



CITY COUNCIL SPECIAL/BUDGET MEETING

City of Greenacres, Florida

Wednesday, September 28, 2022 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

AGENDA

Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

Second Budget Hearing - Fiscal Year 2023 Proposed Budget.

1. Fiscal Year 2023 Proposed Budget Presentation. - Teri Beiriger, Director of Finance.
2. **PUBLIC HEARING: Ordinance 2022-31: Second Reading:** Establishing a taxable valuation and levying an Ad Valorem Tax on property located within the corporate limits of Greenacres, Florida, as of the year ending December 31, 2022; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Teri Beiriger, Director of Finance.
3. **PUBLIC HEARING: Ordinance: 2022-32: Second Reading:** Adopting an operating budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Teri Beiriger, Director of Finance.

SPECIAL BUSINESS

4. **Proclamation:** 11th Annual National Diaper Need Awareness Week, September 24 - October 2, 2022. - Michelle Gonzalez, Chief Executive Officer, Healthy Mothers, Healthy Babies Coalition of Palm Beach County.
5. **Proclamation:** National Community Planning Month. - Caryn Gardner-Young, Zoning Administrator.
6. **Proclamation:** Fire Prevention Week, October 9-15, 2022. - Brian Fuller, Fire Rescue Chief.

CONSENT AGENDA

- 7. Official Meeting Minutes:** City Council Special/Budget Meeting Minutes, September 14, 2022. - Quintella Moorer, City Clerk.
- 8. Resolution 2022-34:** Approving Addendum Nine (9) to the Law Enforcement Services Agreement (LESA) with the Palm Beach County Sheriff's Office (PBSO), providing for an effective date. - Andrea McCue, City Manager.
- 9. Resolution 2022-48:** Authorizing Budget adjustments within the Fiscal Year 2022 Total Operating Budget; and providing and effective date. - Teri Beiriger, Director of Finance.
- 10. Resolution 2022-49:** Adopting a Capital Improvements Program for Fiscal Years 2023-2028. - Teri Beiriger, Director of Finance.
- 11. Resolution 2022-50:** Providing for automatic amendment of the Fiscal Year 2023 Budget to reflect outstanding encumbered orders of Fiscal Year 2022; providing that the cost of those expenditures are to be paid from funds carried forward from fiscal year 2022. - Teri Beiriger, Director of Finance.
- 12. Resolution 2022-51:** Authorizing Staff actions to procure those items approved in the Fiscal Year 2023 Budget. - Teri Beiriger, Director of Finance.

REGULAR AGENDA

- 13. PUBLIC HEARING: Ordinance 2022-20: Second Reading:** Amending Chapter 8, Licenses and Business Regulations, Article 3, Business Taxes, Sections 8-46 through 8-72, to clarify Business Tax Receipt requirement for home businesses and amending the fees to obtain a Business Tax Receipt, providing for repeal of conflicting ordinances, severability, inclusion in code, and an effective date. - Caryn Gardner-Young, Zoning Administrator.
- 14. PUBLIC HEARING: Ordinance 2022-25: Second Reading:** Amending Chapter 16 "Zoning Regulations" by deleting Article 6, "Sign Regulations," in its entirety and adopting a new Article 6, "Sign Regulations," providing for severability, conflicts, codification and an effective date. - Caryn Gardner-Young, Zoning Administrator.
- 15. PUBLIC HEARING: Ordinance 2022-26: Second Reading:** Amending Chapter 10, Personnel, Article 4 Retirement, Pensions and other Employee Benefit Programs, Division 3, Retirement Systems authorized, Section 10-148 entitled "Public Safety Officers and Firefighters Retirement Plan and Trust:" amending the Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement to provide for a Deferred Retirement Trust Option Plan for those Public Safety Officers who continued to remain members of the City's retirement plan after becoming PBSO employees; providing for repeal of conflicting Ordinances, inclusion in the Code, severability and an effective date. - Andrea McCue, City Manager.
- 16. PUBLIC HEARING: Ordinance 2022-30: Second Reading:** Amending Chapter 11, Streets, Sidewalks, and other Places, Article 4, City Parks, by creating a new Section 11-76 to be entitled, "Smoking and Vaping prohibited in Parks;" providing for repeal of conflicting ordinances, severability, inclusion in the Code, and an effective date. - Andrea McCue, City Manager.
- 17. PUBLIC HEARING: Ordinance 2022-28: Second Reading:** Amending Chapter 4 "Buildings and Building Regulations," Article 3 "Floodplain Management" to provide for accessory structures in flood hazard areas; to specify elevation of manufactured homes in flood hazard areas; to address market value and for other purposes; providing for

applicability, conflicts, severability, and an effective date. - Scott H. Wood, Building Official.

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

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

DISCUSSION ITEM

20. Creating criteria for honoring City Board/Committee members and volunteers. - Andrea McCue, City Manager.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

CITY MANAGER'S REPORT

21. Community and Recreation Services Report.

22. Development and Neighborhood Services Report.

23. Finance Report.

24. Fire Rescue Report.

25. Information Technology Report.

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

27. Public Works Report.

28. Purchasing Report.

29. Youth Programs Report.

CITY ATTORNEY'S REPORT

MAYOR AND CITY COUNCIL REPORT

ADJOURNMENT

Upcoming Council Meeting

October 17, 2022

Meeting Records Request

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

Notice of Council Meetings and Agendas

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



ITEM SUMMARY

MEETING DATE: September 28, 2022
FROM: Teri Lea Beiriger, Director of Finance
SUBJECT: Ord. Nos. 2022-31 and 2022-32

BACKGROUND

Florida Statutes Section 200.065 specifies the procedural steps that must be followed by each unit of local government in the preparation and approval of the government entity's property tax millage, levy, and annual budget. In accordance with these regulations, the certified taxable property values as of July 1, 2022, provided by the Palm Beach County Property Appraiser will be used to determine the ad valorem tax proceeds in the calculation of the Fiscal Year (FY) 2022-2023 Budget.

Taxing authorities must hold two (2) public hearings to adopt a millage rate and budget. This evening's hearing is the First Public Hearing of the City of Greenacres to adopt a tentative millage rate and budget for Fiscal Year 2022-23.

The tentative millage rate and the budget must be adopted by separate votes. Pursuant to direction provided by the City Council at the budget workshop held on July 18th and the budget meeting held on August 15th staff has prepared the two (2) ordinances required by the Truth in Millage (TRIM) process for approval by the City Council. The ordinance to establish the taxable value and set the ad valorem rate (Ordinance 2022-31) must be passed first, followed by the ordinance to adopt the budget (Ordinance 2022-32).

ANALYSIS

The first ordinance, 2022-31, establishes the taxable value and sets the ad valorem rate.

The certified total taxable value of \$2,540,979,752 provided by the Property Appraiser's office is \$279,911,413 more than last year's certified taxable value of \$2,261,068,339. The 12.38% increase in taxable value is due to an increase in property values along with an increase in new construction.

The millage rate of 6.300 mills applicable to the General Fund Levy, for Fiscal Year 2023 is 10.55% greater than the calculated rolled-back millage rate pursuant to Section 200.065(1) F.S. of 5.6986 mills that generates the same amount of property tax revenue as last year on existing real and personal property.

The property tax rate of 6.300 mills set by ordinance 2022-31 would generate \$15,367,846 of ad valorem revenue, or \$1,475,842 more than FY2022.

The second ordinance, 2022-32, adopts an operating budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023. The proposed budget increases appropriated revenues and expenditures from \$49,561,753 in FY 2022 to \$73,013,015 in FY 2023.

FINANCIAL INFORMATION

The proposed ordinances set the total millage at 6.3000 mills and appropriate \$73,013,015 for the operation of the City in FY2023.

LEGAL

The first budget hearing was advertised in the preliminary tax assessment notices as required in F.S. 200.065. The second hearing, to set the millage rate and adopt the FY2023 budget, is scheduled for September 28, 2022, at 6:00 p.m. at the Greenacres City Hall and will be advertised in a newspaper that has local circulation in the City.

STAFF RECOMMENDATION

Approval of Ordinance 2022-31 and Ordinance 2022-32.

ORDINANCE NO. 2022-31

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ESTABLISHING A TAXABLE VALUATION AND LEVYING AN AD VALOREM TAX ON PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF GREENACRES, FLORIDA, AS OF THE YEAR ENDING DECEMBER 31, 2022; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, in accordance with Chapter 200.065 F.S., the Palm Beach County Property Appraiser has certified the tax roll for the City of Greenacres for the purpose of computing an ad valorem tax rate for the fiscal year beginning October 1, 2022 and ending September 30, 2023; and

WHEREAS, in the preparation of the operating budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023, the City of Greenacres Council has utilized the certified taxable valuation in computing the ad valorem tax rate necessary to fund the operating budget; and

WHEREAS, the City Council has determined that setting the millage rate as set forth herein serves a valid public purpose.

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

SECTION 1. For the purpose of setting an ad valorem tax rate for the operating budget, the effective taxable value for all real and personal property for the year 2022 was certified on July 1, 2022 to be \$2,540,979,752. The 2022 certified value was higher by \$279,911,413 (12.38%) than the 2021 final certified value of \$2,261,068,339.

SECTION 2. For the purpose of funding the operating budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023, the effective taxable value as listed above will be and is hereby taxed at the total rate of 6.300 mills.

SECTION 3. The millage rate of 6.300 mills applicable to the General Fund Levy, for Fiscal Year 2022 is 10.55% greater than the calculated rolled-back millage rate pursuant to Section 200.065(1) F.S. of 5.6986 mills that generates the same amount of property tax revenue as last year on existing real and personal property.

SECTION 4. Repeal of Conflicting Ordinances.

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

SECTION 5. Severability.

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

SECTION 6. Effective Date

The provisions of this Ordinance shall become effective October 1, 2022, in accordance with the laws of the State of Florida.

Passed on the first reading this 14th day of September 2022.

PASSED AND ADOPTED on the second reading this 28th day of September, 2022.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, District II

Voted:
Judith Dugo, Council Member, District III

Voted:
Susy Diaz, Council Member, District IV

Voted:
Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

ORDINANCE NO. 2022-32

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ADOPTING AN OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager, in accordance with provisions of State Law and the City Charter, has submitted a proposed budget to the City Council for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023; and

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

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

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

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

SECTION 1. For the purpose of fixing the amount of appropriations for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023, it is estimated that revenues will be available to meet budgeted appropriations according to the following sources:

**REVENUES
GENERAL FUND**

<i>Ad Valorem Taxes</i>	\$	15,367,846
<i>Utility Taxes</i>		3,126,000
<i>Other Taxes</i>		2,422,688
<i>Permits & Fees</i>		2,951,658
<i>Intergovernmental</i>		6,042,540
<i>Charges for Services</i>		5,948,270
<i>Fines & Forfeitures</i>		96,886

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<i>Interest Income</i>	78,994
<i>Rents & Royalties</i>	382,928
<i>Miscellaneous</i>	119,479
<i>Interfund Transfer</i>	0
<i>Budgeted Fund Balance Surplus</i>	<u>13,015,884</u>
<i>Total Revenues - General Fund</i>	\$ 49,553,173

SPECIAL REVENUE FUNDS

Forfeitures Fund

<i>Florida State Statute 932.7055 Prohibits Budgeting Anticipated Revenue ...</i>	N/A
<i>Use of Fund Balance</i>	\$ <u>90,789</u>
<i>Sub-Total Forfeitures Fund</i>	\$ 90,789

Arboreous Fund

<i>Revenue - Contributions, Interest Earned, Impact Fees</i>	\$ 2,573
<i>Use of Fund Balance</i>	<u>4,427</u>
<i>Sub-Total Arboreous Fund</i>	\$ 7,000

Fire Rescue Donations and Contributions Fund

<i>Revenue - Contributions & Interest Earned</i>	\$ 106
<i>Use of Fund Balance</i>	<u>2,196</u>
<i>Sub-Total Public Safety Donation and Contributions Fund</i>	\$ 2,302

Youth Programs Fund

<i>Revenue - Intergovernmental Grants, Fees, Contributions</i>	\$ 736,575
<i>Budgeted Fund Balance Surplus</i>	<u>3,581</u>
<i>Sub-Total Youth Programs Fund</i>	\$ 740,156

<i>Total Revenues - Special Revenue Funds</i>	\$ 840,247
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DEBT SERVICE FUND

Public Facility Improvement Notes

Interest Earned	\$	891
Inter-fund Transfer		370,000
Budgeted Fund Balance Surplus		<u>32,369</u>
Total Revenues - Debt Service Fund	\$	403,260

CAPITAL PROJECTS FUNDS

Revenue New Growth Fund	\$	9,843,670
Revenue Parks and Recreation		251,075
Revenue Reconstruction & Maintenance		767,050
Revenue Infrastructure Surtax		7,913,046
Revenue American Rescue Plan		10,137,528
Use of Fund Balance		<u>(6,696,034)</u>
Total Revenues - Capital Projects Funds	\$	22,216,335
Total Revenues Available	\$	<u>73,013,015</u>

SECTION 2. For the purpose of financing the operations of the City of Greenacres, Florida, for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023, there is hereby appropriated from taxes and other revenues and sources received by the City of Greenacres, the following amounts:

APPROPRIATIONS

GENERAL FUND

Administration	\$	2,453,509
Finance		909,175
Purchasing		366,279
Information Technology		1,224,381
Development & Neighborhood Ser		2,453,696
Public Works		3,325,530
Fire Rescue		9,084,309
Community and Recreation Services		1,383,408
Non-Departmental		13,997,886
Interfund Transfers		14,305,000
Contingency		<u>50,000</u>

Total General Fund Appropriations \$ 49,553,173

SPECIAL REVENUE FUNDS

<i>Forfeitures Fund</i>	\$ 90,789
<i>Arboreous Fund.....</i>	7,000
<i>Public Safety Donation & Contribution Fund</i>	2,302
<i>Youth Programs Fund.....</i>	<u>740,156</u>

Total Special Revenue Appropriations \$ 840,247

DEBT SERVICE

Public Facility Imp. Notes

<i>Principal</i>	\$ 376,066
<i>Interest</i>	<u>\$ 27,194</u>

Total Debt Service Fund Appropriations \$ 403,260

CAPITAL IMPROVEMENT FUNDS

<i>New Growth</i>	\$ 3,138,597
<i>Parks and Recreation</i>	635,000
<i>Reconstruction & Maintenance</i>	884,873
<i>Infrastructure Surtax.....</i>	9,057,865
<i>American Rescue Plan.....</i>	8,500,000
<i>Inter-fund Transfer.....</i>	<u>0</u>

Total Capital Funds Appropriations \$ 22,216,335

Total Appropriations..... \$ 73,013,015

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

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

SECTION 4. Effective Date

The provisions of this Ordinance shall become effective October 1, 2022 in accordance with the laws of the State of Florida.

Passed on the first reading this 14th day of September 2022.

PASSED AND ADOPTED on the second reading this 28th day of September 2022.

Joel Flores, Mayor

John Tharp, Deputy Mayor

Voted:

Attest:

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*

Voted:

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



CITY COUNCIL SPECIAL/BUDGET MEETING

City of Greenacres, Florida

Wednesday, September 14, 2022, at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

MINUTES

Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Ms. McCue stated Councilmember Dugo requested to postpone items 25 and 27 due to her absence at the meeting. The Council disagreed.

Motion made by Councilmember Noble, Seconded by Councilmember Bousquet to move forward with the agenda without modifications.

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

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

Mr. Brent Brown, Greenacres Historical Society, President, asked if he should stay for discussion item 27.

First Budget Hearing - Fiscal Year 2023 Proposed Budget.

1. Fiscal Year 2023 Proposed Budget Presentation. - Teri Beiriger, Director of Finance.

Ms. Beiriger read the required Florida State Statute 200.065 Method of fixing millage into the record. She stated tonight was the first of two required Public Hearings to adopt the proposed FY 2023 Budget and tentative millage rate.

Ms. Beiriger highlighted the proposed budget. Ms. Beiriger explained the adopting process of the Ordinances and some budgeted figures. She stated all advertisement requirements had been met.

- 2. PUBLIC HEARING: Ordinance 2022-31: First Reading:** Establishing a taxable valuation and levying an Ad Valorem Tax on property located within the corporate limits of Greenacres, Florida, as of the year ending December 31, 2022; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Teri Beiriger, Director of Finance.

Ms. Moorer read the ordinance by title.

Ms. Beiriger proposed a millage rate of 6.3 for FY 2023.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Noble to approve Ordinance 2022-31 on First Reading.

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

- 3. PUBLIC HEARING: Ordinance: 2022-32: First Reading:** Adopting an operating budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Ter Beiriger, Director of Finance.

Ms. Moorer read the ordinance by title.

Ms. Beiriger reviewed the proposed budget and indicated a few changes to the forecast. She stated the total of all funds was projected to be \$73,013.015 for FY 2023.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Noble to approve Ordinance 2022-32 on First Reading.

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

SPECIAL BUSINESS

- 4. Proclamation:** National I.T. Professionals Day, September 20, 2022, and National Cybersecurity Awareness Month. - Georges Bayard, Director of I.T.

Ms. Moorer read the proclamation by title.

Mr. Bayard recognized his IT Department Team for their hard work and thanked the Council for their support.

Photos were taken.

- 5. Proclamation:** National Hispanic Heritage Month, October 2022. - Maria Antuna, CEO of the Hispanic Chamber of Commerce.

Ms. Moorer read the proclamation by title.

Ms. Antuna thanked the Council for their support and recognition.

Photos were taken.

6. Proclamation: Firefighter Appreciation Month, September 2022. - Brian Fuller, Fire Rescue Chief.

Ms. Moorer read the proclamation by title.

The Fire Rescue Department was present. The Mayor thanked the Fire Rescue team for their continued assistance and hard work.

Photos were taken.

7. Proclamation: Hunger Action Month. - Stuart Haniff, MHA, Vice President of Philanthropy, Feeding South Florida.

Ms. Moorer read the proclamation by title.

Mr. Haniff stated hunger remains a challenge for citizens and thanked the Council for their recognition.

Photos were taken.

8. Presentation: Comprehensive Plan Update. - Caryn Gardner-Young, Zoning Administrator.

Ms. Gardner-Young explained the Comprehensive Plan (Comp Plan) was a public guide to making decisions and accessing the City's needs. The Comp Plan required updates which included collaboration, timelines, and work in progress. She highlighted the Comp Plan web page with helpful notices and meeting information. She stated two meetings have taken place recently with a variety of stakeholders.

Ms. Gardner-Young highlighted some progress made such as approval from the State and proposed goals, objectives and policies. She listed upcoming meetings were forthcoming and alerts would be placed on social media outlets.

After discussion with Christy Goddeau, City Attorney, and the Council the decision was to plan a workshop regarding the outcome regarding the Comp Plan. The Council stated some of them may attend some of the Comp Plan meetings to listen.

Councilmember Diaz wanted to ensure the Visioning of the City was included and attached to the webpage as a reference.

CONSENT AGENDA

9. Official Meeting Minutes: City Council Meeting Minutes, August 15, 2022, and City Council Special Meeting Minutes, August 15, 2022. - Quintella Moorer, City Clerk.

10. Resolution 2022-41: Approving the Professional Service Agreement between the City of Greenacres and Nowlen, Holt & Miner, P.A. to provide annual auditing services; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.

11. Resolution 2022-42: Approving the Fiscal Year 2023 Community Based Agency Contract with the Palm Beach County Youth Services Department; authorizing execution; and providing an effective date. - Jowie Mohammed, Director of Youth Programs.

12. Resolution 2022-43: Authorizing participation in the Public Emergency Medical Transportation (PEMT) Supplemental payment program for Medicaid managed care patients; delegating authority to execute letter(s) of agreement with the State of Florida relating to intergovernmental transfers to the State; delegating authority to execute other

documents necessary to participate in the program and providing an effective date. - Teri Beiriger, Director of Finance.

13. Resolution 2022-44: Approving Amendment Two (2) to the Interlocal Agreement for fire protection and emergency medical services by and between the City of Greenacres and the City of Atlantis, providing for an effective date. - Andrea McCue, City Manager.

14. Resolution 2022-45: Authorizing the submittal of the Fiscal Year 2021 Department of Homeland Security Grant application for assistance to Firefighters in the amount of \$57,870.27 for the purpose of covering the overtime cost associated with training and or backfill personnel who are training using front-line apparatus and equipment providing the most real-life experience. - Teri Beiriger, Director of Finance.

15. Resolution 2022-46: Authorizing the execution of the Fiscal Year 2022-2023 Community Development Block Grant (CDBG) amended Agreement for Phase 1 Lift Station Original Section Sewer Project; and providing for an effective date. - Andrea McCue, City Manager.

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

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

REGULAR AGENDA

16. PUBLIC HEARING: Ordinance 2022-02: Second Reading: Annexing one parcel of land totaling approximately 20.1183 acres, located at the southeast corner of Lake Worth Road and South Jog Road at 4180 South Jog Road, as requested by the petitioner, Matthew Scott of Dunay, Miskel, Backman, LLP, agent for the owner, LW Jog SC Ltd.; 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. - Kara Irwin- Ferris, City Consultant.

Ms. Moorer read the ordinance by title.

Ms. Irwin-Ferris stated the ordinance was a volunteer annexation. She said the annexation was helpful to the City. Ms. Irwin-Ferris said the County Commission adopted the ISBA which allowed the City to move forward with the annexation.

Staff recommended approval.

Motion made by Councilmember Noble, Seconded by Councilmember Diaz to approve Ordinance 2022-02 on Second Reading.

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

17. PUBLIC HEARING: Ordinance 2022-15: Second Reading: Amending Chapter 16 "Zoning Regulations," Article 2 "Administration," by deleting in its entirety current Division 11 "Adult Entertainment establishments" and adopting a new Division 11, entitled "Adult Entertainment establishment," which shall formally incorporate Palm Beach County's Adult Entertainment Code, and setting forth those specific opt-out provisions from the

County's Adult Entertainment Code; providing for severability, preservation, conflicts, codification and an effective date. - Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. Gardner-Young stated the intent of the ordinance was to comply with the County's requirement.

No changes had been made since the First Reading and Staff recommended approval.

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-15 on Second Reading.

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

18. Ordinance 2022-20: First Reading: Amending Chapter 8, Licenses and Business Regulations, Article 3, Business Taxes, Sections 8-46 through 8-72, to clarify Business Tax Receipt requirement for home businesses and amending the fees to obtain a Business Tax Receipt, providing for repeal of conflicting ordinances, severability, inclusion in code, and an effective date. - Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. Gardner-Young said the ordinance was needed to bring the City into compliance and help clarify certain requirements for home businesses. She also stated Staff was recommending a five percent increase in the fee, which was regulated by the State, the last increase took place in 2018. Ms. Gardner-Young said the ordinance only effects home inspections.

Mayor Flores asked what was the total revenue expected. Ms. Gardner-Young said she would provide by Second reading.

Motion made by Councilmember Noble, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-20 on First Reading.

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

19. PUBLIC HEARING: Ordinance 2022-21: Second Reading: Amending Chapter 16, Zoning Regulations, Article 7, Landscaping, Section 16-1249(b)(6); to clarify when tree removal permits are not required for single family detached dwelling units in accordance with recently adopted State Statutes; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in Code; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. Gardner-Young stated the ordinance was required by State Statute which stated no need for a permit or City approval for single family detached dwelling units for tree removal with the proper correspondence. Staff recommended approval.

Motion made by Councilmember Noble, Seconded by Councilmember Bousquet to approve Ordinance 2022-21 on Second Reading.

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

20. PUBLIC HEARING: Ordinance 2022-25: First Reading: Amending Chapter 16 "Zoning Regulations" by deleting Article 6, "Sign Regulations," in its entirety and adopting a new Article 6, "Sign Regulations," providing for severability, conflicts, codification, and an effective date. - Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. Gardner-Young and Ms. Susan Garrett, Esq. presented. Ms. Gardner-Young stated the ordinance was an amendment to the Sign Regulations Article. She said the old version would be deleted and a brand new one would be adopted.

Ms. Garrett reviewed the Sign Regulation Article highlighting they reorganized the Code, made it more user friendly, and brought it up to regulation.

Ms. Garrett continued to discuss the statement of purpose and intent and added language such as the severability clause. She also mentioned updates to the temporary signs such as election timeframe.

Staff recommended approval.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Bousquet to approve Ordinance 2022-25 on First Reading.

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

21. Ordinance 2022-26: First Reading: Amending Chapter 10, Personnel, Article IV, Retirement, Pensions and other Employee Benefit Programs, Division 3, Retirement Systems authorized, Section 10-148 entitled "Public Safety Officers and Firefighters Retirement Plan and Trust:" amending the Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement to provide for a Deferred Retirement Trust Option Plan for those Public Safety Officers who continued to remain members of the City's retirement plan after becoming PBSO employees; providing for repeal of conflicting Ordinances, inclusion in the Code, severability and an effective date. - Andrea McCue, City Manager.

Ms. Moorer read the ordinance by title.

Ms. McCue stated the City agreed to adopt a Defined Pension plan for public safety officers who continued to remain members of the City's retirement plan after becoming a Palm Beach Sheriff's Office employee. Staff recommended approval.

Motion made by Councilmember Noble, Seconded by Councilmember Bousquet to approve Ordinance 2022-26 on First Reading.

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

22. PUBLIC HEARING: Ordinance 2022-27: Second Reading: Adopting Chapter 13 "Taxation," Article 4 "Additional Homestead Exemption for Persons 65 and older, to provide for an additional \$5,000.00 Homestead Exemption for qualifying persons 65 years

of age and older; providing for severability, conflicts, codification, delivery, and an effective date. - Andrea McCue, City Manager.

Ms. Moorer read the ordinance by title.

Ms. McCue stated the ordinance was adopted on First reading to approve an additional \$5,000 Homestead exemption for persons 65 years and older and no changes had been made since the last reading. Staff recommended approval.

Mr. Brown asked when did the City adopt Homestead exemption. Ms. McCue stated that was handled on State level. Ms. Goddeau confirmed the state level process of homestead.

Motion made by Councilmember Diaz, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-27 on Second Reading.

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

23. Ordinance 2022-28: First Reading: Amending Chapter 4 "Buildings and Building Regulations," Article 3 "Floodplain Management" to provide for accessory structures in flood hazard areas; to specify elevation of manufactured homes in flood hazard areas; to address market value and for other purposes; providing for applicability, conflicts, severability, and an effective date. - Scott H. Wood, Building Official.

Ms. Moorer read the ordinance by title.

Mr. Wood stated the floodplain ordinance was mandated by the State's Floodplain. He said the City's saved funds on their insurance due to the City's status. He said the last update took place in 2016. Staff recommended approval of the minor updates to the ordinance.

Motion made by Councilmember Noble, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-28 on First Reading.

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

24. Ordinance 2022-30: First Reading: Amending Chapter 11, Streets, Sidewalks, and other Places, Article 4, City Parks, by creating a new Section 11-76 to be entitled, "Smoking and Vaping prohibited in Parks;" providing for repeal of conflicting ordinances, severability, inclusion in the Code, and an effective date. - Andrea McCue, City Manager.

Ms. Moorer read the ordinance by title.

Ms. McCue stated said effective July 1, 2022, the Florida legislature amended how City's prohibited smoking at local parks within the jurisdiction of the City. She said cigars were not prohibited and there was a minimum cost due to the adoption of the ordinance. Ms. McCue said the City was process with signage and education. Staff recommended approval.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Bousquet to approve Ordinance 2022-30 on First Reading.

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

DISCUSSION ITEM

25. Campaign Free Zone.- Judith Dugo, Councilmember.

Ms. Christy Goddeau clarified the City's Public Comment Policy. She mentioned the current policy allowed for limited forum regarding policy setting or agenda items.

Councilmember Bousquet did not see the point of the discussion as it was already resolved.

Ms. Goddeau further explained the details of the current Council Policy.

Mayor Flores did not desire to limit residents to policy setting and agenda item only topics during Public Comment. Deputy Mayor Tharp, Councilmember Bousquet and Councilmember Diaz agreed.

Mayor Flores noted for the record that Councilmember Noble left the meeting at 7:36PM.

The Council agreed to update the Council Policy relating to the Public Comment.

26. City Manager and City Attorney Evaluations. - Andrea McCue, City Manager.

Councilmember Bousquet stated she did not feel comfortable doing the City Manager's and City Attorney's Evaluations in a public forum.

Mayor Flores felt the process should remain or at least add to the agenda for any comment to be made if desired.

Ms. McCue clarified the language in the City Manager's contract.

Ms. Suzanne Skidmore, Director of Human Resources requested the Council provide what their desired merit would be for the City Manager.

Councilmember Diaz felt the documents were public record and she never understood why the City Attorney's were given an employee evaluation.

Mayor Flores suggested placing an agenda item annually for any comment for the City Manager and City Attorney, he felt no discussion was needed. The Council agreed.

Ms. McCue requested the Council rate her a meets expectation merit only and nothing further.

After discussion the Council provided City Manager McCue a 2.5 percent merit increase.

27. Greenacres Historical Museum. - Andrea McCue, City Manager.

Ms. McCue reviewed the items which were included in the agenda packet as she was not certain what the total conversation was going to be as Councilmember Dugo was absent.

Ms. McCue stated the lease agreement was a ten year agreement with automatic renewals, with the option to terminate. She also mentioned the required meetings.

Mr. Brett Brown, President of Historical Museum stated they were still a board and active. Mr. Brown stated more space was needed at the museum.

He asked to use more of the space in the building.

Mayor Flores agreed to pay the \$1.00 lease fee.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None.

CITY MANAGER'S REPORT

Ms. McCue stated the BTR increase was a \$15,000 increase per Ms. Gardner-Young. She stated the International Coastal Cleanup was September 17, 2022, at Community Recreational Center.

The Comp Plan workshops were scheduled for October.

The Charter Review Committee terms have expired, some members did not reply and one declined. She would bring the item before the Council for approval at a later meeting.

She suggested cancelling the October 3, 2022 Council Meeting.

CITY ATTORNEY'S REPORT

None.

MAYOR AND CITY COUNCIL REPORT

Deputy Mayor Tharp stated the far well for Atlantis Skateway was nice.

Mayor Flores apologized for missing meetings due to a family death and illness. He thanked Kara Irwin-Ferris for her hard-work and suggested recognizing her for her efforts. He would like to maintain Ms. Irwin- Ferris as an employee.

Mayor Flores said the Governor has removed officials and suggested reviewing what the body was doing and taking matters more seriously.

He mentioned he was looking for members to participate on the Citizen Advisory Board and Vision Zero Advisory Board members

He also brought up the Housing Bond issue and the cost-of-living rates in Palm Beach County.

ADJOURNMENT

8:37PM.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



ITEM SUMMARY

MEETING DATE: September 28, 2022
FROM: Andrea McCue, City Manager, Administration
SUBJECT: Resolution 2022-34 - Law Enforcement Service Agreement (LESA)
 Addendum Nine (9)

BACKGROUND

The City entered into a LESA with the Palm Beach County Sheriff's Office on or about August 10, 2015, with an effective date of February 1, 2016, for law enforcement services. The LESA has been subsequently adjusted through addendums one (1) through eight (8).

ANALYSIS

The provided cost increase established by PBSO includes a 2% increase in the contract and the addition of one (1) Community Policing Officer and two (2) crossing guards.

FINANCIAL INFORMATION

Total cost for the FY23 budget is \$10,771,463.00.

LEGAL

The City Attorney has reviewed the Resolution and LESA for legal sufficiency and compliance.

STAFF RECOMMENDATION

Staff is recommending approval of Resolution 2022-34.

RESOLUTION NO. 2022-34

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING ADDENDUM NINE (9) TO THE LAW ENFORCEMENT SERVICES AGREEMENT (LESA) WITH THE PALM BEACH COUNTY SHERIFF'S OFFICE (PBSO), PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council entered into a contract with the Palm Beach County Sheriff's Office (PBSO) to provide police services to the City of Greenacres through the execution of a Law Enforcement Services Agreement (LESA); and

WHEREAS, the LESA was executed on or about August 10, 2015, with an effective date of February 1, 2016, and has been subsequently adjusted through Addendums one (1) through eight (8); and

WHEREAS, based upon the provided cost increase established by PBSO, the annual expenditure for law enforcement services shall be \$10,771,463.00 for FY2023; and

WHEREAS, the terms and conditions of this addendum was reduced to writing and entitled Addendum nine (9) to the LESA.

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

SECTION 1. The City Council of the City of Greenacres hereby authorizes the appropriate City Officials to execute Addendum nine (9) to the LESA as attached hereto.

SECTION 2. The City Clerk is hereby directed to transmit three (3) originals of Addendum nine (9) to the Palm Beach County Sheriff's Office.

SECTION 3. This Resolution shall become effective immediately upon adoption.

RESOLVED AND ADOPTED this 28th of day of September 2022

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, District II

Voted:

Judith Dugo, Council Member, District III

Voted:

Susy Diaz, Council Member, District IV

Voted:

Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

NINTH ADDENDUM TO THE LAW ENFORCEMENT SERVICE AGREEMENT
SHERIFF RIC L. BRADSHAW AND GREENACRES

This Ninth Addendum to the Law Enforcement Service Agreement is made by and between The City of Greenacres (hereinafter referred to as “City”), located in Palm Beach County, and Ric L. Bradshaw, Sheriff of Palm Beach County, Florida (hereinafter referred to as “Sheriff”). Greenacres and the Sheriff shall hereinafter be referred to as the “Parties.”

WHEREAS, the Parties executed a Law Enforcement Service Agreement effective February 01, 2016, a First Addendum effective October 01, 2016, a Second Addendum effective February 01, 2016, a Third Addendum effective October 01, 2017, a Fourth Addendum effective October 01, 2108, a Fifth Addendum effective May 01, 2019, a Sixth Addendum effective October 01, 2019, a Seventh Addendum effective October 01, 2020, and an Eighth Addendum effective October 01, 2021, (the “Agreement”), by which the Sheriff agreed to perform law enforcement services; and

WHEREAS, the Parties wish to adjust the level of service by adding one (1) Deputy Sheriff, and two (2) School Crossing Guards and set forth the consideration for the contract term beginning October 01, 2022 through September 30, 2023.

NOW, THEREFORE, in consideration of the mutual covenants herein contained the receipt and sufficiency of which are hereby acknowledged, it is agreed upon as follows:

1. The level of service has been modified by the addition of one (1) Deputy Sheriff and two (2) School Guards allocations. The level of service and allocations for the City are reflected in revised Exhibit B, attached and incorporated as if fully stated herein. Revised Exhibit B hereby replaces former Exhibit B to the Agreement and is effective October 01, 2022.
2. Article 6, Section 6.1 of the Law Enforcement Service Agreement is amended as to the total amount due for services for the period beginning October 01, 2022 through September 30, 2023 as follows: The total amount due for the annual period referenced above shall be \$10,771,463.00. Four monthly payments for the period beginning October 01, 2022 through January 31, 2023 shall be \$886,020.71. Eight monthly payments for the period beginning February 01, 2023 through September 30, 2023 shall be \$903,422.52.
3. Article 6, Section 6.3, regarding additional law enforcement services of the Law Enforcement Service Agreement is amended and shall now read as follows:

Additional law enforcement services as set forth in Article 2.1 (E) shall be compensated at a rate of \$100.00 per hour and will be billed by the Sheriff to the City on a monthly basis. This rate is subject to annual review and change upon agreement between the City and Sheriff. Alternatively, the City may opt to submit an application for an off-duty permit. The exempt CITY sponsored events will be mutually agreed upon by the City and the Sheriff.
4. In all other respects and unless otherwise stated, the terms and conditions of the Agreement, which includes prior Addendums, shall continue unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Addendum to the Agreement as of the last date all signatures below are affixed.

ATTEST:

CITY OF GREENACRES

By: _____
Quintella Moorer, City Clerk

By: _____
Joel Flores, Mayor

Dated: _____

ATTEST:

SHERIFF OF PALM BEACH COUNTY

By: _____
William Brannin, Major

By: _____
Ric L. Bradshaw, Sheriff

Dated: _____

Previous District 16 Allocations		Current District 16 Allocations	
Title	Quantity	Title	Quantity
Captain	1	Captain	1
Lieutenant	1	Lieutenant	1
Sergeant	7	Sergeant	7
Sergeant - Street Crimes	1	Sergeant - Street Crimes	1
Detective Sergeant	1	Detective Sergeant	1
Deputy Sheriff	28	Deputy Sheriff	29
Deputy Sheriff - Motor	2	Deputy Sheriff - Motor	2
Deputy Sheriff - Street Crimes	4	Deputy Sheriff - Street Crimes	4
Deputy Sheriff - Traffic	1	Deputy Sheriff - Traffic	1
Deputy Sheriff - Training	1	Deputy Sheriff - Training	1
Detective	3	Detective	3
Detective - Special Investigations	2	Detective - Special Investigations	2
Detective - Robbery	1	Detective - Robbery	1
Sworn	53	Sworn	54
Crime Scene Investigator	1	Crime Scene Investigator	1
Evidence Technician	1	Evidence Technician	1
Communications Officer	10	Communications Officer	10
Communications Supervisor	1	Communications Supervisor	1
Central Records Specialist	2	Central Records Specialist	2
Community Service Aide	2	Community Service Aide	2
Administrative Secretary	1	Administrative Secretary	1
Clerical Specialist	1	Clerical Specialist	1
Law Enforcement Aide	1	Law Enforcement Aide	1
Civilian	20	Civilian	20
School Crossing Guard	48	School Crossing Guard	50
TOTAL	121	TOTAL	124

- This Exhibit B was adopted as part of the Ninth Addendum to the Agreement effective October 01, 2022.



ITEM SUMMARY

MEETING DATE: September 28, 2022

FROM: Teri Lea Beiriger, Director, Department of Finance

SUBJECT: FY 2023 Budget Resolutions

BACKGROUND

Following completion of the City Council's approval of the mandated millage and budget ordinances required by F.S. 200.065 (Truth-in-Millage), the City Council passes a series of standard resolutions necessary to implement the successful closeout of the prior year's budget (FY 2022) and the start of the new fiscal year's budget (FY 2023).

ANALYSIS

There are four standard resolutions, and the purpose of each resolution is as follows:

1. Resolution 2022-48: When the City Council appropriates the annual expenditure budget, it does so by Department in the General Fund and Youth Programs Special Revenue Fund, and at the Fund level in the other Special Revenue Funds, and the Debt Service and Capital Projects Funds. During the year, consistent with guidance in the City Code and Council Policies (in particular, Council Policy #6), staff manages the budget execution at a lower level of line items and cost centers. Due to varying conditions, a Department, Debt Service Fund, or Capital Projects Fund appropriation may be exceeded at the end of the year. This resolution affirms the above and authorizes budget adjustments required to eliminate any budget deficiencies at the Cost Center or Departmental level in the General and Youth Programs Funds, or at the Fund level in all other funds.
2. Resolution 2022-49: The City's Comprehensive Plan provides for the creation of a five-year capital planning process in order to establish goals for forecasting future public improvements and facilities needed in the City. As part of the annual budget approval process, City staff updates this capital forecast over a six-year period, beginning with the upcoming budget execution year and a five-year capital planning period. The plan identifies capital needs for new and renovated parks, public buildings, infrastructure, and major equipment purchases by the City over the six-year planning horizon. This resolution authorizes the implementation of the FY 2023 Capital Improvements Program (CIP) and adoption of the CIP for fiscal years 2023-2028.
3. Resolution 2022-50: The Government Accounting Standards Board (GASB) provides recommendations on how to handle open encumbrances at year end. These open encumbrances are essentially contracts and purchase orders that have been placed where some or all of the goods and services ordered have not yet been delivered by fiscal year end.

The City of Greenacres has historically chosen to honor its open contracts and purchase orders by moving the open encumbrance and the related prior year budget to the following year as a budget adjustment to the subsequent year's budget. During fiscal year 2022, a number of capital projects were partially encumbered with purchase orders and will be carried over to complete the commitment(s).

4. Resolution 2022-51: Pursuant to the approval of Ordinances 2022-31 and 2022-32, this resolution authorizes the City Purchasing Agent to implement procurement actions to acquire commodities, services, and products included in the FY 2023 budget.

FINANCIAL INFORMATION

The financial impact is described above.

LEGAL

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

STAFF RECOMMENDATION

Approval of Resolutions 2022-48, 2022-49, 2022-50 and 2022-51.

RESOLUTION NO. 2022-48**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING BUDGET ADJUSTMENTS WITHIN THE FY 2022 TOTAL OPERATING BUDGET; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Council Policy No. 6 requires City Council action to authorize budget adjustments between cost centers, departments and funds; and

WHEREAS, operations of the City during fiscal year 2022 will be within the total budgeted funds, but adjustments will be required to eliminate cost center, department and fund deficiencies.

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

SECTION 1. The Director of Finance is hereby authorized to make the adjustments necessary to eliminate any cost center, department, and fund deficiencies.

SECTION 2. The City manager is hereby directed to review the adjustments authorized in Section 1 to assure that they are within the total appropriations for the fiscal year.

SECTION 3. This Resolution shall be effective upon adoption.

RESOLVED AND ADOPTED this 28th of day of September 2022.

