an unincorporated pocket 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 pocket areas. 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 between 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 property without degrading any established levels of service, since the City is already providing governmental services to other developments in the immediate area of the subject parcels. Through zoning changes and site plan approval processes, any new development proposed for the properties must demonstrate that services can be provided at the established Level of Service.

Summary of Annexation Criteria:

The voluntary annexations meet 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 area.

VII. Staff Recommendation:

Approval of ANX-23-04 through the adoption of Ordinance 2023-22.

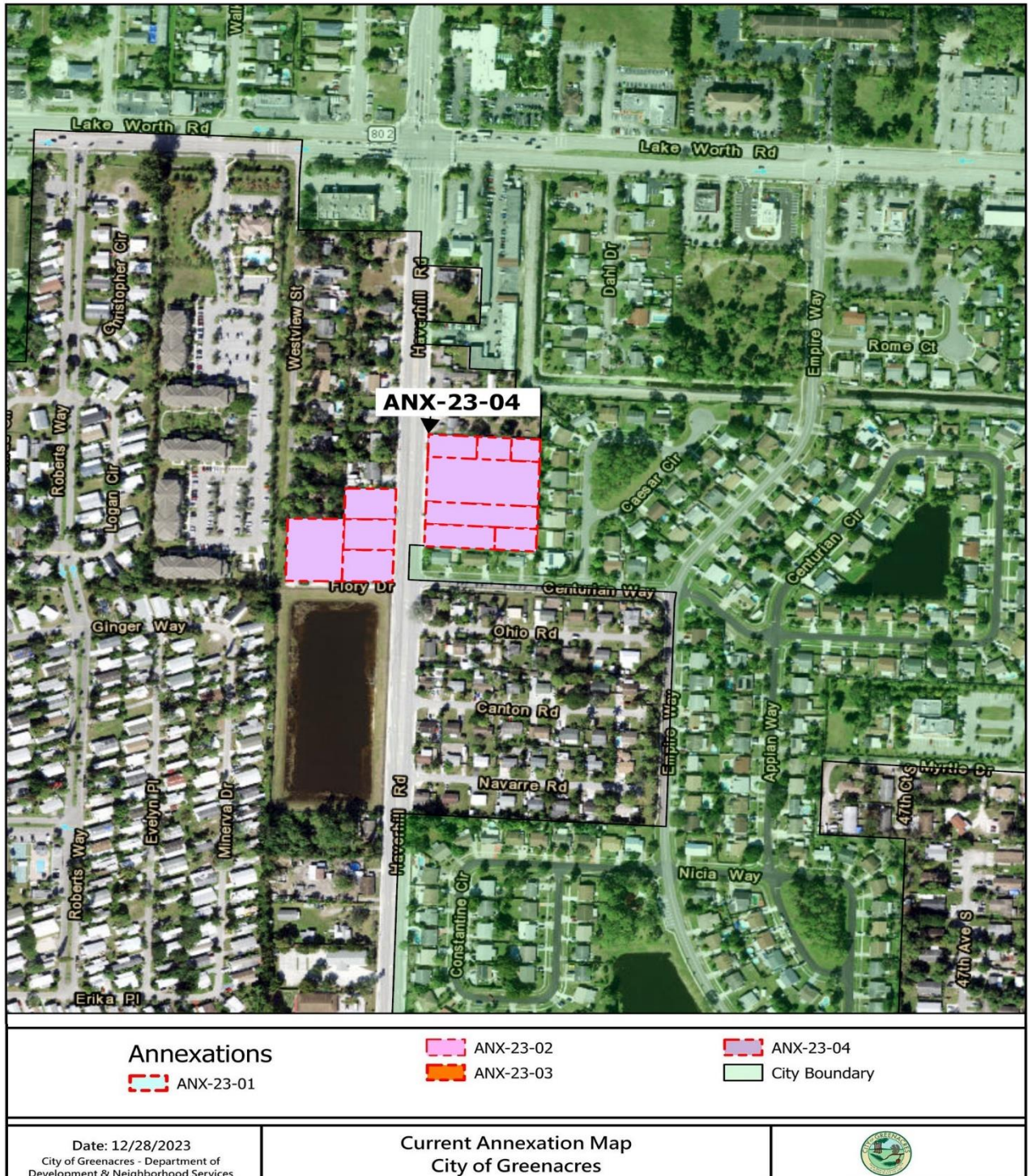
**PLANNING AND ZONING BOARD OF APPEALS
RECOMMENDATION – January 11, 2024**

The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Clements, voting five (5) to zero (0), ***recommended approval*** of Annexation ***ANX-23-04 (Haverhill Road)***, as presented by staff.

CITY COUNCIL ACTION 1st Reading – March 4, 2024

CITY COUNCIL ACTION Adoption Hearing –

Exhibit A (Voluntary Annexation Map and Information Sheet)



Palm Beach County Annexation Information Sheet

Please submit the following information regarding each proposed annexation:

Annexation Name	ANX-23-04 South Haverhill Road Properties (11 Parcels)
Annexation Type	Voluntary
Acres	3.7109 acres
Location	Along the East and West side of South Haverhill Road just south of Lake Worth Road
Existing Use	Single-family homes
Proposed Use	Residential Uses
County Future Land Use	PBC LR-3 Low Residential, 3 Unit per Acre / PBC MR-5 Medium Residential, 5 units per acre
County Zoning	PBC Agricultural Residential (AR), RM - Multi-Family (Medium Density)
City Future Land Use	Residential Low Density(RS-LD), Residential Medium Density (RS-MD), Commercial (CM)
City Zoning	Agricultural / Residential Low 1-3, Commercial (CG)
First Reading (if known)	February 5, 2024
Second Reading (if known)	March 4, 2024
Ordinance Num. (if known)	Ordinance 2023-22
Location Map	(Please Attach)
Parcel Control Numbers	00-42-44-25-00-000-3210, 00-42-44-25-00-000-3180, 00-42-44-26-01-000-0050, 00-42-44-25-00-000-3150, 00-42-44-25-00-000-3160, 00-42-44-26-01-000-0060, 00-42-44-26-01-000-0070, 00-42-44-25-00-000-3170, 00-42-44-25-00-000-3200, 00-42-44-25-00-000-3190, 00-42-44-26-01-000-0080



ITEM SUMMARY

MEETING DATE: March 4, 2024

FROM: Denise Malone, AICP, Director Development and Neighborhood Services

SUBJECT: **Ordinance 2024-07, CPA-24-04 Future Land Use Amendment First Reading**
S. Haverhill Properties

BACKGROUND

A request from the property owners for a small-scale land use amendment for eleven (11) residential parcels of land totaling 3.7109 acres located on the east and west side of Haverhill Road, approximately 935 feet south of Lake Worth Road from Palm Beach County (PBC) LR-3 Low Residential, 3 units per acre and MR-5 Medium Residential, 5 units per acres to the City of Greenacres Commercial (CM) land use designation. A voluntary annexation (ANX-23-04) and a zoning change (ZC-24-04) is being considered and processed concurrent with the petition.

The Land Development Staff has reviewed this proposal and recommended approval, followed by the Planning Commission recommending approval by a vote of 5-0 at their meeting on January 11, 2024.

ANALYSIS

This small-scale future land use amendment is needed in order to replace the existing Palm Beach County (PBC) Palm Beach County Low Residential 3 (LR-3) and Residential Medium, 5 units per acre (RM) with an appropriate City designation of Commercial (CM).

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2024-07 was prepared in accordance with all applicable State Statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of CPA-24-04 through the adoption of Ordinance 2024-07.

ORDINANCE NO. 2024-07

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, TO CHANGE THE FUTURE LAND USE DESIGNATION OF ELEVEN PARCELS OF LAND TOTALING APPROXIMATELY 3.7109 ACRES, LOCATED AT 4205, 4222, 4220, 4210, 4168, 4194, 4221, 4239 SOUTH HAVERHILL ROAD, 4960 AND 4944 THOMAS AVENUE, AND 5051 FLORY DRIVE FROM A PALM BEACH COUNTY (PBC) LR-3 LOW RESIDENTIAL, 3 UNITS PER ACRE AND MR-5 MEDIUM RESIDENTIAL, 5 UNITS PER ACRES TO THE CITY OF GREENACRES COMMERCIAL (CM) LAND USE DESIGNATION, AS REQUESTED BY THE PETITIONERS DOLLY RODRIGUEZ & HEMAN PANCCHOOSINGH, DOLLY & CLAUDIA RODRIGUEZ, GERALDO & CARISSA VIEIRA, 4210 HAVERHILL LLC, 4220 HAVERHILL ROAD LLC, RONALD LAMNECK, CLAUDIA RODRIGUEZ & HEMAN PANCCHOOSINGH, DOLLY RODRIGUEZ & HEMAN PANCCHOOSINGH, LOCAL BOY LLC; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMERCE (FDOC); PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Greenacres, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, and in accordance with all of its terms and provisions, has prepared and adopted a Comprehensive Plan which has been certified by the State of Florida Division of Community Development; and

WHEREAS, Chapter 163.3187 provides for small-scale future land use amendments for properties fifty (50) acres or less; and

WHEREAS, the subject properties meet the requirements of 163.3187; and

WHEREAS, the City of Greenacres Planning and Engineering Department is herein known as the "Petitioner" for the herein described properties; and

Ordinance No. 2024-07 | Haverhill Road Properties

Page No. 2

WHEREAS, the petitioner is requesting to change the City of Greenacres Future Land Use Map from a Palm Beach County (PBC) LR-3 Low Residential, 3 units per acre and MR-5 Medium Residential, 5 units per acre to the City of Greenacres Commercial (CM) land use designation; and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on February 8, 2024, and has recommended approval of petition CPA-24-04 to amend the Comprehensive Plan; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing to receive comments on CPA-24-04 concerning the proposed amendment to the Comprehensive Plan and has considered all comments received as required by state law and local ordinance; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres.

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

Section 1. The foregoing recitals are incorporated into this Ordinance as true and correct finds of the City Council of the City of Greenacres.

Section 2. Future Land Use Map Designation

The Future Land Use Map in the City's Comprehensive Plan is hereby amended to change the designation of the eleven (11) subject properties from a Palm Beach County (PBC) LR-3 Low Residential, 3 units per acre and MR-5 Medium Residential, 5 units per acres to the City of Greenacres Commercial (CM) land use designation for the Property, which are legally described as follows:

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Legal Description**PCN: 00-42-44-25-00-000-3170****Parcel 1**

The West 264 feet of the South 66 1/2 feet of the North 532 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25 Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the East 44 feet thereof, and LESS a parcel of land for road right of way purposes in the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, County of Palm Beach, State of Florida, and more particularly described as follows:

All that portion of the South 66.5 feet of the North 532 feet of the West 264 feet of the West 1/2 of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of said Section 25 lying West of the proposed East right of way line of Haverhill Road as shown on the right-of-way map recorded in Road Plat Book 5, Pages 16 and 17, Public Records of said County; LESS the existing right-of-way as described by deed recorded in Deed Book 62 page 31, Public Records of said County over and across the West 25 feet of the above described portion of land.

