AGENDA

Mayor and City Council

Joel Flores, Mayor John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II Judith Dugo, Councilmember District III Susy Diaz, Councilmember, District IV Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager Glen J. Torcivia, City Attorney Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL
COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY
SPECIAL BUSINESS

- 1. **Proclamation:** Kidsfit Jamathon. Wil Romulus, Digital Vibez.
- 2. <u>Presentation:</u> Lobbyist Legislative Update. Joseph Salzverg, Gray Robinson.
- 3. <u>Presentation:</u> Community Showcase Video. Andrea McCue, City Manager.

CONSENT AGENDA

- 4. Official Minutes: City Council Meeting Minutes, June 6, 2022 and City Council Special Meeting Minutes, June 6, 2022. Quintella Moorer, City Clerk.
- <u>Resolution 2022-31:</u> Authorizing Fire Rescue to administer a Pilot Program using patient positioning cardiopulmonary resuscitation health service devices and to collect data; authorizing the City Manager or designee to execute all program documents; and providing for an effective date. Teri Beiriger, Director of Finance.
- 6. Resolution 2022-32: Authorizing the submittal of the FY2022 Justice Assistance Grant (JAG) program application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice assistance, and authorizing the City Manager to sign all grant documents and accept award of the grant and authorizing the city Manager with signature authority responsible for implementation equipment and technology to be used by Law Enforcement; and providing for effective date. Teri Beiriger, Finance Director.
- 7. Resolution 2022-33: Relating to the provision of residential Solid Waste Collection Services in the City of Greenacres, Florida; approving the Assessment rate for residential Solid Waste Collection Services for the fiscal year beginning on October 1, 2022;

imposing a Residential Solid Waste Collection Services Assessment against assessed property located within the City of Greenacres for the fiscal year beginning on October 1, 2022; providing for severability; providing for conflicts; and providing an effective date. - Teri Beiriger, Director of Finance.

REGULAR AGENDA

- 8. PUBLIC HEARING: Ordinance 2022-14: Second Reading: Amending Chapter 8, Licenses and Business Regulations, Article 3, Business Taxes, Section 8-46 through 8-736, to correct the applicable department names, to clarify Business Inspections, to create criteria for denying, suspending and revoking Business Tax Receipts, providing for appeals to the Special Magistrate, and for other purposes; providing for repeal of conflicting ordinances, severability, inclusion in Code, and an effective date. Caryn Gardner-Young, Zoning Administrator.
- 9. PUBLIC HEARING: Ordinance 2022-18: Second Reading: Amending Chapter 9 "Miscellaneous Offenses" by adopting Article 3, "Landlord/Tenant Notice Requirements," Section 9-30 "Notice of Termination of Monthly Residential Tenancy Without Specific Duration" and Section 9-31 "Written Notification Requirements related to Rental payment increases for Rental Tenancies," to require 60 days written notice for termination of certain tenancies and increases in rental rates; providing for severability, preservation, conflicts, codification, and an effective date. Glen Torcivia, City Attorney.
- 10. PUBLIC HEARING: Ordinance 2022-01: First Reading: Authorizing the City of Greenacres to execute an Interlocal Service Boundary and Joint Planning Agreement between the City of Greenacres and Palm Beach County to coordinate future land use, public facilities and services in advance of annexation, pursuant to Chapter 171, Part 2, Florida Statutes; providing for repeal of conflicting ordinances, severability, and an effective date. Kara Ferris, Director of Development and Neighborhood Services.
- 11. PUBLIC HEARING: Ordinance 2022-02: First 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 Ferris-Irwin, Director of Development and Neighborhood Services.
- 12. Ordinance 2022-11: First Reading: Amending Chapter 12, Subdivisions and Land Development Regulations, Article 2, Plats, Division 1, generally, and Division 2, Application Procedure, to create a two- step Plat Approval Process with requirements; amending Chapter 16, Zoning Regulations, Article 2, Administration, Division 1, generally, Section 16-33, Public Hearing, Table 16-33, to reflect the new plat process; providing for repeal of conflicting ordinances, severability, inclusion in code, and an effective date.- Caryn Gardner-Young, Zoning Administrator.
- 13. Ordinance 2022-17: First Reading: Amending Chapter 11, "Streets, sidewalks and other Public Places", Article 1, "in general", by adding Section 11-6, Right-of-Way Permits; providing for repeal of conflicting ordinances, severability, inclusion in the code, and an effective date. Caryn Gardner-Young, Zoning Administrator.

14. PUBLIC HEARING: 2022-22: First Reading: Establishing the Blossom Trail Community Development District pursuant to Chapter 190, Florida Statutes; providing for the establishment and naming of the district; providing for the legal description of the external boundaries of the district; providing for the description of the functions and powers of the district; providing for the designation of the initial members of the district's board of supervisors; providing for notice requirements and for compliance with all remaining sections of Chapter 190, Florida Statutes, and all other applicable laws and ordinances; providing for severability; and providing for an effective date. - Kara Ferris-Irwin, Director of Development and Neighborhood Services.

DISCUSSION ITEM

- 15. Campaign Free Zone Councilmember Paula Bousquet.
- 16. Limited Income Senior Citizen Exemption Program. Andrea McCue, City Manager.
- <u>17.</u> Hurricane Shutter Code requirements. Brian Fuller, Fire Rescue Chief.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

CITY MANAGER'S REPORT

- 18. Community & Recreation Service Report.
- 19. Development and Neighborhood Services Report.
- 20. Finance Report.
- 21. Fire Rescue Report.
- 22. Information Technology Report.
- 23. Palm Beach Sheriff Office District 16 Report.
- 24. Public Works Report.
- 25. Purchasing Report.
- 26. Youth Development Report.