Joel Flores, Mayor

John Tharp, Deputy Mayor

Voted:

Attest:

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*

Voted:

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: September 28, 2022

FROM: Teri Lea Beiriger, Director, Department of Finance

SUBJECT: FY 2023 Budget Resolutions

BACKGROUND

Following completion of the City Council's approval of the mandated millage and budget ordinances required by F.S. 200.065 (Truth-in-Millage), the City Council passes a series of standard resolutions necessary to implement the successful closeout of the prior year's budget (FY 2022) and the start of the new fiscal year's budget (FY 2023).

ANALYSIS

There are four standard resolutions, and the purpose of each resolution is as follows:

1. Resolution 2022-48: When the City Council appropriates the annual expenditure budget, it does so by Department in the General Fund and Youth Programs Special Revenue Fund, and at the Fund level in the other Special Revenue Funds, and the Debt Service and Capital Projects Funds. During the year, consistent with guidance in the City Code and Council Policies (in particular, Council Policy #6), staff manages the budget execution at a lower level of line items and cost centers. Due to varying conditions, a Department, Debt Service Fund, or Capital Projects Fund appropriation may be exceeded at the end of the year. This resolution affirms the above and authorizes budget adjustments required to eliminate any budget deficiencies at the Cost Center or Departmental level in the General and Youth Programs Funds, or at the Fund level in all other funds.
2. Resolution 2022-49: The City's Comprehensive Plan provides for the creation of a five-year capital planning process in order to establish goals for forecasting future public improvements and facilities needed in the City. As part of the annual budget approval process, City staff updates this capital forecast over a six-year period, beginning with the upcoming budget execution year and a five-year capital planning period. The plan identifies capital needs for new and renovated parks, public buildings, infrastructure, and major equipment purchases by the City over the six-year planning horizon. This resolution authorizes the implementation of the FY 2023 Capital Improvements Program (CIP) and adoption of the CIP for fiscal years 2023-2028.
3. Resolution 2022-50: The Government Accounting Standards Board (GASB) provides recommendations on how to handle open encumbrances at year end. These open encumbrances are essentially contracts and purchase orders that have been placed where some or all of the goods and services ordered have not yet been delivered by fiscal year end.

The City of Greenacres has historically chosen to honor its open contracts and purchase orders by moving the open encumbrance and the related prior year budget to the following year as a budget adjustment to the subsequent year's budget. During fiscal year 2022, a number of capital projects were partially encumbered with purchase orders and will be carried over to complete the commitment(s).

4. Resolution 2022-51: Pursuant to the approval of Ordinances 2022-31 and 2022-32, this resolution authorizes the City Purchasing Agent to implement procurement actions to acquire commodities, services, and products included in the FY 2023 budget.

FINANCIAL INFORMATION

The financial impact is described above.

LEGAL

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

STAFF RECOMMENDATION

Approval of Resolutions 2022-48, 2022-49, 2022-50 and 2022-51.

RESOLUTION NO. 2022-49**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ADOPTING A CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEARS 2023-2028.**

WHEREAS, the City of Greenacres Capital Improvements Program has as one of its goals the forecasting of future public improvements and facilities needed in the City, and providing data concerning need, costs, and timing; and

WHEREAS, the Capital Improvements Program will allow elected and appointed officials the greatest opportunity to make effective decisions and to utilize City resources to the greatest benefit of the present and future citizens of the City of Greenacres; and

WHEREAS, the City Manager has prepared and transmitted to the City Council a proposed Capital Improvements Program for fiscal years 2023 through 2028; and

WHEREAS, the City Council wishes to adopt the fiscal year 2023 through 2028 Capital Improvements Program, the summary of which is Exhibit "A" hereto, as a work plan for fiscal year 2023, and as a planning document for fiscal years 2023 through 2028.

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

SECTION 1. The Capital Improvements Program as recommended by the City Manager is hereby adopted for six (6) fiscal years beginning October 1, 2022 and ending September 30, 2028.

SECTION 2. The City Manager is hereby directed to begin implementation of the fiscal year 2023 portion of the Capital Improvements Program, attached herewith and identified as Exhibit "A" and to bring before the City Council, at appropriate times, the ordinances, resolutions and other information as may be necessary to fund and implement the fiscal year 2023 Capital Improvements Program, as hereby adopted.

SECTION 3. The City Manager is hereby directed to update the Capital Improvements Program on an annual basis to take into account changing conditions, priorities, and financial capabilities.

SECTION 4. Copies of the aforementioned Capital Improvement Program shall be placed on file in the office of the City Clerk for public inspection.

RESOLVED AND ADOPTED this 28th of day of September, 2022.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

Resolution No. 2022-49 | Adopting a Capital Improvements Program for Fiscal Years 2023

2028

Page No. 4

EXHIBIT "A"
CAPITAL IMPROVEMENT PROGRAM
FY 2023-2028 - COST BY FUND

PRJ # DESCRIPTION	BUDGET FY 2022	AMENDED BUDGET	ADOPTED FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
NEW GROWTH - FUND 301								
094 Tyler Energov	114,000	114,000	34,940	0	0	0	0	0
106 City Sidewalks	0	2,611	0	0	0	0	0	0
169 Public Works Generator	240,000	240,000	0	0	0	0	0	0
192 Bowman Street Improvement	175,000	175,000	0	0	0	0	0	0
212 Fire Rescue Equipment	20,000	20,578	83,657	0	0	0	0	0
235 Complete Street	0	0	0	1,950,000	2,000,000	0	0	0
238 EOC	0	0	3,020,000	5,000,000	0	0	0	0
TOTAL NEW GROWTH	\$ 549,000	\$ 552,189	\$ 3,138,597	\$ 6,950,000	\$ 2,000,000	\$ 0	\$ 0	\$ 0
PARKS & RECREATION - FUND 303								
032 City Parks Improv	232,500	260,825	443,000	225,500	303,000	189,500	111,200	116,000
048 Parks Court Resurfacing	0	0	0	40,000	40,000	25,000	25,000	0
160 Parks/Building Parking Resurf	0	0	0	0	45,000	0	0	0
186 Public Grounds Rejuvenation	10,000	16,000	10,000	10,000	10,000	10,000	10,000	10,000
190 Lighting Enhancements	0	0	125,000	125,000	125,000	0	0	0
198 Community Center Renovation	24,000	42,366	57,000	0	0	0	0	0
TOTAL PARKS & RECREATION	\$ 266,500	\$ 319,191	\$ 635,000	\$ 400,500	\$ 523,000	\$ 224,500	\$ 146,200	\$ 126,000
RECONSTRUCTION & MAINTENANCE - FUND 304								
049 Equipment Replacement	132,500	132,500	43,100	29,700	76,100	52,000	263,400	0
069 Copier Replacement	39,000	39,000	0	26,000	8,000	44,000	39,000	0
073 JAG Law Enf Eq	22,387	22,387	11,013	0	0	0	0	0
088 Vehicle Replacement	159,650	159,650	134,260	280,979	108,483	256,000	1,482,000	286,000
091 Computer Hardware Replacement	0	0	30,000	0	0	0	0	0
150 Roof Replacement	30,000	30,000	10,000	248,000	10,000	10,000	55,000	10,000
151 Exterior/Interior Painting	10,000	12,700	88,500	60,500	14,700	46,000	31,000	30,000
152 Stormwater Pipe	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000
161 Road Resurfacing & Striping	270,000	270,000	270,000	250,000	100,000	100,000	100,000	100,000
161 HVAC Replacement Program	0	0	0	49,400	145,700	74,000	62,000	30,000
191 Fire Rescue Station Renovations	74,000	74,000	150,000	0	0	0	0	0
215 Fire Rescue / EMS Equipment	196,000	196,000	84,000	410,500	124,000	202,800	108,000	210,800
220 Public Right of Way Landscape	10,000	41,950	10,000	10,000	10,000	10,000	10,000	10,000
229 Flooring Replacement	0	0	24,000	82,000	2,000	2,000	2,000	2,000
TOTAL RECONSTRUCTION & MAINTENANCE	\$ 973,537	\$ 1,008,187	\$ 884,873	\$ 1,477,079	\$ 628,983	\$ 826,800	\$ 2,182,400	\$ 708,800
INFRASTRUCTURE SURTAX - FUND 305								
032 City Parks Improv	195,500	304,902	420,000	0	0	0	0	0
088 Vehicle Replacement	895,150	895,150	1,552,000	0	0	0	0	0
106 City Sidewalks	0	805,352	0	0	0	0	0	0
150 Roof Replacement	0	0	400,000	0	0	0	0	0
152 Stormwater Pipe	0	38,698	0	0	0	0	0	0
163 AC Replacement	100,000	100,000	184,000	0	0	0	0	0
191 Fire Rescue Station Renovations	295,000	345,000	0	0	0	0	0	0
193 Original Section Drainage Improv (CDBG)	412,608	414,001	1,000,000	1,000,000	0	0	0	0
210 Median Landscaping Rejuvenation	225,000	319,351	0	0	0	0	0	0
222 City Entryway Monuments	110,000	119,444	50,000	0	0	0	0	0
226 Gladiator Lake Enhancement	1,822,589	1,850,369	1,822,589	0	0	0	0	0
231 Septic to Sewer	3,300,000	3,627,250	1,540,000	1,700,000	0	0	0	0
232 Dillman Trail	867,703	889,069	0	0	0	0	0	0
233 Chickasaw Rd Improvements	1,716,063	1,739,553	2,059,276	0	0	0	0	0
234 Municipal Complex	354,200	354,200	30,000	0	0	0	0	0
TOTAL INFRASTRUCTURE SURTAX	\$ 10,293,813	\$ 11,802,339	\$ 9,057,865	\$ 2,700,000	\$ -	\$ 0	\$ 0	\$ 0
AMERICAN RESCUE PLAN - FUND 306								
Interfund Transfer	263,450	263,450	0	0	0	0	0	0
235 Complete Streets	1,645,000	1,645,000	0	0	0	0	0	0
236 Youth Building	500,000	500,000	7,500,000	0	0	0	0	0
237 Fire Station	500,000	500,000	1,000,000	7,000,000	0	0	0	0
TOTAL AMERICAN RESCUE PLAN	\$ 2,908,450	\$ 2,908,450	\$ 8,500,000	\$ 7,000,000	\$ -	\$ -	\$ -	\$ -
TOTAL CAPITAL IMPROVEMENT PROGRAM	\$ 14,991,300	\$ 16,590,356	\$ 22,216,335	\$ 18,527,579	\$ 3,151,983	\$ 1,051,300	\$ 2,328,600	\$ 834,800



ITEM SUMMARY

MEETING DATE: September 28, 2022

FROM: Teri Lea Beiriger, Director, Department of Finance

SUBJECT: FY 2023 Budget Resolutions

BACKGROUND

Following completion of the City Council's approval of the mandated millage and budget ordinances required by F.S. 200.065 (Truth-in-Millage), the City Council passes a series of standard resolutions necessary to implement the successful closeout of the prior year's budget (FY 2022) and the start of the new fiscal year's budget (FY 2023).

ANALYSIS

There are four standard resolutions, and the purpose of each resolution is as follows:

1. Resolution 2022-48: When the City Council appropriates the annual expenditure budget, it does so by Department in the General Fund and Youth Programs Special Revenue Fund, and at the Fund level in the other Special Revenue Funds, and the Debt Service and Capital Projects Funds. During the year, consistent with guidance in the City Code and Council Policies (in particular, Council Policy #6), staff manages the budget execution at a lower level of line items and cost centers. Due to varying conditions, a Department, Debt Service Fund, or Capital Projects Fund appropriation may be exceeded at the end of the year. This resolution affirms the above and authorizes budget adjustments required to eliminate any budget deficiencies at the Cost Center or Departmental level in the General and Youth Programs Funds, or at the Fund level in all other funds.
2. Resolution 2022-49: The City's Comprehensive Plan provides for the creation of a five-year capital planning process in order to establish goals for forecasting future public improvements and facilities needed in the City. As part of the annual budget approval process, City staff updates this capital forecast over a six-year period, beginning with the upcoming budget execution year and a five-year capital planning period. The plan identifies capital needs for new and renovated parks, public buildings, infrastructure, and major equipment purchases by the City over the six-year planning horizon. This resolution authorizes the implementation of the FY 2023 Capital Improvements Program (CIP) and adoption of the CIP for fiscal years 2023-2028.
3. Resolution 2022-50: The Government Accounting Standards Board (GASB) provides recommendations on how to handle open encumbrances at year end. These open encumbrances are essentially contracts and purchase orders that have been placed where some or all of the goods and services ordered have not yet been delivered by fiscal year end.

The City of Greenacres has historically chosen to honor its open contracts and purchase orders by moving the open encumbrance and the related prior year budget to the following year as a budget adjustment to the subsequent year's budget. During fiscal year 2022, a number of capital projects were partially encumbered with purchase orders and will be carried over to complete the commitment(s).

4. Resolution 2022-51: Pursuant to the approval of Ordinances 2022-31 and 2022-32, this resolution authorizes the City Purchasing Agent to implement procurement actions to acquire commodities, services, and products included in the FY 2023 budget.

FINANCIAL INFORMATION

The financial impact is described above.

LEGAL

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

STAFF RECOMMENDATION

Approval of Resolutions 2022-48, 2022-49, 2022-50 and 2022-51.

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, PROVIDING FOR AUTOMATIC AMENDMENT OF THE FISCAL YEAR 2023 BUDGET TO REFLECT OUTSTANDING ENCUMBERED ORDERS OF FISCAL YEAR 2022; PROVIDING THAT THE COST OF THOSE EXPENDITURES ARE TO BE PAID FROM FUNDS CARRIED FORWARD FROM FISCAL YEAR 2022.

WHEREAS, at the end of each fiscal year, there are always expenditure items for goods or services which were budgeted for that fiscal year and which have been requisitioned, ordered, or contracted for and are specifically shown as encumbered line items in that year's accounting records; and

WHEREAS, those specific items will not have been paid for or accrued by the end of that fiscal year, notwithstanding the fact that funds have been allocated in the budget for those items in that fiscal year; and

WHEREAS, the subsequent year's appropriations should provide authority to complete those transactions.

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

SECTION 1. Encumbrances for unpaid outstanding expenditures for goods and services at the end of fiscal year 2022 and the funds allocated therefore shall, in the annual audit, be disclosed in the footnotes and said funds shall be classified as assigned fund balances.

SECTION 2. The fiscal year 2023 budget shall automatically re-appropriate encumbered assigned fund balances and shall automatically include those previously encumbered expenditures for goods and services, allocating those expenditure items in the same budget classification as established in the fiscal year 2022 budget.

SECTION 3. Since the revenue necessary for these expenditure items was provided for in the prior year's budget and will be reflected in the annual audit as funds designated for fiscal year 2022 encumbrances, and since these items of income and expenditures shall balance,

Resolution No. 2022-50 | Automatic Amendment of the Fiscal Year 2023 Budget to Reflect Outstanding Encumbered Orders of Fiscal Year 2022
 Page No. 2

neither need be shown in the fiscal year 2023 published and adopted budget, they will be treated as authorized amendments to the fiscal year 2023 expenditure budget.

SECTION 4. The City of Greenacres has historically chosen to honor its open contracts and purchase orders by moving the open encumbrance and the related prior year budget to the following year as a budget adjustment to the subsequent year’s budget. During fiscal year 2022, twenty-three (23) capital projects were partially encumbered with purchase orders. The projects are:

301-26-26-64-91	CIP-094 Tyler Energov
301-30-31-63-83	CIP-192 Bowman Street Imp
301-50-55-62-26	CIP-238 EOC
301-50-55-64-48	CIP-212 Fire Rescue / EMS Equipment
303-40-46-63-42	CIP-186 Grounds Landscaping
303-40-46-63-91	CIP-032 City Park Improvements
304-40-42-63-17	CIP-161 Road Striping/Marking
304-50-53-64-94	CIP-073 Justice Asst Grant
304-50-55-64-49	CIP-215 F/R Equipment Replacement
305-30-31-63-161	CIP-232 Dillman Trail
305-30-31-63-22	CIP-193 Original Section Drainage
305-30-31-63-25	CIP-226 Lake Drainage Improvements
305-30-31-63-44	CIP-210 Median Landscaping Rejuvenation
305-30-31-63-64	CIP-222 City Information Signs Upgrade
305-40-41-63-65	CIP-234 Municipal Complex Enhancements
305-40-42-63-12	CIP-233 Chickasaw Road Improvements
305-40-42-63-20	CIP-106 City Sidewalks
305-40-44-62-66	CIP-163 AC Replacement
305-40-46-63-26	CIP-231 Septic to Sewer
305-40-46-63-91	CIP-032 City Park Improvements
305-50-55-62-21	CIP-191 Fire Rescue Station Renovations
306-50-55-62-25	CIP-237 New Fire Station
306-60-64-62-43	CIP-236 Youth Building

The above is accomplished though Resolution 2022-50.

RESOLVED AND ADOPTED this 28th of day of September, 2022.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

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

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

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

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

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: September 28, 2022

FROM: Teri Lea Beiriger, Director, Department of Finance

SUBJECT: FY 2023 Budget Resolutions

BACKGROUND

Following completion of the City Council's approval of the mandated millage and budget ordinances required by F.S. 200.065 (Truth-in-Millage), the City Council passes a series of standard resolutions necessary to implement the successful closeout of the prior year's budget (FY 2022) and the start of the new fiscal year's budget (FY 2023).

ANALYSIS

There are four standard resolutions, and the purpose of each resolution is as follows:

1. Resolution 2022-48: When the City Council appropriates the annual expenditure budget, it does so by Department in the General Fund and Youth Programs Special Revenue Fund, and at the Fund level in the other Special Revenue Funds, and the Debt Service and Capital Projects Funds. During the year, consistent with guidance in the City Code and Council Policies (in particular, Council Policy #6), staff manages the budget execution at a lower level of line items and cost centers. Due to varying conditions, a Department, Debt Service Fund, or Capital Projects Fund appropriation may be exceeded at the end of the year. This resolution affirms the above and authorizes budget adjustments required to eliminate any budget deficiencies at the Cost Center or Departmental level in the General and Youth Programs Funds, or at the Fund level in all other funds.
2. Resolution 2022-49: The City's Comprehensive Plan provides for the creation of a five-year capital planning process in order to establish goals for forecasting future public improvements and facilities needed in the City. As part of the annual budget approval process, City staff updates this capital forecast over a six-year period, beginning with the upcoming budget execution year and a five-year capital planning period. The plan identifies capital needs for new and renovated parks, public buildings, infrastructure, and major equipment purchases by the City over the six-year planning horizon. This resolution authorizes the implementation of the FY 2023 Capital Improvements Program (CIP) and adoption of the CIP for fiscal years 2023-2028.
3. Resolution 2022-50: The Government Accounting Standards Board (GASB) provides recommendations on how to handle open encumbrances at year end. These open encumbrances are essentially contracts and purchase orders that have been placed where some or all of the goods and services ordered have not yet been delivered by fiscal year end.

The City of Greenacres has historically chosen to honor its open contracts and purchase orders by moving the open encumbrance and the related prior year budget to the following year as a budget adjustment to the subsequent year's budget. During fiscal year 2022, a number of capital projects were partially encumbered with purchase orders and will be carried over to complete the commitment(s).

4. Resolution 2022-51: Pursuant to the approval of Ordinances 2022-31 and 2022-32, this resolution authorizes the City Purchasing Agent to implement procurement actions to acquire commodities, services, and products included in the FY 2023 budget.

FINANCIAL INFORMATION

The financial impact is described above.

LEGAL

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

STAFF RECOMMENDATION

Approval of Resolutions 2022-48, 2022-49, 2022-50 and 2022-51.

RESOLUTION NO. 2022-51

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING STAFF ACTIONS TO PROCURE THOSE ITEMS APPROVED IN THE FISCAL YEAR 2023 BUDGET.

WHEREAS, The City Council has approved the operating and Capital Improvement Program budgets for fiscal year 2023; and

WHEREAS, those approved budgets included specifically defined commodities, services, or products; and

WHEREAS, it is deemed appropriate to implement procurement actions to acquire those commodities, products, and services.

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

SECTION 1. The Purchasing Agent is hereby authorized to procure those items included in the approved budget.

SECTION 2. Procurement procedures will be in accordance with the City Code requirements for purchases and contracts.

RESOLVED AND ADOPTED this 28th of day of September 2022.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

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

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

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

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

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: September 28, 2022

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2022-20, ZTA-22-16**
Business Tax Receipts (BTR) Regulations

BACKGROUND

This is a City Staff initiated request for a text amendment that amends the Code of Ordinances Chapter 8 entitled Licenses and Business Regulations to clarify when home occupation inspections are required and to increase the Business Tax Receipt fees by the maximum allowed by state statute in the amount of five percent (5%).

A Business Tax Receipt (formerly known as Occupational License) is required of any individual or entity, business, or profession in the City of Greenacres which operates within the City's limits, unless specifically exempted. The Business Tax Receipt is for the privilege of engaging in a business activity either for profit or non-profit.

This is the second amendment to the City's existing Business Tax Receipt provisions. The proposed amendments to the Business Tax Receipt code provisions are as follows:

1. Clarify when home occupation inspections are required
2. Increase the Business Tax Receipt fees by the maximum allowed by state statute in the amount of five percent (5%).

ANALYSIS

The Local Business Tax, formerly known as Occupational License, is required of any individual or entity choosing to engage in or manage any business, profession, or occupation in the City of Greenacres, unless specifically exempted. The City's Business Tax is a privilege tax imposed for revenue purposes only to support the essential services the City provides. No attempt is made through the business tax to regulate the conduct of businesses, nor does the issuance of a Tax Receipt and the payment of the business tax authorize the conduct or continuance of any illegal business or of a legal business in an illegal manner within the City. The Business Tax Receipt process is necessary to ensure that life, health, and safety issues are addressed through the inspection process. This process also ensures that the proposed business is located in the appropriate zoning district and if the appropriate City approvals have been obtained.

The changes requested are to address a conflict in the City's Code with State Statute and to increase the Business Tax Receipt fees by the maximum allowed by state statute in the amount

of five percent (5%) based upon the increased cost of processing these requests and inflation since the last fee update in 2018. The City Council voted four (4) to zero (0) to recommend approval of Zoning Text Amendment ZTA-22-16 as presented by staff on September 14, 2022.

FINANCIAL INFORMATION

The proposed revisions to the Business Taxes provisions would result in a revenue increase of 5% which would be approximately \$15,000.

LEGAL

Ordinance 2022-20 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed by the City Attorney.

STAFF RECOMMENDATION

Approval of ZTA-22-16 through the adoption of Ordinance 2022-20.

ORDINANCE NO. 2022-20

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 8, LICENSES AND BUSINESS REGULATIONS, ARTICLE III, BUSINESS TAXES, SECTIONS 8-46 THROUGH 8-72, TO CLARIFY BUSINESS TAX RECEIPT REQUIREMENT FOR HOME BUSINESSES AND AMENDING THE FEES FIVE PERCENT FOR BUSINESS TAX RECEIPT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

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

WHEREAS, the Development and Neighborhood Services Department has submitted a request for a Code of Ordinance amendment to revise Chapter 8 regarding business tax receipts; and

WHEREAS, a business tax receipt is a document issued by the City of Greenacres when the tax is paid by a business authorized to operate within the City’s municipal limits; and

WHEREAS, the business tax receipt ensures that a business is a permitted use to operate on a particular parcel, permits an inspection to ensure that the business is in compliance with city code requirements, and requires proof of state and/or federal licensing and certification for certain businesses; and

WHEREAS, it has been determined, in accordance with the Development Review Committee Staff Report and Recommendation, attached as “Exhibit A” that the proposed amendments to Chapter 8 of the City’s Code of Ordinances are appropriate; and,

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

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

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

SECTION 2. Chapter 8, Article III, Business Taxes, section 8-46 through section 8-73 of the City of Greenacres Code of Ordinances is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by ~~strikeout~~):

ARTICLE III. - BUSINESS TAXES

Sec. 8-46. - Business tax imposed ~~and registration.~~

- (a) *Business tax.* A tax is hereby fixed and imposed upon every person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business, profession, or occupation within the city. In addition, the tax is imposed upon any person who is conducting a business, profession, or occupation within their home, when located within the city limits. A business tax is also hereby levied upon any person who does not qualify under the provisions noted hereinabove and who transacts any business or engages in any occupation or profession in interstate commerce, if such tax is not prohibited by section 8 of article I of the United States Constitution.
- (b) *Registration.* Any person who does not fall into one (1) of the categories set forth above in subsection (a), but who comes within the corporate limits of the city to carry on, complete, perform, or engage in any type of business, is hereby required to register with the city by filling out a registration form with the development and neighborhood services department. Such person must provide a copy of a valid business tax receipt issued by another municipality and/or by Palm Beach County indicating that he or she possesses a valid business tax receipt at the location of his or her branch or permanent office. The registration requirement shall not apply to any trade or business regulated by the state department of business and professional regulation including but not limited to, contractors, surveyors, barbers, cosmetologists, architects, landscape architects and interior designers. Additionally, this requirement shall not apply to any pest control operators licensed and regulated by the state.
- (c) *Voluntary registration.* Pursuant to F.S. § 205.065, any person engaging in or managing a business, profession or occupation regulated by the state department of business and professional regulation that has paid a business tax receipt tax for the current year to the county or municipality in that state where the person's permanent business location or branch office is maintained shall not be required to register his business tax receipt with the city. However, such persons may voluntarily

register with the city by presenting proof of state licensing, a valid business tax receipt issued by the municipality or county in which the licensee's branch or permanent office is located and by paying an administrative fee as established by resolution of the city council. Persons not desiring to voluntarily register shall not be required to do so. However, such persons shall be required to present all documentation required by this subsection each time application for a city permit is made.

- (d) *Registration fee.* A registration fee shall be charged to cover administrative costs in registering these additional businesses, occupations, and professions; the amount of which registration fee shall be set by resolution of the city council.

Sec. 8-47. - Required.

No person described in section 8-46(a) shall engage in any trade, business, profession, or occupation within the city without a local business tax receipt or with a local business tax receipt issued upon false statements made by such person or in his or her behalf.

Sec. 8-48. - Application procedures and Inspections.

(a) Before the city shall issue a local business tax receipt, it shall be the duty of the applicant to:

- (1) File an application for a business tax receipt on the form provided by the department of development and neighborhood services.
 - (2) Submit all documentation as required by this article and the director of development and neighborhood services designee and also as required by any other local, state, or federal laws or rules.
 - (3) Remit a non-refundable local business tax fee in accordance section 8-72 local business tax schedule.
 - (4) Submit an application for a county business tax receipt for city zoning approval.
- (b) Every applicant for a local business tax receipt shall obtain a county business tax receipt. The fact that a county business tax receipt is not required for a particular business, profession or occupation does not imply that the requirement for a city local business tax receipt is waived.
- (c) Every applicant for a local business tax shall be reviewed for compliance with the city's zoning code and any applicable site plan or special exception approval for the subject property to verify compliance with the property's zoning designation and approved uses.
- (d) Every applicant for a local business tax receipt must provide proof of a passed fire inspection as required by section 5-8 of the City Code, a building code inspection as

determined by the building official, and any other inspection required by applicable law unless exempt by general law. Failure to provide proof of the passed inspection(s) within thirty (30) days of application may result in the business tax receipt being denied, suspended, revoked and possible fines imposed through the code enforcement procedures as set forth in the City Code. . Pursuant to section 559.955, Florida Statutes (as amended), home-based businesses are exempt from the inspection requirement of section 8-48(d) unless the particular use triggers an inspection under other applicable law.

(e) Upon receipt from the applicant of all application forms, approvals, and documentation as required by this article, and any additional documentation that may be required, the director of development and neighborhood services or appointed designee shall issue a city business tax receipt, valid through September 30, of each fiscal year.

~~Sec. 8-49. – Home-based businesses Business tax receipt required.~~

~~(a) Every applicant for a business tax receipt to conduct a business, profession, or occupation within their home, when located within the city limits, shall file an application for a local business tax receipt as set forth in section 8-48 and pay a local business tax as set forth in the local business tax schedule referred to in section 8-72. Pursuant to section 559.955, Florida Statutes (as amended), home-based businesses are exempt from the inspection requirement of section 8-48(d) unless the particular use triggers an inspection under other applicable law.~~

~~(b) Every applicant for a business tax receipt to conduct a business, profession, or occupation within their home, when located within the corporate limits of the city, shall be reviewed for compliance with the City Code as permitted in section 559.955, Florida Statutes (as amended)~~

~~Sec. 8-50. – Home family daycare.~~

~~In addition to the requirements of section 8-49 every applicant for a business tax receipt to conduct a home family daycare service within their home must submit the following documentation before a business tax receipt can be issued:~~

~~(1) Approved inspection required under applicable law;~~

~~(2) All permit(s) and/or license(s) for family day care center for the property on which the home family daycare service is to be conducted;~~

~~(3) Any additional documentation as required by this article or the director of development and neighborhood services or designee.~~

Sec. 8-5149. - Exemptions.

Exemptions shall be allowed for certain disabled veterans of any war, declared or undeclared, and their unremarried spouses; certain disabled persons, the aged, and

widows with minor dependents in conformance with F.S. chapter 205, as amended. Such individuals shall be entitled to an exemption as provided for by state statute.

Sec. 8-520. - Business tax receipt required of nonprofit organizations.

(a) The director of development and neighborhood services, or designee shall issue a business tax receipt to any person or organization for the conduct or operation of a nonprofit religious, charitable or educational institution as defined in F.S. chapter 205, as amended. The business tax receipt shall be exempt from payment of any business taxes. Nothing in this section shall be construed to require a business tax receipt for practicing the religious tenets of any church.

(b) Upon application for a local business tax receipt, the person or organization must exhibit an active state certificate, registration, or receipt, or proof of copy of the same before such local business tax receipt may be issued.

Sec. 8-531. - Affidavit required in certain cases.

Whenever information required to document the amount of a business tax receipt applied for is dependent on facts not within the personal knowledge of the director or designee, no business tax receipt shall be issued until the applicant therefore has made and filed with the director of development and neighborhood services or designee a notarized affidavit, duly authenticated, setting forth the facts upon which the amount of such business tax receipt depends.

Sec. 8-542. - Duration and due date.

No local business tax receipt shall be issued for more than one (1) year. All receipts shall expire on the thirtieth day of September of each year.

Sec. 8-553. - Half-year local business tax receipts.

(a) For each local business tax receipt obtained between the first day of October and the thirty-first day of March, the full tax for one (1) year shall be paid.

(b) For each local business tax receipt obtained between the first day of April and the thirtieth day of September, one-half ($\frac{1}{2}$) of the full tax for one (1) year shall be paid.

Sec. 8-564. - Multiple business tax receipts.

In the event any person engaged in a business, occupation, or profession at one (1) location or place of business is required under the provisions of this article to have more than one (1) business tax, the receipt holder shall pay in full all applicable business taxes required in order to operate the business. The director of development and neighborhood services or designee shall have the administrative duty to determine

which local business tax receipt category or categories shall apply to each applicant for a receipt. Appeals to his/her decision shall be processed as provided for in section 8-71.

Sec. 8-575. - Duplicate business tax receipts.

The director of development and neighborhood service or designee shall charge a fee for each duplicate local business tax receipt issued to replace any business tax receipt issued under the provisions of this article which has been lost, stolen, defaced, or destroyed. The duplicate fee charged hereunder shall be equal to ten (10) percent of the annual business tax, but in no case be less than three dollars (\$3.00) nor more than twenty-five dollars (\$25.00).

Sec. 8-586. - Each location to have a separate business tax receipt.

If any person operates any business regulated in this section at more than one (1) location within the city, each location shall be considered a separate business and a separate local business tax receipt therefore is required of each business.

Sec. 8-597. - Posting of business tax receipts.

(a) All local business tax receipts issued to a business that has a permanent place of business within the city shall display the same prominently within its place of business.

(b) In those occupations without a permanent place of business, the receipt holder shall be required to produce the business tax receipt, or proof of copy thereof, upon request.

Sec. 8-6058. - Professional business tax receipts.

The business tax provided in section 8-72(b)(1) for professionals shall be construed to mean that each individual shall pay the tax therein provided whether practicing by himself or herself, in a partnership, employed by another, or incorporated as a professional association.

Sec. 8-6159. - Prohibition of issuance of local business tax receipt without exhibition of state license or registration.

Any person applying for or renewing local business tax receipt for the receipt period beginning October 1 to practice any profession regulated by the state department of professional regulation, or any board or commission thereof, must exhibit an active state certificate, registration or license or proof of copy of the same before such local business tax receipt may be issued. Thereafter, only persons applying for the first time for local business tax receipt must exhibit such certification, registration, or license.

Sec. 8-620. - Transfer business tax receipt required.

(a) Any time a business, profession, or occupation licensed within the city has a change of ownership, location, change of business name, or change in the qualifier a transfer business tax is required. Any change in use type shall require application for a new local business tax receipt according to section 8-48 herein.

(b) The applicant shall obtain a county transfer business tax receipt and submit a copy of the receipt to the director of building or appointed designee.

(b) The applicant shall, in addition to the application form, submit all documentation as required by this article and the director of building or appointed designee.

(c) The fee for each transfer business tax receipt shall be equal to ten (10) percent of the annual business tax but in no case be less than three dollars (\$3.00) nor more than twenty-five dollars (\$25.00).

(d) Every business, occupation or profession licensed within the city and maintaining a permanent business location or branch office within the city, which is required by this section to obtain a transfer business tax receipt, shall have inspections made as set forth in section 8-48(d).

Sec. 8-631. - Local business tax receipt covers specified business, etc.

No local business tax receipt issued under the provision of this article shall protect any person from prosecution for transacting any business, trade or profession not covered by such business tax receipt, nor shall it protect any merchant doing business having provided false information for business tax receipt computation by affidavit to the director of development and neighborhood services.

Sec. 8-642. - Businesses not specifically covered.

Any person engaged in any lawful business, profession, or occupation, wholly or in part, within the city, not mentioned or covered by this article shall pay the closest applicable or related business tax as determined by the director of development and neighborhood services or designee.

Sec. 8-653. - False statements in application void business tax receipt.

Any business tax receipt issued upon any false statement made in the application therefore shall be considered as void ab initio and shall not protect the holder thereof from prosecution for transacting business without a valid business tax receipt.

Sec. 8-664. – Issuance denial, suspension, or revocation.

(a) The city shall have the authority to deny an application for a business tax receipt on the following grounds:

(1) That the applicant has failed to disclose or has misrepresented a material fact of any information required by this article in the application;

(2) That the applicant desiring to engage in the business, as described in the application, has selected a proposed site or type of business activity, which does not comply with the City Code;

(3) That the applicant has failed to obtain a certificate of occupancy as required by the Florida Building Code;

(4) The prior business tax receipt for the proposed business location was or has been denied, suspended, or revoked for any reason which reason has not been corrected;

(5) The issuance of business tax receipt is based upon the applicant's compliance with specific provisions of federal, state, city, or county laws with respect to the specific zoning use and the applicant has violated such specific provisions;

(6) The applicant has violated any provisions of this article and has failed or refused to cease or correct the violation within thirty (30) days after notification thereof;

(7) The premises have been condemned by the local health authority for failure to meet sanitation standards or the local authority has condemned the premises because the premises are unsafe or unfit for human occupancy;

(8) The applicant is delinquent in the payment of any fee imposed under this article, code enforcement lien, special assessment lien and/or other debt or obligation debt to the city under state or local law; and/or,

(9) The applicant does not engage in the business as described in the application or has changed the use without authorization.

(b) Any business tax receipt issued by the city may be temporarily suspended, refused to be renewed, or revoked and canceled by the director of development and neighborhood services or designee when

(1) Such business, trade, profession, or occupation is operating in violation of this article or other provision of the City Code;

(2) The business tax receipt holder has utilized fraud or misrepresentation in an application for or in obtaining a business tax receipt;

(3) The premises of the business, trade, profession, or occupation violates any provision of the Florida Building Code;

(4) The applicant does not engage in the business, trade, profession, or occupation as described in the application or has changed the use without authorization; or,

(6) The applicant is delinquent in the payment of any fee imposed under this article, code enforcement lien, special assessment lien and/or other debt or obligation debt to the city under state or local law.

(c) In the case of revocation and cancellation of such business tax receipt, the receipt holder is not entitled to a refund on any unused portion of the business tax.

Sec. 8-675. - Compliance by principal deemed compliance by agent.

Where the principal or employer has complied with the provisions of this article, it shall be unnecessary for his or her agent or employee to comply herewith, unless otherwise expressly provided for herein. In the event such principal or employer shall not have complied with this article, each of his or her agents or employees shall be subject to prosecution and, upon conviction, to fine or imprisonment to the same extent as his principal or employer.

Sec. 8-686. - Engaging in business without local business tax receipt or under a local business tax receipt issued upon false statements; penalties, prima facie evidence.

(a) It shall be unlawful for any person to engage in any business, trade, profession, or occupation taxable by business tax receipt hereunder, without a local business tax receipt or under a local business tax receipt issued upon false statements made by such person, or in his or her behalf. Any person engaged in any such business, profession, or occupation without first obtaining a local business tax receipt, if required herein shall pay a penalty of twenty-five (25) percent of the full year business tax for such trade, in addition to the business tax set forth herein.

(b) In addition to the penalties provided in subsection (a), any person engaged in any trade, business, profession, or occupation, within the city without a local business tax receipt or under a local business tax receipt issued upon false statements made by such person, or in their behalf, shall be subject to a fine as may be imposed through the code enforcement procedures set forth in the City Code.

(c) In any prosecution under this article, the fact that such person is open for business shall be prima facie evidence of engaging in such trade, business, profession, or occupation, and the burden shall be upon the defendant to refute the same.

(d) Each day or part of a day that this article is violated shall constitute a separate and distinct offense for which such person or his agents or employees may be prosecuted.

Sec. 8-697. - Renewal of local business tax receipt.

(a) All local business tax receipts not renewed by September 30th shall be considered delinquent and subject to a delinquency penalty of ten (10) percent of the full year business tax for the month of October, plus an additional five (5) percent penalty for each month of delinquency thereafter until paid. The total delinquency penalty shall never exceed twenty-five (25) percent of the full year business tax for that applicant. The City will endeavor to send out advance renewal notices to the contact information provided on the prior year business tax receipt; however, it is the sole responsibility of each person who engages in any business, trade, occupation, or profession covered by this chapter to timely renew each business tax receipt.

(b) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required local business tax within one hundred fifty (150) days of July 1st, and who does not obtain the required local business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorney's fees, additional administrative fee of twenty-five dollars (\$25.00) for costs incurred as a result of collection efforts, and a penalty of one hundred dollars (\$100.00).

Sec. 8-7068. - Appeals.

Any person adversely affected by the provisions of this article may petition the director of development and neighborhood services within thirty (30) days of the adverse notice, action, or decision of the city for review of this article as applied to the person. The petition shall be on a form provided by the city and shall contain the name and address of the petitioner. The petition shall briefly set forth the grounds for review, and the director of development and neighborhood services or designee shall consider the petition within thirty (30) days following receipt of the petition. In making ~~it's~~ a determination on the petition, the director of development and neighborhood services or designee ~~city council~~ shall consider the provisions of this article and state law. The determination of the director of development and neighborhood services or designee shall be in writing and sent by regular mail to the address of the petitioner as listed on the petition.

Within ten (10) days of the mailing of the written decision of the director of development and neighborhood services or designee, the petitioner may appeal the written decision to the Special Magistrate appointed to hear code enforcement cases. The appeal and its grounds for review shall be set forth in a form provided by the city and shall be filed with the development and neighborhood services department along with a filing fee as set by city resolution. The appeal shall be scheduled for the next available Special

Magistrate hearing date and notice of the hearing shall be sent by regular mail to the address of the petitioner as listed on the original petition form.

Sec. 8-7469. - Local business tax classifications and schedule.

(a) The amount of local business tax levied and imposed upon every person who shall engage in or manage any business, profession, privilege, or occupation hereinafter mentioned, within the city, is fixed, graded, determined, and imposed based upon the classifications and rates set forth in subsection (b).

(b) All businesses and occupations subject to the local business taxes in this article shall be classified according to the following schedule:

(1) *Category 1: Professionals.* Includes insurance companies and all professionals whose occupation is regulated by the State of Florida Department of Business and Professional Regulation, Florida Bar Association, or any other regulatory authority created by the state to regulate professionals except construction contractors included in category 2 below, cosmetology and barber professionals included in subcategory a. and real estate and individual insurance professionals included in subcategory b. below. The business tax shall be separately charged for each professional employed by a business regardless of whether the person is an owner, employee, agent of the business, or incorporated as a professional association.

~~Tax rate: One hundred sixteen dollars and twenty-two cents (\$116.22) per professional~~
One hundred twenty-two dollars and three cents (\$122.03) per professional.

a. Cosmetology and barber professionals—Includes all professionals regulated by the State of Florida Department of Business and Professional Regulation Board of Cosmetology or Board of Barbers.

~~Tax rate: Thirty-eight dollars and sixty-eight cents (\$38.68).~~ Forty and six one cent (\$40.61)

b. Real estate and insurance professionals—Includes all individual professionals regulated by the State of Florida Department of Business and Professional Regulation Board of Real Estate or Department of Insurance. Except, an individual licensed and operating as a real estate sales associate or broker associate under F.S. Ch. 475 is exempt from obtaining a business tax receipt.