PCN: 00-42-44-25-00-000-3160**Parcel 2**

The South 66.50 feet of the North 532.00 feet, LESS the West 220.00 feet thereof, of the West half (W 1/2) of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-25-00-000-3150**Parcel 3**

The North 66 1/2 feet of the South 133 feet of the North 532 feet of the west half of the Southwest quarter of the Northwest quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-25-00-000-3180**Parcel 4**

The South 133 feet of the North 399 feet of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

4168 S Haverhill Rd (PCN: 00-42-44-25-00-000-3210**Parcel 5**

The West 1/2 of the South 66.33 feet of the South 133 feet of the North 266 feet of the West 1/2 of the South West 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, (less the West 40 feet of RD R/W), as recorded in the Official Records of Palm Beach County, Florida, O.R. Book 7286, Page 1059.

PCN: 00-42-44-25-00-000-3190 & PCN: 00-42-44-25-00-000-3200).**Parcel 6 and 7**

Parcel 1: The West 90 feet of the East Half of the South 66.33 feet of the South 133 feet of the North 266 feet of the West 1/2 of the Southwest Quarter of the Northwest Quarter of the

Ordinance No. 2024-07 | Haverhill Road Properties

Page No. 4

Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

Parcel 2: The South 66.33 feet of the North 266 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter, LESS the West 255 feet thereof, Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida. Together with the Grant of Easement recorded in O.R. Book 19117, Page 1604, Public Records of Palm Beach County, Florida, more particularly described as follows: The North 20 feet of the South 133 feet of the North 399 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-26-01-000-0060**Parcel 8**

Lot 6, Florwood Subdivision, Less the East 15 feet of Haverhill Road right-of-way, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 13.

PCN: 00-42-44-26-01-000-0070**Parcel 9**

Lot 7, Florwood Subdivision, Less the East 15 feet of Haverhill Road right-of-way, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 13.

PCN: 00-42-44-26-01-000-0080**Parcel 10**

Lots 8 and 9, in Florwood, a subdivision of the East ½ of the Southwest ¼ of the Northeast ¼ of Section 26, Township 44 South, Range 42 East, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

PCN: 00-42-44-26-01-000-0050**Parcel 11**

Lot 5, Florwood Subdivision, according to the plat thereof, recorded in Plat Book 23, Page 13 of the Public Records of Palm Beach County, Florida.

AND:

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 3.7109 ACRES MORE OR LESS.

Section 3. Authorization to Make Changes.

The Planning, GIS, and Engineering Division is authorized to make the necessary Future Land Use map change to the Comprehensive Plan to reflect the change authorized by

this Ordinance.

Section 4. Repeal of Conflicting Ordinances.

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

Section 5. Severability

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

Section 6. Transmittal to the FDOC.

The Development & Neighborhood Services Department shall send copies of the future land use amendment and Ordinance to the Treasure Coast Regional Planning Council (TCRPC) and the State Land Planning Agency (the Florida Department of Economic Opportunity).

Section 7. Inclusion in the Comprehensive Plan.

Ordinance No. 2024-07 | Haverhill Road Properties

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It is the intention of the City Council, entered as hereby ordained, that the Comprehensive Plan of the City of Greenacres, Florida, shall be amended to include the amendment to the Future Land Use Map as stated herein.

Section 8. Effective Date

The effective date of this Comprehensive Plan amendment shall be thirty-one (31) days following the adoption of this Ordinance in accordance with the provisions of section 163.3187(5)(c), Florida Statutes.

Ordinance No. 2024-07 | Haverhill Road Properties

Page No. 7

Passed on the first reading this ____ day of ____, 2024.

PASSED AND ADOPTED on the second reading this ____ day of ____, 2024.

Voted:

Joel Flores, Mayor

John Tharp, Council Member, *District I*

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Deputy Mayor

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

CPA-24-04
Exhibit "A"
Date: January 30, 2024

Revised: 02/08/2024



DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2024-07: CPA-24-04 South Haverhill Properties

Recommendation to City Council: A small-scale land use amendment for eleven (11) residential parcels of land totaling 3.7109 acres located on the east and west side of Haverhill Road, approximately 935 feet south of Lake Worth Road from Palm Beach County (PBC) LR-3 Low Residential, 3 units per acre and MR-5 Medium Residential, 5 units per acres to the City of Greenacres Commercial (CM) land use designation.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

Originating Department: Development and Neighborhood Services

Project Manager

Gionni Gallier, Senior Planner

Reviewed By:

Director of Development & Neighborhood Services (DNS)

Denise Malone, AICP, Director DNS

Approved By:

City Manager

Andrea McCue

Public Notice:

☒ Required ☐ Not Required

Date: 1/25/24, 2/22/24, 3/7/24

Paper: Lake Worth Herald, PBP

Mailing

☐ Required ☒ Not Required

Notice Distance:

Attachments:

- Existing and Proposed Land Use Map
- Location Map
- Ordinance 2024-07

City Council Action:

☒ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: _____

I. Executive Summary

The proposed small-scale land use amendment (CPA-24-04) involves eleven (11) parcels, totaling approximately 3.7109 acres, recently annexed into the city boundary through voluntary annexation (ANX-23-04). The parcels are within an enclave located along South Haverhill Road.

The property owners of the eleven (11) lots have requested voluntary annexation (ANX-23-04) into the City, as well as a zoning change to Commercial General zoning designation. The nine properties are located off South Haverhill Road, eight (8) are developed with single-family homes, one (1) is developed with a duplex, and two (2) are vacant lots. Concurrent petitions for annexation (ANX-23-04), and a small-scale land use amendment (CPA-23-04) are being processed.

II. Site Data:

Existing Use:	Residential
Proposed Use:	Commercial
Parcel Control Number:	00-42-44-25-00-000-3210; 00-42-44-25-00-000-3180; 00-42-44-26-01-000-0050; 00-42-44-25-00-000-3150; 00-42-44-26-01-000-0060; 00-42-44-26-01-000-0070; 00-42-44-25-00-000-3170; 00-42-44-25-00-000-3200; 00-42-44-25-00-000-3190; 00-42-44-26-01-000-0080
Size:	3.7109 total acres
Existing Future Land Use Designation:	PBC MR-5 Medium Residential, 5 units per acres, LR-3 Low Residential, 3 units per acre
Proposed Future Land Use Designation:	Commercial (CM)
Existing Zoning District:	PBC RM – Multi-Family (Medium Density), Agricultural Residential (AR)
Proposed Zoning District:	Commercial General (CG)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Unincorporated single-family homes	PBC Low Residential (LR-3), PBC Residential Medium (MR-5)	PBC Residential Medium (RM), PBC Agricultural Residential (AR)
<i>South</i>	Unincorporated single-family homes, Palm Beach Villas II	PBC Low Residential (LR-3), PBC Residential Medium (MR-5), COG Residential Low Density (RS-LD)	PBC Residential Medium (RM), PBC Agricultural Residential (AR), COG Residential Low-3 (RL-3)
<i>East</i>	Palm Beach Villas II	COG Residential Low Density (RS-LD)	COG Residential Low-3 (RL-3)
<i>West</i>	Colonial Lake Apartments	PBC Residential High 8 (HR-8)	PBC Residential Medium (RM)

III. Annexation/Zoning History:

The owners of the 3.7109-acre collection of properties are requesting concurrent approval for annexation into the City of Greenacres (ANX 23-04) through Ordinance 2023-22, a zoning change (ZC-24-04) from PBC Agricultural Residential (AR) and PBC Residential Medium, 5 units per acre (RM) to City of Greenacres Commercial General (CG). The current petition is for a small-scale land use amendment (CPA-24-04) from Palm Beach County Low Residential 3 (LR-3) and Residential Medium, 5 units per acre (RM) to City of Greenacres Commercial (CM) designation.

The Properties at Property Control Numbers (PCN) 00-42-44-25-00-000-3210, 00-42-44-25-00-000-3200, 00-42-44-25-00-000-3190, 00-42-44-25-00-000-3150, 00-42-44-25-00-000-3170, 00-42-44-25-00-000-3160, and 00-42-44-25-00-000-3180 are currently zoned in the County as Medium Residential (RM) with existing dwelling units. Additionally, the property at 4194 South Haverhill Road (PCN: 00-42-44-25-00-000-3180) has for several years been utilized for Agricultural Residential (AR) uses including the operation of a landscape lawn maintenance business with associated accessory office and on-site landscape vehicle parking. The Properties at Property Control Numbers (PCN) 00-42-44-26-01-000-0080, 00-42-44-26-01-000-0070, 00-42-44-26-01-000-0060, and 00-42-44-26-01-000-0050 are currently zoned in the County as Agricultural Residential (AR). Additionally, the properties at 4221 and 4239 South Haverhill Road (PCNs: 00-42-44-26-01-000-0060 and 00-42-44-26-01-000-0070) have for several years been solely utilized for the specific operation of AR landscaping and tree care service business.

Upon annexation by the City of Greenacres, the properties have requested to continue AR uses as they existed as of the effective date and under the terms outlined in the proposed annexation Ordinance, Ordinance 2023-22. Any other non-conformities which may be created as a result of the annexation of the Property herein shall be permitted to exist subject to the restrictions and provisions regarding non-conforming buildings, structures and uses set forth in the City of Greenacres City Code. Moreover, the Property Owner shall take no action to expand, enlarge or make any addition to the existing non-conforming buildings, structures and uses located on the Property during the term of this Agreement.

To the extent that the foregoing current uses do not comply with the provisions of the City of Greenacres City Code, such current uses shall be allowed to continue for a period of ten (10) years from the effective date of this Agreement. However, the current AR uses of the property shall immediately cease and/or be removed in the event one of the following takes place: (1) Property owner ceases the current business operations or becomes otherwise insolvent; (2) Property owner fails to maintain all State, County and/or Municipal licenses necessary to operate for these specific business operations; or (3) Property owner takes any action to expand, enlarge, or make any additions to the aforementioned non-conforming uses

IV. Data and Analysis

Background:

This small-scale future land use amendment is needed in order to replace the existing Palm Beach County (PBC) Palm Beach County Low Residential 3 (LR-3) and Residential Medium, 5 units per acre (RM) with an appropriate City designation of Commercial (CM).

Level of Service:

A Level of Service (LOS) analysis is required to address the potential impact of a land use amendment on public services and facilities. The future-land use amendment has been analyzed relative to the provision of adequate urban services. All service providers have confirmed that there will be adequate capacity available for traffic, water, sewer, solid waste, drainage, police, fire, schools, and recreation services.

Palm Beach County Medium Residential 5 future land use designation that allows a maximum residential development density of 5 dwelling units per gross acre, with a potential for up to 3 additional units per acre using the County's Transfer of Development Rights (TDR) program (for a total of 8 du/acre). In addition, the County allows bonus densities for the Workforce Housing units within a development, which would further increase the potential density of the site.

The proposed City of Greenacres CM future land use designation allows a maximum lot coverage of 30% and a FAR of .35, whereas the County allows density of five (5) and three (3) dwelling units per acre on the properties.