CITY ATTORNEY'S REPORT MAYOR AND CITY COUNCIL REPORT ADJOURNMENT

Upcoming Council Meetings:

August 1, 2022 August 15, 2022

Meeting Records Request

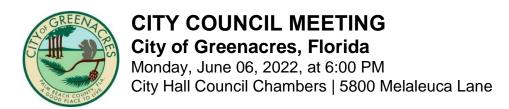
Any person requesting the appeal of a decision of the City Council will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to FS. 286.0105, the record must include the testimony and evidence upon which the appeal is to be 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.



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 due to travel.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

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

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

SPECIAL BUSINESS

 <u>Presentation:</u> 2022 Educational Scholarship Awards. - Susy Diaz, Councilmember and Educational Scholarship Chair.

Councilmember Diaz thanked the Committee for their assistance. She announced the winners; Nathaniel Barrow, Peria Tavira, Ben-Gina Fantaisie, Shovik Shea, Alyssa Urrutia, and Eden Westerman.

Councilmember Diaz thanked the Council and congratulated the recipients. Photos were taken.

Mayor Flores stated the City was proud of everyone.

<u>Proclamation:</u> National Garden Week, June 5-11, 2022. - Barbara Hadsell, Oleander Garden Club.

Ms. Moorer read the proclamation by title.

Ms. Hadsell, Janet Stein, and Rebecca Walton thanked the Council.

Photos were taken.

- <u>3.</u> <u>Proclamation:</u> State Farm celebrating 100th Year Anniversary. Brean Rodriguez, State Farm Agent.
 - Ms. Moorer read the proclamation by title.
 - Ms. Rodriguez thanked the Council for the recognition.

Photos were taken.

- <u>Proclamation:</u> Parks and Recreation Month. Michele Thompson, Director of Parks and Recreation.
 - Ms. Moorer read the proclamation by title.
 - Ms. Thompson thanked the Council and Staff for their assistance.

Photos were taken.

- <u>5.</u> <u>Proclamation:</u> Parks and Recreation Professionals Day, July 15, 2022. Michele Thompson, Director of Parks and Recreation.
 - Ms. Moorer read the proclamation by title.
 - Ms. Thompson thanked the Council and Staff for their assistance.

Photos were taken.

- <u>6.</u> <u>Presentation:</u> Annual Comprehensive Financial Report Teri Beiriger, Director of Finance and Ron Bennet, CPA, Nowlen, Holt and Miner, PA.
 - Mr. Bennet reviewed some funds and stated the City did a wonderful job. He highlighted some revenues, expenditures, and the fund balance. He stated overall the City was in great shape and welcomed any questions.

CONSENT AGENDA

- <u>7.</u> <u>Official Minutes:</u> City Council Meeting Minutes, May 16, 2022. Quintella L. Moorer, City Clerk.
- **8. EMS Write-Off:** Pursuant to Staff Item Summary and the June 2022 List. Teri Beiriger, Director of Finance.
- <u>9.</u> Resolution 2022-28: Approving the execution of Agreement 2022-0888 with the Community Foundation for Palm Beach and Martin counties; and providing for an effective date. Jowie Mohammed, Director of Youth Programs.
- 10. Resolution 2022-29: Approving the agreement between the City of Greenacres and MCCi, LLC, for the migration and upgrade of the City's Laserfiche electronic document management system to the Laserfiche Cloud enterprise content management system; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. Monica Powery, Director of Purchasing.

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

Councilmember Diaz, and Councilmember Bousquet.

REGULAR AGENDA

11.PUBLIC HEARING: Ordinance 2022-12: Second Reading: Amending Chapter 2, Article 2, to create a new Section 2-29 to be entitled "Appointment Process for Deputy Mayor," to set forth the process for the appointment of the Deputy Mayor, 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 Ordinance 2022-12 was approved on First Reading May 16, 2022. She clarified the one change included beginning the term of Deputy Mayor with District Two's Councilmember as District One Councilmember was currently serving as Deputy Mayor. No other changes occurred since the First Reading. Staff recommended approval.

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-12 on Second Reading; Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Diaz, and Councilmember Bousquet.

12.PUBLIC HEARING: Ordinance 2022-13: Second Reading: Amending Article 5, Section 2-146 of the Greenacres City Code, entitled Voting Districts, by redefining the geographic boundaries for the five (5) established voting districts; 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 the ordinance was approved on First Reading, May 16, 2022, and no changes had occurred since. Staff recommended approval.

Motion made by Councilmember Diaz, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-13 on Second Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Diaz, and Councilmember Bousquet.

13. Ordinance 2022-14: First Reading: Amending Chapter 8, Licenses and Business Regulations, Article 3, Business Taxes, Section 8-46 through 8-736, to correct the applicable department names, to clarify Business Inspections, to create criteria for denying, suspending, and revoking Business Tax Receipts, providing for appeals to the Special Magistrate, and for other purposes; 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 provided some general information of what a business tax receipt was and the requirements of each location and type of business on site. She stated the process had not been updated in ten years and certain gaps, clarity and provisions were needed. Ms. Gardner-Young stated Staff recommended approval.

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-14 on First Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Diaz, and Councilmember Bousquet.