~~Tax rate: Ninety-three dollars (\$93.00).~~ Ninety-seven dollars and sixty-five cents (\$97.65)

(2) *Category 2: Contractors.* Includes each business that is regulated by the State of Florida Department of Business and Professional Regulation in a construction or directly related trade or is licensed by a local or county licensing board in order to be certified to perform a construction trade or business. The business tax shall be charged

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separately for each business with a permanent business location within the city limits of Greenacres.

~~Tax rate: One hundred sixteen dollars and twenty-two cents (\$116.22) per contractor.~~
One hundred twenty-two dollars and three cents (\$122.03)

(3) *Category 3: General services.* Each business, office, or other concern offering the sale of services shall obtain a business tax receipt in this category.

~~Tax rate: One hundred ten dollars and sixty-nine cents (\$110.69) per business tax receipt per business location.~~
One hundred sixteen and twenty-two cents (\$116.22) per business tax receipt per business location

(4) *Category 4: General retail (merchandise).* Includes each business whose source of income is the sale of merchandise to retail customers.

Tax rate:

a. Business occupying three hundred (300) square feet gross floor area or less—~~Seventy-seven dollars and fifty-one cents (\$77.51) per business.~~ Eighty-one dollars and thirty-nine cents (\$81.39) per business.

b. Business occupying over three hundred (300) and up to twenty thousand (20,000) square feet gross floor area—~~One hundred fifty-five dollars and thirteen cents (\$155.13) per five thousand (5,000) square feet gross floor area and each fraction thereof.~~ One hundred sixty-two dollars and eighty-nine cents (\$162.89) gross floor area and each fraction thereof.

c. In addition, business occupying over twenty thousand (20,000) square feet gross floor area—~~Three hundred ten dollars and fifty-one cents (\$310.51) per five thousand (5,000) square feet gross floor and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.~~ Three hundred twenty-six dollars and four cents (\$326.04) per five thousand (5,000) square feet gross floor and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.

(5) *Category 5: Food service.* Includes all restaurants, to include delis, snack bars, fast food, sit-down, specialty, bars, lounges, dinner theaters and other businesses serving prepared food and beverage products.

~~Tax rate: One hundred twenty-one dollars and fifty-five cents (\$121.55) per business location plus four dollars and thirteen cents (\$4.13) per chair of customer seating.~~
One hundred twenty-seven dollars and sixty-three cents (\$127.63) per business location plus four dollars and thirty-four cents per chair of customer seating.

(6) *Category 6: Home occupation.* Any business as described section 8-5049. Any business paying the business tax appropriately charged in this category as a home

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occupation, in a residentially zoned district, shall not be charged another tax in one (1) of the other categories.

Tax rate: ~~Seventy-seven dollars and fifty-one cents (\$77.51)~~ Eight-one and thirty-nine cents (\$81.39)

(7) Category 7: Wholesalers. A business whose income is obtained from the selling of goods in relatively large quantities and usually at lower prices than at retail, normally selling to retailers for resale to consumers. Each wholesale business shall obtain a separate local business tax receipt in this category.

Tax rate:

a. ~~One hundred fifty-five dollars and thirteen cents (\$155.13) per five thousand (5,000)~~ One hundred sixty-two dollars and eighty-nine cents (\$162.89) per five thousand (5,000) square feet gross floor area and each fraction thereof up to twenty thousand (20,000) square feet.

b. In addition, ~~three hundred ten dollars and fifty-one cents (\$310.51)~~ three hundred twenty-six and four cents (\$326.04) per five thousand (5,000) square feet gross floor area and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.

(8) *Category 8: Industrial.* Any business engaged in the manufacturing or production of new products or the remanufacturing and rehabilitation of used products for subsequent sale at wholesale or retail must obtain a local business tax receipt in this category.

Tax rate:

a. ~~One hundred fifty-five dollars and thirteen cents (\$155.13)~~ One hundred sixty-two dollars and eighty-nine cents (\$162.89) per five thousand (5,000) square feet gross floor area and each fraction thereof up to twenty thousand (20,000) square feet.

b. ~~Three hundred ten dollars and fifty-one cents (\$310.51)~~ Three hundred twenty-six and four cents (\$326.04) per five thousand (5,000) square feet gross floor area and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.

(9) *Category 9: Rental.* Any business whose income is obtained from the rental of residential dwelling units located within the City of Greenacres.

Tax rate:

a. ~~One hundred fifty-five dollars and thirteen cents (\$155.13)~~ One hundred sixty-two dollars and eighty-nine cents (\$162.89) per rental office; plus

b. ~~Fifteen dollars and forty-six cents (\$15.46) per dwelling unit, with a minimum fee of thirty-eight dollars and sixty-eight cents (\$38.68) per location.~~ Sixteen dollars and

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twenty-three cents (\$16.23) with a minimum fee of forty dollars and sixty-one cents (\$40.61) per location.

(10) *Category 10: Amusement/entertainment facility and vending.* Any business that operates a facility that offers entertainment, amusement, shows, theaters, motion pictures, or similar diversions must obtain a business tax receipt in this category. In addition, a separate business tax is imposed on each amusement, vending, or coin operated machine maintained by any business and where the amusement, vending, or coin operated machine is located within the city limits.

Tax rate:

a. ~~One hundred fifty-five dollars and thirteen cents (\$155.13)~~ One hundred sixty-two dollars and eighty-nine cents (\$162.89) per five thousand (5,000) square feet gross floor area and each fraction thereof up to twenty thousand (20,000) square feet.

b. ~~Three hundred ten dollars and fifty-one cents (\$310.51)~~ Three hundred twenty-six dollars and four cents (\$326.04) per five thousand (5,000) square feet gross floor area and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.

c. ~~Thirty dollars and ninety-four cents (\$30.94)~~ Thirty-two dollars and forty-no cents (\$32.49) per amusement, vending, or coin operated machine.

(11) *Category 11: Storage or warehouse.* Includes each business whose source of income is the rental of storage or warehouse space or units.

Tax rate:

a. Storage or warehouse area occupying five thousand (5,000) square feet gross floor area or less ~~Eighty-two dollars and sixty-nine cents (\$82.69)~~ Eighty-six dollars and eighty-two cents (\$86.82) plus

b. ~~Thirty-three dollars and eight cents (\$33.08)~~ Thirty-four dollars and seventy-three cents (\$34.73) per each additional five thousand (5,000) square feet of storage or warehouse area or portion thereof.

Sec. 8-720. - Compliance with local business tax receipt adjustments permitted by state statute.

(a) F.S. § 205.0535, as amended, places limitations on local business tax receipt reclassification and local business tax amounts established by municipalities. Nothing contained in section 8-71 of this article is intended to exceed the tax reclassification limitations as established by state law. In the event the tax rates established herein exceed the maximum amount permitted by state statute, the development and

neighborhood services director of building is hereby directed to reduce the amount of such local business taxes to the maximum amount permitted by law.

(b) Every two (2) years as permitted by F.S. § 205.0535, the director of development and neighborhood services or designee is directed to submit a new schedule of local business taxes by ordinance to provide for the adjustment of these taxes as permitted by state statute.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances or parts thereof or parts of the Code conflicting with the provision of this Ordinance are hereby repealed to the extent of the conflict.

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. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-

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lettered to accomplish such intention, and that the word “Ordinance” may be changed to “Section”, “Article” or another word.

SECTION 6. Effective Date

The provisions of this Ordinance shall become effective on October 1, 2022.

(Remaining page is intentionally left blank)

Passed on the first reading this 14th day of September, 2022.

PASSED AND ADOPTED on the second reading this 28th day of September, 2022.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

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

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

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

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

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

ZTA-22-16 (Ord. 2022-20)
Exhibit "A"
Date: June 21, 2022

Revised: 09/14/2022



DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

ZTA-22-16: BTRs

Recommendation to City Council: A City-initiated request for a text amendment that amends the Code of Ordinances Chapter 8 entitled Licenses and Business Regulations to clarify when home occupation inspections are required and increase the BTR fees by the maximum allowed by state statute in the amount of five percent (5%).

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<p>Originating Department:</p> <p>Planning & Engineering</p> <p>Project Manager</p> <p>_____</p> <p>Caryn Gardner-Young, Zoning Administrator</p>	<p>Reviewed By:</p> <p>Acting Development and Neighborhood Services Director</p> <p>_____</p> <p>Andrea McCue, City Manager</p>
<p>Approved By:</p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p>	<p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required</p> <p><input type="checkbox"/> Not Required</p> <p>Dates:</p> <p>Paper: The Lake Worth Herald</p> <p>Mailing</p> <p><input type="checkbox"/> Required</p> <p><input checked="" type="checkbox"/> Not Required</p> <p>Notice Distance: _____</p>
<p>Attachments:</p> <ul style="list-style-type: none"> • Ordinance 2022-20__ 	<p>City Council Action:</p> <p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Approve with conditions</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Continued to: _____</p>

I. Executive Summary

The Business Tax Receipt (formerly known as Occupational License) is required of any individual or entity, business, or profession in the City of Greenacres which operates within the City's limits, unless specifically exempted. The Business Tax Receipt is for the privilege of engaging in a business activity either for profit or non-profit.

This is the second amendment to the City's existing Business Tax Receipt provisions this year. The proposed amendments to the Business Tax Receipt code provisions are as follows:

1. Clarifying when home occupation inspections are required so the City's Code is in compliance with State Statute
2. Increasing the Business Tax Receipts fees the maximum allowed by state statute in the amount of five percent (5%) since they have not been raised since 2018.

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 #1

ARTICLE III. - BUSINESS TAXES

Sec. 8-46. - Business tax imposed and registration.

- (a) *Business tax.* A tax is hereby fixed and imposed upon every person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business, profession, or occupation within the city. In addition, the tax is imposed upon any person who is conducting a business, profession, or occupation within their home, when located within the city limits. A business tax is also hereby levied upon any person who does not qualify under the provisions noted hereinabove and who transacts any business or engages in any occupation or profession in interstate commerce, if such tax is not prohibited by section 8 of article I of the United States Constitution.
- (b) *Registration.* Any person who does not fall into one (1) of the categories set forth above in subsection (a), but who comes within the corporate limits of the city to carry on, complete, perform, or engage in any type of business, is hereby required to register with the city by filling out a registration form with the development and neighborhood services department. Such person must provide a copy of a valid business tax receipt issued by another municipality and/or by Palm Beach County indicating that he or she possesses a valid business tax receipt at the location of his or her branch or permanent office. The registration requirement shall not apply to any trade or business regulated by the state department of business and professional regulation including but not limited to, contractors, surveyors, barbers,

cosmetologists, architects, landscape architects and interior designers. Additionally, this requirement shall not apply to any pest control operators licensed and regulated by the state.

- (c) *Voluntary registration.* Pursuant to F.S. § 205.065, any person engaging in or managing a business, profession or occupation regulated by the state department of business and professional regulation that has paid a business tax receipt tax for the current year to the county or municipality in that state where the person's permanent business location or branch office is maintained shall not be required to register his business tax receipt with the city. However, such persons may voluntarily register with the city by presenting proof of state licensing, a valid business tax receipt issued by the municipality or county in which the licensee's branch or permanent office is located and by paying an administrative fee as established by resolution of the city council. Persons not desiring to voluntarily register shall not be required to do so. However, such persons shall be required to present all documentation required by this subsection each time application for a city permit is made.
- (d) *Registration fee.* A registration fee shall be charged to cover administrative costs in registering these additional businesses, occupations, and professions; the amount of which registration fee shall be set by resolution of the city council.

Sec. 8-47. - Required.

No person described in section 8-46(a) shall engage in any trade, business, profession, or occupation within the city without a local business tax receipt or with a local business tax receipt issued upon false statements made by such person or in his or her behalf.

Sec. 8-48. - Application procedures and Inspections.

- (a) Before the city shall issue a local business tax receipt, it shall be the duty of the applicant to:
 - (1) File an application for a business tax receipt on the form provided by the department of development and neighborhood services.
 - (2) Submit all documentation as required by this article and the director of development and neighborhood services designee and also as required by any other local, state, or federal laws or rules.
 - (3) Remit a non-refundable local business tax fee in accordance section 8-72 local business tax schedule.
 - (4) Submit an application for a county business tax receipt for city zoning approval.
- (b) Every applicant for a local business tax receipt shall obtain a county business tax receipt. The fact that a county business tax receipt is not required for a particular business,

profession or occupation does not imply that the requirement for a city local business tax receipt is waived.

(c) Every applicant for a local business tax shall be reviewed for compliance with the city's zoning code and any applicable site plan or special exception approval for the subject property to verify compliance with the property's zoning designation and approved uses.

(d) Every applicant for a local business tax receipt must provide proof of a passed fire inspection as required by section 5-8 of the City Code, a building code inspection as determined by the building official, and any other inspection required by applicable law unless exempt by general law. Failure to provide proof of the passed inspection(s) within thirty (30) days of application may result in the business tax receipt being denied, suspended, revoked and possible fines imposed through the code enforcement procedures as set forth in the City Code. Pursuant to section 559.955, Florida Statutes (as amended), home-based businesses are exempt from the inspection requirement of section 8-48(d) unless the particular use triggers an inspection under other applicable law.

(e) Upon receipt from the applicant of all application forms, approvals, and documentation as required by this article, and any additional documentation that may be required, the director of development and neighborhood services or appointed designee shall issue a city business tax receipt, valid through September 30, of each fiscal year.

~~Sec. 8-49. Home-based businesses Business tax receipt required.~~

~~(a) Every applicant for a business tax receipt to conduct a business, profession, or occupation within their home, when located within the city limits, shall file an application for a local business tax receipt as set forth in section 8-48 and pay a local business tax as set forth in the local business tax schedule referred to in section 8-72. Pursuant to section 559.955, Florida Statutes (as amended), home-based businesses are exempt from the inspection requirement of section 8-48(d) unless the particular use triggers an inspection under other applicable law.~~

~~(b) Every applicant for a business tax receipt to conduct a business, profession, or occupation within their home, when located within the corporate limits of the city, shall be reviewed for compliance with the City Code as permitted in section 559.955, Florida Statutes (as amended)~~

~~Sec. 8-50. Home family daycare.~~

~~In addition to the requirements of section 8-49 every applicant for a business tax receipt to conduct a home family daycare service within their home must submit the following documentation before a business tax receipt can be issued:~~

~~(1) Approved inspection required under applicable law;~~

~~(2) All permit(s) and/or license(s) for family day care center for the property on which the home family daycare service is to be conducted;~~

~~(3) Any additional documentation as required by this article or the director of development and neighborhood services or designee.~~

Sec. 8-5149. - Exemptions.

Exemptions shall be allowed for certain disabled veterans of any war, declared or undeclared, and their unremarried spouses; certain disabled persons, the aged, and widows with minor dependents in conformance with F.S. chapter 205, as amended. Such individuals shall be entitled to an exemption as provided for by state statute.

Sec. 8-520. - Business tax receipt required of nonprofit organizations.

(a) The director of development and neighborhood services; or designee shall issue a business tax receipt to any person or organization for the conduct or operation of a nonprofit religious, charitable or educational institution as defined in F.S. chapter 205, as amended. The business tax receipt shall be exempt from payment of any business taxes. Nothing in this section shall be construed to require a business tax receipt for practicing the religious tenets of any church.

(b) Upon application for a local business tax receipt, the person or organization must exhibit an active state certificate, registration, or receipt, or proof of copy of the same before such local business tax receipt may be issued.

Sec. 8-531. - Affidavit required in certain cases.

Whenever information required to document the amount of a business tax receipt applied for is dependent on facts not within the personal knowledge of the director or designee, no business tax receipt shall be issued until the applicant therefore has made and filed with the director of development and neighborhood services or designee a notarized affidavit, duly authenticated, setting forth the facts upon which the amount of such business tax receipt depends.

Sec. 8-542. - Duration and due date.

No local business tax receipt shall be issued for more than one (1) year. All receipts shall expire on the thirtieth day of September of each year.

Sec. 8-553. - Half-year local business tax receipts.

(a) For each local business tax receipt obtained between the first day of October and the thirty-first day of March, the full tax for one (1) year shall be paid.

(b) For each local business tax receipt obtained between the first day of April and the thirtieth day of September, one-half (½) of the full tax for one (1) year shall be paid.

Sec. 8-564. - Multiple business tax receipts.

In the event any person engaged in a business, occupation, or profession at one (1) location or place of business is required under the provisions of this article to have more than one (1) business tax, the receipt holder shall pay in full all applicable business taxes required in order to operate the business. The director of development and neighborhood services or designee shall have the administrative duty to determine which local business tax receipt category or categories shall apply to each applicant for a receipt. Appeals to his/her decision shall be processed as provided for in section 8-71.

Sec. 8-575. - Duplicate business tax receipts.

The director of development and neighborhood service or designee shall charge a fee for each duplicate local business tax receipt issued to replace any business tax receipt issued under the provisions of this article which has been lost, stolen, defaced, or destroyed. The duplicate fee charged hereunder shall be equal to ten (10) percent of the annual business tax, but in no case be less than three dollars (\$3.00) nor more than twenty-five dollars (\$25.00).

Sec. 8-586. - Each location to have a separate business tax receipt.

If any person operates any business regulated in this section at more than one (1) location within the city, each location shall be considered a separate business and a separate local business tax receipt therefore is required of each business.

Sec. 8-597. - Posting of business tax receipts.

(a) All local business tax receipts issued to a business that has a permanent place of business within the city shall display the same prominently within its place of business.

(b) In those occupations without a permanent place of business, the receipt holder shall be required to produce the business tax receipt, or proof of copy thereof, upon request.

Sec. 8-6058. - Professional business tax receipts.

The business tax provided in section 8-72(b)(1) for professionals shall be construed to mean that each individual shall pay the tax therein provided whether practicing by himself or herself, in a partnership, employed by another, or incorporated as a professional association.

Sec. 8-6159. - Prohibition of issuance of local business tax receipt without exhibition of state license or registration.

Any person applying for or renewing local business tax receipt for the receipt period beginning October 1 to practice any profession regulated by the state department of professional regulation, or any board or commission thereof, must exhibit an active state certificate, registration or license or proof of copy of the same before such local business tax receipt may be issued. Thereafter, only persons applying for the first time for local business tax receipt must exhibit such certification, registration, or license.

Sec. 8-620. - Transfer business tax receipt required.

(a) Any time a business, profession, or occupation licensed within the city has a change of ownership, location, change of business name, or change in the qualifier a transfer business tax is required. Any change in use type shall require application for a new local business tax receipt according to section 8-48 herein.

(b) The applicant shall obtain a county transfer business tax receipt and submit a copy of the receipt to the director of building or appointed designee.

(b) The applicant shall, in addition to the application form, submit all documentation as required by this article and the director of building or appointed designee.

(c) The fee for each transfer business tax receipt shall be equal to ten (10) percent of the annual business tax but in no case be less than three dollars (\$3.00) nor more than twenty-five dollars (\$25.00).

(d) Every business, occupation or profession licensed within the city and maintaining a permanent business location or branch office within the city, which is required by this section to obtain a transfer business tax receipt, shall have inspections made as set forth in section 8-48(de).

Sec. 8-631. - Local business tax receipt covers specified business, etc.

No local business tax receipt issued under the provision of this article shall protect any person from prosecution for transacting any business, trade or profession not covered by such business tax receipt, nor shall it protect any merchant doing business having provided false information for business tax receipt computation by affidavit to the director of development and neighborhood services.

Sec. 8-642. - Businesses not specifically covered.

Any person engaged in any lawful business, profession, or occupation, wholly or in part, within the city, not mentioned or covered by this article shall pay the closest applicable

or related business tax as determined by the director of development and neighborhood services or designee.

Sec. 8-653. - False statements in application void business tax receipt.

Any business tax receipt issued upon any false statement made in the application therefore shall be considered as void ab initio and shall not protect the holder thereof from prosecution for transacting business without a valid business tax receipt.

Sec. 8-664. – Issuance denial, suspension, or revocation.

(a) The city shall have the authority to deny an application for a business tax receipt on the following grounds:

- (1) That the applicant has failed to disclose or has misrepresented a material fact of any information required by this article in the application;
- (2) That the applicant desiring to engage in the business, as described in the application, has selected a proposed site or type of business activity, which does not comply with the City Code;
- (3) That the applicant has failed to obtain a certificate of occupancy as required by the Florida Building Code;
- (4) The prior business tax receipt for the proposed business location was or has been denied, suspended, or revoked for any reason which reason has not been corrected;
- (5) The issuance of business tax receipt is based upon the applicant's compliance with specific provisions of federal, state, city, or county laws with respect to the specific zoning use and the applicant has violated such specific provisions;
- (6) The applicant has violated any provisions of this article and has failed or refused to cease or correct the violation within thirty (30) days after notification thereof;
- (7) The premises have been condemned by the local health authority for failure to meet sanitation standards or the local authority has condemned the premises because the premises are unsafe or unfit for human occupancy;
- (8) The applicant is delinquent in the payment of any fee imposed under this article, code enforcement lien, special assessment lien and/or other debt or obligation debt to the city under state or local law; and/or,

(9) The applicant does not engage in the business as described in the application or has changed the use without authorization.

(b) Any business tax receipt issued by the city may be temporarily suspended, refused to be renewed, or revoked and canceled by the director of development and neighborhood services or designee when

(1) Such business, trade, profession, or occupation is operating in violation of this article or other provision of the City Code;

(2) The business tax receipt holder has utilized fraud or misrepresentation in an application for or in obtaining a business tax receipt;

(3) The premises of the business, trade, profession, or occupation violates any provision of the Florida Building Code;

(4) The applicant does not engage in the business, trade, profession, or occupation as described in the application or has changed the use without authorization; or,

(6) The applicant is delinquent in the payment of any fee imposed under this article, code enforcement lien, special assessment lien and/or other debt or obligation debt to the city under state or local law.

(c) In the case of revocation and cancellation of such business tax receipt, the receipt holder is not entitled to a refund on any unused portion of the business tax.

Sec. 8-675. - Compliance by principal deemed compliance by agent.

Where the principal or employer has complied with the provisions of this article, it shall be unnecessary for his or her agent or employee to comply herewith, unless otherwise expressly provided for herein. In the event such principal or employer shall not have complied with this article, each of his or her agents or employees shall be subject to prosecution and, upon conviction, to fine or imprisonment to the same extent as his principal or employer.

Sec. 8-686. - Engaging in business without local business tax receipt or under a local business tax receipt issued upon false statements; penalties, prima facie evidence.

(a) It shall be unlawful for any person to engage in any business, trade, profession, or occupation taxable by business tax receipt hereunder, without a local business tax receipt or under a local business tax receipt issued upon false statements made by such person, or in his or her behalf. Any person engaged in any such business, profession, or occupation without first obtaining a local business tax receipt, if required herein shall pay a penalty of twenty-five (25) percent of the full year business tax for such trade, in addition to the business tax set forth herein.

(b) In addition to the penalties provided in subsection (a), any person engaged in any trade, business, profession, or occupation, within the city without a local business tax receipt or under a local business tax receipt issued upon false statements made by such person, or in their behalf, shall be subject to a fine as may be imposed through the code enforcement procedures set forth in the City Code.

(c) In any prosecution under this article, the fact that such person is open for business shall be prima facie evidence of engaging in such trade, business, profession, or occupation, and the burden shall be upon the defendant to refute the same.

(d) Each day or part of a day that this article is violated shall constitute a separate and distinct offense for which such person or his agents or employees may be prosecuted.

Sec. 8-697. - Renewal of local business tax receipt.

(a) All local business tax receipts not renewed by September 30th shall be considered delinquent and subject to a delinquency penalty of ten (10) percent of the full year business tax for the month of October, plus an additional five (5) percent penalty for each month of delinquency thereafter until paid. The total delinquency penalty shall never exceed twenty-five (25) percent of the full year business tax for that applicant. The City will endeavor to send out advance renewal notices to the contact information provided on the prior year business tax receipt; however, it is the sole responsibility of each person who engages in any business, trade, occupation, or profession covered by this chapter to timely renew each business tax receipt.

(b) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required local business tax within one hundred fifty (150) days of July 1st, and who does not obtain the required local business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorney's fees, additional administrative fee of twenty-five dollars (\$25.00) for costs incurred as a result of collection efforts, and a penalty of one hundred dollars (\$100.00).

Sec. 8-7068. - Appeals.

Any person adversely affected by the provisions of this article may petition the director of development and neighborhood services within thirty (30) days of the adverse notice, action, or decision of the city for review of this article as applied to the person. The petition shall be on a form provided by the city and shall contain the name and address of the petitioner. The petition shall briefly set forth the grounds for review, and the director of development and neighborhood services or designee shall consider the petition within thirty (30) days following receipt of the petition. In making ~~it's~~ a determination on the petition, the director of development and neighborhood services or designee ~~city council~~ shall consider the provisions of this article and state law. The determination of the director of development and neighborhood services or designee shall be in writing and sent by regular mail to the address of the petitioner as listed on the petition.

Within ten (10) days of the mailing of the written decision of the director of development and neighborhood services or designee, the petitioner may appeal the written decision to the Special Magistrate appointed to hear code enforcement cases. The appeal and its grounds for review shall be set forth in a form provided by the city and shall be filed with the development and neighborhood services department along with a filing fee as set by city resolution. The appeal shall be scheduled for the next available Special Magistrate hearing date and notice of the hearing shall be sent by regular mail to the address of the petitioner as listed on the original petition form.

Sec. 8-7169. - Local business tax classifications and schedule.

(a) The amount of local business tax levied and imposed upon every person who shall engage in or manage any business, profession, privilege, or occupation hereinafter mentioned, within the city, is fixed, graded, determined, and imposed based upon the classifications and rates set forth in subsection (b).

(b) All businesses and occupations subject to the local business taxes in this article shall be classified according to the following schedule:

(1) *Category 1: Professionals.* Includes insurance companies and all professionals whose occupation is regulated by the State of Florida Department of Business and Professional Regulation, Florida Bar Association, or any other regulatory authority created by the state to regulate professionals except construction contractors included in category 2 below, cosmetology and barber professionals included in subcategory a. and real estate and individual insurance professionals included in subcategory b. below. The business tax shall be separately charged for each professional employed by a business regardless of whether the person is an owner, employee, agent of the business, or incorporated as a professional association.

~~Tax rate: One hundred sixteen dollars and twenty two cents (\$116.22) per professional~~
One hundred twenty-two dollars and three cents (\$122.03) per professional.

a. Cosmetology and barber professionals—Includes all professionals regulated by the State of Florida Department of Business and Professional Regulation Board of Cosmetology or Board of Barbers.

~~Tax rate: Thirty eight dollars and sixty eight cents (\$38.68).~~ Forty and six one cent (\$40.61)

b. Real estate and insurance professionals—Includes all individual professionals regulated by the State of Florida Department of Business and Professional Regulation Board of Real Estate or Department of Insurance. Except, an individual licensed and operating as a real estate sales associate or broker associate under F.S. Ch. 475 is exempt from obtaining a business tax receipt.

~~Tax rate: Ninety-three dollars (\$93.00).~~ Ninety-seven dollars and sixty-five cents (\$97.65)

(2) *Category 2: Contractors.* Includes each business that is regulated by the State of Florida Department of Business and Professional Regulation in a construction or directly related trade or is licensed by a local or county licensing board in order to be certified to perform a construction trade or business. The business tax shall be charged separately for each business with a permanent business location within the city limits of Greenacres.

~~Tax rate: One hundred sixteen dollars and twenty-two cents (\$116.22) per contractor.~~ One hundred twenty-two dollars and three cents (\$122.03)

(3) *Category 3: General services.* Each business, office, or other concern offering the sale of services shall obtain a business tax receipt in this category.

~~Tax rate: One hundred ten dollars and sixty-nine cents (\$110.69) per business tax receipt per business location.~~ One hundred sixteen and twenty-two cents (\$116.22) per business tax receipt per business location

(4) *Category 4: General retail (merchandise).* Includes each business whose source of income is the sale of merchandise to retail customers.

Tax rate:

a. Business occupying three hundred (300) square feet gross floor area or less—~~Seventy-seven dollars and fifty-one cents (\$77.51) per business.~~ Eighty-one dollars and thirty-nine cents (\$81.39) per business.

b. Business occupying over three hundred (300) and up to twenty thousand (20,000) square feet gross floor area—~~One hundred fifty-five dollars and thirteen cents (\$155.13) per five thousand (5,000) square feet gross floor area and each fraction thereof.~~ One hundred sixty-two dollars and eighty-nine cents (\$162.89) gross floor area and each fraction thereof.

c. In addition, business occupying over twenty thousand (20,000) square feet gross floor area—~~Three hundred ten dollars and fifty-one cents (\$310.51) per five thousand (5,000) square feet gross floor and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.~~ Three hundred twenty-six dollars and four cents (\$326.04) per five thousand (5,000) square feet gross floor and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.

(5) *Category 5: Food service.* Includes all restaurants, to include delis, snack bars, fast food, sit-down, specialty, bars, lounges, dinner theaters and other businesses serving prepared food and beverage products.

~~Tax rate: One hundred twenty-one dollars and fifty-five cents (\$121.55) per business location plus four dollars and thirteen cents (\$4.13) per chair of customer seating. One hundred twenty-seven dollars and sixty-three cents (\$127.63) per business location plus four dollars and thirty-four cents per chair of customer seating.~~

(6) *Category 6: Home occupation.* Any business as described section 8-5049. Any business paying the business tax appropriately charged in this category as a home occupation, in a residentially zoned district, shall not be charged another tax in one (1) of the other categories.

~~Tax rate: Seventy-seven dollars and fifty-one cents (\$77.51) Eight-one and thirty-nine cents (\$81.39)~~

(7) *Category 7: Wholesalers.* A business whose income is obtained from the selling of goods in relatively large quantities and usually at lower prices than at retail, normally selling to retailers for resale to consumers. Each wholesale business shall obtain a separate local business tax receipt in this category.

Tax rate:

~~a. One hundred fifty-five dollars and thirteen cents (\$155.13) per five thousand (5,000) square feet gross floor area and each fraction thereof up to twenty thousand (20,000) square feet.~~
One hundred sixty-two dollars and eighty-nine cents (\$162.89) per five thousand (5,000) square feet gross floor area and each fraction thereof up to twenty thousand (20,000) square feet.

~~b. In addition, three hundred ten dollars and fifty-one cents (\$310.51) three hundred twenty-six and four cents (\$326.04) per five thousand (5,000) square feet gross floor area and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.~~

(8) *Category 8: Industrial.* Any business engaged in the manufacturing or production of new products or the remanufacturing and rehabilitation of used products for subsequent sale at wholesale or retail must obtain a local business tax receipt in this category.

Tax rate:

~~a. One hundred fifty-five dollars and thirteen cents (\$155.13) One hundred sixty-two dollars and eighty-nine cents (\$162.89) per five thousand (5,000) square feet gross floor area and each fraction thereof up to twenty thousand (20,000) square feet.~~

~~b. Three hundred ten dollars and fifty-one cents (\$310.51) Three hundred twenty-six and four cents (\$326.04) per five thousand (5,000) square feet gross floor area and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.~~

(9) *Category 9: Rental.* Any business whose income is obtained from the rental of residential dwelling units located within the City of Greenacres.

Tax rate:

a. ~~One hundred fifty five dollars and thirteen cents (\$155.13)~~ One hundred sixty-two dollars and eighty-nine cents (\$162.89) per rental office; plus

b. ~~Fifteen dollars and forty six cents (\$15.46) per dwelling unit, with a minimum fee of thirty eight dollars and sixty eight cents (\$38.68) per location.~~ Sixteen dollars and twenty-three cents (\$16.23) with a minimum fee of forty dollars and sixty-one cents (\$40.61) per location.

(10) *Category 10: Amusement/entertainment facility and vending.* Any business that operates a facility that offers entertainment, amusement, shows, theaters, motion pictures, or similar diversions must obtain a business tax receipt in this category. In addition, a separate business tax is imposed on each amusement, vending, or coin operated machine maintained by any business and where the amusement, vending, or coin operated machine is located within the city limits.

Tax rate:

a. ~~One hundred fifty five dollars and thirteen cents (\$155.13)~~ One hundred sixty-two dollars and eighty-nine cents (\$162.89) per five thousand (5,000) square feet gross floor area and each fraction thereof up to twenty thousand (20,000) square feet.

b. ~~Three hundred ten dollars and fifty one cents (\$310.51)~~ Three hundred twenty-six dollars and four cents (\$326.04) per five thousand (5,000) square feet gross floor area and each fraction thereof for that portion exceeding twenty thousand (20,000) square feet.

c. ~~Thirty dollars and ninety four cents (\$30.94)~~ Thirty-two dollars and forty-nine cents (\$32.49) per amusement, vending, or coin operated machine.

(11) *Category 11: Storage or warehouse.* Includes each business whose source of income is the rental of storage or warehouse space or units.

Tax rate:

a. Storage or warehouse area occupying five thousand (5,000) square feet gross floor area or less ~~Eighty two dollars and sixty nine cents (\$82.69)~~ Eighty-six dollars and eighty-two cents (\$86.82) plus

b. ~~Thirty three dollars and eight cents (\$33.08)~~ Thirty-four dollars and seventy-three cents (\$34.73) per each additional five thousand (5,000) square feet of storage or warehouse area or portion thereof.

Sec. 8-720. - Compliance with local business tax receipt adjustments permitted by state statute.

(a) F.S. § 205.0535, as amended, places limitations on local business tax receipt reclassification and local business tax amounts established by municipalities. Nothing contained in section 8-71 of this article is intended to exceed the tax reclassification limitations as established by state law. In the event the tax rates established herein exceed the maximum amount permitted by state statute, the development and neighborhood services director of building is hereby directed to reduce the amount of such local business taxes to the maximum amount permitted by law.

(b) Every two (2) years as permitted by F.S. § 205.0535, the director of development and neighborhood services or designee is directed to submit a new schedule of local business taxes by ordinance to provide for the adjustment of these taxes as permitted by state statute.

III. Staff Analysis:

The Local Business Tax, formerly known as Occupational License, is required of any individual or entity choosing to engage in or manage any business, profession, or occupation in the City of Greenacres, unless specifically exempted. The City's Business Tax is a privilege tax imposed for revenue purposes only to support the essential services the City provides. No attempt is made through the business tax to regulate the conduct of businesses, nor does the issuance of a Tax Receipt and the payment of the business tax authorize the conduct or continuance of any illegal business or of a legal business in an illegal manner within the City.

The Business Tax Receipt process is necessary to ensure that life, health, and safety issues are addressed through the inspection process. This process also ensures that the proposed business is located in the appropriate zoning district and if the appropriate City approvals have been obtained.

The change to the home occupation language is to address a conflict in the City's Code with State Statute and the increase in fees is to reflect the costs and inflation that has occurred since the last fee update in 2018.

Development Review Committee Comments:

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

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

IV. Zoning Text Amendment Criteria:

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

The Business Tax Receipt regulations of the City can be found in Chapter 8, Article III of the City Code. State Statute has changed to preclude home occupation inspections unless the use triggers the inspection. The City Code needed to be changed to reflect the new legislation. In addition, City Staff is proposing to increase the BTR fees across the board in the amount of five percent which is the most that can be levied by State Statute. The last time the City increased its fees was in 2018.

- 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 Codes by updating the Business Tax Receipt regulations to ensure that the City Council's vision of the City is implemented and maintained.

V. Staff Recommendation:

Approval of ZTA-22-16 through the adoption of Ordinance 2022-20.

CITY COUNCIL ACTION First Reading – September 14, 2022

The City Council on a motion made by Council Member Noble and seconded by Council Member Tharp, by a vote of four (4) to zero (0) recommended approval of Zoning Text Amendment **ZTA-22-16** on first reading as presented by staff.

CITY COUNCIL ACTION Second Reading – September 28, 2022



ITEM SUMMARY

MEETING DATE: September 28, 2022

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2022-25, ZTA-22-09**
Sign Code

BACKGROUND

This Zoning Text Amendment is at the request of the City’s Development and Neighborhood Services Department due to the United States Supreme Court’s decision in *Reed v. Town of Gilbert*. With *Reed*, the new standard is that any law or regulation of speech that is based on the content of the speech is presumptively unconstitutional and subject to “strict scrutiny,” which is the most rigorous standard for First Amendment review. Strict scrutiny requires a challenged regulation to be “narrowly tailored to serve a compelling governmental interest,” with legal experts stating that such scrutiny is almost always fatal to the regulation in question.

The primary takeaways of the *Reed* case are that local sign regulations must be content-neutral *and* that a sign code will be subject to “strict scrutiny” judicial review if it applies different standards based on:

- a sign’s content (i.e., what is written or portrayed on the sign);
- the purpose of the sign; or
- who is putting up the sign.

In other words, if you have to differentiate the type of sign being regulated by reading the sign’s content or knowing the sign message’s author, then the regulation is probably unconstitutional. Before *Reed*, most regulations, if challenged, would have been subject to a “lesser” scrutiny test.

Even though it raises a lot of unanswered questions, the *Reed* case makes it clear that local governments need to review their sign codes and update them in response to a changing legal landscape. It is important for cities, counties, and towns to heed that advice, and embark upon the significant work of regulating signs in a manner that both meets local expectations and passes constitutional muster. The purpose of the proposed language is to accomplish just that.

The Development Review Committee has reviewed these text amendments and is recommending approval. The Planning and Zoning Board of Appeals has reviewed these text amendments on August 11, 2022, and recommended approval. The City Council voted four (4) to zero (0) to recommend approval of Zoning Text Amendment ZTA-22-09 as presented by

staff on September 14, 2022.

ANALYSIS

The principal intent of these proposed text amendments to the Zoning Code is to provide a comprehensive update of the City's sign code which over the last decade has only been amended for specific reasons. The proposed amendments will ensure that the sign code is in compliance with state, federal, county laws as well as court cases and will ensure that the City's sign code is enforceable.

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.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2022-25 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed by the City Attorney.

STAFF RECOMMENDATION

Approval of ZTA-22-09 through the adoption of Ordinance 2022-25.

ORDINANCE NO. 2022-25

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16 “ZONING REGULATIONS,” BY DELETING ARTICLE VI, “SIGN REGULATION,” IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE VI, “SIGN REGULATIONS”; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

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

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, as the governing body, the City Council of the City of Greenacres (“the Council”), pursuant to the authority vested in it by Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS the City of Greenacres (“the City”) desires to modify and update its regulation of signs in a manner consistent with the United States Supreme Court’s decision in *Reed v. Town of Gilbert*, 576 U.S. 155 (2015), holding that the regulation of signage based on content is subject to strict scrutiny in determining whether such regulation is constitutional; and

WHEREAS, the *Reed* decision does not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate aesthetic objectives, including rules that distinguish between on-premises and off-premises signs; and

WHEREAS, the City does not wish to censor speech or regulate the content thereof, but rather to provide for the public welfare by regulating the physical characteristics and placement of signage in a manner that enhances the aesthetics of the community, reduces visual pollution, provides clear information, and minimizes distractions to drivers in the interests of traffic safety; and

WHEREAS, the City Council finds and determines that these sign regulations are intended to protect the public from the dangers of unsafe signs, including signs that create hazardous conditions, confusion, and visual clutter through excess proliferation, improper placement, illumination, animation, and excessive size; and

WHEREAS, the City Council finds and determines that these sign regulations are intended to permit signs that are compatible with their surroundings, aid orientation, and do not obstruct the vision of or distract motorists, bicyclists, or pedestrians; and

WHEREAS, the City Council finds and determines that the prohibition of off-premises signs, as well as the establishment and continuation of height, size, and other standards for on-premise signs, will reduce the number of driver distractions and aesthetic eyesores along the roadways of the City; and

WHEREAS, in accordance with the requirements of Chapter 163, Florida Statutes, the City's Local Planning Agency has reviewed the proposed Ordinance and has determined that the proposed regulation is consistent with the City's Comprehensive Plan; and

WHEREAS, the City Council conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the City Council has determined that this Ordinance is consistent with the City's Comprehensive Plan; and

WHEREAS, the City Council of the City of Greenacres legislatively determines and declares that adoption of a new, updated sign regulation code as set forth herein is in the public interest of the health, safety and general welfare of the residents and business community of the City; 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 RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. Legislative Findings, Intent and Purpose. The WHEREAS clauses contained herein are legislatively determined to be true and correct and are incorporated herein and represent the legislative findings of the City Council, in addition and supplemental to those findings set forth in Section 16-931 of this ordinance. It is the purpose and intent of this ordinance to promote the health, safety, and general welfare of the residents of the City, and to ensure the proper regulatory requirements for signage within the City's corporate limits.

SECTION 2. Deletion Of Chapter 16. Zoning Regulations, Article VI, Sign Regulation. The City Council hereby deletes, in full, Chapter 16. Zoning Regulations, Article VI, Sign Regulation.

SECTION 3. Creation Of New Chapter 16. Zoning Regulations, Article Iv, Sign Regulations. The City Council hereby amends the City of Greenacres Code of Ordinance by adopting new Chapter 16. Zoning Regulations, Article VI, Sign Regulation, which shall read as follows:

CHAPTER 16. ZONING REGULATIONS.