POTENTIAL IMPACTS UNDER EXISTING LAND USE

Table 2: Palm Beach County Development Potential				
Land Use	Area	Max Density	Density Bonus	Max Potential development
PBC LR-3	1.7512	3 units/acre	TDR +3 dui	10 units
			WHP + 50%	7 units
PBC RM-5	2.2383	5 units/acre	TDR +3 dui	17 units
			WHP + 50%	16 units
Maximum Development Potential				27 units
Average Daily Trips (27 units X 10 avg daily trips) (ITE code 210)				270 ADT

POTENTIAL IMPACTS UNDER PROPOSED LAND USE

Table 3: Greenacres Development Potential			
Land Use	Area	Lot Coverage/FAR	Max Potential
COG CM	3.9895	35% lot coverage	60,823.92 square feet X 3 stories
		.35 FAR	60,823.92 square feet
Maximum Development Potential			60,823.92 square feet
Average Daily Trips ((60,823.92/1000)*37.01) (ITE Code 820)			2,251 ADT

In addition, as the above intensity analysis demonstrates, the proposed CM land use designation will be is an increase in intensity for the area, yet the city is directing commercial development towards area that are more appropriate for the more intensive uses. The Character of the area has changed over time due to impacts from adjacent commercial development and the expansion of the adjacent roadway, South Haverhill Road, to add more capacity. The proposed (CM) future land use designations for the site are consistent with the existing development pattern in the area and appropriate currently.

Table 4: Public Facilities Impacts Table – CPA-24-01 PBC Utility Site

Public Facility	Demand- Existing FLU Max Development Potential (see Table 2)	Demand Proposed FLU Max Development Potential (see Table 3)	Change	Available Public Facilities to meet LOS for increased demand
Roadways	27 units x 10 ADT/du = 270 ADT	60,823 square feet = 2251 ADT	Add 1,981 trips	YES
Recreation*	27 units x 3 persons/du= 81 persons	0 units = 0 persons	Remove 81 net persons demand	YES
Potable Water*	27 units x 3 persons/du= 81 persons x 126 gal/person/day = 10,206 gal/day	0 units x 3 persons/du= 0 persons x 126 gal/person/day = 0 gal/day	Remove 10,206 net gallons per day	YES
Sanitary Sewer*	27 units x 3 persons/du= 81 persons x 85 gal/person/day = 6,885 gal/day	0 units x 3 persons/du= 0 persons x 85 gal/person/day = 0 gal/day	Remove 6,885 net gallons per day	YES
Drainage	Requirements are the same regardless of land use or development type		None	YES
Solid Waste*	27 du x 3 persons/du = 81 persons x 7.13 pounds/person/day = 577.53 lbs./day	0 du x 3 persons/du = 0 persons x 7.13 pounds/person/day = 0 lbs./day	Remove 577.53 net pounds (lbs.) per day	YES
Mass Transit*	270 ADT x .05% transit trips/vehicle trip = 0.135 transit trips	2251 ADT x .05% transit trips/vehicle trip = 1.1255 transit trips	Add 0.9905 net transit trips	YES
*The level of service standards does not divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons, pounds, acres, or transit trips per person served per day that include both residential and non-residential uses.				

Traffic

The city prepared a basic Level of Service Traffic Evaluation for the subject property based on impacts from the Average Daily Trips (ADT). The analysis examined the traffic impacts of the current future land use designation, Palm Beach County Medium Residential 5 (RM-5) and PBC Low Residential 3 (LR-3) (see Table 2), and the proposed future land-use designation, City of Greenacres Commercial (CM)(see Table 3), and concludes that the proposed Comprehensive Plan Map Amendment meets the City's transportation standards and is consistent with the City's Comprehensive Plan Transportation Element.

Potable Water and Sanitary Sewer

Based on the City's current Comprehensive Plan, the permitted capacity for all plants owned and operated by PBCWUD in 2008 is 87 million gallons daily (MGD) average and 129 MGD maximum per Permit #50-00135. Currently, PBCWUD has a total potable water capacity of 129 MGD with approximately 74 MGD committed and in use, which leaves 55 MGD of extra capacity available. The PBCWUD does not use level of service standards that divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons per person served per day that include both residential and non-residential uses. The adopted level of service for Potable Water is 126 gallons per capita per day. The proposed land use designation is non-residential; therefore, the amendment provides a net reduction in potential development impacts to the potable water LOS.

The City of Greenacres is within the PBC Central Region and is served by the East Central Region Wastewater Treatment Plant (ECR), which is operated by the City of West Palm Beach. The projected

sewage generation for the Central and Southern Regions of Palm Beach County service areas will be less than the available capacity of 44.0 MGD outlined in the County's Comprehensive Plan. All County projections account for the current and future residents of the City of Greenacres. The existing Level of Service of the PBCWUD system is 85 gallons of wastewater produced and treated per capita per day as outlined in Palm Beach County's Comprehensive Plan. This level of service adopted by Palm Beach County will be the same for the City of Greenacres since it is served by PBCWUD. The PBCWUD does not use level of service standards that divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons per person served per day that include both residential and non-residential uses. The proposed land use designation is non-residential; therefore, the amendment provides a net reduction in potential development impacts to the Sanitary Sewer LOS.

The proposed land use amendment meets the City's potable water LOS standard of 126 gallons per day per capita (GPD) and the sanitary sewer LOS Standard of 85 gallons per day per capita. The PBCWUD has shown that sufficient excess capacity exists to meet the demands of the existing development and is not impacted negatively by the proposed land use amendment.

Solid Waste

The Solid Waste Authority of Palm Beach County (SWA) is the provider of solid waste disposal and recycling services for the area. Capacity is available for the coming year, five-year, and ten-year planning periods. As of September 2020, the Authority's Landfill located at the Palm Beach Renewable Energy Park has an estimated 26,926,868 cubic yards of landfill capacity remaining. The City's comprehensive plan does not use level of service standards that divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons per person served per day that include both residential and non-residential uses. The adopted level of service for Solid Waste is 7.13 pounds per capita per day. The proposed land use designation is non-residential; therefore, the amendment provides a net reduction in potential development impacts to the Solid Waste LOS.

Drainage

The site is located within the boundaries of the Lake Worth Drainage District (LWDD). The city's adopted Level of Service for drainage is Legal Positive Outfall, and per SFWMD regulations. The site is located within the boundaries of the South Florida Water Management District Intracoastal Basin C-51. Runoff will be directed to an on-site water management lake and/or exfiltration trench by means of paved or grass swales and/or inlets and storm sewer. Legal positive outfall is available via discharge to adjacent right-of-way. Requirements for drainage are the same regardless of the land use or development type.

Schools

There is no proposed residential population, therefore there will be no demand for School Capacity in addition to what is existing currently.

Recreation

The City's Comprehensive Plan and Land Development Regulations require the evaluation of the impact on the Recreation Level of Service generated by new residents from an amendment. The current Citywide recreation and open space inventory total is approximately 137.90 acres. Based on the current population of 45,476 (BEBR 4/2023), the city exceeds the Level of Service (LOS) of 3.0 acres per 1,000 population by 1.90 acres ($45,476 / 1,000 \times 3 = 136$) ($137.90 - 136 = 1.90$). The proposed comprehensive plan amendment will not generate any additional residents (0 units x 2.2 Persons per household), therefore, there will not be a demand for additional acres of recreation and open space facilities.

Conclusion of Level of Service Analysis

The proposed development demonstrates that there will be no adverse impacts on the adopted Level of Service (LOS) standards for sanitary sewer and potable water, solid waste, drainage, public safety, schools, recreation, and traffic. Therefore, the proposed Comprehensive Plan Map Amendment from PBC LR-3 and RM to City of Greenacres CM will not pose a negative impact on the public facilities in the area. The City has determined that adequate capacity exists for the proposed amendment.

Land Use Analysis:

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

A. Compatibility:

North, South, East and West: To the north, south, east and west of the subject parcels there is an existing residential development with the same PBC land use and zoning designations. The proposed land use designation of (CM) for the parcels are compatible and provide buffering for the interior parcels that are not located directly on the adjacent major arterial Thoroughfare roadway; therefore, there will be no adverse impacts from the proposed future land use amendment. Reviewing the existing commercial development to the north at the intersection of Lake Worth Road and South Haverhill Road, which is a Primary Activity Center in the City shows that the proposed City Commercial future land use designation is compatible with the surrounding properties and the general commercial activity along this portion of South Haverhill Road.

B. Concurrency:

As previously stated, this future land use amendment will provide this site with a City future land use designation based on its annexation. Any future changes to the site will be evaluated for compliance with level of service standards by all relevant agencies as part of site and development plan approval. The applicant meets the level of service (LOS) standards for this site.

C. Consistency with City's Comprehensive Plan:

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

1. Future Land Use Element

The Advisory Future Land Use Map (Map FLU 9) recommends Residential Medium density (RS-MD) for the subject area. The City is proposing a Commercial designation to address existing conditions and character of the area.

Objective 8, Policy c)

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

* * * (1 through 10 and 12 through 16 omitted for brevity) * * *

(11) Commercial General – 30% lot coverage, 0.35 FAR

Objective 10, Policy e)

The City of Greenacres shall regulate and control all future land use activities which affect the topography, materials beneath the land's surface and availability of services by implementing the following policies:

Policy e)

In reviewing future land use amendments in the City's Future Annexation Area, the City will utilize the Advisory Future Land Use Map (Map 9) as the basis for the assignment of future land use designations as well as consideration of the goals, objectives and policies contained in this Element and an analysis of the proposal's compatibility with adjacent uses in order to determine the appropriate designation.

Objective 11, Policies a, b & c)

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

Policy a)

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

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

Policy b)

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

Policy c)

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

Policy d)

The City will continue to utilize the nodal system (Section VI A.1 and A.2 of the Future Land Use Element) in conjunction with Map 5 to designate Future Land Uses in activity spheres and infill corridors.

V. Consistency with the Treasure Coast Regional Planning Council SRPP

The proposed future land use amendment represents a means of increasing commercial opportunities in the city through the process of infill development located in an area with existing infrastructure to support commercial development, rather than approving land uses which will encourage urban sprawl. This is consistent with the intent of Regional Goal 2.1, which discourages urban sprawl development patterns and Regional Goal 5.1, which states that redevelopment, revitalization and infill of existing neighborhoods and districts should be encouraged. The proposed Commercial (CM) future land use designations are consistent with the intent of Regional Goal 8.1 which states that development should take place concurrent with or after the provision of necessary infrastructure and services. As a result, the proposed future land use amendment is consistent with the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan (SRPP) concerning appropriate development patterns.