14. PUBLIC HEARING: Ordinance 2022-16: Second Reading: Amending Chapter 16, Article 4 Supplemental District Regulations, Amending Division 3 Public Places; to add Subdivision 2, Art in Public Places; creating a one percent Art in Public Places Program for City beautification; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in Code; and providing for an effective date. - Kara Irwin-Ferris, Development and Neighborhood Services Director.

Ms. Moorer read the ordinance by title.

Ms. Irwin-Ferris replied to a question from the First Reading regarding creating a Selection Committee. She stated a committee could be selected to create a program to select art pieces, she said the City was limited to City sites only which would require the Councils approval. No other changes had occurred since the First Reading. Staff recommended approval.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Bousquet to approve Ordinance 2022-16 on Second Reading.

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

15. Ordinance 2022-18: First Reading: Amending Chapter 9 "Miscellaneous Offenses" by adopting Article 3, "Landlord/Tenant Notice Requirements," Section 9-30 "Notice of Termination of Monthly Residential Tenancy Without Specific Duration" and Section 9-31 "Written Notification Requirements related to Rental payment increases for Rental Tenancies," to require 60 days written notice for termination of certain tenancies and increases in rental rates; providing for severability, preservation, conflicts, codification, and an effective date. - Glen Torcivia, City Attorney.

Ms. Moorer read the ordinance by title.

Mr. Torcivia stated the ordinance was discussed due to the difficulties tenants were having with increased rental rates in Florida. The ordinance required landlords to offer a sixty-day notice prior to terminating a month-to-month tenancy and or a sixty-day notice prior to a rental increase of more than five percent. The City would not enforce the act, it was a tool to assist attorneys regarding legal matters.

Mayor Flores and Councilmember Diaz expressed their concerns with rent increases and were happy to see some relief with extended notices.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Bousquet to approve Ordinance 2022-18 on First Reading.

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

16. Florida League of Cities Annual Conference Voting Delegate: Each municipality sending representatives to the Annual Conference must designate one of the current officials as a Voting Delegate to cast their votes at the Annual Business Session. - Andrea McCue, City Manager.

Ms. McCue said the Conference would take place in Hollywood, Florida and one Councilmember must be delegated to vote during the voting sessions. The Council appointed Councilmember Judy Dugo.

Motion made by Councilmember Bousquet, Seconded by Councilmember Noble to select Councilmember Dugo as the Voting Delegate.

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

DISCUSSION ITEM - None.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

- 1. Ms. Emily Robarts, resident questioned the hurricane shutter Code and suggested updating the Code.
- 2. Ms. Michele Steinberg resident of Pine Ridge suggested a review and amendment of the City's hurricane shutter and impact window Codes.
- 3. Ms. Luba Wagner resident of Pine Ridge stated she received a letter requesting the removal of hurricane shutters or a fine would be enforced. She recommended updating the hurricane shutter Code.
- 4. Ms. Sandie Miller Southwest Hills resident said with the removal of swale areas from the roadway it caused a lot of standing water due to the heavy rain. She recommended a review of the swale areas and flooding hazards.
- 5. Ms. Beth Dillinger Jupiter resident recommended the Council adopt a senior tax exemption.
- 6. Ms. Karen Velez candidate for Palm Beach County Court Judge asked for support in the upcoming election.
- 7. Mr. Nathan Galang resident of Santa Catalina expressed his concerns of rental increases across Florida.

CITY MANAGER'S REPORT

Ms. McCue welcomed Shanice Copping the City's intern for the summer. She reminded the Council about the next Let's Talk series and the Ignite the Night event on July 4. She also thanked Staff for their hard during the Daddy Daughter Dance.

CITY ATTORNEY'S REPORT

No report.

MAYOR AND CITY COUNCIL REPORT

Deputy Mayor Tharp requested more information regarding the senior tax exemption program.

Councilmember Noble clarified the City had districts for voting purposes only and stated he represented the entire City.

Councilmember Diaz agreed with being provided information regarding the senior tax exemption program.

Mayor Flores requested the senior tax exemption program be added to the next agenda for discussion.

Councilmember Bousquet requested a discussion regarding a campaign free zone.

Mayor Flores also requested adding a discussion item regarding hurricane shutter Codes. He also stated the Basketball with the Mayor event was great.

A P			
A I I			
	-) <i> </i>	IENT

7	·27D1	Λ
•	.7 / F IV	/1

Joel Flores	Quintella Moorer, CMC
Mayor	City Clerk
	Date Approved:



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 7:48PM and City Clerk Moorer called the Roll. Councilmember Dugo was absent due to travel.

AGENDA APPROVAL

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

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

REGULAR AGENDA

 <u>Capital Improvement Project Review.</u> - Andrea McCue, City Manager and Teri Beiriger, Director of Finance.

Ms. McCue thanked the Finance Department for their hard work. She reviewed the Property Improvement Program figures and the success of the program. She asked if Council wanted to move forward with allocating funds for next year. The Council agreed to allocating 75 percent to residential and 25 percent to commercial properties.

Art in Public Places allocation would be \$25,000. The Educational Scholarship fund would be funded for six scholarships per year at \$1,500 each. Councilmember Diaz suggested exploring options for the City to provide more scholarships, the Council agreed.

Ms. McCue highlighted newly proposed positions for various departments to include the City Clerk's Office, Purchasing, Fire Rescue, Community Recreation Services and Police Beach Sheriff Office.

Ms. McCue stated the new fire station would not be built until 2023 due to the call volume the City would currently need to provide some temporary space.

Councilmember Diaz asked was an Economic Developer position in the future due to the changes in the City. Ms. McCue stated the position was previously in the budget but was not filled. The Council decided to revisit the position and cost at the next meeting.