ARTICLE VI. SIGN REGULATIONS

DIVISION 1. GENERALLY

Sec. 16-931. Scope, Intent, Purpose.

- (a) Scope. The provisions of this article shall regulate the location, number, size, use, appearance, construction and maintenance of all signs permitted in each zoning district. This chapter is not intended to and does not apply to signs constructed, maintained, or otherwise posted, owned, or leased by the City of Greenacres, Palm Beach County, the State of Florida, or the federal government, and does not regulate official traffic control devices.
- (b) Intent. Increased numbers and size of signs, as well as certain types of lighting, distract the attention of motorists and interfere with traffic safety. In addition, the indiscriminate construction and maintenance of signs detract from the appearance of the city. It is therefore the intent of these regulations to promote and protect the public health, safety, general welfare, convenience and enjoyment of the citizens of the city. More specifically, the sign regulations are intended to:
- (1) Classify and categorize signs by type and zoning district;
 - (2) Permit, regulate and encourage the use of signs with a scale, graphic character, and type of lighting compatible with buildings and uses in the area, so as to support and complement the goals, objectives and policies set forth in the city's comprehensive plan;
 - (3) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
 - (4) Encourage and allow signs that are appropriate to the zoning district in which they are located consistent with and serving the needs of the land uses, activities and functions to which they pertain;
 - (5) Establish regulations affecting the design, construction, and maintenance of signs for the purpose of ensuring equitable means of graphic communication, while maintaining a harmonious and aesthetically pleasing visual environment within the city. It is recognized that signs form an integral part of architectural building and site design and require equal attention in their design, placement and construction;
 - (6) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts as a source of economic advantage as an attractive place to live and work;
 - (7) Preclude signs from conflicting with the principal permitted use of the lot and adjoining lots;
 - (8) Establish dimensional limits and placement criteria for signs that are legible and proportional to the size of the lot and structure on which the sign is to be placed, or to which it pertains;
 - (9) Maintain and enhance the scenic beauty of the aesthetic environment and the city's ability to attract sources of economic development and growth;
 - (10) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts in the city;
 - (11) Encourage the effective use of signs as a means of communication in the city;

- (12) Ensure pedestrian safety and traffic safety;
- (13) Regulate signs so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- (14) Regulate signs so that they are effective in performing the function of identifying and safely directing pedestrian and vehicular traffic to a destination;
- (15) Curtail the size and number of signs to the minimum reasonably necessary to identify a residential or business location, and the nature of such use, and to allow smooth navigation to these locations;
- (16) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive area of signs which compete for the attention of pedestrian and vehicular traffic and are not necessary to aid in wayfinding;
- (17) Allow for traffic control devices without city regulation consistent with national standards because they promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing nationally consistent warnings and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream and modes of travel, while regulating private signs to ensure that their size, location and other attributes do not impair the effectiveness of such traffic control devices;
- (18) Minimize the possible adverse effect of signs on nearby public and private property;
- (19) Protect property values by precluding, to the maximum extent possible, signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (20) Protect property values by ensuring that the size, number, and appearance of signs are in harmony with buildings, neighborhoods, structures, and conforming signs in the area;
- (21) Except to the extent expressly preempted by Palm Beach County, state, or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (22) Foster the integration of signage with architectural and landscape designs;
- (23) Not regulate signs more than necessary to accomplish the compelling and important governmental objectives described herein;
- (24) Enable the fair and consistent enforcement of these sign regulations; and
- (25) Be considered the maximum standards allowed for signage.

(c) Purpose: The regulations in this chapter are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the City of Greenacres' substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment. It is therefore the purpose of this Article to promote aesthetics and the public health, safety, and general welfare, and assure the adequate provision of light and air within the City of Greenacres through reasonable, consistent, and nondiscriminatory standards for the posting, displaying, construction, use, and maintenance of signs and sign structures that are no more restrictive than necessary to achieve these governmental interests.

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

The reasonable regulation of the location, number, size, use, appearance, construction and maintenance of signs within the city serves a compelling governmental interest, for the following reasons:

- (1) Florida Constitution. Article II, Section 7 of the Florida Constitution provides that "[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty. . . ." A beautiful environment preserves and enhances the desirability of Greenacres as a place to live and to do business. Implementing the Florida Constitution is a compelling governmental interest.
- (2) Florida Statutes. Florida law requires cities to adopt comprehensive plans and implement them through land development regulations (also known as zoning regulations) and approval of development orders that are consistent with the comprehensive plan. See Part II of Chapter 163, Florida Statutes. Florida law specifically requires that municipalities adopt sign regulations. See Section 163.3202(2)(f), Florida Statutes. Complying with state law is a compelling governmental interest.
- (23) Greenacres Code of Ordinances. Chapter 16 of the Greenacres Code of Ordinances provides in section 16-2 that the chapter's purpose is to "promote, protect and improve in accordance with present and future needs, the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the citizens of the city; to conserve the value of land, buildings, and resources; to protect the character and maintain the stability of residential, agricultural, business and industrial areas; and to provide for efficiency and economy in the process of development, for the appropriate and best use of the land, for preservation, protection, development, and conservation of the natural resources of land, water, and air, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for adequate public utilities and facilities, for promotion of the civic amenities of beauty and visual interest, and for promotion of developments as a means of achieving unified civic design by establishing zoning districts and by regulating the location and use of buildings, signs, and other structures, and land or water for trade, agriculture, industry, and residence, by regulating and limiting or determining the height, bulk, and access to light and air of buildings and structures, the area of yards, and other open spaces, and the density of use."

The City Council specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no less restrictive way for the city to further these interests.

Sec. 16-932. Severability; Substitution

- (a) Severability: If any provision of this chapter is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of the other provisions of this chapter that can be given effect without the invalid provision.
- (1) Generally: If any part, section, subsection, paragraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, graph, subparagraph, sentence, phrase, clause, term, or word of this chapter. Should any section, paragraph, sentence, clause, phrase, or other part of this chapter or the adopting ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this chapter or the adopting ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.
 - (2) Severability where less speech results: Without diminishing or limiting in any way the declaration of severability set forth in subsection (a)(1) above, or elsewhere in this chapter or the adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or the adopting ordinance, even if such severability would result in a situation in which there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
 - (3) Severability of provisions pertaining to prohibited signs: Without diminishing or limiting in any way the declaration of severability set forth in subsection(a)(1), or elsewhere in this chapter or the adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or the adopting ordinance or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or the adopting ordinance that pertains to prohibited signs.
 - (4) Severability of prohibition on off-premise signs: If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or any other code provisions or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition of off-premise signs as contained herein.
- (b) Substitution: Notwithstanding any provisions of this chapter to the contrary, to the extent that this chapter permits a sign containing commercial content, it shall permit a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to

noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this chapter.

Sec. 16-933. Definitions.

- (1) Abandoned sign: A building, freestanding, or off premises sign that: (a) for a period of thirty (30) or more consecutive days, (1) no longer correctly advertises, identifies, displays, directs, or attracts attention to an object, institution, organization, business, product, service, or event on the premises upon which the sign is located; (2) identifies a time, event or purpose that has passed or no longer applies; (3) contains missing letters or other components of the sign, rendering the sign indecipherable or (b) for a period of six (6) consecutive months, includes a sign structure that bears no sign or a sign face that bears no copy.
- (2) Address sign: A sign indicating only the common street address. For the purposes of this definition, a nameplate shall be construed to be an address sign.
- (3) "A" frame sign: A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure thereof.
- (4) Animated sign: A building, freestanding, or off-premises sign which may flash, revolve, rotate, swing, undulate, or otherwise attract attention through the movement or flashing of any part of the sign or advertising structure.
- (5) Awning sign: A sign painted upon a cloth, plastic or metal surface supported by a metal frame fastened to the wall of a building.
- (6) Banner flag: A tall, narrow banner, attached to a vertical pole, with a straight body shape that is curved at then ends to resemble the tips of feathers, commonly used to draw attention to an event or business location (also known as a feather flag).
- (7) Banner sign: Any sign (that cannot be considered a flag), intended to be suspended for display, either with or without frames, having characters, letters, illustrations, or ornamentations applied to cloth, paper, plastic, balloons, or fabric of any kind with such material acting as a backing.
- (8) Billboard sign: A large off-premises permanent sign structure that may be freestanding or affixed to a building.
- (9) Bulletin board sign: A building or free-standing sign constructed by or for a charitable, educational, governmental, or religious institution, or a public body, which is constructed on the same property as said institution.

- (10) Canopy: A roof-like structure generally self-supporting that may be freestanding or attached to a principal structure, providing shade and weather protection, typically utilized in locations such as over drive-thru lanes, walkways, entrances, and gasoline pumps.
- (11) Changeable copy sign: A sign on which the copy is changed manually, through the utilization of attachable letters, numbers, symbols and other similar characters.
- (12) Copy: Written or graphic material that is placed, displayed, or depicted or otherwise indicated on a sign.
- (13) Clearance (of a sign): The smallest vertical distance between the established grade of the site upon which the sign is to be located and the lowest point of the sign, including framework and any ornamentation attached thereon, extending over that grade.
- (14) Construction sign: A freestanding sign erected on the premises on which development is taking place during the period of such development, commonly used to indicate the names of architects, engineers, landscape architects, contractors, owners, or others having a role or interest in the structure project.
- (15) Copycat signs: Signs that resemble any official sign or markers and that because of design, location, position, shape, or color may be reasonably confused with or construed as traffic-control devices or regulatory signs.
- (16) Copy area: The entire face of a sign including the advertising surface of any framing, trim or molding but not including the supporting structure.
- (17) Directory sign: A building or freestanding sign which may indicate the name, address, or direction to, the occupants or businesses which are located on the premises, that is intended to be viewed only from within the development where it is located.
- (18) Electronic changeable copy sign: A sign that utilizes an electronic display including but not limited to liquid crystal display or light emitting diodes (LCD or LED), plasma display, or projected images, on which the copy is changed electronically. The following definitions pertain to electronic signs:
 - (i) "Dwell time" means the minimum amount of time that a message must be static on an electronic sign. The dwell times shall not include any transition time.
 - (ii) "Static" means a display that is fixed, and unchanging with no portion of the display being in motion, flashing or changing in color or light intensity.
 - (iii) "Transition" means a visual effect used on an electronic sign to change from one message to another.
- (19) Emitting signs: Signs that emit audible sound, odor, or visible matter such as smoke or steam.

- (20) Entry feature signs: An architectural feature or element with signage that is typically located at the entrance to a development project but is not attached to a perimeter wall.
- (21) Entry Wall Sign: A sign attached to a wall near the entrance of a site as part of a continuous perimeter wall or fence.
- (22) Façade: The entire face of a building (front, side, and rear) including the parapet.
- (23) Façade projection: A structural projection from a facade, such as a gallery, arcade or marquee, which serves as a design element or overhead shelter from sun and rain that is also designed to accommodate signage. Protruding balconies are specifically excluded from this definition. Façade projections are finished with aluminum, stucco, stone, glass, or other construction material that exceeds industry standard quality.
- (24) Flag: Any fabric, plastic, canvas, material or bunting containing distinctive color(s), pattern(s), symbol(s), emblem(s) or insignia(s) that represents a non-commercial idea or institution, or entity, such as a government or civic club.
- (25) Freestanding sign: A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, or object other than the sign structure for support.
- (26) Frontage: The property line or building façade parallel with and facing the public road right-of-way abutting the subject property.
- (27) Frontage wall face: The building façade, excluding parapet, fascia, soffit, mansard and roof, which faces a frontage of the premises.
- (28) Grade: A reference plane representing the highest point of the crown of any public or private street or roadway which lies contiguous to the property or building site. In the event that the abutting streets or roadways are unimproved, grade shall be measured from the nearest paved roadway.
- (29) Gas station price sign: A sign utilized to indicate the price of fuel available for sale on the premises. A gas station price sign may be a free-standing sign or a portion thereof, or may be affixed to the gas tank structure.
- (30) Home occupation sign: A building sign, erected flat against the dwelling in which the home occupation is operated, indicating the name of the individual or business operated within the dwelling.
- (31) Human sign (or living sign): A sign or a form of commercial message held by or attached to a human or character (animated or otherwise) for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person or a live or animated character

dressed in costume or wearing a commercial message for the purpose of advertising or drawing attention to an individual business commodity service or product.

- (32) Identification sign: A wall sign or freestanding sign used to identify the building, development or establishment of the premises on which it is located
- (33) Illegal sign: A sign which has been constructed and is being maintained in violation of the provisions of this chapter.
- (34) Illuminated Sign: A sign that is internally or externally illuminated by artificial means.
- (35) Master sign plan: A comprehensive document that contains a set of sign criteria unique to a specific shopping center, commercial property, building or development. It includes drawings and plans that illustrate the sign program for the overall development, including, but not limited to, size, location, type, architectural design, dimensions, and other design standards including materials, color, and sign illumination.
- (36) Memorial sign: A building or free-standing sign, tablet, or plaque memorializing a person, structure, site or event.
- (37) Monument sign: A free-standing sign with a solid base located on or close to the ground typically incorporating materials that complement the architecture and landscaping of the principal structure on the site.
- (38) Multi-panel monument sign: a monument sign that contains multiple panels and areas for the display of graphics or lettering for multiple tenants.
- (39) Neon sign: A sign that contains an exposed neon tube or is treated in such a manner as to appear to be a sign containing an exposed neon tube or unshielded light.
- (40) Nonconforming sign: A sign existing at the time of the passage of this chapter or amendment thereto, which does not conform to the regulations of the zoning district in which it is located, or other applicable sections of this chapter.
- (41) Obstructing sign: a sign that obstructs the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- (42) Off-premises sign: A sign utilized for advertising an establishment, activity, product, service or entertainment which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign is located. For purposes of this chapter noncommercial messages are never allowed as off-premises signs.
- (43) Painted wall sign: A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas.
- (44) Parapet: A vertical false front or wall extension above the roof line.

- (45) Portable sign: A free-standing or off-premises sign which is not permanently affixed to the ground, building, or other structure, which may be mounted on wheels or affixed to a vehicle, and can easily be transported from place to place.
- (46) Post and panel sign: A sign made of wood, metal, similar rigid materials, or durable weatherproof fabric attached to one (1) or more ground mounted posts utilized as a panel to display copy.
- (47) Primary façade: The facade that has the principal entrance, often referred to as the principal facade or storefront.
- (48) Projecting sign: A building sign which projects outward, either perpendicular or at an angle to the wall or building on which it is mounted more than twelve (12) inches.
- (49) Real estate sign: A sign erected by the owner, or the owner's agent, on real property which is for rent, sale or lease.
- (50) Right-of-way: A strip of land, dedicated or deeded to the perpetual use of the public, occupied or intended to be occupied by a street, crosswalk, railroad, canal, road, electric transmission line, oil or gas pipeline, water supply main, sanitary sewer, storm drain, or for any other special use.
- (51) Roof sign: A sign constructed or visible over or on, and wholly or partially dependent upon, the roof, parapet or mansard of any building for support, or attached to the roof, parapet or mansard in any way.
- (52) Sign: Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, excluding signage wholly within the interior of a building or structure, and not visible from the exterior of such building or structure. The term is inclusive of the sign structure.
- (53) Sign area: The square foot area of a single rectangle enclosing the entire sign face (as distinguished from *copy area*), unless otherwise provided in this chapter for a particular sign type.
- (54) Sign face: The part of the sign that is or can be used to identify, advertise, or communicate information, or for visual representation, which attracts the attention of the public for any purpose. "Sign face" includes the extreme limits of the copy, together with any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed.
- (55) Sign structure: A structure or device designed or used for the support of a sign, with or without a sign thereon, which is considered to be an integral part of a sign. This definition does not include fences, buildings, or other structures having another permitted primary function (if no sign is located thereon).

- (56) Snipe sign: A sign constructed of any material that is attached to a utility pole, tree, fence, light post, stake or similar object located or situated on public or private property.
- (57) Storefront: The façade of a store or commercial tenant space typically on the ground floor or street level.
- (58) Temporary sign: A sign that is not permanently affixed or installed, or is displayed for a limited period of time.
- (59) Time and temperature sign: A building or free-standing sign which is solely utilized to indicate the time and/or temperature with a sequence span of four (4) to eight (8) seconds.
- (60) Traffic control device: A sign, signal, marking, or other device used to regulate, warn, guide traffic, placed on, over or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared use path by authority of a public agency or official having jurisdiction placed by a public body or, in the case of a private road open to public transit, by authority of the private owner or private official having jurisdiction.
- (61) Traffic-control sign: A sign constructed or approved by a government entity used to direct and assist vehicle operators and pedestrians in the guidance and navigational tasks required to traverse safely any facility open to public travel.
- (62) Under canopy sign: A building sign which is mounted, attached or suspended perpendicular to the building, beneath an awning, canopy or marquee.
- (63) Vee-shaped sign: A building, free-standing, or off-premises sign which has two (2) faces that are not parallel to one (1) another.
- (64) Vehicular sign: Any sign or banner which is attached to or placed upon a parked motor vehicle or trailer and placed in a position or location for the sole purpose of displaying the same to the public.
- (65) Wall: An exterior vertical structure encompassing the area between the grade and the eaves of a building that encloses the building or that is an enclosure for the perimeter of a property.
- (66) Wall sign: a sign constructed parallel to, and extending not more than 24 inches from the building facade to which it is affixed. A sign that is projected onto a building facade (e.g. video projection, 3D projection mapping and other methods of casting images) is also a wall sign.
- (67) Window pane area: The glass area of a single window or door pane used for calculation of permitted sign area.

- (68) Window sign: Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within fifteen (15) feet of the interior of a building glass area, including doors, or any interior illuminated signs or exposed unshielded light source.
- (69) Yard sign: A small temporary sign placed upon or supported by the ground independent of another structure but is not an A-frame sign.

Sec. 16-934. Applicability of other requirements.

Signs or other advertising structures shall be constructed and maintained in strict conformity with city building and electrical codes and all other applicable city regulations.

Sec. 16-935. Prohibited signs.

It shall be a violation of this chapter to construct, install, place, or maintain the following signs or advertising structures in this city, unless otherwise approved by the city:

- (1) Any signs or advertising structures which are not specifically permitted under this chapter or signs that exceed the sign allowance for the district.
- (2) Traffic or pedestrian hazard. Any sign or advertising structure which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or signs that obstruct or detract from the visibility of traffic-control devices or emergency vehicles. The use of flashing lights or revolving lights is prohibited as part of any sign as it constitutes a traffic hazard. Any sign which by glare or method of illumination constitutes a hazard to either vehicular or non-vehicular traffic is prohibited. Also prohibited is any sign which may be confused with or purports to be a governmental, traffic direction or safety sign, or any other sign or group of signs which create a traffic hazard as determined by the city.
- (3) Obscenities. Any sign or advertising structure with words, scenes or graphics which are obscene, indecent and prurient or which exhibit obscene or illegal written messages or materials.
- (4) Right-of-way. Any sign or advertising structure (other than those constructed by a governmental agency or required to be constructed by a governmental agency for a public purpose) constructed, installed or placed on the right-of-way of any street, road or public way, or signs overhanging or infringing upon the right-of-way of any street, road or public way, except as specifically permitted by this chapter.
- (5) Public property. Any sign or advertising structure constructed on city property or other governmental property other than signs constructed by any governmental entity for public purposes.

- (6) Ingress and egress to buildings. Any sign or advertising structure which is constructed, installed or maintained that obstructs any fire escape, required exit, window or door opening intended as a means of ingress or egress.
- (7) Rear of a building. Any sign or advertising structure which is constructed, installed or maintained upon the rear of a building, with the exception of signs to identify the business address on a rear exit door with no greater than six (6) inch non-illuminated letters with a minimum stroke width of one-half inch (1/2") located directly above the rear door, or as required by applicable fire safety regulations.
- (8) "A" frame signs.
- (9) Animated signs.
- (10) Banner signs. Any banner sign, with the exception of those banner signs that are granted a temporary use permit by the city.
- (11) Banner flag signs.
- (12) Off-premises signs.
- (13) Portable signs.
- (14) Projecting signs
- (15) Snipe signs.
- (16) Temporary signs, except as allowed under Division 4 of this article.
- (17) Vehicular signs.
- (18) Vee-shaped signs.
- (19) Abandoned signs.
- (20) Signs placed upon benches, bus shelters, or waste receptacles, except as may be authorized by the City of Greenacres or superseded by state statutes.
- (21) Under canopy signs, except as allowed as a part of an approved Master Sign Plan.
- (22) Exposed neon tubing, neon signs, and LED signs that emulate the general appearance of traditional neon signs.
- (23) Emitting signs.
- (24) Roof signs.

- (25) Any sign with an exposed unshielded light source which does not comply with the terms, conditions and provisions contained in this chapter.
- (26) Painted wall signs.
- (27) Hot or cold-air balloons, with the exception of those cold air balloons that are granted a temporary use permit. Inflatable shapes or figures with or without words or pictures.
- (28) Electronic changeable copy signs, with the exception of the following, which may be displayed as set forth in this Article:
- a. Time and temperature signs as allowed in section 16-983(b)(4);
 - b. Gas station price signs as allowed in section 16-983(b)(5);
 - c. Freestanding signs as allowed for government uses in section 16-983(b)(56);
 - d. Menu board signs as allowed in section 16-994.
- (29) Copycat signs.
- (30) Awning signs.
- (31) Any sign not specifically permitted herein.

Sec. 16-936. Mandatory signs - no permit required.

- (a) Address signs. All residential and nonresidential structures shall post the building address in a location viewable, readable, and unobstructed from the adjacent public or private right-of-way. The size of residential address numbers shall not be less than four (4) inches, or exceed six (6) inches in height, or as otherwise approved based on the setback from or width of the right-of-way. The size of nonresidential address numbers shall not be less than eight (8) inches or exceed twelve (12) inches in height, or as otherwise approved by the master sign plan based upon the specific height of the building to which the numbers and letters are attached, or setback from or width of the right-of-way. In cases where the building is not located within view from the public street or right-of-way, the address identifier (numerals) must be located on the mailbox or other suitable device such that it is visible from the street or right-of-way. Additionally, each tenant space shall have the address displayed directly above the entry door utilizing six (6) inch letters on contrasting background.
- (b) Required Posting. Where a federal, state, or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state, or local law to exercise that authority by posting a sign on the property. If the federal, state, or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements; otherwise, when not defined, the sign shall be no larger than two (2) square feet and located in a place on the property to provide access to the notice that is required to be made.

(c) Official Notice. Official notices posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed by the property owner no more than ten (10) days after their purpose has been accomplished or as otherwise required by law.

Sec. 16-937. Window signs – Permit not required.

Window signs are allowed in non-residential districts subject to the following requirements:

- (a) Window signs may be installed in each window or glass door area, so long as each sign does not exceed twenty-five per cent (25%) of the total window pane area.
(b) Neither flashing or strobe lights nor glass neon tubing outlining the window panel shall be allowed.

Sec. 16-938. Signs requiring sign permits.

All signs, other than mandatory signs as provided in section 16-936, window signs as defined in Section 16-933(68) and temporary signs as provided in Division 4 of this Article shall require sign permits issued under this Article and are subject to the district sign allowances and other regulations hereunder.

Sec. 16-939. Permit procedure.

The development and neighborhood services department shall establish procedures for the submission and processing of sign permit applications. Application forms and information concerning required supporting materials shall be made available on the department's website. The development and neighborhood services director, or his/her designee, may approve the application with or without conditions, or deny the application. No permit shall be issued until compliance with the requirements of this Article and all other applicable codes and regulations has been demonstrated. The decision of the director to approve or deny the permit shall be final.

Sec. 16-940. Maintenance, alteration and removal of signs.

- (a) Any sign or sign structure constructed or installed under the provisions of this article shall be maintained in a safe, functional and sound structural condition at all times. General maintenance of such sign shall include the replacement of nonfunctioning, broken, or defective parts, painting, cleaning, and upkeep of the premises immediately surrounding the sign or advertising structure and any other action required for the maintenance of such sign or advertising structure. All signs and supporting structures shall be kept painted or treated in some manner to prevent rust, decay or deterioration.
- (b) Any sign or advertising structure, existing on or constructed after the effective date of the ordinance from which this article was derived, shall be removed within thirty (30) days upon the discontinuance of such business or sale of such product or service or shall be deemed abandoned.

(c) If any sign or advertising structure is identified by the Building Official and/or Zoning Administrator as being unsafe, insecure, abandoned, a menace to the public, or has been constructed, installed or is being maintained in violation of the provisions of this article or any other applicable city code, the Code Enforcement Division shall issue a written notice of the violation to the violator and/or to the owner of the property upon which the sign or advertising structure is located. The violation shall be enforced through the provisions of section 2-72 and 2-72.1. Nonconforming signs shall be governed by the provisions of sections 16-942 and 16-943. Appeals of this subsection shall be to the special magistrate.

Sec. 16-941. Nonconforming signs.

(a) *Generally.* Nonconforming signs are declared by this chapter to be incompatible to, and inconsistent with, land development and other permitted signs set forth within any particular zoning district. It is the intent of this section to allow those nonconforming signs to continue until they are removed under the terms of this chapter but not to encourage their survival.

(b) *Registration of nonconforming signs.* The development and neighborhood services department shall establish a registry of nonconforming signs and an application process for nonconforming sign determination. Any person who wishes to establish the status of a nonconforming sign shall submit an application for determination of nonconforming sign status, together with supporting evidence demonstrating that the sign was a legally existing sign that became non-conforming as of the effective date of this Ordinance. The nonconforming status of the sign shall be determined by the development and neighborhood services director or his/her designee.

(c) *Expansion or relocation of nonconforming signs.* No nonconforming sign or advertising structure shall be expanded or relocated unless such sign or advertising structure is brought into conformance with the provisions of this article or any other applicable City Code requirement.

(d) *Repairs and maintenance.* Repairs and maintenance of nonconforming signs necessary to maintain health and safety only if the total amount expended for such repairs or maintenance over a one-year period does not exceed 50% of the value of the sign. If the costs of repair or maintenance exceed 50% of the value of the sign, a permit must be obtained and the sign brought into compliance.

(e) *Alteration of nonconforming signs.* Only alterations involving message changes or changes in the information on the face(s) of existing nonconforming signs may be allowed, provided that a sign permit for the alterations is obtained. The issuance of a permit to change the message or information on a nonconforming sign shall not affect the nonconforming status or extend the amortization period for the sign.

Sec. 16-942. Amortization of Non-conformities.

Except as provided in paragraph (c) below, all non-conforming signs shall be brought into compliance within five (5) years, as follows:

- (a) Legally existing signs that become non-conforming as of the effective date of this Ordinance shall maintain legally non-conforming status for a period of five (5) years from the effective date of this Ordinance, with exceptions as herein contained. At the end of the five (5) year period, all signs not in compliance shall become illegal signs. It shall be unlawful for any sign owner not to be in compliance with the following amortization provisions, with exceptions as herein contained.
- (b) Within two (2) years of the effective date of this Ordinance, all owners of legally nonconforming signs are required to prepare and submit to the City a proposed Master Sign Plan in accordance to regulations herein.
- (c) Within three (3) years of the effective date of this Ordinance, all owners of legally nonconforming signs are required to have an approved Master Sign Plan in compliance with this Schedule. The Master Sign Plan shall address the amortization of nonconforming signs according to the time frames provided herein. The approval of the Master Sign Plan shall not extend the amortization period.
- (d) Within five (5) years of the effective date of this Ordinance, all legally nonconforming signs and their supporting structures shall be altered, and/or removed from the property.
- (e) *Special Amortization Requirements for Temporary Signs, Billboards.*
- (1) *Temporary Signs.* All legally existing temporary signs shall be in compliance with the provisions of this Schedule within ninety (90) days of the effective date of this Ordinance.
- (2) *Billboards.* The amortization period shall not apply to billboard signs that were lawfully constructed prior to the date of adoption of this code. These signs shall be permitted as legally nonconforming signs. Said signs shall be subject to below provisions regarding Maintenance and Repair of Nonconforming Signs.
- (f) *Annexation.* All nonconforming signs or sign structures within an area annexed into the city after the effective date of the Ordinance which do not conform to city code shall, within five (5) years of the effective date of annexation, be removed or rebuilt into a conforming configuration in the event of any renovation, remodeling, or reconstruction of an existing building or site requiring a Special Exception, or where the value of the construction work is equal to or more than twenty-five (25) percent of the value of the building as indicated by the Palm Beach County Property Appraiser.
- (g) *Unpermitted signs.* Any sign for which a required sign permit is not obtained shall be deemed an illegal sign and subject to immediate removal. Such sign shall not be afforded non-conforming status.

Sec. 16-943. Appeals procedure.

- (a) Any final decision concerning the interpretation or administration of this Article IV except for citations issued by the Code Enforcement Division, may be appealed to the planning & zoning board of appeals as provided in Article II, Division 3, section 16-85 of this Chapter.
- (b) Citations issued by the Code Enforcement Division for a sign or sign structure that is unsafe, insecure, abandoned, a menace to the public, or has been constructed, installed or is being maintained in violation of the provisions of this article or any other applicable city code may be appealed to the special magistrate as provided in Chapter 2, Article III, Division 2.

Secs. 16-944 – 946. Reserved.

DIVISION 2. GENERAL STANDARDS

Sec. 16-947. Computation of Sign Number and sign area.

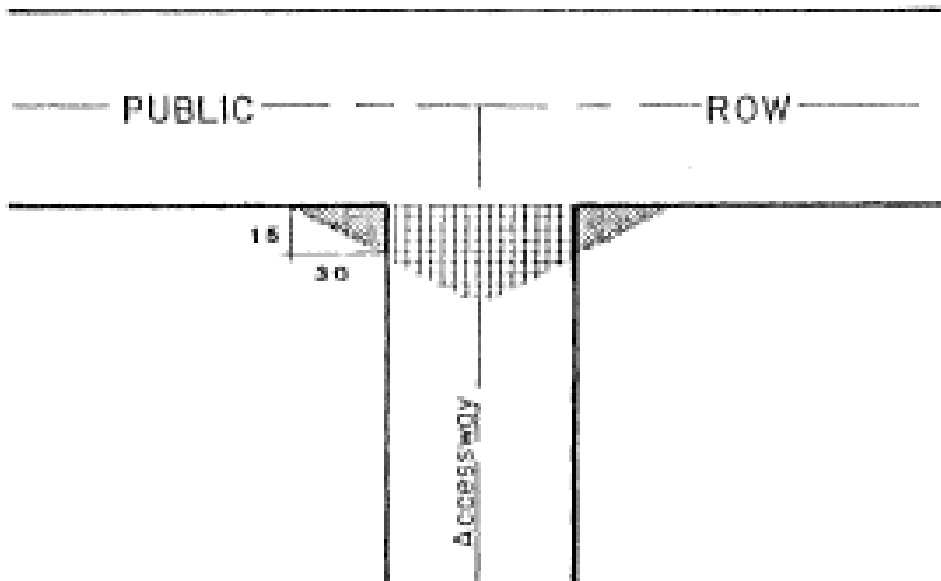
- (a) In determining the copy area of a sign, the entire face of the sign, including the advertising surface of any framing, trim or molding, shall be included. Should the sign structure or supports become part of the sign due to the design of the structure or supports in relation to the sign, such structure or supports shall be included in the determination of copy area.
- (b) In the instance where a sign is composed of letters only with no connection by the advertising structure between the letters, the copy area shall be determined by measuring the distance from the outside edges of the outside letters and from the top of the largest letter to the bottom of the lowest letter. Should one (1) letter be unequally large or small in comparison to the other letters composing the sign, the unequal letter shall be squared off, the remaining letters shall be measured from the outside edges, and the two (2) added for a total copy area determination.
- (c) Unless determined by the zoning district regulations, the allowable copy area of a sign shall be based on one (1) side of the sign. Double-faced signs may use up to the full amount of allowable copy area on each side, provided that both sides of the sign are parallel to one another and that the applicable zoning district regulations are not conflicting.
- (d) The minimum clearance of a sign shall be based upon the lowest point of any sign and the established grade of the site.
- (e) The utilization of natural berming, in order to increase the height of a pedestal sign, is permitted so long as such berming does not exceed two (2) feet in height above the grade of the site upon which the sign is to be located and the overall height of the sign, measured from the top of the berm does not exceed the maximum height permitted for a pedestal sign in the applicable zoning district regulations.

- (f) For the purpose of computing the number and area of signs, the frontages of lots shall be established by orientation of the main entrances of the buildings. If this method is not determinative, the Planning, Engineering & GIS Division shall determine frontages on the basis of traffic flow and access from adjacent streets. As defined herein, "frontage" faces the abutting public right of way; thus, internal shopping center roads are not frontage.

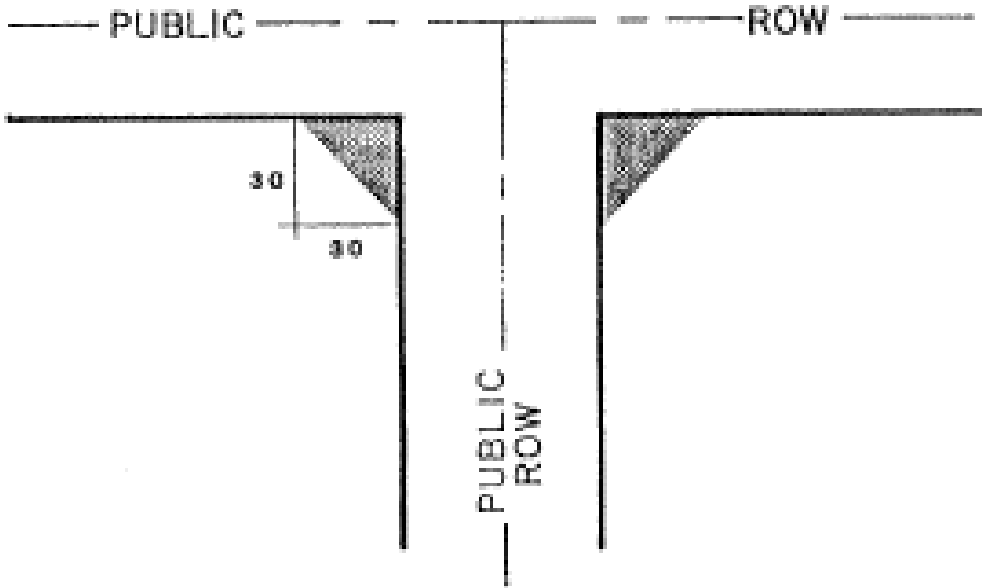
Sec. 16-948. Visibility triangle.

No sign or advertising structure shall be placed, constructed or maintained upon property in any visibility triangle area as described below:

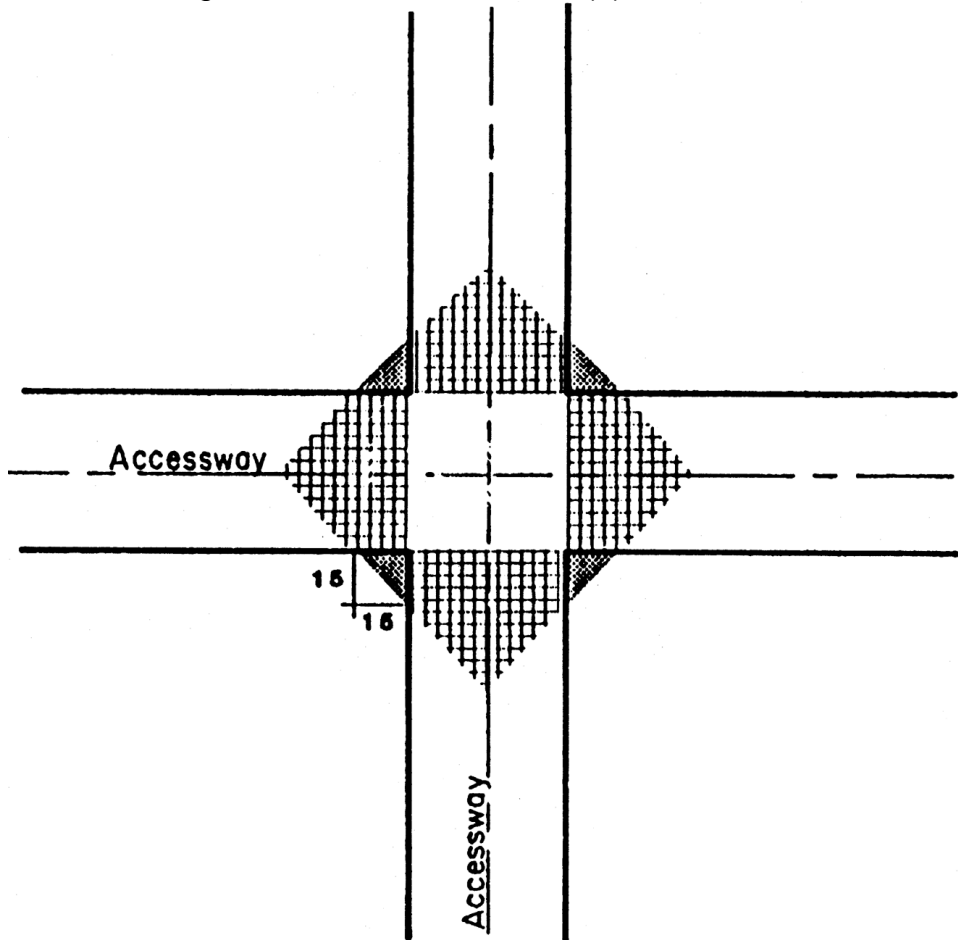
- (a) The area of property located at a corner formed by the intersection of two (2) public rights-of-way with two (2) sides of the triangular area, being a minimum of thirty (30) feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two (2) sides.



- (b) The area of property formed by the intersection of an accessway and a public right-of-way with one (1) side of the triangular area being thirty (30) feet in length along the public road right-of-way line measured from the edge of the accessway pavement and one (1) side of the triangle being fifteen (15) feet in length along the accessway pavement measured from the public road right-of-way line, and the third side being a line connecting the ends of the other two (2) sides.



(c) The area of property formed by the intersection of two (2) accessways with two (2) sides of the triangular area being a minimum of fifteen (15) feet in length along the accessway pavement, measured from their point of intersection, and the third side being line connecting the ends of the other two (2) sides.



(d) Traffic-control signs are exempt from the provisions of the visibility triangle.

Sec. 16-949. Hazard.

A sign shall not directly or indirectly create a traffic or fire hazard, interfere with the free and unobstructed use of streets, sidewalks or building entrances or obstruct clear vision at the intersection of any streets, drives, or public or private vehicular access ways or so that it may be confused with authorized traffic signs or devices.

Sec. 16-950. Setback.

All signs shall be set back a minimum of ten (10) feet from the property line, unless otherwise specified in this section, and shall provide a minimum clearance of two (2) feet from rights-of-way, curbs, and sidewalks, or a larger clearance if deemed necessary by the Planning, GIS and Engineering Division.

Sec. 16-951. Separation.

All signs not mounted to a building shall be separated from another sign on the same parcel by 200 feet.

Sec. 16-952. Lighting.

Lighting of permanent signs shall be white, non-glaring, directed away from adjoining properties, and shall be designed to avoid affecting the vision of drivers on adjacent roadways.

Sec. 16-953. Screening.

All mechanical and electrical elements of a sign shall be fully screened or concealed.

Sec. 16-954. Landscaping: All sign structures shall be landscaped to ensure that the base or foundation of the sign at the ground adjacent to the sign is properly screened. Landscaping shall be installed and maintained in a manner not to interfere with visibility of a sign and shall be installed prior to approval of a sign permit.

Sec. 16-955. Sign Height.

Sign height shall be measured from the average grade of surrounding property. Grades raised solely to increase sign height shall not be used to determine allowable height. Grade elevations raised as part of landscaping, berms, and approved entry features may be utilized to determine height.

Sec. 16-956. Mounting.

(a) Wall signs shall not be mounted to extend more than 24 inches from the face of the building, including wireways and other mounting structures...

(b) Wall signs shall not be mounted to, or extend above or below, the edge of any wall or above the parapet.

(c) Monument and ground signs shall be on a foundation or footing.

Secs. 16-957 – 16-958. Reserved.

DIVISION 3. MASTER SIGN PLANS.

Sec. 16-959. Master Sign Plan Required.

(a) All commercial centers and plazas, multi-tenant buildings, and planned commercial or residential developments located within the city are required to submit and obtain approval for a Master Sign Plan. The approval of a Master Sign Plan by the city shall be required prior to the issuance of a sign building permit to install, alter, construct, construct, post, paint, maintain, or relocate any sign.

(b) Sign Plan Compliance – Existing Developments. Whenever a sign owner desires to replace, alter, relocate a sign on a property, and/or perform sign repair and maintenance that is not in compliance with regulations governing same as specified in this Section herein, a Master Sign Plan in accordance with the provisions of this Section shall be prepared and submitted. Upon approval of the Master Sign Plan under this compliance provision, signs approved on the Master Sign Plan shall be brought into compliance in accordance to the amortization schedule specified herein.