VI. Consistency with Chapter 163, Florida Statutes

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

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

VII. Staff Recommendation

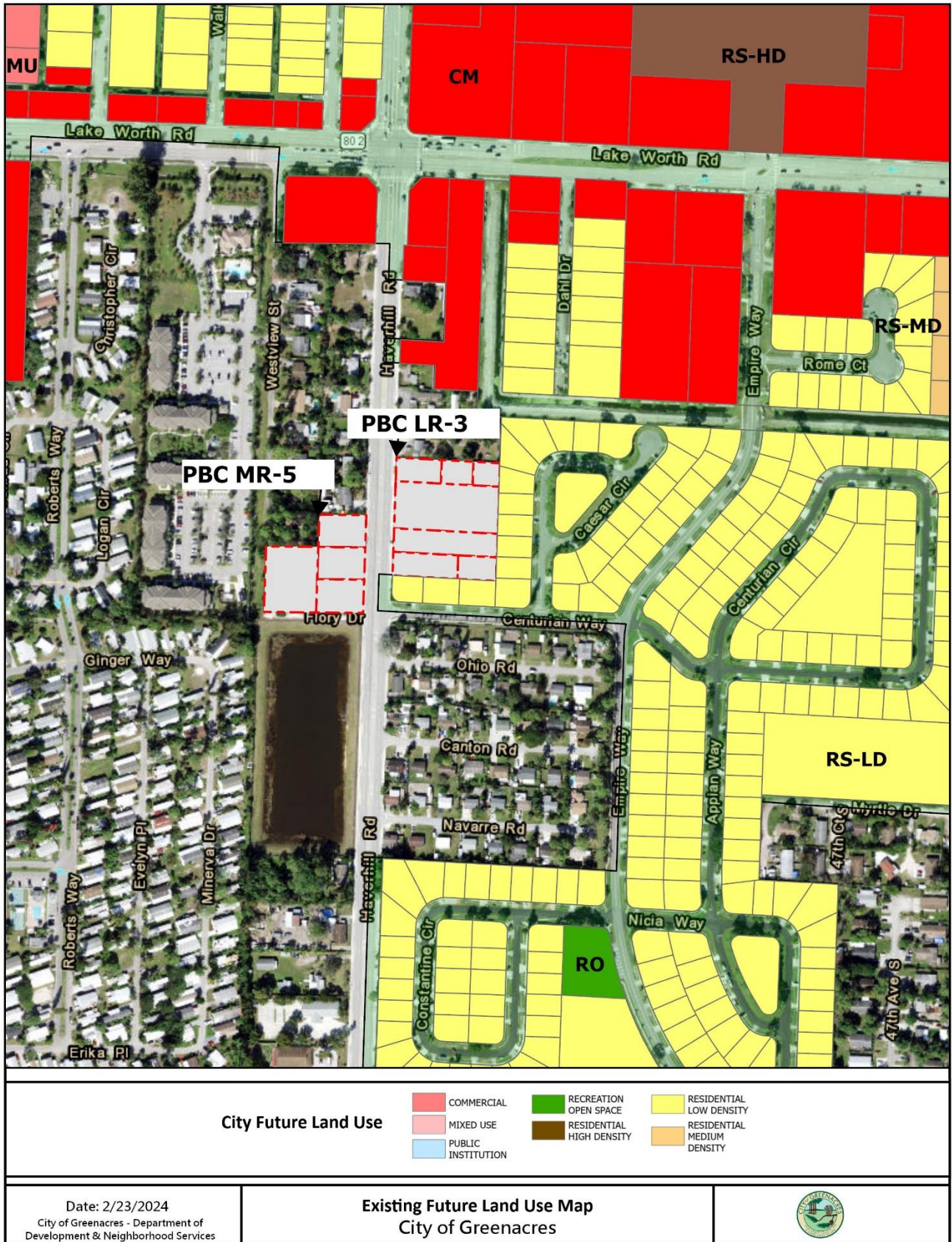
Approval of CPA-24-04 through the adoption of Ordinance 2024-07.

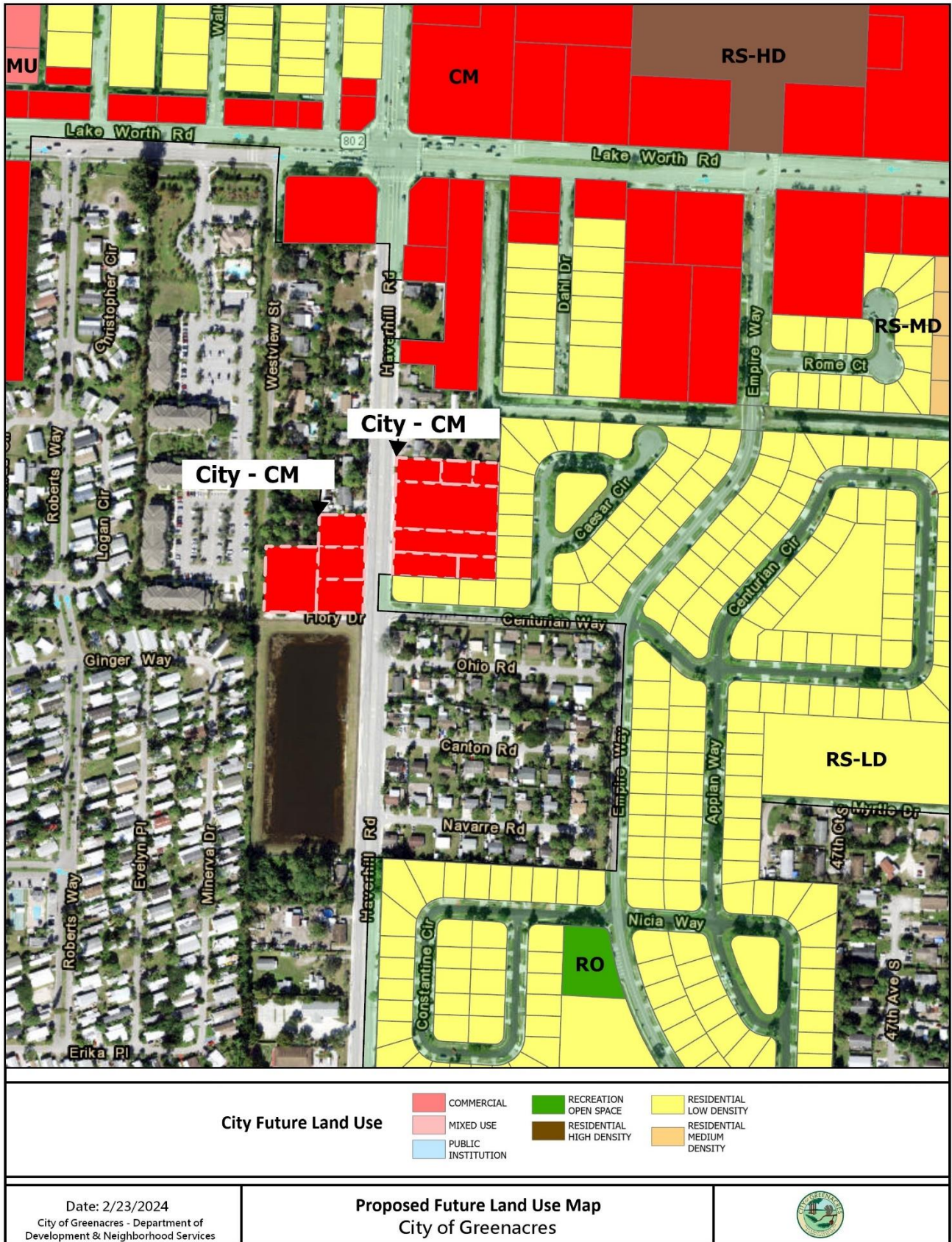
LOCAL PLANNING AGENCY ACTION – February 8, 2024

The Local Planning Agency on a motion made by Board Member Edmundson and seconded by Board Member Hayes, voting five (5) to zero (0), *recommended approval* of **CPA-24-01**, as presented by staff.

CITY COUNCIL ACTION First Reading – March 4, 2024

CITY COUNCIL ACTION Adoption Hearing







ITEM SUMMARY

MEETING DATE: March 4, 2024

FROM: Denise Malone, AICP, Director Development and Neighborhood Services

SUBJECT: **Ordinance 2024-08, ZC-24-04 Zoning Change First Reading**
S. Haverhill Properties

BACKGROUND

A request from the property owners for a zoning change for eleven (11) residential parcels of land totaling 3.7109 acres located on the east and west side of Haverhill Road, approximately 935 feet south of Lake Worth Road from Palm Beach County Residential Medium, 5 units per acre (RM) and Agricultural Residential (AR) zoning district to the City of Greenacres Commercial General (CG) zoning district. A voluntary annexation (ANX-23-04) and a land use change (CPA-24-04) is being considered and processed concurrent with the petitions.

The Land Development Staff has reviewed this proposal and recommended approval, followed by the Planning Commission recommending approval by a vote of 5-0 at their meeting on January 11, 2024.

ANALYSIS

This zoning change is needed in order to replace the existing Palm Beach County (PBC) Agricultural Residential (AR) and PBC Residential Medium, 5 units per acre (RM) to City of Greenacres Commercial General (CG).

N/A

LEGAL

Ordinance 2024-08 was prepared in accordance with all applicable State Statutes and City Code requirements.

STAFF RECOMMENDATION

Approval of ZC-24-04 through the adoption of Ordinance 2024-08.

ORDINANCE NO. 2024-08

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE AND OFFICIAL ZONING MAP AMENDMENT FOR ELEVEN (11) PARCELS OF LAND TOTALING APPROXIMATELY 3.7109 ACRES, LOCATED AT 4205, 4222, 4220, 4210, 4168, 4194, 4221, 4239 SOUTH HAVERHILL ROAD, 4960 AND 4944 THOMAS AVENUE, AND 5051 FLORY DRIVE FROM A PALM BEACH COUNTY RESIDENTIAL MEDIUM, 5 UNITS PER ACRE (RM) AND AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT TO THE CITY OF GREENACRES COMMERCIAL GENERAL (CG) ZONING DISTRICT, AS REQUESTED BY THE PETITIONERS DOLLY RODRIGUEZ & HEMAN PANCHOOSINGH, DOLLY & CLAUDIA RODRIGUEZ, GERALDO & CARISSA VIEIRA, 4210 HAVERHILL LLC, 4220 HAVERHILL ROAD LLC, RONALD LAMNECK, CLAUDIA RODRIGUEZ & HEMAN PANCHOOSINGH, DOLLY RODRIGUEZ & HEMAN PANCHOOSINGH, LOCAL BOY LLC; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres Planning and Engineering Department is herein known as the "Petitioner" for the herein described property; and

WHEREAS, the Petitioner is requesting a rezoning of eleven (11) parcels of land totaling approximately 3.7109 acres more or less, from a Palm Beach County Residential Medium, 5 units per acre (RM) and Agricultural Residential (AR) zoning district to the City of Greenacres Commercial General (CG) zoning district; and

WHEREAS, the Planning Commission has held a duly advertised public hearing on February 8, 2024 and reviewed the application for compliance with the staff findings relevant to the criteria for a Zoning Change as detailed in the Land Development Staff Report and Recommendation, Exhibit "A", dated February 2, 2024, as revised; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing on March 19, 2024 and has considered all comments received concerning the

Ordinance No. 2024-08 | Haverhill Road Properties

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proposed amendment to the Official Zoning Map as required by state law and local ordinance;
and

WHEREAS, the City Council finds that the proposed zoning change ordinance is consistent with the City's Comprehensive Plan, said Plan being adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act and certified by the State of Florida Division of Community Development; and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with Exhibit "A", "Land Development Staff Report and Recommendation", dated February 2, 2024, as revised (attached), the proposed amendment changing the zoning district of eleven (11) parcels of land totaling approximately 3.7109 acres more or less, from a Palm Beach County Residential Medium, 5 units per acre (RM) and Agricultural Residential (AR) zoning district to the City of Greenacres Commercial General (CG) zoning district; is in the best interest of the citizens of the City of Greenacres.

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

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

Section 2. Zoning Change and Zoning Map Amendment.