Ms. McCue reviewed the New Growth fund to include converting some tennis courts into soccer fields depending on dollars from grants. The 303 fund was for park related projects with an ending balance of \$1.2 million. She also mentioned some solar lighting enhancements and landscape maintenance.

Ms. McCue stated the 304 fund was for reconstruction and maintenance with the largest expense of \$16,000 for a lawn mower replacement. She mentioned the JAG grant was an in and out expense which would be used to enhance the City's security camera system.

Ms. McCue mentioned the Fire Rescue station and the Chickasaw road project amongst other projects were vetoed by the Governor during the past sessions.

Ms. McCue stated FY23 would start with some updates to Veterans' Park for improvements and needed repairs.

She also mentioned vehicle replacements include a bus and a claw truck.

She continued to highlight other replacements such as City hall's restoration roof and HVAC.

The City allocated funds for the septic to sewage project with hopes of outside funding.

Ms. McCue explained the plan to review City Hall's interior space for future growth. Mayor Flores asked was it possible to get a recommendation of cost for the chamber's audio upgrades based on the Transportation Planning Authority audio system.

Ms. McCue discussed the new Youth Development building plan status and the currently purchased land for Fire Rescue. She was hopeful the City would acquire an Emergency Operation Center in the future.

Ms. McCue stated the preliminary ad valorem values from the County were up 11.34 percent. She stated with the millage rate at 6.4 the City was projecting over \$15 million in ad valorem.

Ms. McCue stated the forecast was \$1.9 million for revenue over expenditures.

She asked the Council to move forward now with a Fire Rescue medic truck, which was planned for FY 2023 as it took time to acquire a truck and no dollars would be expended now. Council agreed.

She also stated the fireworks cost increased and wanted to advise Council of the increase.

Ms. McCue stated the added City events for FY23 were a Chili Cook Off and National Night Out, she mentioned the City was selected as a host city by Palm Beach Sheriff Office.

COMMENTS FROM THE PUBLIC ON	NON-AGENDA ITEMS	
CITY MANAGER'S REPORT - None.		
CITY ATTORNEY'S REPORT - None.		
MAYOR AND CITY COUNCIL REPOR	T - None.	
ADJOURNMENT - 9:01pm.		
Joel Flores	Quintella Moorer, CMC	
Mayor	City Clerk	
	Date Approved:	



ITEM SUMMARY

MEETING DATE: July 18, 2022

FROM: Teri Beiriger, Director of Finance, Finance Department

SUBJECT: Resolution No. 2022-31 Patient Positioning Cardiopulmonary Resuscitation

Health Services

BACKGROUND

Greenacres Fire Rescue has been chosen by the State of Florida Division of EMS to receive grant funding for the purpose of collecting data to access the community impact of these services on survivability from cardiac arrest individuals with cardiovascular disease to include heart disease and stroke.

ANALYSIS

The City of Greenacres Fire Rescue has been chosen by the Medical Director to be a pilot department to use the patient positioning cardiopulmonary resuscitation (PP CPR). The State of Florida Division of EMS will provide funds in the amount of \$17,000.00 for the purchase of 3 device that elevates the head (heads up CPR) of a cardiac arrest victim which in turns reduces intracranial pressure and improves cerebral perfusion pressure.

FINANCIAL INFORMATION

The funds will be made available to us via electronic transfer directly from the state of Florida.

LEGAL

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

STAFF RECOMMENDATION

Approval of Resolution 2022-31 authorizing Fire Rescue to be the pilot department to use Patient Positioning Cardiopulmonary Resuscitation.

RESOLUTION NO. 2022-31

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING FIRE RESCUE TO ADMINISTER A PILOT PROGRAM USING PATIENT POSITIONING CARDIOPULMONARY RESUSCITATION HEALTH SERVICE DEVICES AND TO COLLECT DATA; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE ALL PROGRAM DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, based on the recommendation of the Medical Director, the City of Greenacres Fire Rescue has been selected by the Florida Department of Health to administer a pilot program which utilizes a patient positioning cardiopulmonary resuscitation (PP CPR) device to elevate the patient's head to reduce intracranial pressure and improve cerebral perfusion pressure (heads up CPR); and

WHEREAS, as part of the program, the City of Greenacres Fire Rescue will collect data to document the patient positioning cardiopulmonary resuscitation device's impact on survivability from cardiac arrest for individuals with cardiovascular disease, heart disease and stroke; and

WHEREAS, Florida Department of Health will provide \$17,000.00 to the City for the purchase of three (3) patient positioning cardiopulmonary resuscitation devices; and,

WHEREAS, the City of Greenacres City Council finds authorizing the City of Greenacres Fire Rescue to administer a pilot program with patient positioning cardiopulmonary resuscitation devices serves a valid public purpose.

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

SECTION 1. The City Council grants authorization for the City of Greenacres Fire

Resolution No. 2022-31 | Patient Positioning Cardiopulmonary Resuscitation Device Page No. 2

Rescue to administer a program to use the patient positioning cardiopulmonary resuscitation device and to accept funds in the amount of \$17,000.00 for the purchase of the three (3) devices.

SECTION 2. The City Manager or designee is hereby authorized to execute and submit all required documents for the pilot program.

SECTION 3. The resolution shall be effective upon its adoption.