(c) Multi-tenant Sign Plan Compliance. When a Master Sign Plan is required for a multi-tenant development, and an individual sign owner(s) seeks a sign permit for any type of permanent sign, the property owner shall file a Master Sign Plan with the city in accordance to the provisions set forth in this Section within sixty (60) days of the sign permit being filed. Failure to file such a Master Sign Plan within the prescribed time frame shall be a violation of this section by the property owner. Sign permits may be withheld until a Master Sign Plan is submitted and approved.

Sec. 16-960. Master Sign Plan Approval Process.

(a) A written application for a Master Sign Plan shall be submitted on forms provided by the development and neighborhood services department. The application shall be signed by the property owner and the applicant, shall include agent authorization for the applicant to represent the owner and shall include the application fee as established by the city council. It shall be the applicant's burden of proof to satisfy all applicable requirements for the proposed request.

(b) The development and neighborhood services department shall review the application. Once complete, the application shall be scheduled for the next available development review committee (DRC) meeting. The DRC shall provide consider each application and provide comments, if applicable. Once all comments have been adequately addressed by

the petition, a memorandum shall be prepared explaining the request and containing any conditions of approval. It shall be signed by the development and neighborhood services director or his/her designee to indicate official approval and the memorandum and supporting documents placed into the property's file.

(c) Sign Plan Required Elements. The Master Sign Plan shall include all signs to be installed within the property, including any out parcels to be and/or developed sharing common driveways and parking, and shall indicate, but not limited to, the following:

(1) Location/placement of all monument, freestanding directional/information, and wall signs, window signs, including but not limited, to setback dimensions from property lines, spacing, etc.

(2) Size of each sign, indicating, but not limited to sign area, height, dimensions, area of changeable copy.

(3) Sign copy for each sign, including but not limited to logos, trademarks etc.

(4) Type of sign, including, but not limited to the type of lettering i.e. channel letters or cabinet style, color, materials, changeable copy area, etc.

(5) Type and manner of illumination, if any.

(6) Landscape plan indicating plant material and ground cover.

Sec. 16-961. Master Sign Plan Criteria.

In reviewing the Master Sign Plan, the Zoning Administrator shall determine if the following criteria have been met:

(a) The signage for the project is in keeping with the overall architecture and character of the building development.

(b) The signage for the project is designed to meet the directional needs of the project for communication, identification, way finding, regulatory and informational messages in keeping with the overall architectural theme of the development or project;

(c) The signage proposed is legible, conspicuous, and easily readable;

(d) The visibility and impact of the type of sign, number of signs, design, size, method of, construction, illumination and location of the proposed signs are in compliance with the minimum standards of this Section, and does not adversely impact adjoining properties, or create a hazard of health risk; and

(e) The proposed signage is consistent and not in conflict with the intent and interests of the City of Greenacres, as stated in the policy adopting this code.

Sec. 16-962. Administrative variances from Master Sign Plan requirements.

(a) In approving a Master Sign Plan, the Zoning Administrator may authorize limited administrative variances from applicable Code of Ordinance provisions as follows:

- (1) An increase in the maximum sign height up to 20% of the permitted height for the zoning district the property is located;
- (2) An increase of up to 25% in the number of signs allowed;
- (3) Reasonable modification of the location of signs to accommodate unusual lot conditions;
- (4) Inclusion of multiple multi-tenant signs; wall signs; pylon signs; and monument signs; and
- (5) An increase in the maximum sign area no greater than 20% of the permitted sign copy area for the zoning district the property is located.

(b) Any request for an administrative variance shall be considered based upon whether the following criteria are met:

- (1) The variance is necessary because of practical difficulty peculiar to the land, structure or building involved and which is not applicable to other lands, structures and buildings in the same zoning district; or
- (2) The variance is necessary and appropriate due to unique architectural features of the proposed signage; and
- (3) The variance is the minimum variance necessary to alleviate the practical difficulty; and
- (4) The variance will be in harmony with the general intent and purpose of this Chapter and will not be injurious to the area involved or otherwise detrimental to the public welfare.

Sec. 16-963. Conditional Approval.

In issuing a Master Sign Plan, the Zoning Administrator may impose reasonable conditions on the Master Sign Plan relating to the design, materials, locations, placements, or orientations, and sign specifications; provided that such conditions are related to time, place and manner matters and does not attempt to regulate sign content. Reasonable conditions are conditions imposed on the Master Sign Plan that promote the purpose of this section and the approval criteria set out in Section 16.961(d).

Sec. 16-964. Amendment.

- (a) An approved Master Sign Plan may be amended upon application by the property owner and approval by the Zoning Administrator. An amendment application may seek to alter the design, materials, locations, placements, orientations, and specifications of a sign or signs designated within an approved master sign plan; provided the amendment does not attempt to increase the area or height of any freestanding or wall sign subject to the original master sign program by more than ten percent (10%).
- (b) To request an amendment the property owner shall submit a completed Master Sign Plan Amendment application, on such form as provided by the development and neighborhood services department, indicating what changes are desired, and shall include all supporting documents necessary to evaluate the request, similar to that which is required for a new approval.

(c) The development and neighborhood services department shall review the proposed changes in comparison to the original approval, original conditions of approval and the Master Sign Plan approval criteria set forth in Section 16.961 (d).

Secs. 16-965 – 16-966. Reserved.

DIVISION 4 – TEMPORARY SIGNS

Sec. 16-967. General Standards

- (a) Temporary signs shall be constructed of durable, weatherproof material.
- (b) A temporary sign shall not directly or indirectly create a traffic or fire hazard, interfere with the free and unobstructed use of streets, sidewalks, or building entrances, or obstruct clear vision at the intersection of any streets, drives, or public or private vehicular access ways or so that it may be confused with authorized traffic signs or devices.
- (c) All temporary signs shall be kept in good condition, present a neat appearance, and be maintained free of debris, stains, mold, discoloration, or deterioration.
- (d) All temporary signs shall be set back a minimum of ten (10) feet from the right-of-way line and side property lines, and must comply with section 9-67 (Visibility triangle).
- (e) *Removal – Generally.* Unless otherwise provided herein, all temporary signs posted in connection with an event, including an election, must be removed with three (3) business days after the event has concluded.
- (f) *Removal - Hurricane Watch.* Any temporary sign installed within the city shall be removed by the owner when a hurricane watch is posted. In the event that the owner does not remove the sign, the city is permitted to remove the sign and cite the owner as listed on the temporary use permit application. The city shall not be responsible for the replacement of such signage after a hurricane watch is discontinued.
- (g) *Violations.* The city shall have the right to remove any temporary signage in violation of this section. Any failure to comply with these regulations will result in the administrative suspension or revocation of the sign permit and/or enforcement proceedings pursuant to F.S. ch. 162. Notwithstanding the foregoing, the city may also pursue any remedy available under the law.

Section 16-968. Temporary signs –permit not required.

Except for those signs requiring temporary use permits as provided in Section 16-969, temporary signs do not require permits but are subject to the following limitations as to size, location and duration:

(a) Temporary Non-commercial Signs Before an Election. For the period beginning sixty (60) days prior to a local, state or federal election, additional temporary signs will be allowed as follows:

- (1) On residential property: a maximum of one (1) sign per position or issue.
- (2) On non-residential property, a maximum of one (1) sign per position or issue for each 200 linear feet of frontage.
- (3) All signs posted under this subsection shall be removed within three (3) business days following the election.

(b) Temporary Signs When Property Is Being Offered For Sale or Lease. One (1) temporary sign, totaling no more than three (3) square feet, may be located on a property:

- (1) When that property is being offered for sale or lease through a licensed real estate agent; or
- (2) If not offered for sale or lease through a licensed real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner.
- (3) All signs posted under this subsection shall be removed within three (3) business days after the property ceases to be offered for lease or sale.

(c) Additional Temporary Sign When a Property Being Offered for Sale or Lease Is Open to the Public: One (1) temporary sign, totaling no more than three (3) square feet, may be located on the owner's property on the day prior to and on the day(s) when a property owner is opening the property to the public.

(d) Maximum Sign Area per Temporary Sign: Unless otherwise specified in this chapter, any temporary sign must not be larger than three (3) square feet in residential districts and four (4) square feet in all other districts.

Sec. 16-969. Temporary signs – temporary use permit required.

The following temporary signs require a city temporary use permit as set forth in Article IV, Division 6.

(a) Banner Sign, Commercial:

- (1) Upon application of the building owner, at any one time, a maximum of one (1) banner may be permitted for each commercial building and shall be mounted on a pole installed in the ground at least five (5) feet from the property line.. In no event shall the banner obstruct pedestrian walkways or be located within landscaping or vehicular circulation areas.
- (2) Signs shall not exceed 10 feet in height, 18 inches in width, and a maximum sign area of 15 square feet.
- (3) Sign placement is limited to a maximum of fourteen (14) consecutive calendar days, three (3) times per year per subject property.

(b) Building Banner Sign, Commercial.

- (1) A maximum of one (1) banner per commercial building with a maximum sign area of 32 square feet. Signs shall be securely fastened to the building facade and shall not extend above the roofline or parapet.
- (2) Banner placement is limited in duration to no more than twenty (20) days, which shall run consecutively and include the date of the event or activity to which they relate, or the first twenty (20) days after an opening of a new business, commencing on the date of business tax receipt issuance.
- (c) *Human signs (living signs).* Upon the issuance of a permit, a human sign may be allowed on the premises of the property that is being advertised, set back at least eight (8) feet interior of the property line, along the right-of-way immediately adjacent to the property. A business is permitted a living or human sign for a maximum of three (3) times per calendar year for no more than seven (7) consecutive days for each instance. The sign area shall not exceed three (3) square feet in size, and the living or human sign shall not be permitted off site, within the right-of-way, or closer than eight (8) feet from the right-of-way immediately adjacent to the property being advertised. Any failure to comply with these regulations will result in the administrative suspension or revocation of the sign permit and/or enforcement proceedings pursuant to F.S. ch. 162. Notwithstanding the foregoing, the city may also pursue any remedy available under the law.
- (d) *Construction signs.* A maximum of one (1) construction sign per development street frontage may be constructed as a free-standing sign with a maximum height of eight (8) feet and set back at least ten (10) feet from all property lines.
- (1) All construction signs shall be removed within seven (7) days from the issuance of a certificate of occupancy (CO) or certificate of completion (CC).
- (2) In residential districts, the maximum sign area for construction signs shall be sixteen (16) square feet. In all other districts, the maximum sign area shall thirty-two (32) square feet.

Secs. 16-970 – 16-980. Reserved.

DIVISION 5. SIGN REGULATION BY ZONING DISTRICT.

Sec. 16-981. Generally.

Signs requiring sign permits are subject to the following regulations governing the number of signs, maximum sign area, placement, and other standards according to zoning district and/or use.

Sec. 16-982. Bulletin board signs.

Educational, governmental, religious, or institutional uses in all zoning districts may construct a maximum of one (1) freestanding sign per subject property, with a maximum of twelve (12) square feet of sign area, to serve as a bulletin board. Bulletin board signs shall not exceed six (6) feet in height.

Sec. 16-983. Identification signs.

(a) Residential districts.

- (1) In residential districts, non-residential uses are allowed one (1) identification wall sign.
- (2) For planned residential developments and subdivisions, one free-standing sign per major access is allowed. Two (2) signs with one (1) copy side each may be permitted in place of a single sign with two (2) copy areas.

(b) Non-residential districts. Except as provided in subsections (1), (2) and (3) below, in commercial and other non-residential districts, one (1) free standing sign and one (1) wall sign shall be allowed per frontage, provided that the signs are not located within two hundred (200) feet of each other on the same lot as measured along the frontage line.

- (1) For single-use stores with over forty thousand (40,000) sq. ft. of floor area, three (3) wall signs with copy area not to exceed the maximum copy area allowed.
- (2) Multi-tenant commercial properties are allowed one (1) freestanding sign per frontage and one (1) wall sign per tenant space.
- (3) Outparcels and outbuildings within a unified development are allowed one (1) free-standing monument sign with a maximum height of eight (8) feet and with a maximum copy area of forty (40) sq. ft. per sign face.
- (4) Time and temperature signs not exceeding two (2) feet in height, located in the bottom portion of the sign, may be included as an integral part of the identification sign copy area in CG districts for banks and financial institutions with drive-thrus.
- (5) Electronic changeable copy gas station price signs not exceeding twelve (12) square feet may be included as an integral part of the freestanding sign copy area for gas stations located in the CG and CI districts provided they are LED style and the sign copy is only for fuel prices.
- (6) Electronic changeable copy signs for Government users are limited to messages that serve a public purpose and are not permitted to promote commercial messages of any kind. No advertising for off-site businesses is permitted in any form.

(c) General provisions – wall signs.

- (1) There shall be a minimum separation of three (3) feet between wall signs.
- (2) Side wall building signage shall not exceed fifty (50) percent of max. sq. ft. of allowable building sign copy area, or twenty-five (25) percent of max. sq. ft. of allowable building signs copy area when adjacent to residential parcels.
- (3) All wall signs shall be no closer than twelve (12) inches from the side lines of the premises storefront and six (6) inches to the top and bottom of the premises sign area.
- (4) The height of any wall sign cannot exceed the top elevation of the structure.
- (5) Building signs shall be consistent in color with those of the freestanding sign.
- (6) Unless otherwise approved as part of the Master Sign Plan, site and development plan approval, or as necessary to maintain consistency with the majority of the existing signs in the plaza, wall signs shall be internally illuminated with individual channel letters or reverse channel letters. The trim cap and returns of the building wall sign

shall be the same color as the letters and the illumination shall be with clear neon or LED tubing. No raceways or box signs will be permitted. A maximum of fifty (50) percent of the area of each wall sign may incorporate a logo of any color, the logos shall not exceed the total height of the sign on the building and shall meet the requirements of distance from the premise area.

(d) General provisions – freestanding signs.

- (1) Free-standing identification signs shall be designed as monument signs, and oriented perpendicularly to the frontage on which they are situated. The maximum height for free-standing signs shall be eight (8) feet except as otherwise provided in this Chapter.
- (2) Free-standing signs must be located within the general area of the major vehicular access points, and must include the name of the development prominently displayed. Free-standing identification signs for commercial developments must also include the full range of street addresses located onsite (this will not be included as part of the copy area).
- (3) Freestanding signs shall be consistent in color with those on the building. All freestanding signs shall be designed with an opaque background, so that light or a light source cannot penetrate through the sign with the exception of through the letters and logo associated with said sign. The architectural design shall be consistent with the design of the building, sharing materials, colors, and design motifs.
- (4) Free-standing monument signs may include a leasing sign not exceeding twelve (12) square feet incorporated into the base of the monument sign. Letter size shall be no less than five (5) inches using no more than two (2) colors and consistent with the design of the rest of the sign.

(e) All signage located within any development shall maintain architectural consistency with itself, as well as with all structures, located onsite. The development may get a master sign program approval which incorporates multiple colors, fonts, and logos provided it is included in part of a theme that provides architectural consistency for the project as a whole and is formally approved by the city.

Sec. 16-984. Memorial signs.

In the AR, RE, RL, RM, RH, and GU districts, each parcel may have one (1) memorial sign with a maximum of five (5) square feet of sign area and not exceeding six (6) feet in height may be constructed. These signs shall be set back no less than twenty (20) feet from any property line.

Sec. 16-985. Home Occupation Signs.

In any residential district, one (1) home occupation identification sign not exceeding two (2) square feet may be placed on the wall next to the primary entrance of any single family or two-family dwelling unit in which a home occupation is lawfully conducted.

Secs. 16-986 – 16-988. Reserved.

Sec. 16-989. Traffic-control signs.

Freestanding signs for traffic control purposes may be placed in all zoning districts subject to the following:

- (a) Traffic-control directional signs designating parking area entrances and exits are limited to two (2) signs not exceeding three (3) feet in height for each entrance and exit abutting a street, and each sign shall not exceed three (3) square feet of copy area and include the words "enter," "exit," "one-way," or a directional arrow.
- (b) Traffic-control signs shall be reviewed for location placement by the Development and Neighborhood Services Department, and shall be in general conformance with the Manual on Uniform Traffic-control Devices for Streets and Highways.

Sec. 16-990. Directory signs.

One (1) directory sign per major vehicular access may be constructed as either a wall sign or a free-standing sign with a maximum height of six (6) feet. Directory signs shall be set back at least twenty (20) feet from the front and ten (10) feet from the side-corner property line. The maximum sign area for directory signs in mixed use districts shall be twelve (12) square feet. In all other districts the maximum sign area shall be sixteen (16) square feet, except for planned commercial developments which may have directory signs with a sign area of up to a maximum of thirty-two (32) square feet.

Secs. 16-991 – 16-992. Reserved.

Secs. 16-993. Under canopy signs.

Under canopy signs are allowed only in CN, CG and CI districts as a part of the Master Sign Plan. One (1) sign with a maximum copy area of six (6) square feet is allowed per tenant. All signs must have a minimum vertical clearance of nine (9) feet.

Secs. 16-994. Menu board signs.

In the CG and CI districts, one (1) menu board sign per fast-food restaurant drive-thru lane with a maximum of thirty-eight (38) square feet of copy area, no more than six (6) feet in height, may be constructed, subject to the following conditions:

- (a) Menu boards shall only be internally back-lit.
- (b) Menu boards shall not contain more than one (1) square foot of copy area of corporate or company identification.
- (c) No additional add-ons to the menu board shall be permitted.
- (d) Menu boards shall not be visible from any public right-of-way.

(e) An additional six (6) square feet of copy area may be permitted for use as an LCD screen.

Secs 16-995 – 16-1000. Reserved.

SECTION 4. Repeal of Conflicting Ordinances. All other ordinances or parts thereof or parts of the Code conflicting or inconsistent with this ordinance are hereby cancelled, repealed or revised to be consistent with provisions and elements of this Ordinance.

SECTION 5. Severability. As more fully set forth in Section 16-932 of this ordinance, if any section, part of a section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this ordinance and it shall be construed to have been the legislative intent to pass the ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances,

SECTION 6. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 14th day of September, 2022.

PASSED AND ADOPTED on the second reading this 28th day of September, 2022.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

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

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

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

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

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

ZTA-22-09 (Ordinance 2022-25)
Date: August 26, 2022

Revised: 08/11/2022
09/14/2022

	DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION
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ZTA-22-09: Sign Regulations

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

- Recommendation to APPROVE
- Recommendation to DENY

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- Quasi-Judicial
 - Legislative
 - Public Hearing
-

Originating Department: Planning & Engineering Project Manager _____ Caryn Gardner-Young, Zoning Administrator	Reviewed By: Acting Director of Development and Neighborhood Services _____ Andrea McCue, City Manager
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: 7/28/22, 9/6/22 and 9/22/22 Paper: The Lake Worth Herald Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____
Attachments: <ul style="list-style-type: none"> Ordinance 2022-25 	City Council Action: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____

I. Executive Summary

In its 2015 decision in *Reed v. Town of Gilbert*, the United States Supreme Court held that local government sign ordinances regulating signs based on message or content will be held unconstitutional under the First Amendment unless the regulations can survive review under the rigorous “strict scrutiny” standard. Simply stated, if you have to differentiate the type of sign being regulated by reading the sign’s content or knowing who authored it, then the regulation is probably unconstitutional. In light of the *Reed* decision, local governments reviewed their sign regulations to ensure that they do not have the effect of regulating or censoring speech, but are designed to promote the public health, safety and general welfare through reasonable, consistent and nondiscriminatory regulations. Sign regulations need to be content-neutral “time, place and manner” regulations based upon characteristics such as the number, location, size, height, duration, type of structure, use of materials, lighting, moving parts, and other physical and aesthetic characteristics of the signage.

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 VI to be deleted in its entirety and replaced by the following:

CHAPTER 16. ZONING REGULATIONS.

ARTICLE VI. SIGN REGULATIONS

DIVISION 1. GENERALLY

Sec. 16-931. Scope, Intent, Purpose.

(a) Scope. The provisions of this article shall regulate the location, number, size, use, appearance, construction and maintenance of all signs permitted in each zoning district. This chapter is not intended to and does not apply to signs constructed, maintained, or otherwise posted, owned, or leased by the City of Greenacres, Palm Beach County, the State of Florida, or the federal government, and does not regulate official traffic control devices.

(b) Intent. Increased numbers and size of signs, as well as certain types of lighting, distract the attention of motorists and interfere with traffic safety. In addition, the indiscriminate construction and maintenance of signs detract from the appearance of the city. It is therefore the intent of these regulations to promote and protect the public health, safety, general welfare, convenience and enjoyment of the citizens of the city. More specifically, the sign regulations are intended to:

- (1) Classify and categorize signs by type and zoning district;
- (2) Permit, regulate and encourage the use of signs with a scale, graphic character, and type of lighting compatible with buildings and uses in the area, so as to support and complement the goals, objectives and policies set forth in the city's comprehensive plan;
- (3) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (4) Encourage and allow signs that are appropriate to the zoning district in which they are located consistent with and serving the needs of the land uses, activities and functions to which they pertain;
- (5) Establish regulations affecting the design, construction, and maintenance of signs for the purpose of ensuring equitable means of graphic communication, while maintaining a harmonious and aesthetically pleasing visual environment within the city. It is recognized that signs form an integral part of architectural building and site design and require equal attention in their design, placement and construction;
- (6) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts as a source of economic advantage as an attractive place to live and work;
- (7) Preclude signs from conflicting with the principal permitted use of the lot and adjoining lots;
- (8) Establish dimensional limits and placement criteria for signs that are legible and proportional to the size of the lot and structure on which the sign is to be placed, or to which it pertains;
- (9) Maintain and enhance the scenic beauty of the aesthetic environment and the city's ability to attract sources of economic development and growth;
- (10) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts in the city;
- (11) Encourage the effective use of signs as a means of communication in the city;
- (12) Ensure pedestrian safety and traffic safety;
- (13) Regulate signs so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;

- (14) Regulate signs so that they are effective in performing the function of identifying and safely directing pedestrian and vehicular traffic to a destination;
- (15) Curtail the size and number of signs to the minimum reasonably necessary to identify a residential or business location, and the nature of such use, and to allow smooth navigation to these locations;
- (16) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive area of signs which compete for the attention of pedestrian and vehicular traffic and are not necessary to aid in wayfinding;
- (17) Allow for traffic control devices without city regulation consistent with national standards because they promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing nationally consistent warnings and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream and modes of travel, while regulating private signs to ensure that their size, location and other attributes do not impair the effectiveness of such traffic control devices;
- (18) Minimize the possible adverse effect of signs on nearby public and private property;
- (19) Protect property values by precluding, to the maximum extent possible, signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (20) Protect property values by ensuring that the size, number, and appearance of signs are in harmony with buildings, neighborhoods, structures, and conforming signs in the area;
- (21) Except to the extent expressly preempted by Palm Beach County, state, or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (22) Foster the integration of signage with architectural and landscape designs;
- (23) Not regulate signs more than necessary to accomplish the compelling and important governmental objectives described herein;
- (24) Enable the fair and consistent enforcement of these sign regulations; and
- (25) Be considered the maximum standards allowed for signage.

(c) *Purpose:* The regulations in this chapter are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the City of Greenacres' substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment. It is therefore the purpose of this Article to promote aesthetics and the public health, safety, and general welfare, and assure the adequate provision of light and air within the City of Greenacres through reasonable, consistent, and nondiscriminatory standards for the posting, displaying, construction, use, and maintenance of signs and sign structures that are no more restrictive than necessary to achieve these governmental interests.

(d) *Findings.* In addition and supplemental to the findings and determinations contained in the "Whereas" provisions, which are incorporated by reference into this section, the City Council acting in its legislative capacity for the purpose of regulating signage, hereby makes the following findings of fact:

The reasonable regulation of the location, number, size, use, appearance, construction and maintenance of signs within the city serves a compelling governmental interest, for the following reasons:

- (1) Florida Constitution. Article II, Section 7 of the Florida Constitution provides that “[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty. . . .” A beautiful environment preserves and enhances the desirability of Greenacres as a place to live and to do business. Implementing the Florida Constitution is a compelling governmental interest.
- (2) Florida Statutes. Florida law requires cities to adopt comprehensive plans and implement them through land development regulations (also known as zoning regulations) and approval of development orders that are consistent with the comprehensive plan. See Part II of Chapter 163, Florida Statutes. Florida law specifically requires that municipalities adopt sign regulations. See Section 163.3202(2)(f), Florida Statutes. Complying with state law is a compelling governmental interest.
- (23) Greenacres Code of Ordinances. Chapter 16 of the Greenacres Code of Ordinances provides in section 16-2 that the chapter’s purpose is to “promote, protect and improve in accordance with present and future needs, the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the citizens of the city; to conserve the value of land, buildings, and resources; to protect the character and maintain the stability of residential, agricultural, business and industrial areas; and to provide for efficiency and economy in the process of development, for the appropriate and best use of the land, for preservation, protection, development, and conservation of the natural resources of land, water, and air, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for adequate public utilities and facilities, for promotion of the civic amenities of beauty and visual interest, and for promotion of developments as a means of achieving unified civic design by establishing zoning districts and by regulating the location and use of buildings, signs, and other structures, and land or water for trade, agriculture, industry, and residence, by regulating and limiting or determining the height, bulk, and access to light and air of buildings and structures, the area of yards, and other open spaces, and the density of use.”

The City Council specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no less restrictive way for the city to further these interests.

Sec. 16-932. Severability; Substitution

- (a) Severability: If any provision of this chapter is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of the other provisions of this chapter that can be given effect without the invalid provision.

- (1) Generally: If any part, section, subsection, paragraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, graph, subparagraph, sentence, phrase, clause, term, or word of this chapter. Should any section, paragraph, sentence, clause, phrase, or other part of this chapter or the adopting ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this chapter or the adopting ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.
- (2) Severability where less speech results: Without diminishing or limiting in any way the declaration of severability set forth in subsection (a)(1) above, or elsewhere in this chapter or the adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or the adopting ordinance, even if such severability would result in a situation in which there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (3) Severability of provisions pertaining to prohibited signs: Without diminishing or limiting in any way the declaration of severability set forth in subsection(a)(1), or elsewhere in this chapter or the adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or the adopting ordinance or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or the adopting ordinance that pertains to prohibited signs.
- (4) Severability of prohibition on off-premise signs: If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or any other code provisions or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition of off-premise signs as contained herein.
- (b) Substitution: Notwithstanding any provisions of this chapter to the contrary, to the extent that this chapter permits a sign containing commercial content, it shall permit a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this chapter.

Sec. 16-933. Definitions.

- (1) Abandoned sign: A building, freestanding, or off premises sign that: (a) for a period of thirty (30) or more consecutive days, (1) no longer correctly advertises, identifies, displays, directs, or attracts attention to an object, institution, organization, business, product, service, or event on the premises upon which the sign is located; (2) identifies a time, event or purpose that has passed or no longer applies; (3) contains missing letters or other components of the sign, rendering the sign indecipherable or (b) for a period of six (6) consecutive months, includes a sign structure that bears no sign or a sign face that bears no copy.
- (2) Address sign: A sign indicating only the common street address. For the purposes of this definition, a nameplate shall be construed to be an address sign.
- (3) "A" frame sign: A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure thereof.
- (4) Animated sign: A building, freestanding, or off-premises sign which may flash, revolve, rotate, swing, undulate, or otherwise attract attention through the movement or flashing of any part of the sign or advertising structure.
- (5) Awning sign: A sign painted upon a cloth, plastic or metal surface supported by a metal frame fastened to the wall of a building.
- (6) Banner flag: A tall, narrow banner, attached to a vertical pole, with a straight body shape that is curved at then ends to resemble the tips of feathers, commonly used to draw attention to an event or business location (also known as a feather flag).
- (7) Banner sign: Any sign (that cannot be considered a flag), intended to be suspended for display, either with or without frames, having characters, letters, illustrations, or ornamentations applied to cloth, paper, plastic, balloons, or fabric of any kind with such material acting as a backing.
- (8) Billboard sign: A large off-premises permanent sign structure that may be freestanding or affixed to a building.
- (9) Bulletin board sign: A building or free-standing sign constructed by or for a charitable, educational, governmental, or religious institution, or a public body, which is constructed on the same property as said institution.
- (10) Canopy: A roof-like structure generally self-supporting that may be freestanding or attached to a principal structure, providing shade and weather protection, typically utilized in locations such as over drive-thru lanes, walkways, entrances, and gasoline pumps.
- (11) Changeable copy sign: A sign on which the copy is changed manually, through the utilization of attachable letters, numbers, symbols and other similar characters.

- (12) Copy: Written or graphic material that is placed, displayed, or depicted or otherwise indicated on a sign.
- (13) Clearance (of a sign): The smallest vertical distance between the established grade of the site upon which the sign is to be located and the lowest point of the sign, including framework and any ornamentation attached thereon, extending over that grade.
- (14) Construction sign: A freestanding sign erected on the premises on which development is taking place during the period of such development, commonly used to indicate the names of architects, engineers, landscape architects, contractors, owners, or others having a role or interest in the structure project.
- (15) Copycat signs: Signs that resemble any official sign or markers and that because of design, location, position, shape, or color may be reasonably confused with or construed as traffic-control devices or regulatory signs.
- (16) Copy area: The entire face of a sign including the advertising surface of any framing, trim or molding but not including the supporting structure.
- (17) Directory sign: A building or freestanding sign which may indicate the name, address, or direction to, the occupants or businesses which are located on the premises, that is intended to be viewed only from within the development where it is located.
- (18) Electronic changeable copy sign: A sign that utilizes an electronic display including but not limited to liquid crystal display or light emitting diodes (LCD or LED), plasma display, or projected images, on which the copy is changed electronically. The following definitions pertain to electronic signs:
- (i) "Dwell time" means the minimum amount of time that a message must be static on an electronic sign. The dwell times shall not include any transition time.
 - (ii) "Static" means a display that is fixed, and unchanging with no portion of the display being in motion, flashing or changing in color or light intensity.
 - (iii) "Transition" means a visual effect used on an electronic sign to change from one message to another.
- (19) Emitting signs: Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- (20) Entry feature signs: An architectural feature or element with signage that is typically located at the entrance to a development project but is not attached to a perimeter wall.
- (21) Entry Wall Sign: A sign attached to a wall near the entrance of a site as part of a continuous perimeter wall or fence.
- (22) Façade: The entire face of a building (front, side, and rear) including the parapet.

- (23) *Façade projection*: A structural projection from a facade, such as a gallery, arcade or marquee, which serves as a design element or overhead shelter from sun and rain that is also designed to accommodate signage. Protruding balconies are specifically excluded from this definition. Facade projections are finished with aluminum, stucco, stone, glass, or other construction material that exceeds industry standard quality.
- (24) *Flag*: Any fabric, plastic, canvas, material or bunting containing distinctive color(s), pattern(s), symbol(s), emblem(s) or insignia(s) that represents a non-commercial idea or institution, or entity, such as a government or civic club.
- (25) *Freestanding sign*: A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, or object other than the sign structure for support.
- (26) *Frontage*: The property line or building façade parallel with and facing the public road right-of-way abutting the subject property.
- (27) *Frontage wall face*: The building façade, excluding parapet, fascia, soffit, mansard and roof, which faces a frontage of the premises.
- (28) *Grade*: A reference plane representing the highest point of the crown of any public or private street or roadway which lies contiguous to the property or building site. In the event that the abutting streets or roadways are unimproved, grade shall be measured from the nearest paved roadway.
- (29) *Gas station price sign*: A sign utilized to indicate the price of fuel available for sale on the premises. A gas station price sign may be a free-standing sign or a portion thereof, or may be affixed to the gas tank structure.
- (30) *Home occupation sign*: A building sign, erected flat against the dwelling in which the home occupation is operated, indicating the name of the individual or business operated within the dwelling.
- (31) *Human sign (or living sign)*: A sign or a form of commercial message held by or attached to a human or character (animated or otherwise) for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person or a live or animated character dressed in costume or wearing a commercial message for the purpose of advertising or drawing attention to an individual business commodity service or product.
- (32) *Identification sign*: A wall sign or freestanding sign used to identify the building, development or establishment of the premises on which it is located

- (33) Illegal sign: A sign which has been constructed and is being maintained in violation of the provisions of this chapter.
- (34) Illuminated Sign: A sign that is internally or externally illuminated by artificial means.
- (35) Master sign plan: A comprehensive document that contains a set of sign criteria unique to a specific shopping center, commercial property, building or development. It includes drawings and plans that illustrate the sign program for the overall development, including, but not limited to, size, location, type, architectural design, dimensions, and other design standards including materials, color, and sign illumination.
- (36) Memorial sign: A building or free-standing sign, tablet, or plaque memorializing a person, structure, site or event.
- (37) Monument sign: A free-standing sign with a solid base located on or close to the ground typically incorporating materials that complement the architecture and landscaping of the principal structure on the site.
- (38) Multi-panel monument sign: a monument sign that contains multiple panels and areas for the display of graphics or lettering for multiple tenants.
- (39) Neon sign: A sign that contains an exposed neon tube or is treated in such a manner as to appear to be a sign containing an exposed neon tube or unshielded light.
- (40) Nonconforming sign: A sign existing at the time of the passage of this chapter or amendment thereto, which does not conform to the regulations of the zoning district in which it is located, or other applicable sections of this chapter.
- (41) Obstructing sign: a sign that obstructs the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- (42) Off-premises sign: A sign utilized for advertising an establishment, activity, product, service or entertainment which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign is located. For purposes of this chapter noncommercial messages are never allowed as off-premises signs.
- (43) Painted wall sign: A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas.
- (44) Parapet: A vertical false front or wall extension above the roof line.
- (45) Portable sign: A free-standing or off-premises sign which is not permanently affixed to the ground, building, or other structure, which may be mounted on wheels or affixed to a vehicle, and can easily be transported from place to place.

- (46) Post and panel sign: A sign made of wood, metal, similar rigid materials, or durable weatherproof fabric attached to one (1) or more ground mounted posts utilized as a panel to display copy.
- (47) Primary façade: The facade that has the principal entrance, often referred to as the principal facade or storefront.
- (48) Projecting sign: A building sign which projects outward, either perpendicular or at an angle to the wall or building on which it is mounted more than twelve (12) inches.
- (49) Real estate sign: A sign erected by the owner, or the owner's agent, on real property which is for rent, sale or lease.
- (50) Right-of-way: A strip of land, dedicated or deeded to the perpetual use of the public, occupied or intended to be occupied by a street, crosswalk, railroad, canal, road, electric transmission line, oil or gas pipeline, water supply main, sanitary sewer, storm drain, or for any other special use.
- (51) Roof sign: A sign constructed or visible over or on, and wholly or partially dependent upon, the roof, parapet or mansard of any building for support, or attached to the roof, parapet or mansard in any way.
- (52) Sign: Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, excluding signage wholly within the interior of a building or structure, and not visible from the exterior of such building or structure. The term is inclusive of the sign structure.
- (53) Sign area: The square foot area of a single rectangle enclosing the entire sign face (as distinguished from copy area), unless otherwise provided in this chapter for a particular sign type.
- (54) Sign face: The part of the sign that is or can be used to identify, advertise, or communicate information, or for visual representation, which attracts the attention of the public for any purpose. "Sign face" includes the extreme limits of the copy, together with any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed.
- (55) Sign structure: A structure or device designed or used for the support of a sign, with or without a sign thereon, which is considered to be an integral part of a sign. This definition does not include fences, buildings, or other structures having another permitted primary function (if no sign is located thereon).
- (56) Snipe sign: A sign constructed of any material that is attached to a utility pole, tree, fence, light post, stake or similar object located or situated on public or private property.

- (57) Storefront: The façade of a store or commercial tenant space typically on the ground floor or street level.
- (58) Temporary sign: A sign that is not permanently affixed or installed, or is displayed for a limited period of time.
- (59) Time and temperature sign: A building or free-standing sign which is solely utilized to indicate the time and/or temperature with a sequence span of four (4) to eight (8) seconds.
- (60) Traffic control device: A sign, signal, marking, or other device used to regulate, warn, guide traffic, placed on, over or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared use path by authority of a public agency or official having jurisdiction placed by a public body or, in the case of a private road open to public transit, by authority of the private owner or private official having jurisdiction.
- (61) Traffic-control sign: A sign constructed or approved by a government entity used to direct and assist vehicle operators and pedestrians in the guidance and navigational tasks required to traverse safely any facility open to public travel.
- (62) Under canopy sign: A building sign which is mounted, attached or suspended perpendicular to the building, beneath an awning, canopy or marquee.
- (63) Vee-shaped sign: A building, free-standing, or off-premises sign which has two (2) faces that are not parallel to one (1) another.
- (64) Vehicular sign: Any sign or banner which is attached to or placed upon a parked motor vehicle or trailer and placed in a position or location for the sole purpose of displaying the same to the public.
- (65) Wall: An exterior vertical structure encompassing the area between the grade and the eaves of a building that encloses the building or that is an enclosure for the perimeter of a property.
- (66) Wall sign: a sign constructed parallel to, and extending not more than 24 inches from the building facade to which it is affixed. A sign that is projected onto a building facade (e.g. video projection, 3D projection mapping and other methods of casting images) is also a wall sign.
- (67) Window pane area: The glass area of a single window or door pane used for calculation of permitted sign area.
- (68) Window sign: Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within

fifteen (15) feet of the interior of a building glass area, including doors, or any interior illuminated signs or exposed unshielded light source.

- (69) Yard sign: A small temporary sign placed upon or supported by the ground independent of another structure but is not an A-frame sign.

Sec. 16-934. Applicability of other requirements.

Signs or other advertising structures shall be constructed and maintained in strict conformity with city building and electrical codes and all other applicable city regulations.

Sec. 16-935. Prohibited signs.

It shall be a violation of this chapter to construct, install, place, or maintain the following signs or advertising structures in this city, unless otherwise approved by the city:

- (1) Any signs or advertising structures which are not specifically permitted under this chapter or signs that exceed the sign allowance for the district.
- (2) Traffic or pedestrian hazard. Any sign or advertising structure which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or signs that obstruct or detract from the visibility of traffic-control devices or emergency vehicles. The use of flashing lights or revolving lights is prohibited as part of any sign as it constitutes a traffic hazard. Any sign which by glare or method of illumination constitutes a hazard to either vehicular or non-vehicular traffic is prohibited. Also prohibited is any sign which may be confused with or purports to be a governmental, traffic direction or safety sign, or any other sign or group of signs which create a traffic hazard as determined by the city.
- (3) Obscenities. Any sign or advertising structure with words, scenes or graphics which are obscene, indecent and prurient or which exhibit obscene or illegal written messages or materials.
- (4) Right-of-way. Any sign or advertising structure (other than those constructed by a governmental agency or required to be constructed by a governmental agency for a public purpose) constructed, installed or placed on the right-of-way of any street, road or public way, or signs overhanging or infringing upon the right-of-way of any street, road or public way, except as specifically permitted by this chapter.
- (5) Public property. Any sign or advertising structure constructed on city property or other governmental property other than signs constructed by any governmental entity for public purposes.

- (6) Ingress and egress to buildings. Any sign or advertising structure which is constructed, installed or maintained that obstructs any fire escape, required exit, window or door opening intended as a means of ingress or egress.
- (7) Rear of a building. Any sign or advertising structure which is constructed, installed or maintained upon the rear of a building, with the exception of signs to identify the business address on a rear exit door with no greater than six (6) inch non-illuminated letters with a minimum stroke width of one-half inch (1/2") located directly above the rear door, or as required by applicable fire safety regulations.
- (8) "A" frame signs.
- (9) Animated signs.
- (10) Banner signs. Any banner sign, with the exception of those banner signs that are granted a temporary use permit by the city.
- (11) Banner flag signs.
- (12) Off-premises signs.
- (13) Portable signs.
- (14) Projecting signs
- (15) Snipe signs.
- (16) Temporary signs, except as allowed under Division 4 of this article.
- (17) Vehicular signs.
- (18) Vee-shaped signs.
- (19) Abandoned signs.
- (20) Signs placed upon benches, bus shelters, or waste receptacles, except as may be authorized by the City of Greenacres or superseded by state statutes.
- (21) Under canopy signs, except as allowed as a part of an approved Master Sign Plan.
- (22) Exposed neon tubing, neon signs, and LED signs that emulate the general appearance of traditional neon signs.
- (23) Emitting signs.

(24) Roof signs.

(25) Any sign with an exposed unshielded light source which does not comply with the terms, conditions and provisions contained in this chapter.

(26) Painted wall signs.

(27) Hot or cold-air balloons, with the exception of those cold air balloons that are granted a temporary use permit. Inflatable shapes or figures with or without words or pictures.

(28) Electronic changeable copy signs, with the exception of the following, which may be displayed as set forth in this Article:

a. Time and temperature signs as allowed in section 16-983(b)(4);

b. Gas station price signs as allowed in section 16-983(b)(5);

c. Freestanding signs as allowed for government uses in section 16-983(b)(56);

d. Menu board signs as allowed in section 16-994.

(29) Copycat signs.

(30) Awning signs.

(31) Any sign not specifically permitted herein.

Sec. 16-936. Mandatory signs - no permit required.