The request by the Petitioner to change the zoning designation for eleven (11) parcels of land totaling approximately 3.7109 acres more or less, from a Palm Beach County Residential Medium, 5 units per acre (RM) and Agricultural Residential (AR) zoning district to the City of Greenacres Commercial General (CG) zoning district, is hereby granted for the

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property located at 4205, 4222, 4220, 4210, 4194, 4168, 4221, 4239 South Haverhill Road, 4960 And 4944 Thomas Avenue, And 5051 Flory Drive, legally described as follows:

Legal Description**PCN: 00-42-44-25-00-000-3170****Parcel 1**

The West 264 feet of the South 66 1/2 feet of the North 532 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25 Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the East 44 feet thereof, and LESS a parcel of land for road right of way purposes in the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, County of Palm Beach, State of Florida, and more particularly described as follows:

All that portion of the South 66.5 feet of the North 532 feet of the West 264 feet of the West 1/2 of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of said Section 25 lying West of the proposed East right of way line of Haverhill Road as shown on the right-of-way map recorded in Road Plat Book 5, Pages 16 and 17, Public Records of said County; LESS the existing right-of-way as described by deed recorded in Deed Book 62 page 31, Public Records of said County over and across the West 25 feet of the above described portion of land.

PCN: 00-42-44-25-00-000-3160**Parcel 2**

The South 66.50 feet of the North 532.00 feet, LESS the West 220.00 feet thereof, of the West half (W 1/2) of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-25-00-000-3150**Parcel 3**

The North 66 1/2 feet of the South 133 feet of the North 532 feet of the west half of the Southwest quarter of the Northwest quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-25-00-000-3180**Parcel 4**

The South 133 feet of the North 399 feet of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

4168 S Haverhill Rd (PCN: 00-42-44-25-00-000-3210**Parcel 5**

The West 1/2 of the South 66.33 feet of the South 133 feet of the North 266 feet of the West 1/2 of the South West 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, (less the West 40 feet of RD R/W), as recorded in the Official Records of Palm Beach County, Florida, O.R. Book 7286, Page 1059.

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PCN: 00-42-44-25-00-000-3190 & PCN: 00-42-44-25-00-000-3200).**Parcel 6 and 7**

Parcel 1: The West 90 feet of the East Half of the South 66.33 feet of the South 133 feet of the North 266 feet of the West 1/2 of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

Parcel 2: The South 66.33 feet of the North 266 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter, LESS the West 255 feet thereof, Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida. Together with the Grant of Easement recorded in O.R. Book 19117, Page 1604, Public Records of Palm Beach County, Florida, more particularly described as follows: The North 20 feet of the South 133 feet of the North 399 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-26-01-000-0060**Parcel 8**

Lot 6, Florwood Subdivision, Less the East 15 feet of Haverhill Road right-of-way, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 13.

PCN: 00-42-44-26-01-000-0070**Parcel 9**

Lot 7, Florwood Subdivision, Less the East 15 feet of Haverhill Road right-of-way, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 13.

PCN: 00-42-44-26-01-000-0080**Parcel 10**

Lots 8 and 9, in Florwood, a subdivision of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 26, Township 44 South, Range 42 East, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

PCN: 00-42-44-26-01-000-0050**Parcel 11**

Lot 5, Florwood Subdivision, according to the plat thereof, recorded in Plat Book 23, Page 13 of the Public Records of Palm Beach County, Florida.

AND:

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 3.7109 ACRES MORE OR LESS.

Section 3. Authorization to Make Changes.

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

Section 4. Repeal of Conflicting Ordinances.

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

Section 5. Severability

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

SECTION 6. Effective Date

The provisions of this Ordinance shall become effective consistent with the effective date of Ordinance No. 2024-07, which is the companion small scale comprehensive plan amendment ordinance (changing the Future Land Use designation for the property).

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Passed on the first reading this ____ day of ____, 2024.

PASSED AND ADOPTED on the second reading this ____ day of ____, 2024.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Council Member, *District I*

Voted:
Peter Noble, Deputy Mayor

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

ZC-24-04
Exhibit "A"
Date: February 2, 2024

Revised: 02/08/2024



DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2023-08: ZC 24-04 Haverhill Road Parcels

Recommendation to City Council: A zoning change request of eleven (11) residential parcels of land totaling 3.7109 acres located on the east and west side of Haverhill Road, approximately 935 feet south of Lake Worth Road from Palm Beach County Residential Medium, 5 units per acre (RM) and Agricultural Residential (AR) zoning district to the City of Greenacres Commercial General (CG) zoning district.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☐ Legislative

☒ Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Gionni Gallier, Senior Planner	Reviewed By: Director of Development & Neighborhood Services (DNS) _____ Denise Malone, AICP, Director DNS
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 1/25/24, 2/22/24, 3/7/24 Paper: Lake Worth Herald Mailing <input type="checkbox"/> Required <input type="checkbox"/> Not Required Notice Distance: 300'
Attachments: <ul style="list-style-type: none"> • Ordinance 2024-08 • Exhibit "A" 	City Council Action: <input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____

I. Executive Summary

A request for a change in the zoning designation by the property owners for approximately 3.7109 acres and eleven (11) parcels, seven (7) parcels, located on the east side of South Haverhill Road, with a PBC RM - Multi-Family (Medium Density) designation and four (4) parcels, located on the west side of South Haverhill Road, with a Palm Beach County Agricultural Residential (AR) designation to City Commercial General (CG).

The property owners of the eleven (11) lots have requested voluntary annexation (ANX-23-04) into the city, as well as a zoning change to Commercial General zoning designation., The nine properties are located off South Haverhill Road, eight (8) are developed with single-family homes, one (1) is developed with a duplex, and two (2) are vacant lots. Concurrent petitions for annexation (ANX-23-04), and a small-scale land use amendment (CPA-23-04) are being processed.

II. Site Data:

Existing Use:	Residential
Proposed Use:	Commercial
Parcel Control Number:	00-42-44-25-00-000-3210; 00-42-44-25-00-000-3180; 00-42-44-26-01-000-0050; 00-42-44-25-00-000-3150; 00-42-44-26-01-000-0060; 00-42-44-26-01-000-0070; 00-42-44-25-00-000-3170; 00-42-44-25-00-000-3200; 00-42-44-25-00-000-3190; 00-42-44-26-01-000-0080
Size:	3.7109 total acres
Existing Future Land Use Designation:	PBC MR-5 Medium Residential, 5 units per acres, LR-3 Low Residential, 3 units per acre
Proposed Future Land Use Designation:	Commercial (CM)
Existing Zoning District:	PBC RM – Multi-Family (Medium Density), Agricultural Residential (AR)
Proposed Zoning District:	Commercial General (CG)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Unincorporated single-family homes	PBC Low Residential (LR-3), PBC Residential Medium (MR-5)	PBC Residential Medium (RM), PBC Agricultural Residential (AR)
<i>South</i>	Unincorporated single-family homes, Palm Beach Villas II	PBC Low Residential (LR-3), PBC Residential Medium (MR-5), COG Residential Low Density (RS-LD)	PBC Residential Medium (RM), PBC Agricultural Residential (AR), COG Residential Low-3 (RL-3)
<i>East</i>	Palm Beach Villas II	COG Residential Low Density (RS-LD)	COG Residential Low-3 (RL-3)
<i>West</i>	Colonial Lake Apartments	PBC Residential High 8 (HR-8)	PBC Residential Medium (RM)

III. Annexation/Zoning History:

The owners of the 3.7109-acre collection of properties are requesting concurrent approval for annexation into the City of Greenacres (ANX 23-04) through Ordinance 2023-22, a change in the Future Land Use (CPA-24-04) designation from Palm Beach County Low Residential 3 (LR-3) and Residential Medium, 5 units per acre (RM) to City Commercial (CM). The current petition for a zoning change (ZC-24-04) from PBC Agricultural Residential (AR) and PBC Residential Medium, 5 units per acre (RM) to Commercial General (CG).

The annexation area includes eleven (11) lots, eight (8) are developed with single-family homes, one (1) is developed with a duplex, and two (2) are vacant lots. The homes have been built as early as 1946 and as late as 1992, and several parcels feature shared access easements along South Haverhill Road. The County has verified that there are no outstanding active code cases for the properties.

The Properties at Property Control Numbers (PCN) 00-42-44-25-00-000-3210, 00-42-44-25-00-000-3200, 00-42-44-25-00-000-3190, 00-42-44-25-00-000-3150, 00-42-44-25-00-000-3170, 00-42-44-25-00-000-3160, and 00-42-44-25-00-000-3180 are located on the east side of Haverhill Road and are currently zoned in the County as Medium Residential (RM) with existing dwelling units. Additionally, the property at 4194 South Haverhill Road (PCN: 00-42-44-25-00-000-3180) has for several years been utilized for Agricultural Residential (AR) uses including the operation of a landscape lawn maintenance business with associated accessory office and on-site landscape vehicle parking.

The Properties at Property Control Numbers (PCN) 00-42-44-26-01-000-0080, 00-42-44-26-01-000-0070, 00-42-44-26-01-000-0060, and 00-42-44-26-01-000-0050 are located on the west side of Haverhill Road and are currently zoned in the County as Agricultural Residential (AR). Additionally, the properties at 4221 and 4239 South Haverhill Road (PCNs: 00-42-44-26-01-000-0060 and 00-42-44-26-01-000-0070) have for several years been solely utilized for the specific operation of AR landscaping and tree care service business.

Upon annexation by the City of Greenacres, the properties have requested to continue the aforementioned AR uses as they existed as of the effective date and under the terms outlined in the proposed annexation Ordinance, Ordinance 2023-22 and as set forth through Annexation Agreements by Resolution 2024-14 and Resolution 2024-15. Any other non-conformities which may be created as a result of the annexation of the Property herein shall be permitted to exist

subject to the restrictions and provisions regarding non-conforming buildings, structures and uses set forth in the City of Greenacres City Code. Moreover, the Property Owner shall take no action to expand, enlarge or make any addition to the existing non-conforming buildings, structures and uses located on the Property during the term of this Agreement.

To the extent that the foregoing current uses do not comply with the provisions of the City of Greenacres City Code, such current uses shall be allowed to continue for a period of ten (10) years from the effective date of this Agreement. However, the current AR uses of the property shall immediately cease and/or be removed in the event one of the following takes place: (1) Property owner ceases the current business operations or becomes otherwise insolvent; (2) Property owner fails to maintain all State, County and/or Municipal licenses necessary to operate for these specific business operations; or (3) Property owner takes any action to expand, enlarge, or make any additions to the aforementioned non-conforming uses.

IV. Applicable Comprehensive Plan Provisions:

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

1. Future Land Use Element

Objective 8, Policy c)

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

** * * (1 through 9 and 11 through 16 omitted for brevity) * * **

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

Objective 11, Policies a, b, & c)

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

Policy a)

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

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

- regulations of the implementing zoning district will be approved.
- (3) Adequate facilities and services shall be available and concurrent to accommodate the proposed development.

Policy b)

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

Policy c)

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

V. Applicable City Code Provisions:

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

Division 10. Commercial General (CG) (*Section 16-471 through 16-495*)

The commercial general (CG) district is intended for general commercial activity. Permitted uses and special exceptions within this designation require land areas and location convenient to automotive traffic. This district will serve a group of neighborhoods and provide goods and services for a consumer market within a three-mile radius. This district will be found primarily along thoroughfares designated as a regional collector or minor arterials in the Comprehensive Plan. In some instances, this district may also be found along major arterials. It is not the intent of this district that it shall be used to encourage the extension of strip commercial areas.

VI. Staff Analysis:

LEVEL OF SERVICE ANALYSIS (LOS)

Water and Wastewater

The properties are located within the Palm Beach County Water Utilities Department service area and currently receives potable water service through (PBCWUD). Sanitary Sewer is currently not provided for the area. PBCWUD will continue to provide potable water service after annexation and any development of the site will be required to connect to sewer services.