Resolution No. 2022-31 | Patient Positioning Cardiopulmonary Resuscitation Device Page No. 3

RESOLVED AND ADOPTED this 18th of day of July 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 City Attorney	



ITEM SUMMARY

MEETING DATE: July 18, 2022

FROM: Teri Lea Beiriger, Finance Director, Finance Department

SUBJECT: Resolution No. 2022-32 Justice Assistance (JAG) Grant 2022 Application

Submittal

BACKGROUND

The Justice Assistance Grant (JAG) Program provides funding to state and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system. Under the Memorial Edward Byrne Justice Assistance Grant Program, the City of Greenacres was allocated an amount of \$11,013 and to receive the allocation the city needs to apply in compliance with the grant requirements.

ANALYSIS

Resolution 2022-32 authorizes the submittal of the FY 2022 JAG application and authorizes the appropriate City Officials to sign the grant documents and administer the grant. The grant does not require a city match of funds. The grant requires the following administrative steps be taken to obtain funding:

- Grant application must be made available to review by the governing body of the unit of local government not fewer than 30 days before the application is submitted to the Bureau of Justice Assistance.
- Provide assurance that the public had an opportunity to comment on the proposed grant.
- All grant applications must be submitted through the Office of Justice Programs (OJP)
 Grants Management System (GMS) only.

FINANCIAL INFORMATION

The grant is 100% funded in the amount of \$11,013. The project will be included in the FY2023 Budget.

LEGAL

The resolution has been prepared in accordance with the City Code requirements.

STAFF RECOMMENDATION

Approval of Resolution 2022-32 authorizing the submittal of the JAG application

RESOLUTION NO. 2022-32

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING THE SUBMITAL OF THE FY2022 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, AND AUTHORIZING THE CITY MANAGER TO SIGN ALL GRANT DOCUMENTS AND ACCEPT AWARD OF THE GRANT, AND AUTHORIZING THE CITY MANAGER WITH SIGNATURE AUTHORITY RESPONSIBLE FOR IMPLEMENTATING EQUIPMENT AND TECHNOLOGY TO BE USED BY LAW ENFORCEMENT; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Department of Justice Appropriations Authorization Act, (Public Law 109-162), authorizes the Attorney General to make funds available to units of local government, under the Justice Assistance Grant (JAG) Program, for purposes of reducing crime and improving Public Safety; and

WHEREAS, the Bureau of Justice Assistance has allotted a proposed allocation for the City of Greenacres in the amount of \$11,013.00 to cover one hundred (100%) percent of the cost to procure security cameras.

WHEREAS, the City of Greenacres will hold a Public Hearing on July 18, 2022, of such funds; and

WHEREAS, the Public Notice was duly posted at City Hall to inform the public of the meeting to consider the purpose for which this Justice Assistance Grant is sought,

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

Resolution No. 2022-32 | JAG camera application Page No. 2

SECTION 1. The City Council hereby authorizes the submittal of the 2022 Justice Assistance Grant Camera Project application and authorizes the City Manager to sign all grant documents and accept the award of the Grant.

SECTION 2. The City Council hereby authorizes the City Manager with signature authority responsible for implementing the grant.

SECTION 3. The City Council hereby approves the use of the grant to fund the cost of equipment once received.

Resolution No. 2022-32 | JAG camera application Page No. 3

RESOLVED AND ADOPTED this 18th of day of July 2022

	Voted:
Joel Flores, Mayor	John Tharp, Deputy Mayor
Attest:	
	Voted:
Quintella Moorer, City Clerk	Peter Noble, Council Member, District II
	Voted:
	Judith Dugo, Council Member, District III
	Voted:
	Susy Diaz, Council Member, District IV
	Voted:
	Paula Bousquet, Council Member, District V
Approved as to Form and Legal Sufficiency:	
Glen J. Torcivia, City Attorney	



ITEM SUMMARY

MEETING DATE: July 18, 2022

FROM: Teri Lea Beiriger, Director of Finance

SUBJECT: Resolution No. 2022-33 Annual Solid Waste Assessment Rate

BACKGROUND

On August 20, 2018, Ordinance 2018-15 Greenacres Solid Waste Collection Services Assessment was adopted on second reading, authoring the imposition of an assessment on the tax bill for solid waste collection and recycling charges. The assessment took the place of the semi-annual direct billing of solid waste and recycling charges by the City that was billed for more than 25 years

ANALYSIS

This resolution will formally adopt the solid waste assessment roll to be provided to the property appraiser as necessary for inclusion on the 2022 tax bill and set the assessment rates for the fiscal 2023 solid waste collection and recycling charges. The Greenacres solid waste assessment is billed in advance for solid waste collection and recycling services for the period of October 1, 2022 through September 30, 2023.

The Greenacres assessment for solid waste collection and recycling is distinguishable from the Solid Waste Authority's assessment on the tax bill from solid waste disposal costs at the County's landfills.