(a) Address signs. All residential and nonresidential structures shall post the building address in a location viewable, readable, and unobstructed from the adjacent public or private right-of-way. The size of residential address numbers shall not be less than four (4) inches, or exceed six (6) inches in height, or as otherwise approved based on the setback from or width of the right-of-way. The size of nonresidential address numbers shall not be less than eight (8) inches or exceed twelve (12) inches in height, or as otherwise approved by the master sign plan based upon the specific height of the building to which the numbers and letters are attached, or setback from or width of the right-of-way. In cases where the building is not located within view from the public street or right-of-way, the address identifier (numerals) must be located on the mailbox or other suitable device such that it is visible from the street or right-of-way. Additionally, each tenant space shall have the address displayed directly above the entry door utilizing six (6) inch letters on contrasting background.

(b) Required Posting. Where a federal, state, or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state, or local law to exercise that authority by posting a sign on the property. If the federal, state, or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements; otherwise, when not defined, the sign shall be no larger than two (2) square feet and located in a place on the property to provide access to the notice that is required to be made.

(c) Official Notice. Official notices posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed by the property owner no more than ten (10) days after their purpose has been accomplished or as otherwise required by law.

Sec. 16-937. Window signs – Permit not required.

Window signs are allowed in non-residential districts subject to the following requirements:

(a) Window signs may be installed in each window or glass door area, so long as each sign does not exceed twenty-five per cent (25%) of the total window pane area.

(b) Neither flashing or strobe lights nor glass neon tubing outlining the window panel shall be allowed.

Sec. 16-938. Signs requiring sign permits.

All signs, other than mandatory signs as provided in section 16-936, window signs as defined in Section 16-933(68) and temporary signs as provided in Division 4 of this Article shall require sign permits issued under this Article and are subject to the district sign allowances and other regulations hereunder.

Sec. 16-939. Permit procedure.

The development and neighborhood services department shall establish procedures for the submission and processing of sign permit applications. Application forms and information concerning required supporting materials shall be made available on the department's website. The development and neighborhood services director, or his/her designee, may approve the application with or without conditions, or deny the application. No permit shall be issued until compliance with the requirements of this Article and all other applicable codes and regulations has been demonstrated. The decision of the director to approve or deny the permit shall be final.

Sec. 16-940. Maintenance, alteration and removal of signs.

(a) Any sign or sign structure constructed or installed under the provisions of this article shall be maintained in a safe, functional and sound structural condition at all times. General maintenance of such sign shall include the replacement of nonfunctioning, broken, or defective parts, painting, cleaning, and upkeep of the premises immediately surrounding the sign or advertising structure and any other action required for the maintenance of such sign or advertising structure. All signs and supporting structures shall be kept painted or treated in some manner to prevent rust, decay or deterioration.

(b) Any sign or advertising structure, existing on or constructed after the effective date of the ordinance from which this article was derived, shall be removed within thirty (30) days upon the

discontinuance of such business or sale of such product or service or shall be deemed abandoned.

- (c) If any sign or advertising structure is identified by the Building Official and/or Zoning Administrator as being unsafe, insecure, abandoned, a menace to the public, or has been constructed, installed or is being maintained in violation of the provisions of this article or any other applicable city code, the Code Enforcement Division shall issue a written notice of the violation to the violator and/or to the owner of the property upon which the sign or advertising structure is located. The violation shall be enforced through the provisions of section 2-72 and 2-72.1. Nonconforming signs shall be governed by the provisions of sections 16-942 and 16-943. Appeals of this subsection shall be to the special magistrate.

Sec. 16-941. Nonconforming signs.

- (a) Generally. Nonconforming signs are declared by this chapter to be incompatible to, and inconsistent with, land development and other permitted signs set forth within any particular zoning district. It is the intent of this section to allow those nonconforming signs to continue until they are removed under the terms of this chapter but not to encourage their survival.
- (b) Registration of nonconforming signs. The development and neighborhood services department shall establish a registry of nonconforming signs and an application process for nonconforming sign determination. Any person who wishes to establish the status of a nonconforming sign shall submit an application for determination of nonconforming sign status, together with supporting evidence demonstrating that the sign was a legally existing sign that became nonconforming as of the effective date of this Ordinance. The nonconforming status of the sign shall be determined by the development and neighborhood services director or his/her designee.
- (c) Expansion or relocation of nonconforming signs. No nonconforming sign or advertising structure shall be expanded or relocated unless such sign or advertising structure is brought into conformance with the provisions of this article or any other applicable City Code requirement.
- (d) Repairs and maintenance. Repairs and maintenance of nonconforming signs necessary to maintain health and safety only if the total amount expended for such repairs or maintenance over a one-year period does not exceed 50% of the value of the sign. If the costs of repair or maintenance exceed 50% of the value of the sign, a permit must be obtained and the sign brought into compliance.
- (e) Alteration of nonconforming signs. Only alterations involving message changes or changes in the information on the face(s) of existing nonconforming signs may be allowed, provided that a sign permit for the alterations is obtained. The issuance of a permit to change the message or information on a nonconforming sign shall not affect the nonconforming status or extend the amortization period for the sign.

Sec. 16-942. Amortization of Non-conformities.

Except as provided in paragraph (c) below, all non-conforming signs shall be brought into compliance within five (5) years, as follows:

- (a) Legally existing signs that become non-conforming as of the effective date of this Ordinance shall maintain legally non-conforming status for a period of five (5) years from the effective date of this Ordinance, with exceptions as herein contained. At the end of the five (5) year period, all signs not in compliance shall become illegal signs. It shall be unlawful for any sign owner not to be in compliance with the following amortization provisions, with exceptions as herein contained.
- (b) Within two (2) years of the effective date of this Ordinance, all owners of legally nonconforming signs are required to prepare and submit to the City a proposed Master Sign Plan in accordance to regulations herein.
- (c) Within three (3) years of the effective date of this Ordinance, all owners of legally nonconforming signs are required to have an approved Master Sign Plan in compliance with this Schedule. The Master Sign Plan shall address the amortization of nonconforming signs according to the time frames provided herein. The approval of the Master Sign Plan shall not extend the amortization period.
- (d) Within five (5) years of the effective date of this Ordinance, all legally nonconforming signs and their supporting structures shall be altered, and/or removed from the property.
- (e) *Special Amortization Requirements for Temporary Signs, Billboards.*
- (1) *Temporary Signs.* All legally existing temporary signs shall be in compliance with the provisions of this Schedule within ninety (90) days of the effective date of this Ordinance.
- (2) *Billboards.* The amortization period shall not apply to billboard signs that were lawfully constructed prior to the date of adoption of this code. These signs shall be permitted as legally nonconforming signs. Said signs shall be subject to below provisions regarding Maintenance and Repair of Nonconforming Signs.
- (f) *Annexation.* All nonconforming signs or sign structures within an area annexed into the city after the effective date of the Ordinance which do not conform to city code shall, within five (5) years of the effective date of annexation, be removed or rebuilt into a conforming configuration in the event of any renovation, remodeling, or reconstruction of an existing building or site requiring a Special Exception, or where the value of the construction work is equal to or more than twenty-five (25) percent of the value of the building as indicated by the Palm Beach County Property Appraiser.
- (g) *Unpermitted signs.* Any sign for which a required sign permit is not obtained shall be deemed an illegal sign and subject to immediate removal. Such sign shall not be afforded non-conforming status.

Sec. 16-943. Appeals procedure.

- (a) Any final decision concerning the interpretation or administration of this Article IV except for citations issued by the Code Enforcement Division, may be appealed to the planning & zoning board of appeals as provided in Article II, Division 3, section 16-85 of this Chapter.
- (b) Citations issued by the Code Enforcement Division for a sign or sign structure that is unsafe, insecure, abandoned, a menace to the public, or has been constructed, installed or is being maintained in violation of the provisions of this article or any other applicable city code may be appealed to the special magistrate as provided in Chapter 2, Article III, Division 2.

Secs. 16-944 – 946. Reserved.**DIVISION 2. GENERAL STANDARDS****Sec. 16-947. Computation of Sign Number and sign area.**

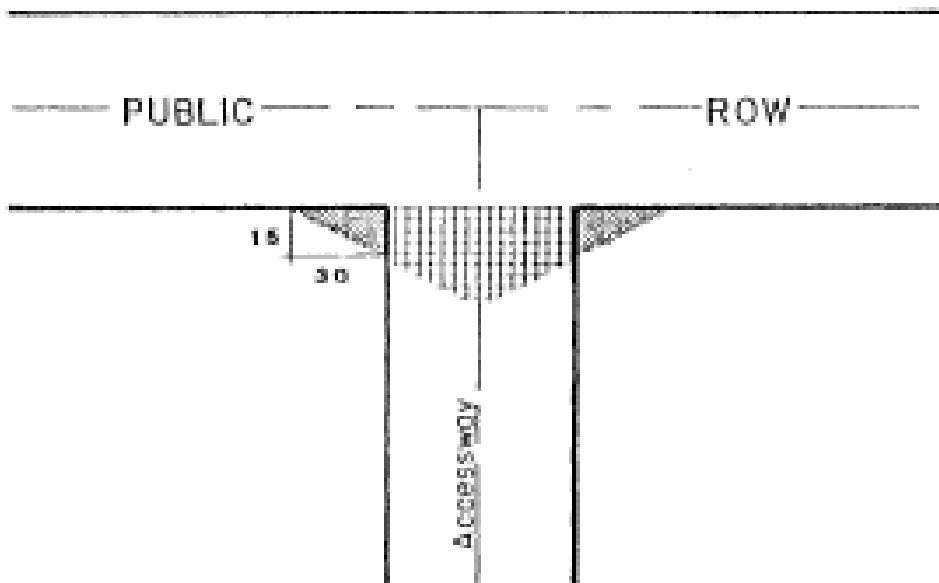
- (a) In determining the copy area of a sign, the entire face of the sign, including the advertising surface of any framing, trim or molding, shall be included. Should the sign structure or supports become part of the sign due to the design of the structure or supports in relation to the sign, such structure or supports shall be included in the determination of copy area.
- (b) In the instance where a sign is composed of letters only with no connection by the advertising structure between the letters, the copy area shall be determined by measuring the distance from the outside edges of the outside letters and from the top of the largest letter to the bottom of the lowest letter. Should one (1) letter be unequally large or small in comparison to the other letters composing the sign, the unequal letter shall be squared off, the remaining letters shall be measured from the outside edges, and the two (2) added for a total copy area determination.
- (c) Unless determined by the zoning district regulations, the allowable copy area of a sign shall be based on one (1) side of the sign. Double-faced signs may use up to the full amount of allowable copy area on each side, provided that both sides of the sign are parallel to one another and that the applicable zoning district regulations are not conflicting.
- (d) The minimum clearance of a sign shall be based upon the lowest point of any sign and the established grade of the site.
- (e) The utilization of natural berming, in order to increase the height of a pedestal sign, is permitted so long as such berming does not exceed two (2) feet in height above the grade of the site upon which the sign is to be located and the overall height of the sign, measured from the top of the berm does not exceed the maximum height permitted for a pedestal sign in the applicable zoning district regulations.

- (f) For the purpose of computing the number and area of signs, the frontages of lots shall be established by orientation of the main entrances of the buildings. If this method is not determinative, the Planning, Engineering & GIS Division shall determine frontages on the basis of traffic flow and access from adjacent streets. As defined herein, "frontage" faces the abutting public right of way; thus, internal shopping center roads are not frontage.

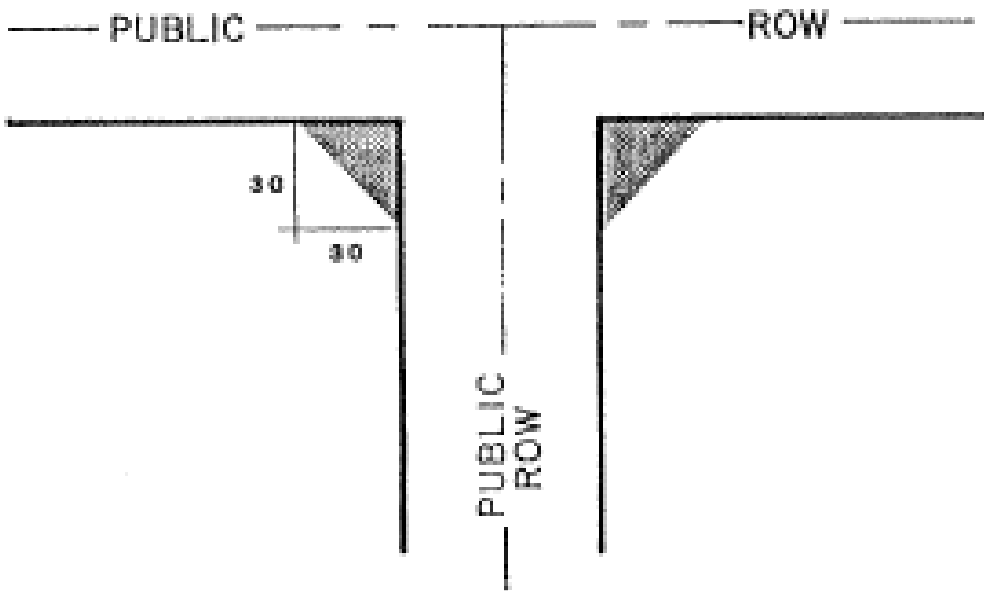
Sec. 16-948. Visibility triangle.

No sign or advertising structure shall be placed, constructed or maintained upon property in any visibility triangle area as described below:

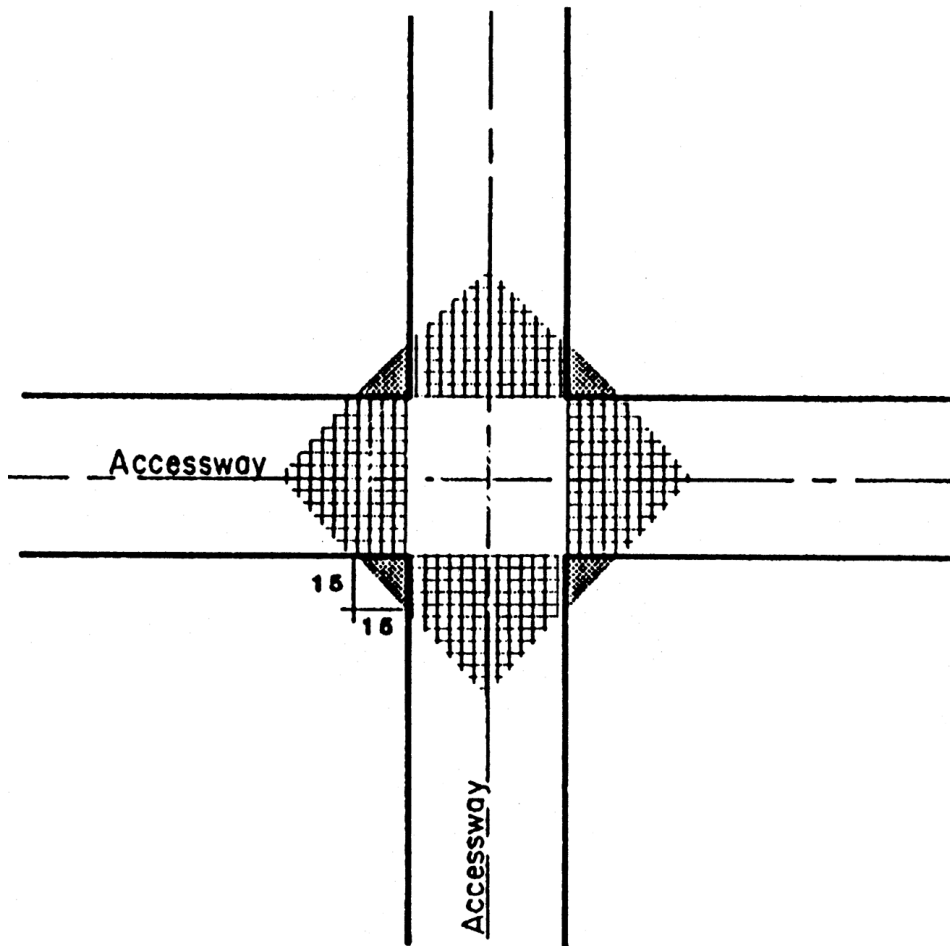
- (a) The area of property located at a corner formed by the intersection of two (2) public rights-of-way with two (2) sides of the triangular area, being a minimum of thirty (30) feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two (2) sides.



- (b) The area of property formed by the intersection of an accessway and a public right-of-way with one (1) side of the triangular area being thirty (30) feet in length along the public road right-of-way line measured from the edge of the accessway pavement and one (1) side of the triangle being fifteen (15) feet in length along the accessway pavement measured from the public road right-of-way line, and the third side being a line connecting the ends of the other two (2) sides.



(c) The area of property formed by the intersection of two (2) accessways with two (2) sides of the triangular area being a minimum of fifteen (15) feet in length along the accessway pavement, measured from their point of intersection, and the third side being line connecting the ends of the other two (2) sides.



(d) Traffic-control signs are exempt from the provisions of the visibility triangle.

Sec. 16-949. Hazard.

A sign shall not directly or indirectly create a traffic or fire hazard, interfere with the free and unobstructed use of streets, sidewalks or building entrances or obstruct clear vision at the intersection of any streets, drives, or public or private vehicular access ways or so that it may be confused with authorized traffic signs or devices.

Sec. 16-950. Setback.

All signs shall be set back a minimum of ten (10) feet from the property line, unless otherwise specified in this section, and shall provide a minimum clearance of two (2) feet from rights-of-way, curbs, and sidewalks, or a larger clearance if deemed necessary by the Planning, GIS and Engineering Division.

Sec. 16-951. Separation.

All signs not mounted to a building shall be separated from another sign on the same parcel by 200 feet.

Sec. 16-952. Lighting.

Lighting of permanent signs shall be white, non-glaring, directed away from adjoining properties, and shall be designed to avoid affecting the vision of drivers on adjacent roadways.

Sec. 16-953. Screening.

All mechanical and electrical elements of a sign shall be fully screened or concealed.

Sec. 16-954. Landscaping: All sign structures shall be landscaped to ensure that the base or foundation of the sign at the ground adjacent to the sign is properly screened. Landscaping shall be installed and maintained in a manner not to interfere with visibility of a sign and shall be installed prior to approval of a sign permit.

Sec. 16-955. Sign Height.

Sign height shall be measured from the average grade of surrounding property. Grades raised solely to increase sign height shall not be used to determine allowable height. Grade elevations raised as part of landscaping, berms, and approved entry features may be utilized to determine height.

Sec. 16-956. Mounting.

(a) Wall signs shall not be mounted to extend more than 24 inches from the face of the building, including wireways and other mounting structures...

(b) Wall signs shall not be mounted to, or extend above or below, the edge of any wall or above the parapet.

(c) Monument and ground signs shall be on a foundation or footing.

Secs. 16-957 – 16-958. Reserved.**DIVISION 3. MASTER SIGN PLANS.****Sec. 16-959. Master Sign Plan Required.**

(a) All commercial centers and plazas, multi-tenant buildings, and planned commercial or residential developments located within the city are required to submit and obtain approval for a Master Sign Plan. The approval of a Master Sign Plan by the city shall be required prior to the issuance of a sign building permit to install, alter, construct, construct, post, paint, maintain, or relocate any sign.

- (b) Sign Plan Compliance – Existing Developments. Whenever a sign owner desires to replace, alter, relocate a sign on a property, and/or perform sign repair and maintenance that is not in compliance with regulations governing same as specified in this Section herein, a Master Sign Plan in accordance with the provisions of this Section shall be prepared and submitted. Upon approval of the Master Sign Plan under this compliance provision, signs approved on the Master Sign Plan shall be brought into compliance in accordance to the amortization schedule specified herein.
- (c) Multi-tenant Sign Plan Compliance. When a Master Sign Plan is required for a multi-tenant development, and an individual sign owner(s) seeks a sign permit for any type of permanent sign, the property owner shall file a Master Sign Plan with the city in accordance to the provisions set forth in this Section within sixty (60) days of the sign permit being filed. Failure to file such a Master Sign Plan within the prescribed time frame shall be a violation of this section by the property owner. Sign permits may be withheld until a Master Sign Plan is submitted and approved.

Sec. 16-960. Master Sign Plan Approval Process.

- (a) A written application for a Master Sign Plan shall be submitted on forms provided by the development and neighborhood services department. The application shall be signed by the property owner and the applicant, shall include agent authorization for the applicant to represent the owner and shall include the application fee as established by the city council. It shall be the applicant’s burden of proof to satisfy all applicable requirements for the proposed request.
- (b) The development and neighborhood services department shall review the application. Once complete, the application shall be scheduled for the next available development review committee (DRC) meeting. The DRC shall provide consider each application and provide comments, if applicable. Once all comments have been adequately addressed by the petition, a memorandum shall be prepared explaining the request and containing any conditions of approval. It shall be signed by the development and neighborhood services director or his/her designee to indicate official approval and the memorandum and supporting documents placed into the property's file.
- (c) Sign Plan Required Elements. The Master Sign Plan shall include all signs to be installed within the property, including any out parcels to be and/or developed sharing common driveways and parking, and shall indicate, but not limited to, the following:
- (1) Location/placement of all monument, freestanding directional/information, and wall signs, window signs, including but not limited, to setback dimensions from property lines, spacing, etc.
 - (2) Size of each sign, indicating, but not limited to sign area, height, dimensions, area of changeable copy.
 - (3) Sign copy for each sign, including but not limited to logos, trademarks etc.
 - (4) Type of sign, including, but not limited to the type of lettering i.e. channel letters or cabinet style, color, materials, changeable copy area, etc.

(5) Type and manner of illumination, if any.

(6) Landscape plan indicating plant material and ground cover.

Sec. 16-961. Master Sign Plan Criteria.

In reviewing the Master Sign Plan, the Zoning Administrator shall determine if the following criteria have been met:

- (a) The signage for the project is in keeping with the overall architecture and character of the building development.
- (b) The signage for the project is designed to meet the directional needs of the project for communication, identification, way finding, regulatory and informational messages in keeping with the overall architectural theme of the development or project;
- (c) The signage proposed is legible, conspicuous, and easily readable;
- (d) The visibility and impact of the type of sign, number of signs, design, size, method of, construction, illumination and location of the proposed signs are in compliance with the minimum standards of this Section, and does not adversely impact adjoining properties, or create a hazard of health risk; and
- (e) The proposed signage is consistent and not in conflict with the intent and interests of the City of Greenacres, as stated in the policy adopting this code.

Sec. 16-962. Administrative variances from Master Sign Plan requirements.

- (a) In approving a Master Sign Plan, the Zoning Administrator may authorize limited administrative variances from applicable Code of Ordinance provisions as follows:
 - (1) An increase in the maximum sign height up to 20% of the permitted height for the zoning district the property is located;
 - (2) An increase of up to 25% in the number of signs allowed;
 - (3) Reasonable modification of the location of signs to accommodate unusual lot conditions;
 - (4) Inclusion of multiple multi-tenant signs; wall signs; pylon signs; and monument signs; and
 - (5) An increase in the maximum sign area no greater than 20% of the permitted sign copy area for the zoning district the property is located.
- (b) Any request for an administrative variance shall be considered based upon whether the following criteria are met:
 - (1) The variance is necessary because of practical difficulty peculiar to the land, structure or building involved and which is not applicable to other lands, structures and buildings in the same zoning district; or

- (2) The variance is necessary and appropriate due to unique architectural features of the proposed signage; and
- (3) The variance is the minimum variance necessary to alleviate the practical difficulty; and
- (4) The variance will be in harmony with the general intent and purpose of this Chapter and will not be injurious to the area involved or otherwise detrimental to the public welfare.

Sec. 16-963. Conditional Approval.

In issuing a Master Sign Plan, the Zoning Administrator may impose reasonable conditions on the Master Sign Plan relating to the design, materials, locations, placements, or orientations, and sign specifications; provided that such conditions are related to time, place and manner matters and does not attempt to regulate sign content. Reasonable conditions are conditions imposed on the Master Sign Plan that promote the purpose of this section and the approval criteria set out in Section 16.961(d).

Sec. 16-964. Amendment.

- (a) An approved Master Sign Plan may be amended upon application by the property owner and approval by the Zoning Administrator. An amendment application may seek to alter the design, materials, locations, placements, orientations, and specifications of a sign or signs designated within an approved master sign plan; provided the amendment does not attempt to increase the area or height of any freestanding or wall sign subject to the original master sign program by more than ten percent (10%).
- (b) To request an amendment the property owner shall submit a completed Master Sign Plan Amendment application, on such form as provided by the development and neighborhood services department, indicating what changes are desired, and shall include all supporting documents necessary to evaluate the request, similar to that which is required for a new approval.
- (c) The development and neighborhood services department shall review the proposed changes in comparison to the original approval, original conditions of approval and the Master Sign Plan approval criteria set forth in Section 16.961 (d).

Secs. 16-965 – 16-966. Reserved.

DIVISION 4 – TEMPORARY SIGNS

Sec. 16-967. General Standards

- (a) Temporary signs shall be constructed of durable, weatherproof material.
- (b) A temporary sign shall not directly or indirectly create a traffic or fire hazard, interfere with the free and unobstructed use of streets, sidewalks, or building entrances, or obstruct clear vision at

the intersection of any streets, drives, or public or private vehicular access ways or so that it may be confused with authorized traffic signs or devices.

- (c) All temporary signs shall be kept in good condition, present a neat appearance, and be maintained free of debris, stains, mold, discoloration, or deterioration.
- (d) All temporary signs shall be set back a minimum of ten (10) feet from the right-of-way line and side property lines, and must comply with section 9-67 (Visibility triangle).
- (e) Removal – Generally. Unless otherwise provided herein, all temporary signs posted in connection with an event, including an election, must be removed with three (3) business days after the event has concluded.
- (f) Removal - Hurricane Watch. Any temporary sign installed within the city shall be removed by the owner when a hurricane watch is posted. In the event that the owner does not remove the sign, the city is permitted to remove the sign and cite the owner as listed on the temporary use permit application. The city shall not be responsible for the replacement of such signage after a hurricane watch is discontinued.
- (g) Violations. The city shall have the right to remove any temporary signage in violation of this section. Any failure to comply with these regulations will result in the administrative suspension or revocation of the sign permit and/or enforcement proceedings pursuant to F.S. ch. 162. Notwithstanding the foregoing, the city may also pursue any remedy available under the law.

Section 16-968. Temporary signs –permit not required.

Except for those signs requiring temporary use permits as provided in Section 16-969, temporary signs do not require permits but are subject to the following limitations as to size, location and duration:

- (a) Temporary Non-commercial Signs Before an Election. For the period beginning sixty (60) days prior to a local, state or federal election, additional temporary signs will be allowed as follows:
- (1) On residential property: a maximum of one (1) sign per position or issue.
 - (2) On non-residential property, a maximum of one (1) sign per position or issue for each 200 linear feet of frontage.
 - (3) All signs posted under this subsection shall be removed within three (3) business days following the election.
- (b) Temporary Signs When Property Is Being Offered For Sale or Lease. One (1) temporary sign, totaling no more than three (3) square feet, may be located on a property:
- (1) When that property is being offered for sale or lease through a licensed real estate agent;
or
 - (2) If not offered for sale or lease through a licensed real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner.

(3) All signs posted under this subsection shall be removed within three (3) business days after the property ceases to be offered for lease or sale.

(c) Temporary Sign When a Property Being Offered for Sale or Lease Is Open to the Public: One (1) temporary sign, totaling no more than three (3) square feet, may be located on the owner's property on the day prior to and on the day(s) when a property owner is opening the property to the public.

(d) Maximum Sign Area per Temporary Sign: Unless otherwise specified in this chapter, any temporary sign must not be larger than three (3) square feet in residential districts and four (4) square feet in all other districts.

Sec. 16-969. Temporary signs – temporary use permit required.

The following temporary signs require a city temporary use permit as set forth in Article IV, Division 6.

(a) Banner Sign, Commercial:

(1) Upon application of the building owner, at any one time, a maximum of one (1) banner may be permitted for each commercial building and shall be mounted on a pole installed in the ground at least five (5) feet from the property line.. In no event shall the banner obstruct pedestrian walkways or be located within landscaping or vehicular circulation areas.

(2) Signs shall not exceed 10 feet in height, 18 inches in width, and a maximum sign area of 15 square feet.

(3) Sign placement is limited to a maximum of fourteen (14) consecutive calendar days, three (3) times per year per subject property.

(b) Building Banner Sign, Commercial.

(1) A maximum of one (1) banner per commercial building with a maximum sign area of 32 square feet. Signs shall be securely fastened to the building facade and shall not extend above the roofline or parapet.

(2) Banner placement is limited in duration to no more than twenty (20) days, which shall run consecutively and include the date of the event or activity to which they relate, or the first twenty (20) days after an opening of a new business, commencing on the date of business tax receipt issuance.

(c) Human signs (living signs). Upon the issuance of a permit, a human sign may be allowed on the premises of the property that is being advertised, set back at least eight (8) feet interior of the property line, along the right-of-way immediately adjacent to the property. A business is permitted a living or human sign for a maximum of three (3) times per calendar year for no more than seven (7) consecutive days for each instance. The sign area shall not exceed three (3) square feet in size, and the living or human sign shall not be permitted off site, within the right-of-way, or closer than eight (8) feet from the right-of-way immediately adjacent to the property being advertised. Any failure to comply with these regulations will result in the administrative suspension or revocation of the sign permit and/or enforcement proceedings pursuant to F.S. ch.

162. Notwithstanding the foregoing, the city may also pursue any remedy available under the law.

(d) Construction signs. A maximum of one (1) construction sign per development street frontage may be constructed as a free-standing sign with a maximum height of eight (8) feet and set back at least ten (10) feet from all property lines.

(1) All construction signs shall be removed within seven (7) days from the issuance of a certificate of occupancy (CO) or certificate of completion (CC).

(2) In residential districts, the maximum sign area for construction signs shall be sixteen (16) square feet. In all other districts, the maximum sign area shall thirty-two (32) square feet.

Secs. 16-970 – 16-980. Reserved.

DIVISION 5. SIGN REGULATION BY ZONING DISTRICT.

Sec. 16-981. Generally.

Signs requiring sign permits are subject to the following regulations governing the number of signs, maximum sign area, placement, and other standards according to zoning district and/or use.

Sec. 16-982. Bulletin board signs.

Educational, governmental, religious, or institutional uses in all zoning districts may construct a maximum of one (1) freestanding sign per subject property, with a maximum of twelve (12) square feet of sign area, to serve as a bulletin board. Bulletin board signs shall not exceed six (6) feet in height.

Sec. 16-983. Identification signs.

(a) Residential districts.

(1) In residential districts, non-residential uses are allowed one (1) identification wall sign.

(2) For planned residential developments and subdivisions, one free-standing sign per major access is allowed. Two (2) signs with one (1) copy side each may be permitted in place of a single sign with two (2) copy areas.

(b) Non-residential districts. Except as provided in subsections (1), (2) and (3) below, in commercial and other non-residential districts, one (1) free standing sign and one (1) wall sign shall be allowed per frontage, provided that the signs are not located within two hundred (200) feet of each other on the same lot as measured along the frontage line.

- (1) For single-use stores with over forty thousand (40,000) sq. ft. of floor area, three (3) wall signs with copy area not to exceed the maximum copy area allowed.
- (2) Multi-tenant commercial properties are allowed one (1) freestanding sign per frontage and one (1) wall sign per tenant space.
- (3) Outparcels and outbuildings within a unified development are allowed one (1) free-standing monument sign with a maximum height of eight (8) feet and with a maximum copy area of forty (40) sq. ft. per sign face.
- (4) Time and temperature signs not exceeding two (2) feet in height, located in the bottom portion of the sign, may be included as an integral part of the identification sign copy area in CG districts for banks and financial institutions with drive-thrus.
- (5) Electronic changeable copy gas station price signs not exceeding twelve (12) square feet may be included as an integral part of the freestanding sign copy area for gas stations located in the CG and CI districts provided they are LED style and the sign copy is only for fuel prices.
- (6) Electronic changeable copy signs for Government users are limited to messages that serve a public purpose and are not permitted to promote commercial messages of any kind. No advertising for off-site businesses is permitted in any form.

(c) General provisions – wall signs.

- (1) There shall be a minimum separation of three (3) feet between wall signs.
- (2) Side wall building signage shall not exceed fifty (50) percent of max. sq. ft. of allowable building sign copy area, or twenty-five (25) percent of max. sq. ft. of allowable building signs copy area when adjacent to residential parcels.
- (3) All wall signs shall be no closer than twelve (12) inches from the side lines of the premises storefront and six (6) inches to the top and bottom of the premises sign area.
- (4) The height of any wall sign cannot exceed the top elevation of the structure.
- (5) Building signs shall be consistent in color with those of the freestanding sign.
- (6) Unless otherwise approved as part of the Master Sign Plan, site and development plan approval, or as necessary to maintain consistency with the majority of the existing signs in the plaza, wall signs shall be internally illuminated with individual channel letters or reverse channel letters. The trim cap and returns of the building wall sign shall be the same color as the letters and the illumination shall be with clear neon or LED tubing. No raceways or box signs will be permitted. A maximum of fifty (50) percent of the area of each wall sign may incorporate a logo of any color, the logos shall not exceed the total height of the sign on the building and shall meet the requirements of distance from the premise area.

(d) General provisions – freestanding signs.

- (1) Free-standing identification signs shall be designed as monument signs, and oriented perpendicularly to the frontage on which they are situated. The maximum height for free-standing signs shall be eight (8) feet except as otherwise provided in this Chapter.
- (2) Free-standing signs must be located within the general area of the major vehicular access points, and must include the name of the development prominently displayed. Free-standing

identification signs for commercial developments must also include the full range of street addresses located onsite (this will not be included as part of the copy area).

- (3) Freestanding signs shall be consistent in color with those on the building. All freestanding signs shall be designed with an opaque background, so that light or a light source cannot penetrate through the sign with the exception of through the letters and logo associated with said sign. The architectural design shall be consistent with the design of the building, sharing materials, colors, and design motifs.
- (4) Free-standing monument signs may include a leasing sign not exceeding twelve (12) square feet incorporated into the base of the monument sign. Letter size shall be no less than five (5) inches using no more than two (2) colors and consistent with the design of the rest of the sign.

(e) All signage located within any development shall maintain architectural consistency with itself, as well as with all structures, located onsite. The development may get a master sign program approval which incorporates multiple colors, fonts, and logos provided it is included in part of a theme that provides architectural consistency for the project as a whole and is formally approved by the city.

Sec. 16-984. Memorial signs.

In the AR, RE, RL, RM, RH, and GU districts, each parcel may have one (1) memorial sign with a maximum of five (5) square feet of sign area and not exceeding six (6) feet in height may be constructed. These signs shall be set back no less than twenty (20) feet from any property line.

Sec. 16-985. Home Occupation Signs.

In any residential district, one (1) home occupation identification sign not exceeding two (2) square feet may be placed on the wall next to the primary entrance of any single family or two-family dwelling unit in which a home occupation is lawfully conducted.

Secs. 16-986 – 16-988. Reserved.

Sec. 16-989. Traffic-control signs.

Freestanding signs for traffic control purposes may be placed in all zoning districts subject to the following:

- (a) Traffic-control directional signs designating parking area entrances and exits are limited to two (2) signs not exceeding three (3) feet in height for each entrance and exit abutting a street, and each sign shall not exceed three (3) square feet of copy area and include the words "enter," "exit," "one-way," or a directional arrow.
- (b) Traffic-control signs shall be reviewed for location placement by the Development and Neighborhood Services Department, and shall be in general conformance with the Manual on Uniform Traffic-control Devices for Streets and Highways.

Sec. 16-990. Directory signs.

One (1) directory sign per major vehicular access may be constructed as either a wall sign or a free-standing sign with a maximum height of six (6) feet. Directory signs shall be set back at least twenty (20) feet from the front and ten (10) feet from the side-corner property line. The maximum sign area for directory signs in mixed use districts shall be twelve (12) square feet. In all other districts the maximum sign area shall be sixteen (16) square feet, except for planned commercial developments which may have directory signs with a sign area of up to a maximum of thirty-two (32) square feet.

Secs. 16-991 – 16-992. Reserved.**Sec. 16-993. Under canopy signs.**

Under canopy signs are allowed only in CN, CG and CI districts as a part of the Master Sign Plan. One (1) sign with a maximum copy area of six (6) square feet is allowed per tenant. All signs must have a minimum vertical clearance of nine (9) feet.

Sec. 16-994. Menu board signs.

In the CG and CI districts, one (1) menu board sign per fast-food restaurant drive-thru lane with a maximum of thirty-eight (38) square feet of copy area, no more than six (6) feet in height, may be constructed, subject to the following conditions:

- (a) Menu boards shall only be internally back-lit.
- (b) Menu boards shall not contain more than one (1) square foot of copy area of corporate or company identification.
- (c) No additional add-ons to the menu board shall be permitted.
- (d) Menu boards shall not be visible from any public right-of-way.
- (e) An additional six (6) square feet of copy area may be permitted for use as an LCD screen.

Secs. 16-9955 – 16-1000. Reserved.

SECTION 4. Repeal of Conflicting Ordinances. All other ordinances or parts thereof or parts of the Code conflicting or inconsistent with this ordinance are hereby cancelled, repealed or revised to be consistent with provisions and elements of this Ordinance.

SECTION 5. Severability. As more fully set forth in Section 16-932 of this ordinance, if any section, part of a section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this ordinance and it shall be construed to have been the legislative intent to pass the ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances,

SECTION 6. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

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 provide a comprehensive update of the City’s sign code, which over the last decade has only been amended for specific reasons. The proposed amendments are designed to ensure that the City’s sign code will withstand constitutional challenge in light of the *Reed v. Town of Gilbert* decision and related case law. The proposed text amendments include express findings to clarify that the intent and purpose of the sign regulations is not to regulate or censor speech, but to promote the public health, safety and welfare through reasonable “time, place and manner” regulations. To this end, the regulations have been revised to remove content-based criteria while continuing to regulate the physical and aesthetic characteristics of signage. The proposed amendments also include a new amortization schedule that allows a reasonable time period for the elimination of existing non-conforming signs, reducing visual clutter. In addition, new regulations are proposed to codify the Master Sign Plan requirement for certain large developments, which promotes the coordination and harmonious appearance of signage on those properties. Finally, the sign code has been reorganized and restructured to improve clarity and ease of use.

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

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

IV. Staff Analysis:

The Development Review Committee Staff met on July 12, 2022, to discuss the proposed amendment. No objections were received.

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

IV. Staff Recommendation:

Approval of ZTA- 22-09 through the adoption of Ordinance 2022-25.

PLANNING ZONING BOARD OF APPEALS RECOMMENDATION – August 11, 2022

The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Vice Chair Litkowsky, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-22-09** as presented by staff.

CITY COUNCIL ACTION First Reading – September 14, 2022

The City Council on a motion made by Council Member Tharp and seconded by Council Member Bousquet, by a vote of four (4) to zero (0) recommended approval of Zoning Text Amendment **ZTA-22-09** as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – September 28, 2022



ITEM SUMMARY

MEETING DATE: September 28, 2022
FROM: Andrea McCue, City Manager, Administration
SUBJECT: Ordinance 2022-26 DROP Option Plan for Public Safety Officers

BACKGROUND

On February 1, 2016, sworn law enforcement officers of the City became employees of the Palm Beach Sheriff's Office (PBSO). At that time, some officers elected to continue to participate in the City's Retirement Plan after becoming PBSO employees.

ANALYSIS

The City has agreed to amend the Retirement Plan to provide for a Deferred Retirement Option Plan (DROP) for sworn law enforcement officers of the City who continued to participate in the plan after becoming PBSO employees.

The City Council approved Ordinance 2022-26 on second reading on September 28, 2022.

FINANCIAL INFORMATION

To ensure no cost to the City the plan has been amended to provide that should the City's minimum required pension contribution exceed the amount of the PBSO employer contributions to the City Retirement Plan in any plan year based on the most recent actuarial valuation for the Plan, the City may use the Contribution Reserve Account to cover the shortfall.

LEGAL

The City's Pension Attorney has prepared the Ordinance and all supporting documents.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2022-26 on second reading.

ORDINANCE NO. 2022-26

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 10, PERSONNEL, ARTICLE IV, RETIREMENT, PENSIONS AND OTHER EMPLOYEE BENEFIT PROGRAMS, DIVISION 3, RETIREMENT SYSTEMS AUTHORIZED, SEC. 10-148 ENTITLED “PUBLIC SAFETY OFFICERS AND FIREFIGHTERS RETIREMENT PLAN AND TRUST”; AMENDING THE FLORIDA MUNICIPAL PENSION TRUST FUND DEFINED BENEFIT PLAN AND TRUST ADOPTION AGREEMENT TO PROVIDE FOR A DEFERRED RETIREMENT OPTION PLAN FOR THOSE PUBLIC SAFETY OFFICERS WHO CONTINUED TO REMAIN MEMBERS OF THE CITY’S RETIREMENT PLAN AFTER BECOMING PBSO EMPLOYEES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, as set forth in Section 10-148 of the City’s Code of Ordinances, the City established a retirement plan and trust for the public safety officers/sworn law enforcement officers and firefighters of the City on January 1, 1996 (“Retirement Plan” or “Plan” or “City Retirement Plan”), which included as Exhibit “B-3” the Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement with attachments (the “Adoption Agreement”); and

WHEREAS, the Adoption Agreement authorizes the City Council to amend the Plan and Trust Agreement, in whole or in part, either retroactively or prospectively, by delivering to the Board of Trustees of the Retirement Plan a written amendment to the same; and

WHEREAS, on February 1, 2016, sworn law enforcement officers of the City became employees of the Palm Beach Sheriff’s Office (PBSO). At that time, some officers elected to continue to participate in the Retirement Plan after becoming PBSO employees; and

WHEREAS, to City desires to amend the Retirement Plan to provide for a Deferred Retirement Option Plan (“DROP”) for sworn law enforcement officers of the City who continued to participate in the Retirement Plan after becoming PBSO employees; and

WHEREAS, in order to implement such a DROP plan, the City must adopt an ordinance amending Section 10-148 of the City Code and the documents referred to therein.