Solid Waste

The property is located in the Solid Waste Authority of Palm Beach County (SWA) service area that is the provider of solid waste disposal and recycling services. After annexation, the property will be serviced by the City's current waste services contract, Waste Management.

Recreation

The City has established a level of service for parks and recreation facilities of three (3) acres per 1,000 residents. Based on the existing population estimate of 3.0 residents per single-family structure and 2.6 residents per duplex (single-family attached) for the proposed annexation area, the City's existing park and recreation facilities are sufficient to accommodate this additional population and still maintain the level-of-service standards.

Drainage

The subject properties are located within the boundaries of the Lake Worth Drainage District (LWDD), South Florida Water Management District (SFWMD) and Palm Beach County, which will not change after annexation. The drainage for the sites is provided for onsite.

Roadway

Currently, the parcels are accessed from South Haverhill Road, which is a county owned and maintained right-of-way. Since the city does not maintain South Haverhill Road, the annexation will not impact the annual roadway improvement expenses of the city.

Public Safety

No issues were raised through the City's Development Review Committee process. PBSO District #16 and Fire Department have indicated capacity is available to serve the proposed annexation area to maintain the police and fire Levels of Service.

Traffic

The traffic impacts of annexation on the surrounding road network will not be modified based on the annexation. This annexation would not result in any additional adverse traffic impacts to the City's roadways. Future development of the site would require a Palm Beach County Traffic Performance Standards approval with approved access.

Conclusion of Level of Service Analysis

The Applicant's analysis demonstrates that there will be no direct adverse impacts on the adopted Level of Service (LOS) standards for water, wastewater, solid waste, recreation, police and fire services, and traffic. Therefore, the proposed annexation will not pose a negative impact on the public facilities in the area.

Development Review Committee Comments:

The petition was informally reviewed by the Development Review Committee (DRC).

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

Zoning Change Criteria and Findings of Fact:

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

Specific Criteria Findings:

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

Finding: The proposed Commercial General (CG) zoning district will be consistent with the property's proposed Commercial (CM) future land use designation which is currently being processed with this petition.

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

Finding: The proposed Commercial General (CG) zoning district is consistent with the existing land use pattern in the area. The subject property is bound by residential uses to the east, west, south, and north. To the west are multi-family complexes. The properties are separated by South Haverhill Road, which was recently expanded to add capacity, which has had an effect on the character of the area.

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

Finding: The proposed zoning change would not create an isolated district unrelated to adjacent and nearby districts. The zoning designations to the north, west, south, and east are designated as Residential zoning already. Although the existing zoning districts range from Low to High Residential, the proposed use is compatible with the adjacent high residential uses and is more compatible with South Haverhill Road, which was expanded in lanes and capacity and has changed the existing character of the area.

- (4) The population density pattern and possible increase or overtaking of the land on**

public facilities such as schools, utilities, etc.

Finding: The proposed rezoning is a change from a residential designation to a commercial designation. The sites are all developed with single-family homes or are being used for non-residential uses. The proposed zoning change is in response to an annexation and major changes to the character of the area in recent years.

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

Finding: The proposed rezoning is a change from a residential designation to a commercial designation. Thus, the proposed CG zoning designation is compatible and a logical district boundary in relation to the existing conditions in the area. The sites are less than 1,000 feet from the intersection at Lake Worth Road and South Haverhill Road. According to FLU Map 5, the intersection is a Primary Activity Center with a 1320' radius for the establishment of commercial activity centers. The properties are within the radius of influence and have been affected by infrastructure improvements in the area.

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

Finding: The proposed zoning change is required after annexation of the parcel by the city. The annexation has highlighted the changing conditions in the area with the expansion of South Haverhill Road and the impacts on the adjacent neighborhoods. While capacity has increased on the adjacent roadway, more traffic located closer to the subject parcels has had a negative effect on the residential character of the area.

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

Finding: The proposed change is a result of a voluntary annexation of the parcels. The parcels are built-out and any redevelopment would require concurrency approval and impacts of adjacent roadways would require mitigation of those impacts.

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

Finding: The proposed zoning change will not adversely affect living conditions in the area.

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

Finding: Existing conditions have changed in the area with recent and previous expansions of South Haverhill Road, which has altered the character of the residential area. The area is in close proximity to the Primary Activity Center at the intersection of

Lake Worth Road and South Haverhill Road, and expansion of the commercial sites have impacted the area and zoning the area with residential low land use and zoning categories is no longer appropriate.

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

Finding: The proposed change would not constitute a special privilege for the property owner. The property owners will be required to provide verification that all development concurrency is available for the project prior to development.

VII. Staff Recommendation:

Approval of ZC-24-04 through the adoption of Ordinance 2024-08.

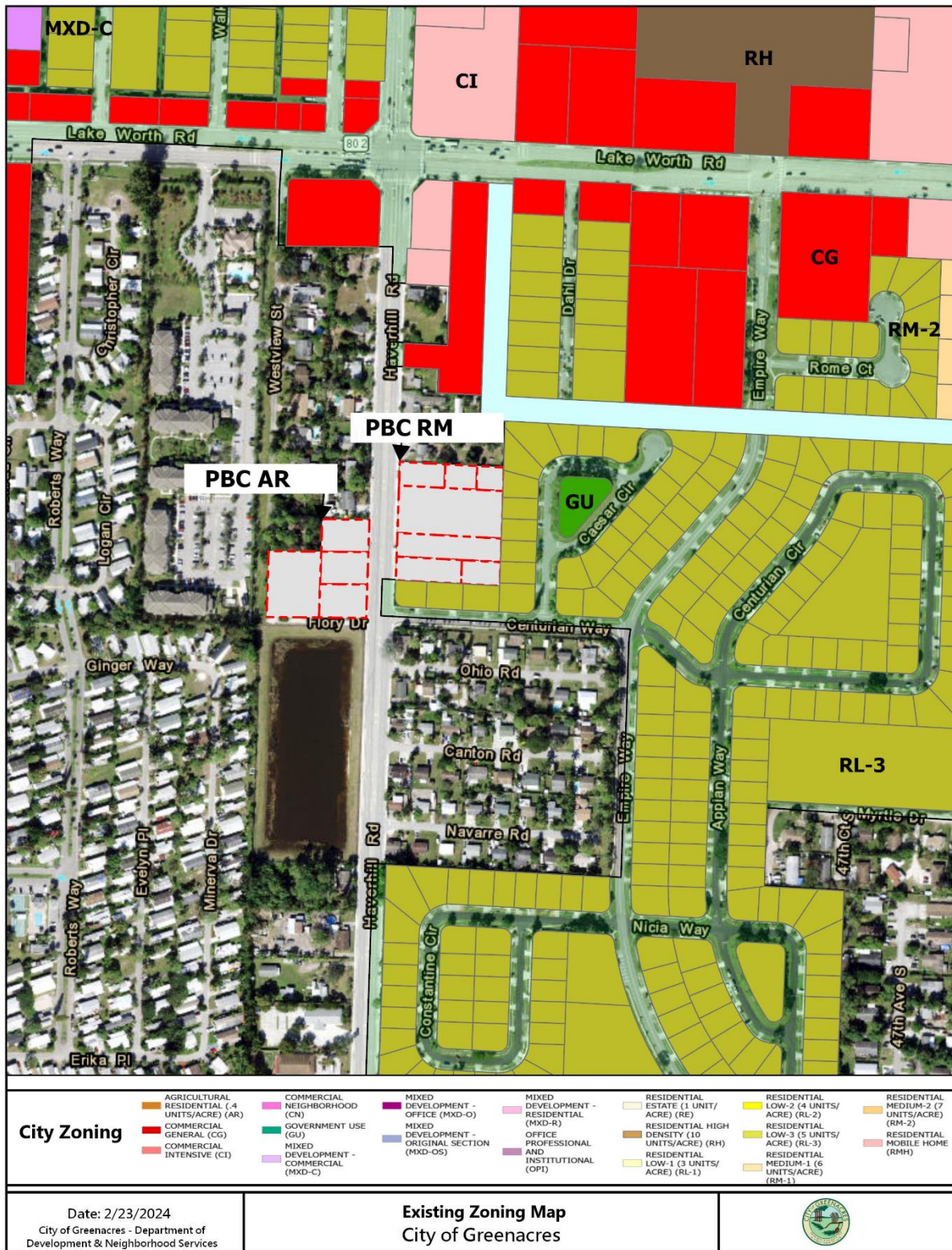
PZBA RECOMMENDATION – February 8, 2024

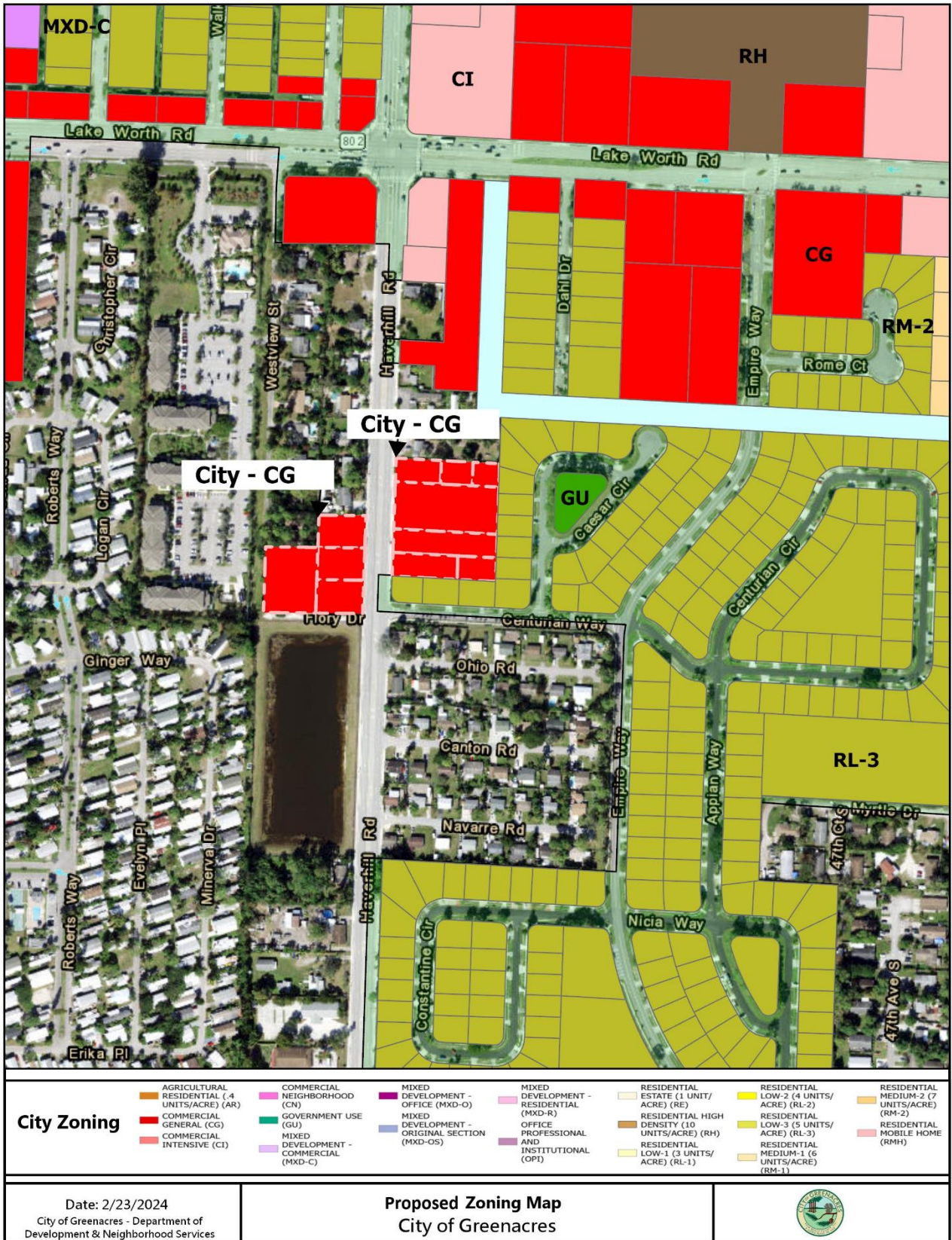
The Planning and Zoning Board of Appeals on a motion made by Board Member Hayes and seconded by Board Member Fitzgerald, voting five (5) to zero (0), ***recommended approval*** of Zoning Change ***ZC-24-04***, as presented by staff.