Greenacres solid waste assessment rates are designed to generate the revenues necessary to cover the contractual and administrative costs of providing the solid waste and recycling collection services. The City uses three (3) rate tiers based on the type of service provided and the frequency of collection. Curbside service rates are higher than containerized rates due to the increased number of individual stops at each individual residence to provide collection services. Multi-family developments using containerized services result in efficiencies and cost savings for the City's contracted waste hauler that are passed on to those property owners resulting in lower rates. The following annual residential rates are proposed:

Fiscal 2023 Annual Residential Collection Rates (Assessed on 2022 Tax Bill)	Proposed Rates	With 4% Tax Collector Discount
Curbside pickup	\$178.60	\$171.50
Containerized pickup (dumpsters) 2x/week	\$119.20	\$114.40
Containerized pickup (dumpsters) 3x/week	\$157.70	\$151.40

The total assessment for a residential duplex would be calculated by multiplying the number of residential units in the duplex by the Annual assessment rate, as shown in the example below:

Parcel #: 18-42-43-27-01-001-0001 Address: 123 Greenacres Lane, Greenacres FL 33467

Number of residential units 2 x Annual garbage rate \$ \$\frac{\$178.60}{}\$ = Total assessment \$ \$\frac{\$357.20}{}\$

FINANCIAL INFORMATION

The estimated cost of residential solid waste collection and recycling services for the fiscal year 2023, including administrative and franchise fees, is \$2,541,124 to be covered by residential solid waste assessments totaling \$2,564,836. (See Exhibits A & B of Resolution 2022- 33).

The above proposed total assessment for 2022 includes a 3.5% increase in the annual garbage rate from the 2021 annual garbage rate. The 3.5% increase for 2022 is based on the City's solid waste franchise agreement, which allows for the annual garbage rate to change based on the annual Consumer Price Index (CPI) change for trash collection services. For year 2023, the annual residential assessment rates will be adjusted to reflect the change in the City's annual garbage rate increases for year 2023, the maximum allowable increase is 3.5%

LEGAL

Resolution 2022-33 has been prepared in accordance with applicable City regulations.

STAFF RECOMMENDATION

Council approval of Resolution 2022-33 to adopt the solid waste assessment roll and set the final assessment rates for the solid waste assessment on the 2022 tax bill that covers the solid waste collection and recycling services for the period beginning October 1, 2022 through September 30, 2023, the City's 2022-23 fiscal year.

Attachments:

Exhibit A - Greenacres FY2023 Solid Waste Rates for 2022 Tax Bill

Exhibit B - Greenacres Cost of Residential Solid Waste Collection and Recycling Services

RESOLUTION NO. 2022-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES IN THE CITY OF GREENACRES, FLORIDA; APPROVING THE ASSESSMENT RATE FOR RESIDENTIAL SOLID WASTE COLLECTION SERVICES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022; IMPOSING A RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF GREENACRES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Greenacres Ordinance No. 2018-15, adopted on August 20, 2018, provides for the home rule authority of the City to impose Residential Solid Waste Collection Services Assessments against residential property located within the City, and provides findings of special benefit to real property as a result of such services; and,

WHEREAS, the City has in place a Solid Waste and Recycling Collection Contract with Advanced Disposal Services Solid Waste Southeast, Inc. (hereinafter "Advanced Disposal"), pursuant to which the City provides Residential Solid Waste Collection Services to; among others, all residential properties that receive Residential Solid Waste Collection Services within the City; and,

WHEREAS, the City Council desires to impose a Residential Solid Waste Collection Services Assessment within the City for the Fiscal Year beginning on October 1, 2022 using the tax bill collection method; and,

WHEREAS, Ordinance 2018-15 requires the City Council to adopt an Annual Assessment Resolution during its budget adoption process, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year; and,

WHEREAS, the City Council has determined that the adoption of this Annual

Assessment Resolution and the Assessment Roll for the Fiscal Year beginning October 1, 2022 serves a valid public purpose.

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

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed by the City Council as true and correct statements and incorporated herein by this reference.

Section 2. This Resolution is adopted pursuant to the provisions of Ordinance 2018-15 and sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 3. The rate schedule attached hereto as Exhibit "A" and hereby incorporated herein by reference, and also the schedule of costs attached hereto as Exhibit "B" specifying the Residential Solid Waste Collection Services Assessed Rates and Costs determined in Section 9 of this Final Assessment Resolution and the Residential Solid Waste Collection Services Assessments established in Section 9 of this Final Assessment Resolution.

Section 4. Upon the imposition of the Residential Solid Waste Collection Services
Assessment for Residential Solid Waste Collection Services upon assessed property
located within the City, the City shall provide Residential Solid Waste Collection Services
to such assessed property through the Collection Contract. The cost to provide such
Residential Solid Waste Collection Services to Assess Properties, as described herein,
shall be funded from the proceeds of the Residential Solid Waste Collection Services
Assessment. It is hereby ascertained, determined, and declared that each parcel of

assessed property located within the City will be benefited by the City's provision of Residential Solid Waste Collection Services in an amount not less than the Residential Solid Waste Collection Services Assessment imposed against such parcel, computed in the manner set forth in this Final Assessment Resolution.

Section 5. Residential Solid Waste Collection Services Assessments shall be imposed against all assessed properties that receive Residential Solid Waste Collection Services, as provided herein. The Cost Apportionment described herein is approved and adopted as the methodology to impose and compute the Residential Solid Waste Collection Services Assessment.

IMPOSITION AND COLLECTION

- **5.1** The Residential Solid Waste Collection Services Assessments to be imposed pursuant to this Resolution shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.
- 5.2 The Residential Solid Waste Collection Services Assessment imposed pursuant to this Resolution is imposed by the City Council of the City of Greenacres, not the Palm Beach County Board of County Commissioners, Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution, and pursuant to the City's agreements with such entities, shall be construed as ministerial.

APPORTIONMENT

5.3 The size or the value of the Residential Property does not determine the scope of the required solid waste services. The potential demand for Residential Solid

Waste Collection Services is driven by the existence of a Residential unit and the type and frequency of collection provided.