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

SECTION 1. That Chapter 10, Article IV, Division 3, Section 10-148, of the Greenacres City Code entitled “Public Safety Officers and Firefighters Retirement Plan and Trust” is hereby amended as follows:

ARTICLE IV. RETIREMENT, PENSIONS AND OTHER EMPLOYEE BENEFIT PROGRAMS

Sec. 10-148. Public Safety Officers and Firefighters Retirement Plan and Trust.

(a) A retirement plan and trust for the firefighters and public safety officers of the City of Greenacres is hereby established, effective the 1st day of January 1996. The instruments which represent the terms of said plan and trust include the Florida Municipal Pension Trust Fund Trust Joinder Agreement (exhibit “A”), Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement (exhibit “B-3” including the Amendment No. 2 3 to the Share Plan - attachment 1, and Amendment No. 1 to the Retirement Plan Changes for Sworn Law Enforcement Officers Effective February 1, 2016 – attachment 2), the Florida Municipal Pension Trust Fund Defined Benefit Plan Document, (exhibit “C”), the Florida Municipal Pension Trust Fund, Master Trust Agreement (exhibit “D-1”) and the Investment Policy (exhibit “E”), and will be and remain exhibits to this section,

remanded to the custody of the city clerk who will maintain such for public inspection.

SECTION 2. The Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement is hereby amended to include a DROP program for sworn law enforcement officers of the City who continued to participate in the Retirement Plan after becoming PBSO employees as further set forth in the document attached to this Ordinance as Exhibit “1” and incorporated herein.

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. Inclusion in Code

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

SECTION 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

Ordinance No. 2022-26 | DROP Option Plan for Public Safety Officers
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of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 6. Effective Date

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 14th day of September 2022.

PASSED AND ADOPTED on the second reading this 28th day of September 2022.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, District II

Voted:
Judith Dugo, Council Member, District III

Voted:
Susy Diaz, Council Member, District IV

Voted:
Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: September 28, 2022
FROM: Andrea McCue, City Manager, Administration
SUBJECT: Ordinance 2022-30 Banning Smoking in Parks

BACKGROUND

Section 386.209, Florida Statutes preempted the regulation of smoking to the State and prohibited cities and counties from regulating smoking in local parks.

ANALYSIS

Effective July 1, 2022, the Florida legislature amended section 386.209, to allow cities to restrict smoking in local parks which are within the jurisdiction of the cities and provided for the cities to restrict smoking in county-owned parks within the City's boundaries if the county does not have a conflicting ordinance. The only exception to the amendment is that a city cannot restrict the smoking of unfiltered cigars.

The City Council approved Ordinance 2022-30 on first reading on September 14, 2022.

FINANCIAL INFORMATION

There will be a minimal cost for updating of City signs.

LEGAL

The City Attorney prepared the Ordinance in compliance with state statutes.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2022-30 on second reading.

ORDINANCE NO. 2022-30

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 11, STREETS, SIDEWALKS AND OTHER PLACES, ARTICLE IV, CITY PARKS, BY CREATING A NEW SECTION 11-76 TO BE ENTITLED, "SMOKING AND VAPING PROHIBITED IN PARKS"; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

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

WHEREAS, under section 386.209, Florida Statutes, the State legislature preempted the regulation of smoking to the State and prohibited cities and counties from regulating smoking within local parks; and

WHEREAS, effective July 1, 2022, the Florida legislature amended section 386.209, Florida Statutes, to allow cities to restrict smoking in local parks which are within the jurisdiction of the cities; and

WHEREAS, the Legislature's amendment also allows for a city to restrict smoking in a county-owned park that is within a city's boundaries if the county does not have a conflicting ordinance; and

WHEREAS, the only exception to the Legislature's amendment to section 386.209, Florida Statutes, is that a city cannot restrict the smoking of unfiltered cigars; and

WHEREAS, as noted in the reports cited in the staff analysis for HB 105 (2022) which amended section 386.209, Florida Statutes, (and which are incorporated herein by reference) secondhand smoke can cause numerous health problems and has been causally linked to cancer and other fatal diseases; and

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WHEREAS, the City Council for the City of Greenacres finds that the harmful impact of secondhand smoke in the City's parks is detrimental to park users and should be banned to the greatest extent allowed by 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 and serves a valid public purpose.

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

SECTION 1. The foregoing recitals are incorporated into this Ordinance as true and correct findings of the City Council including, without limitation, the reports cited in the staff analysis for Florida HB 105 (2022) which amended section 386.209, Florida Statutes.

SECTION 2. Chapter 10, entitled, "Streets, Sidewalks and Other Public Places", Article IV, entitled, "City Parks", of the City of Greenacres Code of Ordinances is hereby amended by creating a new section 11-76 to be entitled, "Smoking and Vaping Prohibited in Parks", to read as follows:

Sec. 11-76. – Smoking and Vaping Prohibited in Parks.

- (a) Definitions. For the purposes of this section, the following terms shall have the meanings given. Words not otherwise defined shall have the meaning set forth in Part II, Chapter 386, Florida Statutes (the Florida Clean Air Act), or shall be construed to mean the common and ordinary meaning.

"Smoking" means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product. However, "unfiltered cigars" shall be exempt from this definition of smoking.

"Vape" or "vaping" means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

- (b) Prohibition. A person is prohibited from smoking and/or vaping in a park located within the city. This prohibition includes a park that is owned by Palm Beach County

Ordinance No. 2022-30 | SMOKING AND VAPING PROHIBITED IN PARKS

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but within the boundaries of the city unless Palm Beach County has an ordinance authorizing smoking and/or vaping within that County owned park.

- (c) Enforcement. This section may be enforced by the city's code enforcement division and/or the city's law enforcement agency. Enforcement may include, but is not limited to, enforcement through city code enforcement, city civil citation, county court citation, and/or any other enforcement proceeding available to the city.
- (d) Penalties. The penalty for violation of this section shall be the maximum penalty or penalties permitted by applicable law.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances or parts thereof or parts of the Code conflicting with the provision of this Ordinance are hereby repealed to the extent of the conflict.

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. Inclusion in Code

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

SECTION 6. Effective Date

The provisions of this Ordinance shall become effective upon adoption.

(Remaining page is intentionally left blank)

Passed on the first reading this 14th day of September 2022.

PASSED AND ADOPTED on the second reading this 28th day of September 2022.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, District II

Voted:

Judith Dugo, Council Member, District III

Voted:

Susy Diaz, Council Member, District IV

Voted:

Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Ordinance No. 2022-30 | SMOKING AND VAPING PROHIBITED IN PARKS
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Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: September 28, 2022

FROM: Scott H. Wood, Building Official

SUBJECT: **Ordinance 2022-28**
Amending Floodplain Management Ordinance

BACKGROUND

The ordinance is mandated by the State Floodplain Management Office (SFMO) for cities participating in the National Flood Insurance Program (NFIP). The NFIP is managed by FEMA and is delivered to the public through a network of more than 50 insurance carriers as well as FEMA directly.

Through the NFIP the City is given a rating through the Community Rating System (CRS), currently a Class 9.

Class 6 through 9 communities undergo a verification visit every five years by ISO/CRS to determine compliance, and improvements, if any. The proposed amendments are to ensure that our Floodplain Ordinance is up to the current standard required by the SFMO.

The City has had many iterations of a Floodplain ordinance, the most recent being adopted in 2016 when the State Model Floodplain Ordinance was adopted.

There are only a few minor changes proposed to the current Ordinance.

- Accessory structures in the regulatory floodway shall comply with the ordinance
- Newly installed manufactured homes shall be at an elevation of one foot above Base Flood Elevation, as determined by the current floodplain maps provided by FEMA
- Changes to the way Market Value is calculated, where land value is no longer included in the calculation

The proposed changes were sent to us by the SFMO, reviewed by staff and legal, and is recommended for approval.

ANALYSIS

Approval of this ordinance will provide for higher building elevations and improve our CRS rating from a Class 9 to a Class 8, providing an additional decrease in flood insurance premiums from 5% to 10%. This approval of this ordinance is mandatory if we wish to continue to participate in the NFIP and CRS.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2022-28 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed by the State Floodplain Management Office and the City Attorney.

STAFF RECOMMENDATION

Approval of amending Chapter 4, Article III to comply with the requirements of the State Floodplain Management Office (SFMO) through the adoption of Ordinance 2022-19.

ORDINANCE NO. 2022-28

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 4 “BUILDINGS AND BUILDING REGULATIONS,” ARTICLE III “FLOODPLAIN MANAGEMENT” TO PROVIDE FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO ADDRESS MARKET VALUE AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 - Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Greenacres (the “City”) participates in the National Flood Insurance Program and participates in the NFIP’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 9, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for the City to qualify for a higher CRS rating in the future, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the City Council has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for non-elevated wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy; and

WHEREAS, the City Council has determined that it is in the public interest to amend the floodplain management regulations to better protect manufactured homes and to continue participating in the Community Rating System at the current class rating or better; and

WHEREAS, the City Council wishes to update other provisions of the City's Floodplain Management to help meet the minimum prerequisites for the class rating of Class 8 which will better serve the health, safety, and general welfare of the residents of the City.

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

SECTION 1. LEGISLATIVE FINDINGS, INTENT AND PURPOSE.

The whereas clauses contained herein are legislatively determined to be true and correct and are incorporated herein and represent the legislative findings of the City Council. It is the purpose and intent of this ordinance to promote the health, safety, and general welfare of the residents of the City.

SECTION 2. AMENDMENTS.

Chapter 4, entitled "Buildings and Building Regulations," Article III "Floodplain Management," is hereby amended as follows (as shown in ~~striketrough~~ and underline format):

CHAPTER 4 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE III - FLOODPLAIN MANAGEMENT

DIVISION 1 - ADMINISTRATION

Section 4-40 - General

Sec. 4-40.1 - Title.

These regulations shall be known as the Floodplain Management Article of the City of Greenacres, hereinafter referred to as "this article".

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-40.2 - Scope.

The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-40.3 - Intent.

The purposes of this article and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-40.4 - Coordination with the Florida Building Code.

This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-40.5 - Warning.

The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-40.6 - Disclaimer of liability.

This article shall not create liability on the part of the City Council of the City of Greenacres or on any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-41 - Applicability

Sec. 4-41.1 - General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-41.2 - Areas to which this article applies.

This article shall apply to all flood hazard areas within the City of Greenacres, as established in section 4-41.3 of this article.

Sec. 4-41.3 - Basis for establishing flood hazard areas.

The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated October 5, 2017, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the office of the city clerk.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16; Ord. No. 2017-11, § 1, 8-7-17, eff. 10-5-17)

Sec. 4-41.3.1 - Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to section 4-44 of this article, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as a flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as a special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-41.4 - Other laws.

The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-41.5 - Abrogation and greater restrictions.

This article supersedes any article in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing articles including but not limited to land development regulations, zoning articles, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this article and any other article, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-41.6 - Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-42 - Duties and Powers of the Floodplain Administrator

Sec. 4-42.1 - Designation.

The building official is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-42.2 - General.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to section 4-46 of this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-42.3 - Applications and permits.

The floodplain administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;

- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-42.4 - Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage"; and improvements and repairs as specified in the definition of "substantial improvement"; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this article is required.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-42.5 - Modifications of the strict application of the requirements of the Florida Building Code.

The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 4-46 of this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-42.6 - Notices and orders.

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-42.7 - Inspections.

The floodplain administrator shall make the required inspections as specified in section 4-45 of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-42.8 - Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 4-42.4 of this article;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this article and the Florida Building Code to determine that such certifications and documentations are complete; and
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Greenacres are modified.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-42.9 - Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public

inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at office of the City Clerk at the City of Greenacres City Hall.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-43 - Permits

Sec. 4-43.1 - Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-43.2 - Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-43.2.1 - Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in Section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.

- (5) Those structures or facilities of electric utilities, as defined in Section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in Section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-43.3 - Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the City of Greenacres. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in section 4-44 of this article.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the floodplain administrator.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-43.4 - Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other article of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-43.5 - Expiration.

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-43.6 - Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other article, regulation or requirement of the city.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-43.7 - Other permits required.

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The South Florida Water Management District; Section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055, F.S.
- (4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (5) Federal permits and approvals.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-44 - Site Plans and Construction Documents

Sec. 4-44.1 - Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with section 4-44.2(2) or (3) of this article.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on

the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with section 4-44.2(1) of this article.

- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-44.2 - Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-44.3 - Additional analyses and certifications.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 4-44.4 of this article and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 4-44.4 of this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-44.4 - Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-45 - Inspections

Sec. 4-45.1 - General.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-45.1.1 - Development other than buildings and structures.

The floodplain administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-45.1.2 - Buildings, structures and facilities exempt from the Florida Building Code.

The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-45.1.2.1 - Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 4-44.2(3)(b) of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-45.1.2.2 - Buildings, structures and facilities exempt from the Florida Building Code, final inspection.

As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 45.1.2.1 of this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-45.1.3 - Manufactured homes.

The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-46 - Variances and Appeals

Sec. 4-46.1 - General.

The building board of adjustments and appeals shall hear and decide on requests for appeals and requests for variances from the strict application of this Article. Pursuant to Section 553.73(5), F.S., the building board of adjustments and appeals shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-46.2 - Appeals.

The building board of adjustments and appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision of the building board of adjustments and appeals may appeal such decision to the Circuit Court, as provided by Florida Statutes.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-46.3 - Limitations on authority to grant variances.

The building board of adjustments and appeals shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 4-46.6 below, the conditions of issuance set forth in section 4-46.7 below, and the comments and recommendations of the floodplain administrator and the building official. The building board of adjustments and appeals has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-46.3.1 - Restrictions in floodways.

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 4-44.3 of this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-46.4 - Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-46.5 - Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance meets the requirements of section 4-46.3.1, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-46.6 - Considerations for issuance of variances.

In reviewing requests for variances, the building board of adjustments and appeals shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-46.7 - Conditions for issuance of variances.

Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;
- (2) Determination by the building board of adjustments and appeals that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

- (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and articles; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
 - (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-47 - Violations

Sec. 4-47.1 - Violations.

Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-47.2 - Authority.

For development that is not within the scope of the Florida Building Code but that is regulated by this article and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-47.3 - Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

DIVISION 2 - DEFINITIONS

Section 4-48 - General

Sec. 4-48.1 - Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article, have the meanings shown in this division.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-48.2 - Terms defined in the Florida Building Code.

Where terms are not defined in this article and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-48.3 - Terms not defined.

Where terms are not defined in this article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-49 - Definitions

[Sec. 4-49.1 - Definitions.]

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

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is limited to parking and storage incidental to the use of the principal structure.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this article.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202 see "Basement (for flood loads)".]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet. [Also defined in FBC, B, Section 202.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before August 8, 2016. [Also defined in FBC, B, Section 202.]

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 8, 2016.~~

~~*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this article (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this article.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (1) *Letter of Map Amendment (LOMA).* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2) Letter of Map Revision (LOMR). A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.>

(3) Letter of Map Revision Based on Fill (LOMR-F). A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) Conditional Letter of Map Revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market.~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser,~~ is the Actual Cash Value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this article and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of

construction" commenced on or after August 8, 2016 and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 8, 2016~~

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in Section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See in Section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the 5-year

period begins on the date of the first improvement or repair of that building or structure subsequent to August 8, 2016. If the structure has sustained "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include [Also defined in FBC, B, Section 202.] any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

Variance. A grant of relief from the requirements of this article, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this article or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

DIVISION 3 - FLOOD RESISTANT DEVELOPMENT

Section 4-50 - Buildings and Structures

Sec. 4-50.1 - Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to section 4-43.2.1 of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 4-56 of this article.

Sec. 4-50.2 – Florida Building Code technical amendments.

(1) The Florida Building Code, Building, Section 202, is amended as follows:

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 5-year period begins on the date of the first improvement or repair of that building or structure subsequent to August 8, 2016. If the structure has sustained substantial damage, any repairs

are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(2) The Florida Building Code, Existing Building, Section 202, is amended as follows:

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code, any combination of repair, reconstruction, rehabilitation, alteration, addition, or improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 5-year period begins on the date of the first improvement or repair of that building or structure subsequent to August 8, 2016. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Sec. 4-50.3 – Non-elevated accessory structures.

Accessory structures are permitted below elevations required by the Florida Building Code provided the accessory structures are used only for parking or storage and:

- (1) Are one-story and not larger than 600 sq. ft.
- (2) Have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

(4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.

(5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-51 - Subdivisions

Sec. 4-51.1 - Minimum requirements.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-51.2 - Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 4-44.2(1) of this article; and
- (3) Compliance with the site improvement and utilities requirements of section 4-52 of this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-52 - Site Improvements, Utilities and Limitations

Sec. 4-52.1 - Minimum requirements.

All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-52.2 - Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-52.3 - Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-52.4 - Limitations on sites in regulatory floodways.

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 4-44.3(1) of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-52.5 - Limitations on placement of fill.

Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-53 - Manufactured Homes

Sec. 4-53.1 - General.

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-53.2 - Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this article. ~~Foundations for manufactured homes subject to section 4-53.4.2 are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-53.3 - Anchoring.

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-53.4 - Elevation.

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with section 4-53.4.1 or 4-53.4.2 of this article, as applicable.~~

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

~~Sec. 4-53.4.1 - General elevation requirement.~~

~~Unless subject to the requirements of section 4-53.4.2 of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).~~

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

~~Sec. 4-53.4.2 - Elevation requirement for certain existing manufactured home parks and subdivisions.~~

~~Manufactured homes that are not subject to section 4-53.4.1 of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

- ~~(1) Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or~~

- ~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than forty-eight (48) inches in height above grade.~~

~~(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)~~

Sec. 4-53.5 - Enclosures.

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-53.6 - Utility equipment.

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-54 - Recreational Vehicles and Park Trailers

Sec. 4-54.1 - Temporary placement.

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than one hundred eighty (180) consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-54.2 - Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in section 4-54.1 of this article for temporary placement shall meet the requirements of section 4-53 of this article for manufactured homes.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-55 - Tanks

Sec. 4-55.1 - Underground tanks.

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-55.2 - Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of section 4-55.3 of this article shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-55.3 - Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-55.4 - Tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Section 4-56 - Other Development

Sec. 4-56.1 - General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of section 4-52.4 of this article if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-56.2 - Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 4-52.4 of this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-56.3 - Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 4-52.4 of this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

Sec. 4-56.4 - Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 4-52.4 of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 4-44.3(3) of this article.

(Ord. No. 2016-14, § 3, 8-1-16, eff. 8-8-16)

SECTION 3. APPLICABILITY. For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Greenacres. This ordinance shall apply to all applications for development in flood hazard areas submitted on or after the effective date of 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. INCLUSION INTO THE CODE OF ORDINANCES. It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Greenacres Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered. The word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon adoption.

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

PASSED AND ADOPTED on the second reading this _____ day of _____, 202__.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, District II

Voted:

Judith Dugo, Council Member, District III

Voted:

Susy Diaz, Council Member, District IV

Voted:

Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: September 28, 2022
FROM: Andrea McCue, City Manager, Administration
Christy Goddeau, City Attorney
SUBJECT: Ordinance 2022-33 Conversion Therapy Ban Repeal

BACKGROUND

In the Case of Otto, et al vs. City of Boca Raton and County of Palm Beach, Florida, 981 F. 3d 854 (11th Cir. 2020) the United States Court of Appeals for the Eleventh Circuit found the City of Boca Raton’s prohibition on conversion therapy to be an unconstitutional restriction on speech in violation of the First Amendment to the United States Constitution.

ANALYSIS

Through Ordinance 2017-15 the City’s Code of Ordinances similarly prohibits the practice of conversion therapy on any minor with the City. The City recognizes the potential impacts of the Courts decision and therefore it is prudent to repeal Section 8-74 of the City’s Code of Ordinances.

FINANCIAL INFORMATION

N/A

LEGAL

The City Attorney’s Office has prepared this Ordinance and any supporting documents.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2022-33 on first reading.

ORDINANCE NO. 2022-33

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GREENACRES, FLORIDA, REPEALING CHAPTER 8, “LICENSES AND BUSINESS REGULATIONS”, ARTICLE III, “BUSINESS TAXES”, SECTION 8-74, “CONVERSION THERAPY PROHIBITED”; PROVIDING FOR CONFLICTS SEVERABILITY, CODIFICATION; AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, in the case of *Otto, et al vs. City of Boca Raton and County of Palm Beach, Florida*, 981 F. 3d 854 (11th Cir. 2020) the United States Court of Appeals for the Eleventh Circuit found the City of Boca Raton’s prohibition on conversion therapy to be an unconstitutional restriction on speech in violation of the First Amendment to the United States Constitution; and

WHEREAS, Section 8-74 of the Greenacres Code of Ordinances similarly prohibits the practice of conversion therapy on any minor within the City of Greenacres (“City”); and

WHEREAS, while the City desires to continue protecting minors from the harmful effects of conversion therapy, the City recognizes the potential impact of the Court’s decision; and

WHEREAS, the City therefore deems it prudent to repeal section 8-74, Conversion Therapy Prohibited.

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

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance as if fully restated herein.

Section 2. Chapter 8, “Licenses and Business Regulations”, Article III, “Business Taxes”, section 8-74, “Conversion Therapy Prohibited”, is hereby repealed and deleted in its entirety, as follows:

Sec. 8-74. – Reserved. ~~Conversion therapy prohibited.~~

~~(a) Any provider who engages in the practice of conversion therapy on any individual who is a minor, regardless of whether the provider receives monetary compensation in exchange for services, shall have his or her business tax receipt revoked and shall thereafter be ineligible for a business tax receipt in the same field of business within the city for a period of six (6) months.~~

~~(b) Any provider alleged to be in violation of this section shall be entitled to a hearing before the city’s special magistrate. A finding that the provider is in violation must be~~

Ordinance No. 2022-33 | Conversion Therapy Ban Repeal

Page No. 2

established by competent substantial evidence from a direct source and cannot be based solely upon hearsay evidence.

(c) In the event a provider whose business tax receipt has been revoked and continues to operate his or her practice within the city limits, the city may seek an injunction from a court of competent jurisdiction to close the provider's business.

(d) Definitions. As used in the section, the following definitions apply:

Provider means any person who is licensed by the State of Florida to provide professional counseling, or who performs counseling as part of his or her professional training under F.S. Chapters 456, 458, 459, 490, or 491, as such chapters may be amended, including but limited to, medical practitioners, osteopathic practitioners, psychologists, psychotherapists, social workers, marriage and family therapists, and licensed counselors. A provider does not include members of clergy who are acting in their roles as clergy or pastoral counselors and providing religious counseling to congregants, as long as they do not hold themselves as operating pursuant to any of the aforementioned Florida statutory licenses.

Minor is defined as any person under the age of eighteen (18) years.

Conversion therapy is defined as any counseling, practice or treatment performed with the goal of changing an individual's sexual orientation or gender identity, including, but not limited to, efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender or sex. Conversion therapy does not include counseling that provides support and assistance to a person undergoing gender transition or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and development, including sexual orientation neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual orientation or gender identity.

Section 3. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4. Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

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

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

Ordinance No. 2022-33 | Conversion Therapy Ban Repeal

Page No. 3

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

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

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:

John Tharp, Deputy Mayor

Voted:

Peter Noble, Council Member, District II

Voted:

Judith Dugo, Council Member, District III

Voted:

Susy Diaz, Council Member, District IV

Voted:

Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney



ITEM SUMMARY

MEETING DATE: September 28, 2022
FROM: Teri Lea Beiriger, Director of Finance
SUBJECT: Ord. No. 2022-34

BACKGROUND

Council Policy No. 6 requires City Council action to authorize budget adjustments between cost centers, departments, and funds. A budget adjustment is required in order to account for the ten-million-dollar (\$10,000,00) loss revenue is the American Rescue Plan Act (APRA) or, State and Local Fiscal Recovery Fund (SLRF).

The City received a total of \$20,593,599 in ARPA funds. \$10,000,000 of these funds can be moved to the general fund for loss revenue.

ANALYSIS

Ordinance 2022-34, is to authorize the budget adjustment that documents the movement of the funds to the general funds.

FINANCIAL INFORMATION

The proposed ordinance increases the budget revenues and expenditures by \$10,000,000 in FY 2022.

LEGAL

The proposed Budget Amendment has been prepared in accordance with the applicable State Statutes and City Code Requirements

STAFF RECOMMENDATION

Approval of Ordinance 2022-34.

ORDINANCE NO. 2022-34

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

WHEREAS, the City Council of the City of Greenacres, Florida adopted a budget for the 2020/2021 Fiscal Year; and

WHEREAS, the City Council has determined that an amendment needs to be made to the previously adopted Fiscal Year Budget; 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 GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby amends the expenditures and ARP balance listed in attached Exhibit "A" and adopts such amendments to the Budget of the City of Greenacres for the Fiscal Year October 1, 2021, through September 30, 2022, inclusive.

Section 2. Repeal of Conflicting Ordinances.

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

Section 3. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such

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

Section 4. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 28th day of September 2022.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

FYE 9/30/2022
Exhibit "A"

Fund 306 – American Rescue Plan		
Revenue		Increase (Decrease)
Federal Disaster Reimbursement	306-80-331-501	\$10,000,000.00
Expense		
Fund Transfer – General Fund	306-80-82-91-01	\$10,000,000.00
Fund 001 – General Fund		
		Increase (Decrease)
Revenue		
Interfund Transfer	001-80-381-000	\$10,000,000.00



ITEM SUMMARY

MEETING DATE: September 28, 2022
FROM: Andrea McCue, City Manager, Administration
SUBJECT: Naming of City Programs, Events and/or Facilities

BACKGROUND

During the Council's discussion regarding the City's scholarship program, naming of scholarships came up which led to a larger discussion about how the City should go about naming city related programs, events and/or facilities. The Council was interested in having a policy and/or procedure in place to assist in determining how programs, events, and facilities including property are named.

ANALYSIS

Following are recommendations for the Council's consideration:

- The City Council should have sole authority to name or rename programs, events, and facilities.
- The naming or renaming of a city program, event and/or facility should be determined by the council either based on a city initiative, a recommendation by the city manager, or the request of any person or entity desiring to assist the city in determining the name of any city property.
- When considering the naming of any program, event and/or facility, the city council and city manager should consider the following naming attributes:
 1. Recognized geographic names
 2. Natural historic features
 3. Significant contributions to the city, State of Florida, or United States
 4. Significant material or financial contributions to the city
 5. Persons of historic service to the city
 6. Persons of outstanding civic service to the city
 7. Documented community support for the name
- The following should also be considered by the city council and city manager when naming any city program, event and/or facility:
 1. Names selected should correlate with the significance of the program, event, or facility.
 2. Preference should be given to names that lend dignity to the program, event, or facility.
 3. Current council members or existing city employees should not be considered.
 4. Will the naming lead to the undue commercialization of the program, event, or facility.
 5. Names that promote alcohol and tobacco products or political organizations should not be considered.
 6. Names with connotations which by contemporary community standards are derogatory or offensive shall not be considered.
 7. The same name for different programs, events, and facilities should be avoided.
 8. Multiple names for different parts of a particular program, event, and facility should be avoided.
 9. Has the individual whose name is being considered, ever been convicted of a felony.
 10. The cost that the naming or renaming will have on the city.

FINANCIAL INFORMATION

Any cost associated with the naming and/or renaming of a city program, event or facility would be included in the budget.

LEGAL

Staff recommends that the City Attorney prepare any documentation for the Council's consideration.

STAFF RECOMMENDATION

The City Attorney has prepared ordinances establishing a policy and procedure for other municipalities and should the Council desire to proceed with establishing a policy and procedure, the City Attorney's office will proceed with an Ordinance for the Council's consideration.



Department Report

MEETING DATE: September 28, 2022
FROM: Michele Thompson, Director, Community & Recreation Services
SUBJECT: Community & Recreation Services Dept. - August Report

ADMINISTRATION

PERFORMANCE MEASUREMENT	THIS PERIOD	FY2022 TO DATE	FY 2022 BUDGET
No. of Contracts Executed	0	0	2
No. of Collaborative Partnerships	1	23	22
No. of Vendor/Independent Contractor Agreements	1	32	18
No. of Educational Scholarship Applications	-	19	14
No. of Community Events Coordinated	-	7	8
No. of Event Participants	-	29,131	28,000
No. of Little Free Libraries (LFL)*/Story Walk	-	24/2	30/2
No. of Business Sponsorships	1	27	17

FACILITY RENTALS

FACILITY RENTALS	THIS PERIOD	FY2022 TO DATE	FY 2022 BUDGET
Fields/Concession Stands	74	881	550
Pavilions	42	421	350
Center Facility	77 ¹	751 ¹	1,100
Monthly Center Attendance	3,661	36,727	N/A

¹ 94 Additional Free Rentals: **40** Gym -YP/BB Skills Clinic/Aleeh's B2School/Adult & Teen Open Gym, **18** Banquet Room -PBSO/Early Voting & Primary Election/Let's Talk, **20** Room 2 -Tai Chi/Spotlighters, **14** Room 3 -Senior Social, **1** Room 4 -AARP, **1** Community Park -Tai Chi for Vets.

REVENUE

FACILITY RENTALS REVENUE	THIS PERIOD	FY2022 TO DATE	FY2022 PROJECTED
Rental Revenue Generated	\$13,534.43	\$141,304.44	\$134,000

ATHLETICS

YOUTH ATHLETICS	THIS PERIOD	FY2022 TO DATE	FY2022 PROJECTED
FY23 Co-ed Fall Soccer (9/26/22-12/16/22) • Registration Period 8/1/22 – 9/26/22	68	68	180
Co-ed Fall Soccer (9/13/21-12/10/21)	-	158	160
Co-ed Spring Soccer	-	200	175
FY23 Co-ed Winter Basketball (12/5/22-3/9/23) • Registration Period 9/6/22 – 11/2/22	-	-	120
Co-ed Winter Basketball (12/6/21-3/10/22) Registration Period 9/7/21 – 11/2/21	-	100	160
Co-ed Summer Basketball Skills Camp	2	45	40

COMMUNITY SERVICES

CROS MINISTRIES FOOD PANTRY DATES	NO. OF HOUSEHOLDS	NO. OF INDIVIDUALS
July	25/27	71/63
August	29/41	60/86
TOTAL YTD	492	1,806

COVID TESTING BY BLUE MED CONSULTANTS	NO. TESTED	TOTAL YTD
Ended in June	250	6,064
MOBILE COVID VACCINATION UNIT	NO. VACCINATED	TOTAL YTD
December	32	32

SENIOR PROGRAMS

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

FY22 EVENTS & SPONSORSHIPS

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



Department Report

MEETING DATE: September 28, 2022

FROM: Andrea McCue, City Manager

SUBJECT: August 1, 2022 through August 31, 2022

Development & Neighborhood Services

Planning & Engineering

NEW CASES

ALFA-G Arcade

A request by the owner for a special exception (SE-22-02) to allow for the relocation of an existing indoor recreation & amusement use from one bay location to another bay at location at 3797 S. Military Trail.

Mint Eco Car Wash – 4840 Lake Worth Road

A request by the applicant for a zoning text amendment (ZTA-22-17) to allow outdoor car detailing at a stand-alone car wash, a zoning map amendment (ZC-22-01) to change the subject property from Commercial General (CG) to Commercial Intensive (CI), a special exception (SE-22-03) and site and development plan (SP 22-04) to allow a stand-alone car wash at 4840 Lake Worth Road.

CURRENT PLANNING CASES

3130 Perry Avenue

A site and development plan to develop (SP-22-03) for vacant parcel to construct a 6241 sq. ft of office space totaling 4 bays for flexible office space. The site is located on the northeast corner of Perry Avenue and 10th Avenue South. (Scheduled for DRC meetings on August 11 and August 18, 2022)

Buttonwood Plaza

A master sign plan (MSP-22-01) to change/add existing colors to approved plan. The site is located at 3016 S. Jog Road. (Scheduled for DRC meetings on August 11 and August 18, 2022)

ANX-08-01

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

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

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

Bethesda Tabernacle

A request by the owner for a request for a site and development plan approval (SP-99-04B) to modify the previously approved site plan and a special exception (SE-21-02) to for a house of worship and develop a 16,459 square foot House of Worship use and accessory uses at 4901 Lake Worth Road. (On August 1, 2022 applicant requested a hold on applications submitted.)

CPA-22-01

A City-initiated request for a comprehensive plan amendment as required by the Evaluation and Appraisal Report (EAR).

Church of God 7th Day of Palm Beach

A request by the applicant for a site plan amendment (SP-08-01C) to change the metal roof to asphalt shingle due to cost constraints. The site is located at 3535 S. Jog Road. (Scheduled for the DRC meetings April 14 and April 21, 2022. (Scheduled for City Council on May 2, 2022. The City Council postponed until applicant is ready for certificate of occupancy.

Chick Fil A Greenacres

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

Interlocal Annexation 2022

Annexation (ANX-22-02) of sixteen enclaves located on Chickasaw and Wry Road into the City through an Interlocal Agreement with Palm Beach County.

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

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

(On July 18, 2022 was presented to City Council for first reading. Scheduled for second reading and adoption on August 15, 2022)

Pink Bird Stand Alone Car Wash

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

SITE PLAN AMENDMENTS

Riverbridge Centre

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

Sunoco – 3067 S Jog Road

A site and development plan amendment (SP-96-05C) to enlarge car detailing operations from three parking spaces to five parking spaces The site is located at 3067 S Jog Road. (Scheduled for DRC meetings on August 11 and August 18, 2022)

Taco Bell – 6265 Lake Worth Road

A Site and Development Plan Minor Amendment (SP-18-05A) for modifications to the site plan for Taco Bell at 6265 Lake Worth Road to include a second drive through lane, by-pass lane and creation of outdoor seating.

ZONING TEXT AMENDMENTS

ZTA-21-02 Uses

A request by the Planning & Engineering Department for a zoning text amendment to reflect uses in all zoning districts.

ZTA-22-05

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

ZTA-22-09

A City-initiated request for a text amendment to complete a comprehensive update to the Sign Regulations in order to regulate the location, number, size, use, appearance, construction and maintenance of all signs permitted in each zoning district. (Scheduled for first reading on September 14, 2022 and second reading and adoption on September 28, 2022)

ZTA-22-11

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

ZTA-22-12

A City-initiated request for a text amendment to amend the City's Tree Removal Permit criteria to be in compliance with newly adopted State legislation. Scheduled for Planning and Zoning Board of Adjustment & Appeals on August 11, 2022. Scheduled for first reading at City Council meeting on September 14, 2022 and second reading on September 28, 2022)

ZTA-22-13

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

ZTA-22-14

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

ZTA-22-16

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

RESIDENTIAL PERMITS

Catalina Estates

Plat application received on May 16, 2019. Comments letter sent to applicant on July 17, 2019, resubmittal received on August 25, 2019 and approved by City Council on October 7, 2019. MOT Plan issued drainage work to begin October 5, 2020.

Ranchette Road Townhomes

Plat Application received on March 23, 2021. Comments letter sent to applicant on May 17, 2021, resubmittal received on June 1, 2021. Final plat received and utility permit reviewed by City's engineer. Plat approved by City Council on October 4, 2021. Utilities permit approved by City's consulting engineer on 10/1/2021. Pre-construction meeting held on November 19, 2021. Drainage, subgrade inspections are approximately 80% completed.

Blossom Trail (Nash Trail)

Plat application received on July 8, 2022. Complete submittal of application received. (Sent for consultant review August 17, 2022)

COMMERCIAL PERMITS

Church of God 7th Day (3535 S Jog Road)

The building permit and engineering permit are both issued for the development. Stop work order was issued by Building Official on September 28, 2018. Subsequent meetings have been held with Building Official and Consultant Engineer. The Building Official has re-issued the permits to the contractor. The construction is moving forward.

Palm Beach Christian Academy

Revision to building permit received on November 1, 2021 comments sent to applicant on November 17, 2021, waiting on outside agency permits and resubmittal to address City's engineer comments. Utility permit approved August 4, 2022.

CAPITAL IMPROVEMENTS

Original Section Drainage Improvement – Phase 8

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

Dillman Trail

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

FY 2022 Data:

Case	Current Period	FY 2021 to Date	FY 2021 Budget
Annexation	0	0	2
Comprehensive Plan Amendment	0	4	5
Zoning Changes	0	1	3
Special Exceptions	0	1	5
Site Plans	0	2	5
Site Plan Amendments	1	10	14
Variances	0	0	4
Zoning Text Amendments	3	12	3

Inspection Type	Current Period	FY 2021 to Date	FY 2021 Budget
Landscaping	10	60	130
Zoning	9	40	121
Engineering	3	96	100

Building Division

1) ADMINISTRATION:

- a) Researched and completed one hundred and fifty (150) for August, lien searches providing open and/or expired permit information.
- b) Researched and completed seventy-one (71) records requests for historical permits.

2) PERMITS/INSPECTIONS:

PERMITS/INSPECTIONS	DURING THIS PERIOD	FYTD 2021
New Applications Received / Permits Created	345	3659
Applications Approved	88	821
Applications Canceled	5	35
Applications Denied	1	57
Applications Reopened	1	33
Permits Issued	349	3535
Permits Completed	219	2534
Permits Canceled	9	115
Permits Reopened	34	297
Permits Expired	19	99
Inspections Performed	728	6761
Construction Value of Permits Issued	\$4,253,167.44	\$48,574,452.32
Construction Reinspection Fees	\$600.00	\$6,200
Extension/Renewal Fees	\$2,187.59	\$5,049.78
CO's Issued	2	20
CC's Issued	0	11
Temporary CO's Issued	0	0

3) BUSINESS AND CONTRACTOR REGISTRATION: See Attached Reports

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

PROJECT	ADDRESS	SIZE sq.ft.	DESCRIPTION	PERMIT#
Palm Beach Christian Academy	5208 S Haverhill Rd	4,250	Construct two new classroom buildings & one bathroom building	2021-3230
La Pescacunia Restaurant	4840 Lake Worth Rd	2,933	Interior Remodel of former La Granja	2022-1308
Public Storage	6351 Lake Worth Rd		Interior Remodel	2022-2283
Sunnyside	6520 Lake Worth Rd	2,870	Interior Remodel of the former Boston Market	2022-3332
Habitat ReStore	4639 Lake Worth Rd	6,306	Interior Remodel	2022-2634
Publix	6790 Forest Hill Blvd		Interior Remodel-Décor and Layout changes	2022-3630
IHOP	6708 Forest Hill Blvd	4,321	Interior Remodel-Walls, Doors, Plumbing Fixtures	2022-3510

5) PROJECTS IN PROGRESS – PRINCIPAL REMODELING/RENOVATION:

PROJECT	ADDRESS	SIZE sq.ft.	DESCRIPTION	PERMIT #
Palm Beach Christian Academy	5208 S Haverhill Rd	4,250	Sitework-Utilities, Paving, Excavation	2021-3295
Sylvan Learning Center	6153 Lake Worth Rd	360	Interior Renovation – New Offices	2022-2507
ABCE Restaurant	3034 S Jog Rd	1,400	Interior Renovation	2022-1302
Kids In Care	2904 S Jog Rd	3,385	Remodel – Outpatient Medical Facility	2022-0454
AT & T	5177 Lake Worth Rd	1,260	Exterior Façade Improvement	2022-2421
Catayu Baking	3797 S Military Trail		Convert former Carolina Furniture store into Factory for Bakery with Business Use	2021-3806
Eagle Grill	4624 Lake Worth Rd	1,100	Remodel New Kitchen & Accessible Restroom	2021-4016

Convenience Store/Laundry	5470 10 th Ave N	1,604	Interior Remodel – Add Coin Laundry to Convenience Store	2021-1191
Ministries in Bethel	3950 S 57 th Ave	6,939	House of Worship	2021-0365
Isabel Barber Salon	3820 S Jog Rd	1,040	Remodel Add Mani/Pedi Stations New Salon	2020-2742
Mission of Grace	6200 Lake Worth Rd	3690	Convert former Restaurant to House of Worship	2020-2095
Mission of Grace	6200 Lake Worth Rd		Interior Demo of Former Steak N Shake	2020-1748
Church of God 7 th Day	3535 S Jog Rd	11,500	New Church	2016-2382

6) PROJECTS IN PROGRESS – PRINCIPAL NEW CONSTRUCTION:

PROJECT	ADDRESS/LOCATION	UNITS OR SQ. FT. APPROVED	UNITS C.O.'D
Ranchette Townhomes	1093 Ranchette Rd / Common Area	74 T/H	0
Catalina Estates	4500 Catalina Way / Common Area	20 S/F	0
Original Section	310 Jennings Ave	1,696 sq. ft.	New Single Family
Original Section	346 Perry Ave	1,761 sq. ft.	New Single Family
Colonial Estates	New Mobile Homes	25	0

Code Enforcement Division

	DURING THIS PERIOD	FYTD 2021
Inspections Related to Active Code Cases	189	4,521
New Cases Started	65	1,436
Cases Complied	67	1,112
Current Open Cases	296	3,278
Notices Sent	145	4,261

Illegal Signs Removed from right-of-way	306	4,474
Inspections Not Related to Active Code Cases	202	2,744
Complaints Received and Investigated	22	547
Warning Tickets	376	2,911



License Activity Report Item # 22.