CITY COUNCIL ACTION First Reading – March 4, 2024

CITY COUNCIL ACTION Adoption Hearing –

Exhibit A (Existing and Proposed Future Land Use Maps)







ITEM SUMMARY

MEETING DATE: March 4, 2024

FROM: Tanya Earley, Esq., Torcivia, Donlon, Goddeau & Rubin, P.A.

SUBJECT: **Ordinance 2024-09:**

Amending code section 16-608(b) to allow a distance waiver for the sale of alcohol for on-premises consumption within five hundred feet of a school or house of worship

BACKGROUND

Section 562.45(2), Florida Statutes, authorizes municipalities to enact ordinances to regulate the business hours and locations of establishments licensed to sell alcoholic beverages within the state. The statute prohibits the sale of alcohol for consumption on-premises within five hundred feet of a school, while allowing municipalities to waive the distance requirement upon a finding that such waiver promotes the public health, safety, and general welfare of the community.

Section 16-608(a) of the City's zoning code prohibits the sale of alcohol at establishments that locate within five hundred feet of an existing school or place of worship. Section 16-608(b) sets forth exceptions to these distance requirements. Currently, these exceptions apply only to table-service restaurants and retail establishments that are 7,500 square feet or larger. The proposed ordinance would provide an additional exception.

The Planning and Zoning Board of Appeal recommended approval at their meeting on February 8, 2024.

ANALYSIS

The proposed ordinance would amend section 16-608(b) to allow the City Council to grant a distance waiver to other types of establishments, on a site-specific basis, and in accordance with state law. Sales for on-premises consumption approved under the proposed amendment to section 16-608(b) would be limited to beer, wine, and ale. The proposed ordinance allows the City Council to impose conditions of approval for the protection of health, safety, and the general welfare.

FINANCIAL INFORMATION

There is no anticipated financial impact on the City.

LEGAL

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

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2024-09.

ORDINANCE NO. 2024-09

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ZONING REGULATIONS, ARTICLE IV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 1, GENERALLY, SECTION 16-608, SPECIAL REQUIREMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES NEAR A HOUSE OF WORSHIP OR A SCHOOL, TO ALLOW FOR DISTANCE WAIVERS CONSISTENT WITH CHAPTER 562, FLORIDA STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body of the City, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (Zoning Code); and

WHEREAS, section 562.45(2), Florida Statutes, authorizes municipalities to enact ordinances to regulate the business hours and locations of establishments licensed to sell alcoholic beverages within the state; and

WHEREAS, section 562.45(2), Florida Statutes, prohibits the sale of alcoholic beverages for on-premises consumption by establishments located within five hundred feet of schools, unless certain exceptions apply; and

WHEREAS, under section 562.45(2), a municipality may waive the distance requirement upon a finding that such waiver would promote the public health, safety, and general welfare of the community; and

WHEREAS, section 16-608(a) of the Zoning Code prohibits the sale of alcoholic beverages within five hundred feet of schools and houses of worship; and

WHEREAS, subsection 16-608(b) of the Zoning Code provides certain exceptions from the five hundred foot distance requirement; and

WHEREAS, it is the desire of the City Council to amend section 16-608(b) to provide an additional exception for the sale of beer, ale, and/or wine for on-premises consumption within five hundred feet of a school or place of worship, on a site-specific basis and upon findings consistent with section 562.45(2); and

WHEREAS, the Planning and Zoning Board of Appeals at a public hearing reviewed this Ordinance and recommended approval of the same; and

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

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

Section 1. Chapter 16, Article IV, Division 1, Section 16-608(b) is hereby amended as follows:

Sec. 16-608. Special requirements for the sale of alcoholic beverages near a house of worship or a school.

- (a) No establishment selling alcoholic beverages within the corporate limits of the city shall be operated or maintained within five hundred (500) feet of any established school or house of worship. The distance requirements within this section shall not apply in instances where houses of worship or schools are established within commercial intensive, commercial general and commercial neighborhood zoning districts. In no case shall the establishment of a new house of worship or school in any of the zoning districts specified above cause an existing business to be in violation of the provisions herein. The distance of five hundred (500) feet shall be measured as follows:
 - (1) Established schools and houses of worship where applicable: five hundred (500) feet from the closest perimeter property line of the overall site containing the establishment selling alcoholic beverages to the closest perimeter property line of the school facility or house of worship building.

- (2) The distance of five hundred (500) feet shall be measured by the shortest airline measurement between the two closest perimeter property lines.
- (b) The above and foregoing subsection (a) shall not apply to:
 - (1) Restaurants having at least two thousand five hundred (2,500) square feet of service area and equipped to serve at least one hundred fifty (150) persons full-course meals at one (1) time, and deriving at least fifty-one (51) percent of their gross revenue from the sale of food and nonalcoholic beverages.
 - (2) A restaurant licensed under the Florida Statutes with full kitchen facilities which contain no public bar facilities, and which serve beer, ale and/or wine solely with food served at tables.
 - (3) Retail sales establishments having at least seven thousand five hundred (7,500) square feet of gross leasable area where the sale of beer and wine in packages for off-site consumption is incidental and subordinate to the principal use.
 - (4) An establishment that sells beer, ale and/or wine for on-premises consumption and has been approved by the city council to operate within 500 feet of a school. Such approval shall include the necessary findings and meet the procedural requirements set forth in F.S. § 562.45(2). The approval of a distance waiver under this subsection shall be on a site-specific basis and may be conditioned upon such requirements as the city council deems necessary to protect the public health, safety, and general welfare.

Section 2. Repeal of Conflicting Ordinances

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

Section 3. Severability

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

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

Section 4. Inclusion in Code

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

Section 5. Effective Date

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

[The remainder of this page intentionally left blank.]

Passed on the first reading this 4th day of March, 2024.

PASSED AND ADOPTED on the second reading this ____ day of ____, 2024.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Council Member, *District I*

Voted:
Peter Noble, Deputy Mayor

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

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

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

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: March 4, 2024

FROM: Tanya Earley, Esq., Torcivia, Donlon, Goddeau & Rubin, P.A.

SUBJECT: **Ordinance 2024-10:**

Approving the sale of alcohol for on-premises consumption at the property located on the east side at 5208 S. Haverhill Road (with a future address of 5200 S. Haverhill Road).

BACKGROUND

Section 562.45(2), Florida Statutes, authorizes municipalities to enact ordinances to regulate the business hours and locations of establishments licensed to sell alcoholic beverages within the state. The statute prohibits the sale of alcohol for consumption on-premises within five hundred feet of a school, while allowing municipalities to waive the distance requirement upon a finding that such waiver promotes the public health, safety, and general welfare of the community. The same section requires waivers to be adopted utilizing the procedure for ordinances adopted under section 166.041(3)(c).

City code section 16-608(b), as amended, allows the City Council to grant a distance waiver, on a site-specific basis, and in accordance with state law. Sales for on-premises consumption approved under the proposed amendment to section 16-608(b) would be limited to beer, wine, and ale. The proposed ordinance allows the City Council to impose conditions of approval for the protection of health, safety, and the general welfare.

The owner of the property located on the east side at 5208 S. Haverhill Road (with a future address of 5200 S. Haverhill Road) has requested a distance waiver under section 16-608(b), as amended, for the sale of beer, ale, and/or wine for consumption on-premises at the site.

On February 5, 2024, the City Council approved a special exception (Resolution 2024-08) and site plan (Resolution No. 2024-09) for the development of the site as a private club and associated outdoor recreational facilities with ancillary club café, retail, and events.

ANALYSIS

The requested waiver would allow the sale of beer, wine, and ale for consumption on the premises. Planning staff have determined that such sales would be consistent with the existing special exception and site plan approvals for the property. In accordance with section 16-608(b), as amended, staff further recommends conditions of approval tailored to ensure the protection of health, safety, and the general welfare. The waiver would expire if the previously approved use of the site is discontinued for a period of 180 days or more.

FINANCIAL INFORMATION

There is no anticipated financial impact on the City.

LEGAL

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

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2024-10.

ORDINANCE NO. 2024-10

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE SALE OF ALCOHOL FOR ON-PREMISES CONSUMPTION AT THE PROPERTY LOCATED ON THE EAST SIDE AT 5208 S. HAVERHILL ROAD (WITH A FUTURE ADDRESS OF 5200 S. HAVERHILL ROAD); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body of the City, pursuant to the authority vested in Chapter 562 and Chapter 166, Florida Statutes, is authorized and empowered to adopt ordinances related to the location and business hours of establishments that sell alcoholic beverages; and

WHEREAS, section 562.45(2), Florida Statutes, prohibits the sale of alcoholic beverages for on-premises consumption by establishments located within five hundred feet of schools, unless certain exceptions apply; and

WHEREAS, under section 562.45(2), a municipality may waive the distance requirement upon a finding that such waiver would promote the public health, safety, and general welfare of the community; and

WHEREAS, section 16-608(a) of the City's Zoning Code generally prohibits the sale of alcoholic beverages within five hundred feet of schools and houses of worship; and

WHEREAS, subsection 16-608(b) of the City's Zoning Code provides certain exceptions from the five-hundred-foot distance requirement; and

WHEREAS, section 16-608(b), as amended, provides an additional exception for the sale of beer, ale, and/or wine for on-premises consumption within five hundred feet

of a school or place of worship, upon findings consistent with section 562.45(2), and conditioned upon such requirements as are necessary to protect the public health, safety, and general welfare; and

WHEREAS, the City has received a request specific to the property located on the east side at 5208 S. Haverhill Road (with a future address of 5200 S. Haverhill Road) for a distance waiver under section 16-608(b), as amended, for the sale of beer, ale, and/or wine for consumption on-premises at the site; and

WHEREAS, in Resolution No. 2024-08 and Resolution No. 2024-09, respectively, the City Council granted special exception and site plan approval for a private club and associated outdoor recreational facilities and ancillary club café, retail, and events on the said property; and

WHEREAS, the City Council has determined that, with the conditions set forth herein, the sale of beer, ale, and/or wine for on-premises consumption at the property located on the east side at 5208 S. Haverhill Road (with a future address of 5200 S. Haverhill Road) would promote the health, safety, and general welfare of the community; and

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

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

Section 1. The foregoing recitals are incorporated into this Ordinance by reference.