- **5.4** Apportioning the Residential Solid Waste Assessed Costs for Residential Solid Waste Collection Services attributable to assessed properties on a per Residential unit basis according to the type and frequency of service provided is required to avoid cost inefficiency and unnecessary administration and is a fair and reasonable method.
 - **5.5** There are two types of residential service provided:
 - 5.5.1 Curbside solid waste collection and recycling services the collection of solid waste and recyclable materials from all residential dwelling units that receive individualized solid waste and recycling collections services generally using individual containers for each residential dwelling unit ("Curbside"); or
 - 5.5.2 Containerized solid waste collection and recycling services the collection of solid waste and recyclable materials from all residential dwelling units that use central or shared containers, with or without a compactor, and not by means of individual containers ("Containerized").
- **5.6** The frequency of solid waste collection shall be 2 times per week for all Curbside solid waste collection and recycling services, and 2 or 3 times per week, as deemed necessary and upon request by the residential property owners, for all Containerized solid waste collection and recycling services.
- **5.7** Unoccupied Residential units in the City may not receive residential Solid Waste Collection Services during such time as the Residential unit is unoccupied, however, the City cannot know which Residential units are unoccupied at the time the

assessments are levied. Therefore, it is fair and reasonable to impose the assessment on all Residential units designated on the Solid Waste Assessment Roll and which are expected to or actually receive Residential Solid Waste Collection Services. Unoccupied Residential units also derive some benefit from the provision of Residential Solid Waste Collection Services to neighboring Residential units, which avoids blight and health and safety issues associated with the accumulation of solid waste in the surrounding areas and neighborhood.

Section 6. The Collection Contract provides for an annual charge to the assessed properties for the Residential Solid Waste Collection Services provided by the city through its Collection Contract. The Residential Solid Waste Collection Services Assessed Costs include other costs associated with the Residential Solid Waste Collection Assessment, which are then allocated to the assessed properties in addition to the annual charge in the Collection Contract to determine the Assessment Amount. The Assessment Amount is then multiplied by the number of Residential units on such Tax Parcel. For the Fiscal Year commencing October 1, 2022, the annual charge per residential unit for Solid Waste Collection services shall be assessed according to the following service types and frequencies:

- 6.1 Curbside service, Frequency 2 times per week \$ 178.60(\$171.50 with tax collector discount)
- **6.2** Containerized pickup, Frequency 2 times per week \$ 119.20 (\$114.40 with tax collector discount)
- 6.3 Containerized pickup, Frequency 3 times per week \$ 157.70(\$151.40 with tax collector discount)

Section 7. The Residential Solid Waste Collection Service Assessed Costs to be assessed and apportioned among assessed properties pursuant to the cost Apportionment for the Fiscal Year commencing October 1, 2022, is the amount determined in the Residential Solid Waste Collections Services Cost Schedule, attached hereto as Exhibit B. The proposed Residential Solid Waste Collection Services Assessments specified in the Assessment Rate Schedule, attached hereto as Exhibit A, are hereby established to fund the Residential Solid Waste Collection Services Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 2022. The Residential Solid Waste Collection Services Assessment Resolution shall be the assessment rates applied by the Assessment Coordinator in the preparation of the updated Residential Solid Waste Collection Services Assessment Roll for the Fiscal Year commencing October 1, 2022.

SECTION 8. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Residential Solid Waste Collection Services Assessment).

SECTION 9. The Assessment Roll, as defined in Ordinance 2018-15, shall be filed with the City Clerk and the Residential Solid Waste Collection Services Assessments set forth therein shall stand confirmed. All Residential Solid Waste Collection Services Assessments shall constitute legal, valid, and binding first liens, unless otherwise provided by law, upon property against which such Assessments are made until paid.

Resolution No. 2022-33| SW Annual Assessment Page No. 7

SECTION 10. The Assessment Roll, as adopted and approved herein, shall be certified by the Assessment Coordinator and delivered no later than September 15, 2022, to the Palm Beach County Property Appraiser.

SECTION 11. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

SECTION 12. That all prior Resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 13. This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.

RESOLVED AND ADOPTED this 18th of day of July 2022.

	Voted:
Joel Flores, Mayor	John Tharp, Deputy Mayor
Attest:	
	Voted:
Quintella Moorer, City Clerk	Peter Noble, Council Member, District II
	Voted:
	Judith Dugo, Council Member, District III
	Voted:
	Suzy Diaz, Council Member, District IV
	Voted:
	Paula Bousquet, Council Member, District V
Approved as to Form and Legal Sufficiency:	
Glen J. Torcivia, City Attorney	



ITEM SUMMARY

MEETING DATE: July 18, 2022

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

SUBJECT: Ordinance 2022-14, ZTA-22-08

Business Tax Receipts (BTR) Regulations

BACKGROUND

A City-initiated request for a text amendment that amends the Code of Ordinances Chapter 8 entitled Licenses and Business Regulations to state the correct department name, allow inspections by multiple City Departments, add criteria when the City has the right to deny the issuance of a Business Tax Receipt, modify when the City has the right to renew, revoke or cancel a Business Tax Receipt, and require appeals to be heard by the Special Magistrate rather than the City Council.

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. A Business Tax Receipt is exempted (not required) of any charitable, religious; fundraising, certain disabled persons, the aged, and widows with minor dependents, veterans, spouses of veterans and certain servicemembers, and low-income persons. (FL statutes 205.055, 205.162, 205.191, 192, 409.2554) Applicants for exemptions must provide the required documentation in order to qualify for the exemption.