Activity Date Range 08/01/22 - 08/31/22

Summary Listing

License Type	Category	Application Received	Application Denied	Application Approved	New License Issued	License Renewed	License Revoked	License Canceled
Amusement - Amusement & Entertainment	Business	0	0	0	2	13	0	0
Cont Office - Contractor Office	Business	0	0	0	1	6	0	0
Contractor Reg - Contractor Registration	Business	33	0	0	25	1	0	0
Exemptions - Exemptions / Non-Profit	Business	0	0	0	0	4	0	0
Food Service - Food Service / Bar / Lounge	Business	0	0	0	0	38	0	0
General Retail - General Retail	Business	1	0	0	0	56	0	0
General Service - General Service	Business	10	0	0	8	163	0	0
General Svc Reg - General Service Registration	Business	0	0	0	0	1	0	0
Home - Home Based Business	Business	6	0	0	6	107	0	0
Industrial - Industrial	Business	0	0	0	0	2	0	0
Professional - Professional	Business	7	0	0	5	96	0	0
Rental Office - Rental Office	Business	0	0	0	0	6	0	0
Rental Unit - Rental Unit	Business	13	0	0	2	566	0	0
Storage/WH Units - Storage / Warehouse Units	Business	0	0	0	1	2	0	0
Wholesale - Wholesale	Business	1	0	0	0	0	0	0
Grand Totals		71	0	0	50	1061	0	0

CITY OF GREENACRES
Licensing Revenue Summary Report

Item # 22.

Licensing Revenue Summary Report - Summary

From Date: 08/01/2022 - To Date: 08/31/2022

Charge Code	No. of Billing Transactions	No. of Adjustment Transactions	Billed Amount	Adjustments	Net Billed
License Type: Amusement-Amusement & Entertainment					
Amusement Sq Ft-Amusement Square Feet	3	0	\$465.39	\$0.00	\$465.39
Vending Machine-Amuse/ Vending / Coin Operated	9	0	\$618.80	\$0.00	\$618.80
License Type Amusement-Amusement & Entertainment Totals	12	0	\$1,084.19	\$0.00	\$1,084.19
License Type: Cont Office-Contractor Office					
Cont Office-Contractor Office	5	0	\$581.10	\$0.00	\$581.10
Com Inspection-Commercial Inspection	1	0	\$69.00	\$0.00	\$69.00
License Type Cont Office-Contractor Office Totals	6	0	\$650.10	\$0.00	\$650.10
License Type: Food Service-Food Service / Bar / Lounge					
Food-Food Service	18	0	\$2,187.90	\$0.00	\$2,187.90
Food Per Seat-Food Per Seat	15	0	\$5,129.46	\$0.00	\$5,129.46
Com Inspection-Commercial Inspection	1	0	\$69.00	\$0.00	\$69.00
Transfer-Transfer	1	0	\$22.48	\$0.00	\$22.48
License Type Food Service-Food Service / Bar / Lounge Totals	35	0	\$7,408.84	\$0.00	\$7,408.84
License Type: General Retail-General Retail					
General Retail-General Retail Sq Feet	35	0	\$28,155.82	\$0.00	\$28,155.82
Vending Machine-Amuse/ Vending / Coin Operated	3	0	\$649.74	\$0.00	\$649.74
Transfer-Transfer	1	0	\$15.51	\$0.00	\$15.51
General Service-General Service	1	0	\$110.69	\$0.00	\$110.69
Food Service-Food Service	1	0	\$121.55	\$0.00	\$121.55
License Type General Retail-General Retail Totals	41	0	\$29,053.31	\$0.00	\$29,053.31
License Type: General Service-General Service					
General Service-General Service	89	0	\$9,298.01	\$0.00	\$9,298.01
Vending Machine-Amuse/ Vending / Coin Operated	1	0	\$309.40	\$0.00	\$309.40
Com Inspection-Commercial Inspection	14	0	\$966.00	\$0.00	\$966.00
Transfer-Transfer	5	0	\$55.35	\$0.00	\$55.35
Cosmetology-Cosmetology / Barber	2	0	\$77.36	\$0.00	\$77.36

CITY OF GREENACRES
Licensing Revenue Summary Report

Item # 22.

Licensing Revenue Summary Report - Summary

From Date: 08/01/2022 - To Date: 08/31/2022

Charge Code	No. of Billing Transactions	No. of Adjustment Transactions	Billed Amount	Adjustments	Net Billed
License Type General Service-General Service Totals	111	0	\$10,706.12	\$0.00	\$10,706.12
License Type: General Svc Reg-General Service Registration					
General Svc Reg-General Service Registration	1	0	\$25.00	\$0.00	\$25.00
License Type General Svc Reg-General Service Registration Totals	1	0	\$25.00	\$0.00	\$25.00
License Type: Home-Home Based Business					
Home-Home Based Business	77	1	\$5,774.52	(\$77.51)	\$5,697.01
Transfer-Transfer	1	0	\$7.75	\$0.00	\$7.75
Collection Fee-Collection Fee	5	0	\$125.00	\$0.00	\$125.00
Delinquent >150-Delinquent Over 150 Days	5	0	\$500.00	\$0.00	\$500.00
License Type Home-Home Based Business Totals	88	1	\$6,407.27	(\$77.51)	\$6,329.76
License Type: Professional-Professional					
Professional-Professional	31	0	\$3,370.38	\$0.00	\$3,370.38
Cosmetology-Cosmetology / Barber	24	0	\$850.96	\$0.00	\$850.96
Real Estate-Real Estate Broker / Ins Agents	6	0	\$558.00	\$0.00	\$558.00
Com Inspection-Commercial Inspection	2	0	\$138.00	\$0.00	\$138.00
Transfer-Transfer	1	0	\$11.62	\$0.00	\$11.62
Collection Fee-Collection Fee	1	0	\$25.00	\$0.00	\$25.00
Delinquent > 150-Delinquent Over 150 Days	1	0	\$100.00	\$0.00	\$100.00
General Service-General Service	14	0	\$1,549.66	\$0.00	\$1,549.66
License Type Professional-Professional Totals	80	0	\$6,603.62	\$0.00	\$6,603.62
License Type: Rental Office-Rental Office					
Rental Office-Rental Office	2	0	\$310.26	\$0.00	\$310.26
License Type Rental Office-Rental Office Totals	2	0	\$310.26	\$0.00	\$310.26
License Type: Rental Unit-Rental Unit					
Rental Unit-Rental Unit	243	0	\$19,115.34	\$0.00	\$19,115.34
Rental Insp-Rental Inspection	16	0	\$800.00	\$0.00	\$800.00

Licensing Revenue Summary Report

Licensing Revenue Summary Report - Summary

From Date: 08/01/2022 - To Date: 08/31/2022

Charge Code	No. of Billing Transactions	No. of Adjustment Transactions	Billed Amount	Adjustments	Net Billed
License Type Rental Unit-Rental Unit Totals	259	0	\$19,915.34	\$0.00	\$19,915.34
License Type: Storage/WH Units-Storage / Warehouse Units					
Storage/WH Units-Storage / Warehouse Units	1	0	\$314.21	\$0.00	\$314.21
License Type Storage/WH Units-Storage / Warehouse Units Totals	1	0	\$314.21	\$0.00	\$314.21
License Type: Wholesale-Wholesale					
Wholesale Sq Ft-Wholesale Square Feet	1	0	\$77.57	\$0.00	\$77.57
Com Inspection-Commercial Inspection	1	0	\$69.00	\$0.00	\$69.00
License Type Wholesale-Wholesale Totals	2	0	\$146.57	\$0.00	\$146.57



Department Report

MEETING DATE: September 28, 2022
FROM: Teri Lea Beiriger, Director of Finance
SUBJECT: Department of Finance Activity Report

BACKGROUND

The following report provides activity within the Department of Finance for the reporting period from August 1 through August 31, 2022.

In brief, the Finance Department:

- Continued to reconcile outstanding balances of Miscellaneous Billing.
- Continued to clean up billing on EMS accounts with balances.
- Continued to review and discuss x:/drive format and Laserfiche cleanup.
- Presented and approved a lowered millage rate at Council.
- Continued to finalize the FY23 budget and prepare budget books.
- Executed CDBG Grant for Lift Station/Original Section Sewer Project.
- Submitted CARES Act 2 and 3 Grants reports.
- Received \$10,296,800 for second tranche of American Rescue funds.
- Received Council approval for the assistance to Firefighters grant (Department of Homeland Security).
- Submitted Release of Solid Waste Liens for accounts paid up to date as of 6/2022.
- Reviewed old records from file cabinets, sorted for destruction, etc. in preparation for new file cabinets ordered for Finance.
- Ordered and installed new furniture for Finance Director's office.

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



Department Report

MEETING DATE: September 28, 2022

FROM: Brian Fuller, Fire Chief

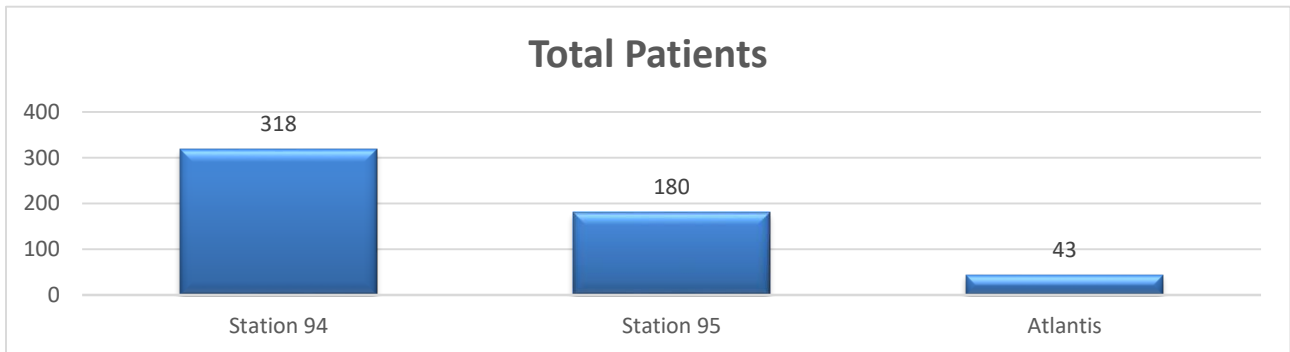
SUBJECT: Fire Rescue August Report

FR CALLS

CALLS	MONTHLY TOTALS
Total Alarms dispatched in August	695
Average alarms per day	19.85
Total calls this fiscal year	6,573

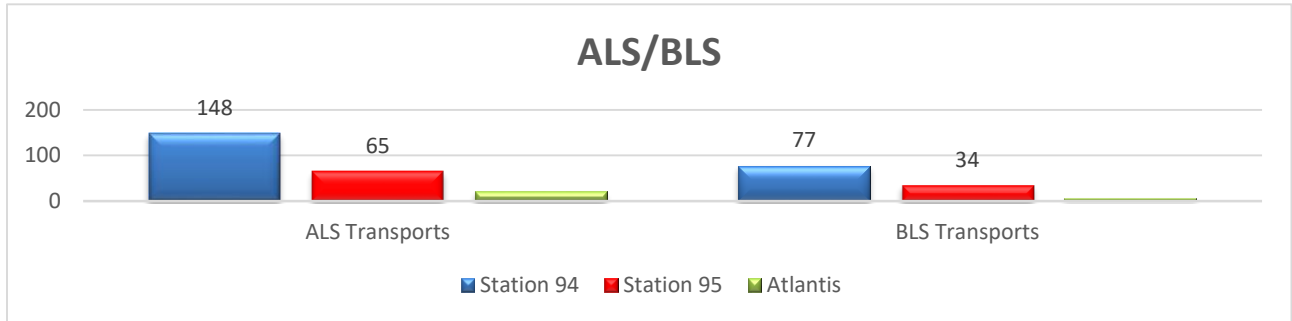
In August 2022, 498 patients were treated for Emergency Medical related services. Of those patients, 43 were in the City of Atlantis. These requests include a single unit responding to assist a person who has fallen to the floor, a cardiac arrest requiring multiple units and a combination of personnel, advanced skills, and equipment.

Service Calls, Cancels, and Public Assists totaled 96. The requests include, but are not limited to, persons locked out of home, water evacuation, animal problem, police assist, defective elevator, and canceled due to wrong address.



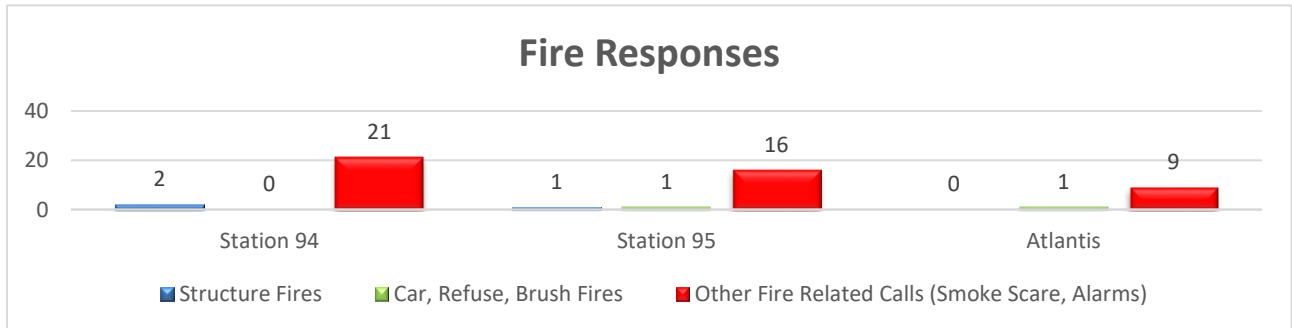
ALS/BLS

Fire Rescue transported 324 patients to a hospital or 65% of the patients we were called to treat. The majority of those (213) required Advanced Life Support procedures. ALS emergencies necessitate additional personnel, specialized equipment and skills. Often, an EMT or Paramedic will be taken from the ALS Engine to accompany the one person in the rear of the Rescue to assist with life-saving therapies.



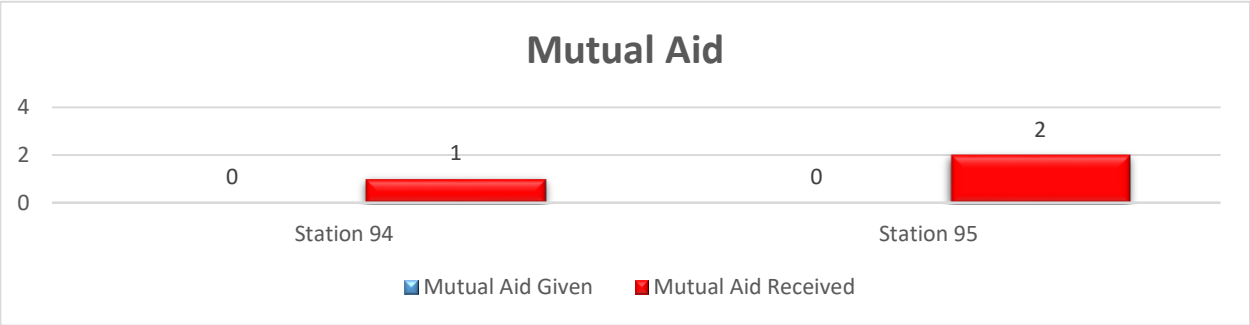
FIRE RESPONSES

Fire Rescue responded to 37 calls for a fire or smoke related emergency. There were two (2) requiring an escalated response to a car, brush, or refuse fire; three (3) was in a residential or commercial structure.



MUTUAL AID

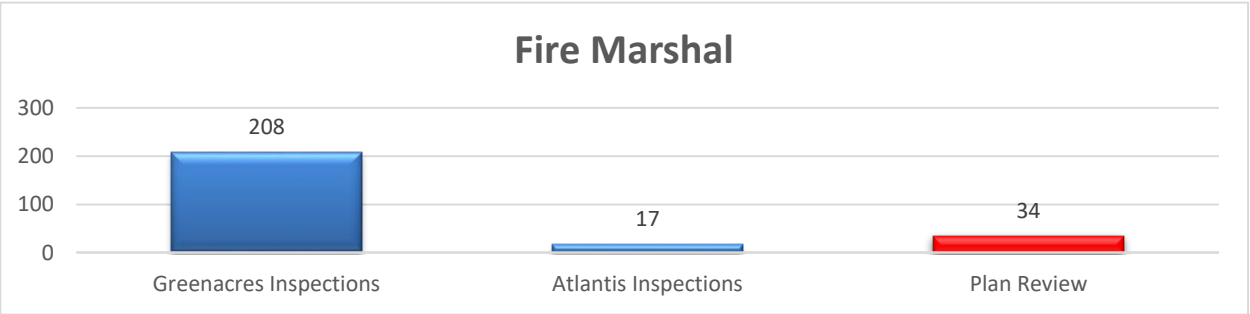
Mutual aid is the sending or receiving of emergency resources (apparatus, personnel) to or from another entity or agency upon request. No community has sufficient resources to handle every emergency of all sizes. Therefore, neighboring agencies work together through a system called Mutual Aid. That system is designed to be limited to large events that tax the resources beyond the normal capabilities of the community.



FIRE MARSHAL

Fire Prevention and Protection focuses on protecting people and property from fire through fire safety inspections, fire plans review, fire cause and origin investigations, and public education. In addition, the Fire Marshal provides fire safety lectures, attends land development meetings, and testifies at code enforcement hearings.

Inspections	361
Plans Review	47
Dollar Loss due to fire	\$800



SPECIAL SERVICES

Blood Pressure Screenings	1
Presentations, Station Tours/Attendees	4/9
Persons Trained in CPR	0



Department Report

MEETING DATE: September 28, 2022

FROM: Georges Bayard, Director, Information Technology

SUBJECT: Department of Information Technology – August 2022 Activity Report

DEPARTMENT HIGHLIGHTS

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

- a. Enterprise Permitting & Licensing (EPL) cloud migration project - We are now in Stage 2 - Assess & Define stage. Tyler Technologies and Greenacres staff have been working closely together to map current processes and workflows to the new system. Go-Live is tentatively scheduled to start on March 9, 2023.
- b. Kicked off the project to upgrade the City's on-premise Laserfiche Document Management System (DMS) to their cloud-based Enterprise Content Management system (ECM). The new environment is online and IT staff has begun copying the City's data in order to ship it to Laserfiche for import.
- c. Installation of GPS and telematics monitoring equipment in City vehicles is nearly complete, with just a few devices left to install and some fine-tuning to be done.
- d. As part of the effort to implement secure configurations on all City computers in compliance with the NIST Cybersecurity Framework (CSF), staff has been testing system hardening configurations on all City computers. The CIS-Cat Assessor scans rolled out in conjunction with this allow us to see a 60-70% improvement in compliance levels with the NIST CSF on the devices being tested. Some adjustments are required before implementing these configurations City-wide.
- e. Ubiquiti network switch refresh project is in progress; 19 of the 20 new infrastructure switches have been installed, and older desk-side switches are being replaced with mini switches from Ubiquiti, so nearly all network traffic can be managed from the same Web interface.
- f. Monthly KnowBe4 simulated phishing test results:
 - a. August - Links clicked: 0; attachments opened: 0; replied: 0; Phish-prone users (vulnerable to phishing attacks): 0% (0% maintained from the previous month's campaign).

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

SERVICE DESK REQUESTS

August 2022

DEPARTMENT	CURRENT PERIOD	FY 2022 YTD	FY 2022 BUDGET
Administration	6	136	-
Community & Recreation Svcs.	9	89	-
Development & Neighborhood Svcs.	15	172	-
Finance	14	159	-
Fire/Rescue	4	127	-
Information Technology	7	77	-
Public Works	4	117	-
Purchasing	2	48	-
Youth Programs	4	92	-
Total Service Desk Requests	65	1,017	350



Department Report

MEETING DATE: September 28, 2022

FROM: Captain Tristram Moore, PBSO District 16

SUBJECT: PBSO District 16 August Report

CAD CALLS

CAD CALLS	MONTHLY TOTALS
Business / Residence Checks (Self-Initiated)	1,758
Traffic Stops (Self-Initiated)	768
Calls for Service	2,145
All CAD Calls - Total	4,671
Total Calls for Service – FY 2022 (October 2021 – September 2022)	49,884

Data Source: CADS/Premier 1

*Omit Miscellaneous Calls

Note: P1 is a dynamic system. Meaning that #'s can change from what was previously reported in the event there is a location or call type re-classification/modification.

SUMMARY

During the month, there were 4,671 generated calls within the District and 54% of these calls were self-initiated.

TRAFFIC ACTIVITY

DISTRICT 16 PERSONNEL	
Total Citations	Total Warnings
302	347

Data Source: D16 Office Staff/Monthly Report

PBSO MOTORS UNIT	
Total Citations	Total Warnings
318	230

Data Source: D16 Office Staff/Motor Unit Weekly Report

COMMUNITY POLICING EVENTS

- 8/6/22: Aleeh's Lemonade Back Pack Giveaway at the Community Center. Aleeh raised funds throughout the summer and with the proceeds she purchased backpacks and school supplies for children in the surrounding area.

STREET CRIMES UNIT

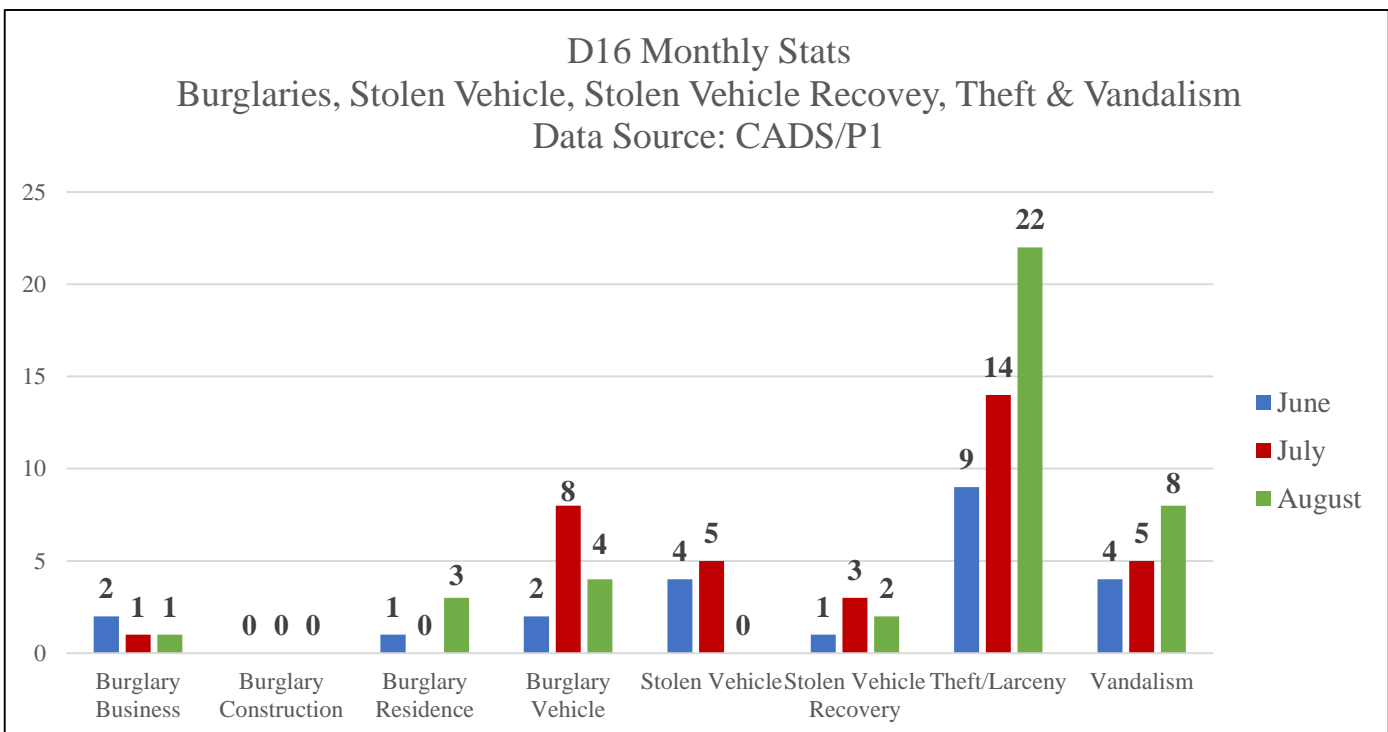
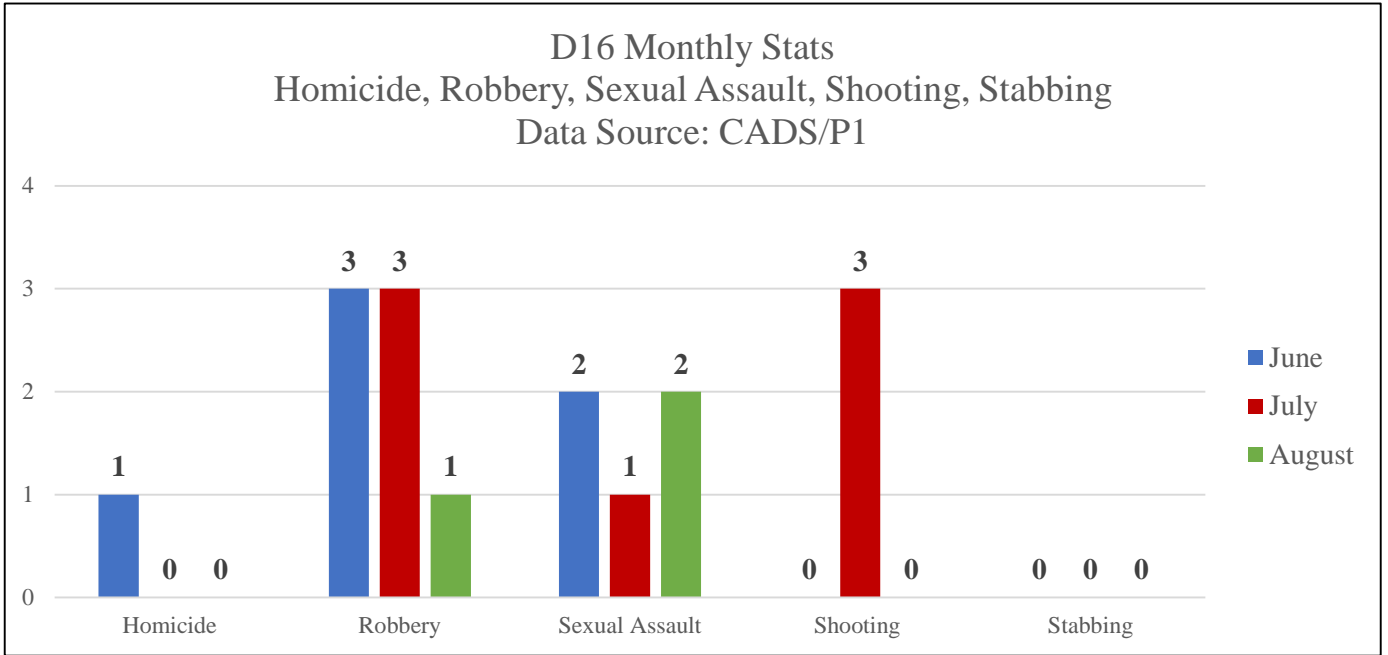
- The District 16 Street Crimes Unit assisted District 16 Detective Bureau in locating a suspect who is a suspect in an aggravated assault with a firearm. The Street Crimes Unit apprehended the suspect for DWLS and possession of oxycodone. The suspect was transported back to the District for the Detective's investigation.
- Street Crimes Unit assisted the District 16 Detective Bureau in locating a theft suspect. The Street Crimes Unit identified a suspect who had numerous outstanding warrants for fraud and theft both out of Palm Beach County and Miami Dade. The suspect was apprehended and a search warrant was executed at a residence in conjunction with the Detective Bureau.
- The District 16 Street Crimes Unit assisted Road Patrol Units in locating a suspect for an out of county warrant. The Street Crimes Unit located and arrested the suspect for aggravated assault with a firearm and shooting from a vehicle.

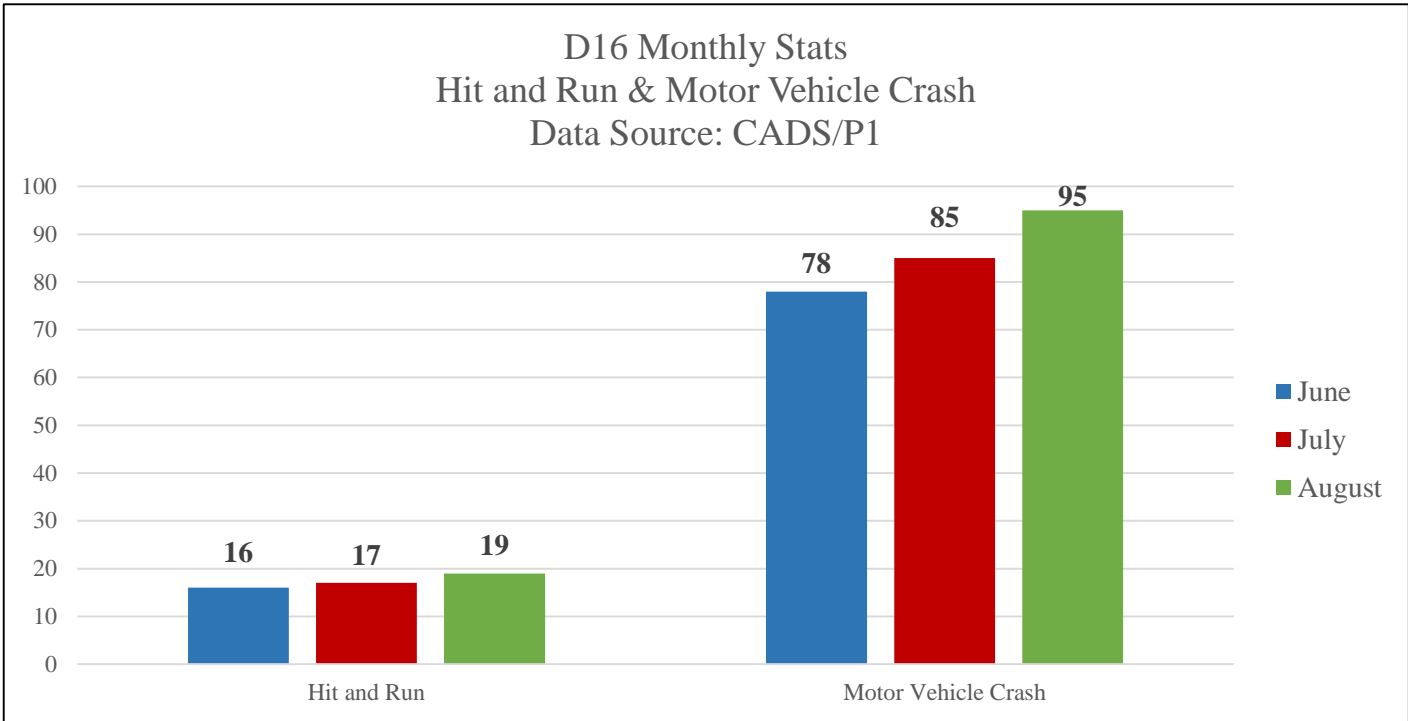
PROPERTY DETECTIVES

- District 16 Detectives were called out by Road Patrol reference multiple residential burglaries and a stolen bicycle. Detectives made contact with one suspect in possession of the stolen bicycle and was able to obtain a full confession which also led to the identification of the second suspect. District 16 Street Crimes Unit also was provided the suspect information and the suspect was apprehended at a residence without incident. The stolen property was returned to the victim and this case was cleared by arrest.
- District 16 Detectives were called out regarding a road rage incident where the suspect displayed a firearm pointing it at the victim before fleeing the scene at a high rate of speed. The Detectives were able to identify the suspect's vehicle and a photo lineup was shown to the victim who positively identified the suspect. The suspect was apprehended and in possession of narcotics and driving with a suspended license. Multiple locations of interest were locked down for search warrants to be executed and the firearm was recovered during the search. This case was cleared by arrest.
- District 16 Detectives investigated a burglary to a vehicle where numerous items were stolen and valued at approximately \$2025. The stolen property was located and the suspect was positively identified through the latent print left behind. Detectives executed a search warrant on the suspects residence and recovered all of the remaining victim's stolen property. Additional stolen property was recovered during the search and a bulletin was sent out tri-county in an attempt to identify additional victims. This case was cleared by arrest.

DATA ANALYSIS

The data included in this report is charted and graphed to illustrate and compare changes over a specific time period. These charts and graphs are utilized to assist in determining crime trends and to measure enforcement efforts. This data is utilized in conjunction with other analysis to develop directed patrol and various enforcement activities. The analysis included on these pages is presented as a brief highlight to explain the salient points of this report.





TOP ACCIDENT LOCATIONS FOR AUGUST 2022

Location	Case Number Count
South Jog Road / Cresthaven Boulevard	7
Forest Hill Boulevard / South Jog Road	7
South Jog Road / Lake Worth Road	6
South Jog Road / Melaleuca Lane	3
South Haverhill Road / Melaleuca Lane	3
10th Avenue North / South Haverhill Road	3



Department Report

MEETING DATE: September 28, 2022

FROM: Carlos Cedeño, Public Works Director

SUBJECT: Public Works Department Report

DEPARTMENT HIGHLIGHTS

Listed below is a brief summary of the activities undertaken by the Public Works Department during the period of August 1, 2022 through August 31, 2022.

1. ADMINISTRATION:

- Coordinated the installation and operating parameters of eighteen (18) LED solar powered lights along the City Hall Lake pathway.
- Staff met with a playground vendor and discussed options for FY 23 park play structure replacements.
- Project Coordinator staff attended a 16-hour Florida Department of Transportation MOT training course and exam.
- Staff met with Waste Management to review assessments levied for non-compliance with contract.

2. ROADS AND DRAINAGE MAINTENANCE

- The walls and curbs of the Biscayne Dr and Jackson Ave bridge were pressure cleaned and painted.
- Coordinated and oversaw street sweeping activity of thirty (32) City roads and six (6) parking areas at City facilities.
- Staff attended a 16-hour Florida Department of Transportation MOT training course and exam.

3. VEHICLE MAINTENANCE

- Supervisor provided general pre and post trip inspection training to Fire Rescue Engineer Operators.
 - Staff participated on a Verizon Vehicle GPS onboarding training.
 - Coordinated window tinting service on six (6) vehicles from the Department of Neighborhood Services.
-

4. BUILDING SERVICES

- Coordinated the replacement of six (6) bay doors Fire Station 94 and two (2) at Fire Rescue 95.
- Assisted with the electrical re-wiring of irrigation pump at City Hall to accommodate location of new solar powered LED lights.

5. PARKS MAINTENANCE

- Staff replaced irrigation pump at Ira Van Bullock Park.
 - Coordinated the replacement of forty- three thousand (43,000) sq. ft. of sod at Freedom Park and eighteen thousand (18,000) sq. ft. of sod the Municipal Complex.
 - Staff attended a 16-hour Florida Department of Transportation MOT training course and exam.
-



Department Report

MEETING DATE: September 28, 2022

FROM: Monica Powery, Director, Purchasing

SUBJECT: Department of Purchasing Activity Report

DEPARTMENT HIGHLIGHTS

The following report provides the highlights of activity within the Department of Purchasing for the reporting period from August 1 through August 31, 2022.

- a. 22-016 Professional Planning Consultant Services – This RFP was advertised on June 5, 2022 and closed on July 12, 2022 with seven (7) proposals received. The Selection Committee meeting was held on July 19, 2022 to discuss, evaluate and rank proposers. City Council approved awards to Calvin, Giordano & Associates, Inc., The Corradino Group, Inc., Kimley-Horn and Associates, Inc., and WGI, Inc. at the meeting held on August 15, 2022.
- b. 22-011 Gladiator Lake Drainage Enhancements – This bid was advertised on July 3, 2022 and opened on August 8, 2022 with no bid proposals received. City staff is currently working on an updated scope of work to rebid this project.
- c. 22-013 Financial Audit Services – This bid was advertised on July 3, 2022 and closed on July 26, 2022 with five (5) proposals received. The Selection Committee meeting was held on August 9, 2022 to discuss, evaluate and rank proposers. Award to Nowlen, Holt & Miner, P.A. to go before Council for approval at the meeting on September 14, 2022.
- d. 22-014 HVAC and Ice Machine Repair – This RFP was advertised on July 31, 2022 and closes on September 1, 2022.
- e. 22-017 Pressure Cleaning Services – This bid was advertised on July 3, 2022 and opened on July 25, 2022 with twelve (12) bid proposals received. The bid was cancelled and rebid with an updated scope of work.
- f. 22-018 Call to Artists Public Art – This RFP was advertised on July 31, 2022 and closes on September 1, 2022.
- g. 23-001 Pressure Cleaning Services – This bid was advertised on July 31, 2022 and opened on August 17, 2022 with ten (10) bid proposals received. City staff is currently reviewing the proposals.
- h. Request for Quotes – Developed, administered and assisted with the RFQ for City Hall Grounds Annual Landscape Maintenance
- i. Solicitations In Progress – Gladiator Lake Drainage Enhancements; Emergency Operations Center Construction; Public Works Generator; Fence Installation, Maintenance and Repair Services; and Code Enforcement Acceptance Windows.

DEPARTMENT ACTIVITY

ACTIVITY	CURRENT PERIOD	FY 2022 YTD
Purchase Orders Issued	45	641
Purchase Order Amounts	\$ 554,409.74	\$ 26,250,024.85
Solicitations Issued	1	23
Solicitations in Progress	5	–
Central Store Requests	4	31
Contracts Managed	60	60
Purchasing Card Purchases	227	2,432
Purchasing Card Transactions	\$ 33,627.97	\$ 344,453.82
No. of Training Sessions Conducted	0	4
Towing Revenue	\$ 3,015.00	\$ 33,098.00



Youth Programs Department Monthly Report

MEETING DATE: September 28th, 2022

FROM: Jowie Mohammed, Director of Youth Programs

SUBJECT: August 2022 Department Report

PROGRAMMING

- Started 2022-2023 school year after-school pick-up and programming on Wednesday August 10, 2022.
- Fifteen (15) days of after-school provided and transportation from six (6) schools within City limits
- One (1) Full Day of programming from 7:30 a.m.-6:00 p.m.

PERFORMANCE MEASUREMENTS

PERFORMANCE MEASUREMENT	AVERAGE THIS PERIOD	FY 2022 TO DATE	FY 2022 BUDGET
# of Participants	58	85	150
# of Participants in Sierra Club ICO	0	10	25
# of Licenses Coordinated	1	1	1
# of MOU's Coordinated	1	2	6
# of Part.'s in Teen Advisory Council (TAC)	0	5	5
# of Part.'s in TOP Program	0	37	15
# of Part.'s in Garden Club	0	19	20
# of Presidential Volunteer Service Hours	475	5,157	8,000

FINANCIAL INFORMATION

GRANTS COORDINATED	AVERAGE THIS PERIOD	FY 2022 TO DATE	FY 2022 BUDGET
Early Learning Coalition	13,751.58	\$167,564.12	\$290,400
Parent & Registration Fees	\$4,667.90	\$56,030.09	\$187,481
Youth Services Department SEL Grant	-	\$37,776.56	\$72,805
Textile Funds	-	\$7,032.00	-
Youth Services Summer Camp Program	-	\$3,120.00	\$49,400
Community Foundation Grant (Summer)	-	\$25,000	-

C.A.R.E.S REPORT

- Children enrolled in CARES attend the following elementary schools: Liberty Park, Greenacres, Heritage and Greenacres Christian Academy.
- After-school schedule includes homework and reading time, snacks, indoor / outdoor activities, S.T.E.A.M., life skills and organized sports.

TEEN PROGRAMS REPORT

- Teen Programs' average daily attendance has been 16 high school students and 18 middle school students. Many of our high school participants are from John I. Leonard and our middle school youth come from L.C. Swain and Okeeheelee Middle schools.
- On August 25, 2022, the Community Recreation Services and Youth Programs Department along with the Seven's Mentoring Program attended L.C. Swain's parent night. Two of our Hot Spot Seniors come and help promote our Out-of-School Time (OST) programs while giving back to our community.
- On our first Late Night of the new school year Hot Spot had a fun cooking activity, like the Chop cooking show. Students had to create a dish using mushrooms, fajitas steak, grilled chick, brioche vanilla bread loaf, string cheese, and cinnamon rolls. They did a fantastic job of being creative and working together as a team.



Jowie Mohammed, Director
Youth Programs Department