Section 2. The City Council hereby approves the sale of beer, ale, and/or wine for on-premises consumption at the property located on the east side at 5208 S. Haverhill Road (with a future address of 5200 S. Haverhill Road), subject to the following conditions:

a. All conditions of approval set forth in Resolution No. 2024-08, which is incorporated herein by reference; and

b. All conditions of approval set forth in Resolution No. 2024-09, which is incorporated herein by reference.

Section 3. By approving the property owner's request, subject to the foregoing conditions, the City Council finds that the sale of alcohol at the aforementioned site would promote the health, safety, and general welfare of the community.

Section 4. The approval granted in this Ordinance shall expire if the use of the property as described and approved in Resolution No. 2024-08 is discontinued for a period of 180 days or more.

Section 5. 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 6. 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 7. Effective Date

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

[The remainder of this page intentionally left blank.]

Passed on the first reading this 4th day of March, 2024.

PASSED AND ADOPTED on the second reading this ____ day of _____, 2024.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Deputy Mayor

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

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

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

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

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: March 4, 2024

FROM: Denise Malone, AICP, Development and Neighborhood Services Director

SUBJECT: **Ordinance 2024-11 – ZTA-24-02 – First Reading**
Yards

BACKGROUND

The City-initiated request for a Zoning Text Amendment has been brought forth to provide specific standards for fences surrounding athletic facilities within residential zones. The amendment aims to address the unique requirements presented by fencing around athletic facilities when located within residential zones. Currently, these fences for athletic facilities are subject to a height limitation of four (4) feet when positioned in the front yard and this amendment aims to align these regulations with the standard requirements currently in place for fencing around public recreational facilities, ensuring a consistent approach citywide. Specifically, the proposed changes revolve around Chapter 16, Article IV, Section 16-630(h)(6), which typically governs fence height limitations in residential zoning districts.

To address the specific needs of athletic facilities, a new subsection (d) is being introduced to the code. This subsection establishes a maximum height of ten (10) feet for fences surrounding recreational and athletic facilities (excluding swimming pools) in all yards.

The Development Review Committee has reviewed these text amendments and is recommending approval. The Planning and Zoning Board of Appeals reviewed this staff-initiated text amendment on February 8, 2024, and recommended approval by a vote of 5-0.

ANALYSIS

City-initiated request for a Zoning Text Amendment to provide specific standards for fences surrounding athletic facilities within residential zones, ensuring consistency with the standards governing other types of recreational facilities.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2022-11 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2024-11.

ORDINANCE NO. 2024-11

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ZONING REGULATIONS, ARTICLE IV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, AREA AND HEIGHT LIMITATIONS, SECTION 16-630, YARDS, RECREATIONAL AND ATHLETIC FACILITIES IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body of the City, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (Zoning Code); and

WHEREAS, in general, section 16-630(h) regulates the height, location, and appearance of fences throughout the City; and

WHEREAS, subsection 16-630(h)(6) regulates fence height limitations with respect to property located in residential zoning districts, but does not specifically regulate fences surrounding athletic facilities; and

WHEREAS, it is the desire of the City Council to amend section 16-630(h)(6) to provide for such regulation in a manner consistent with that of other types of recreational facilities; and

WHEREAS, the Planning and Zoning Board of Appeals sitting as the Local Planning Agency at a public hearing reviewed this Ordinance and recommended approval of the same; and

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

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

Section 1. Chapter 16, Article IV, Section 16-630(h)(6) is hereby amended as follows:

- (6) *Residential zoning districts.* Fences, walls and hedges shall be limited in height as follows:
- a. *Yard, front:* fences located in the yard, front shall not exceed three (3) feet in height, except that chain link fences may be used not exceeding four (4) feet in height, so long as the same are not covered with vines or plants so as to obstruct vision. Fences taller than four (4) feet in height shall meet the established build to line of the existing residential structure. Fences on vacant lots shall be permitted to meet the required front setback of the existing zoning district, but are required to be moved to meet the build to line upon development of the property.
 - b. *Yard, side and rear:* not to exceed six (6) feet in height. ~~For public and private recreational facilities (excluding swimming pools), chain link fences, without slats, may be constructed up to a maximum of ten (10) feet in height and shall be black or green vinyl coated.~~ In no case shall a fence, wall or hedge exceed three (3) feet in height when it is located within a visibility triangle as defined in section 16-967 of this Code, except that chain link fences may be used not exceeding four (4) feet in height so long as they are not covered with vines or plants so as to obstruct vision.
 - c. *Corner lots and rear of lots on street:* all fences and walls shall be located a minimum of one and one-half (1.5) feet inside the property lines for parcels abutting the right-of-way on the side, corner. For parcels abutting the right-of-way on the side or rear, in no case shall a fence, wall or hedge exceed three (3) feet in height when it is located within a visibility triangle as defined in section 16-967 of this Code, except that chain link fences may be used not exceeding four (4) feet in height so long as they are not covered with vines or plants so as to obstruct vision. Fences located outside of the safe sight triangle can be erected at the permitted maximum height for the yard area.
 - d. *Fences for recreational and athletic facilities (excluding swimming pools) in all yards:* not to exceed eight (8) feet in height. However, chain link fences, without slats, may be constructed up to a maximum of ten (10) feet in height and shall be black or green vinyl coated. In no case shall a fence, wall or hedge exceed three (3) feet in height when it is located within a visibility triangle as defined in section 16-967 of this Code, except that chain link fences may be used not exceeding four (4) feet in height so long as they are not covered with vines, plants, or any opaque material so as to obstruct vision. This subsection applies to residential and nonresidential uses in residential zoning districts.
 - ~~d.~~ *Nonresidential uses in residential zoning districts.* Side and rear setback areas and in rear setback areas of lots facing streets in both front and rear, chain link security fencing, without slats, may be constructed to a maximum of eight (8) feet in height and shall be black or green vinyl coated.

Section 2. Repeal of Conflicting Ordinances

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

Section 3. Severability

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

Section 4. Inclusion in Code

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

Section 5. Effective Date

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

[The remainder of this page intentionally left blank.]

Passed on the first reading this 4th day of March, 2024.

PASSED AND ADOPTED on the second reading this ___day of ___, 2024.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharp, Deputy Mayor

Voted:
Peter Noble, Council Member, District II

Voted:
Judith Dugo, Council Member, District III

Voted:
Suzy Diaz, Council Member, District IV

Voted:
Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

ZTA-24-02 (Ordinance 2024-11)

Revised: 02/08/24

Date: February 1, 2024



DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:**ZTA-24-02: Yards**

Recommendation to City Council: A City-initiated request for a Zoning Text Amendment to provide specific standards for fences surrounding athletic facilities within residential zones, ensuring consistency with the standards governing other types of recreational facilities.

[X] Recommendation to APPROVE

[] Recommendation to DENY

[] Quasi-Judicial

[X] Legislative

[X] Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Gionni Gallier, Senior Planner	Reviewed By: Director of Development & Neighborhood Services (DNS) _____ Denise Malone, AICP, Director DNS
Approved By: City Manager _____ Andrea McCue	Public Notice: [X] Required [] Not Required Date: 1/25/24, 2/22/24 Paper: Lake Worth Herald Mailing [] Required [] Not Required Notice Distance:
Attachments: <ul style="list-style-type: none"> Ordinance 2024-11 	City Council Action: [] Approval [] Approve with conditions [] Denial [] Continued to: _____

I. Executive Summary

The City-initiated request for a Zoning Text Amendment has been brought forth to provide specific standards for fences surrounding athletic facilities within residential zones. The amendment aims to address the unique requirements presented by fencing around athletic facilities when located within residential zones. Currently, these fences for athletic facilities are subject to a height limitation of four (4) feet when positioned in the front yard and this amendment aims to align these regulations with the standard requirements currently in place for fencing around public recreational facilities, ensuring a consistent approach citywide. Specifically, the proposed changes revolve around Chapter 16, Article IV, Section 16-630(h)(6), which typically governs fence height limitations in residential zoning districts.

To address the specific needs of athletic facilities, a new subsection (d) is being introduced to the code. This subsection establishes a maximum height of ten (10) feet for fences surrounding recreational and athletic facilities (excluding swimming pools) in all yards.

II. Proposed Zoning Text Amendments:

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

Proposed Change

Chapter 16, Article IV, Section 16-630(h)(6) is hereby amended as follows:

- (6) *Residential zoning districts.* Fences, walls and hedges shall be limited in height as follows:
- a. *Yard, front:* fences located in the yard, front shall not exceed three (3) feet in height, except that chain link fences may be used not exceeding four (4) feet in height, so long as the same are not covered with vines or plants so as to obstruct vision. Fences taller than four (4) feet in height shall meet the established build to line of the existing residential structure. Fences on vacant lots shall be permitted to meet the required front setback of the existing zoning district, but are required to be moved to meet the build to line upon development of the property.
 - b. *Yard, side and rear:* not to exceed six (6) feet in height. ~~For public and private recreational facilities (excluding swimming pools), chain link fences, without slats, may be constructed up to a maximum of ten (10) feet in height and shall be black or green vinyl coated.~~ In no case shall a fence, wall or hedge exceed three (3) feet in height when it is located within a visibility triangle as defined in section 16-967 of this Code, except that chain link fences may be used not exceeding four (4) feet in height so long as they are not covered with vines or plants so as to obstruct vision.
 - c. *Corner lots and rear of lots on street:* all fences and walls shall be located a minimum of one and one-half (1.5) feet inside the property lines for parcels abutting the right-of-way on the side, corner. For parcels abutting the right-of-way on the side or rear, in no case shall a fence, wall or hedge exceed three (3) feet in height when it is located within a visibility triangle as defined in section 16-967 of this Code, except that chain link fences may be used not exceeding four (4) feet in height so long as they are not covered with vines or plants so as to obstruct vision. Fences located outside of the safe sight triangle can be erected at the permitted maximum height for the yard area.

- d. Fences for recreational and athletic facilities (excluding swimming pools) in all yards: not to exceed eight (8) feet in height. However, chain link fences, without slats, may be constructed up to a maximum of ten (10) feet in height and shall be black or green vinyl coated. In no case shall a fence, wall or hedge exceed three (3) feet in height when it is located within a visibility triangle as defined in section 16-967 of this Code, except that chain link fences may be used not exceeding four (4) feet in height so long as they are not covered with vines, plants, or any opaque material so as to obstruct vision. This subsection applies to residential and nonresidential uses in residential zoning districts.
- de. *Nonresidential uses in residential zoning districts.* Side and rear setback areas and in rear setback areas of lots facing streets in both front and rear, chain link security fencing, without slats, may be constructed to a maximum of eight (8) feet in height and shall be black or green vinyl coated.

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 ensure consistency with the standards that govern the fencing provided for recreational facilities. The proposed zoning code modifications are to establish regulations in a manner consistent with that of other types of recreational facilities.

- 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-24-02 through the adoption of Ordinance 2024-11.

PLANNING AND ZONING BOARD OF APPEALS ACTION – February 8, 2024

The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Hayes, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-24-02** (*Fence Height – Athletic Facility*) as presented by staff.

CITY COUNCIL ACTION First Reading

CITY COUNCIL ACTION Adoption Hearing