A Business Tax Receipt is required for each location the business operates from, and one for each category of business which is conducted on site. When an entity pays a Business Tax Receipt, they receive a Business Tax Receipt, which is valid for one year, from October 1 through September 30. All commercial businesses located in the City will need approval from the Planning, GIS and Engineering Division and a fire and building department inspection. Tax rates vary, depending on the business classification. Certain professional business categories are required to submit proof of active permits, state license registration or other professional licenses or certification from other state or county agencies prior to the issuance or renewal of a local Business Tax Receipt. On June 6, 2022, City Council approved Ordinance 2022-14 on first reading with a vote of 4-0.

ANALYSIS

The City's business tax receipt process has not been updated in over ten years. The current process adheres to the basic requirements of Chapter 205, Florida Statutes; however, there are several areas where additional requirements and processes are needed to fill gaps in the basic requirements. Further, the City has seen an increase in occasions where business tax

receipts should not be granted and/or should be revoked. Clearer criteria and processes are needed in this regard.

FINANCIAL INFORMATION

The proposed revisions to the Business Taxes provisions should not create any change in the current revenue received from this tax.

LEGAL

Ordinance 2022-14 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-22-08 through the adoption of Ordinance 2022-14.

ORDINANCE NO. 2022-14

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 8-73, TO CORRECT THE APPLICABLE DEPARTMENT NAMES, TO CLARIFY BUSINESS INSPECTIONS, TO CREATE CRITERIA FOR DENYING, SUSPENDING, AND REVOKING A BUSINESS TAX RECEIPTS, PROVIDING FOR APPEALS TO THE SPECIAL MAGISTRATE, AND FOR OTHER PURPOSES; 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. 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.

A business tax is hereby imposed by the city upon:

- (1) Any 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 its jurisdiction; and
- (2) Any person who does not qualify under the provisions of (1) above and who transacts any business or engages in any occupation or profession in interstate commerce where such business tax is not prohibited by section 8, article 1 of the United States Constitution and is not otherwise exempt by this article or other local, state, or federal laws or rules.

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 for engaging in or conducting any of the businesses, professions or occupations specified and set forth in this article, 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 <u>development and neighborhood services</u> <u>building</u>.
 - (2) Submit all documentation as required by this article and the director of development and neighborhood services building or his/her appointed 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.

Page No. 4

- (4) Submit an application for a county business tax receipt for city zoning approval.
- (b) Every applicant for a local business tax receipt to engage in or conduct any of the businesses, professions or occupations specified and set forth in this article 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 receipt to maintain a permanent business location or branch office within the city 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 to maintain a permanent business location or branch office within the city 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. have inspections made and approval by the building official or appointed designee(s) and the fire marshal. An inspection fee for these mandatory inspections shall be imposed by separate city resolution in an amount to be kept on file in the department of building. Failure to provide proof of the passed inspection(s) schedule and pass these inspections 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.sections 2-72 through 2-78.
- (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 <u>development and neighborhood services</u> building or appointed designee shall issue a city business tax receipt, valid through September 30, of each fiscal year.

Sec. 8-49. - Contractors license requirements.

Every applicant desiring to engage in or conduct any of the contractor occupations which will maintain a permanent business location or branch office within the city 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.

Sec. 8-4950. – Home-based businesses occupations—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(a), and (b) and (d) 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

Page No. 5

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) sections 16-740 through 16-754 of the zoning code concerning home occupations to verify compliance with the use, size and other restrictions for home occupations.

Sec. 8-504. - Home family daycare.

In addition to the requirements of section <u>8-49</u>8-50, 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; section 8-48(c);
- (2) An approved county permitAll 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 <u>development and neighborhood services or designee</u> <u>building</u>.

Sec. 8-512. - 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. 8-523. - Business tax receipt required of nonprofit organizations.

- (a) The director of <u>development and neighborhood services</u> <u>building</u>, or <u>appointed</u> 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. 8-534. - Affidavit required in certain cases.

Page No. 6

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 appointed designee, no business tax receipt shall be issued until the applicant therefore has made and filed with the director of development and neighborhood services building or appointed designee a notarized affidavit, duly authenticated, setting forth the facts upon which the amount of such business tax receipt depends.

Sec. 8-545. - 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. 8-556. - 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.
- (c) Each licensee for a temporary use permit who does not possess a valid and current local business tax receipt shall pay a registration fee to the city as set forth in article IV, entitled "Registration requirements and fees," of this chapter 8 upon each instance that a temporary use permit is secured.

Sec. 8-567. - 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 <u>development and neighborhood services building</u>, or appointed 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. 8-578. - Duplicate business tax receipts.

The director of <u>development and neighborhood services</u> building, or appointed 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. 8-589. - 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. 8-5960. - 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. 8-601. - 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 <u>or herself</u>, in a partnership, employed by another, or incorporated as a professional association.

Sec. 8-612. - 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. 8-623. - 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.

Page No. 8

- (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. 8-634. - 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 building.

Sec. 8-645. - 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 <u>development and neighborhood services building</u> or <u>appointed designee</u>.

Sec. 8-656. - 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. 8-667. – <u>Issuance denial, suspension, or revocation.</u>

- (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.

Any business tax receipt issued by the city may be temporarily suspended or absolutely revoked and canceled by a majority vote of the city council when such council shall have ascertained and determined in the exercise of its sound discretion that such action will promote the public peace, health, safety, welfare, harmony or good order of the city and the neighborhood in which the receipt holder's place of business is located or where he/she operates or carries on his/her business, trade, profession or occupation; provided, however, that prior to the revocation and cancellation of any business tax receipt, the receipt holder shall be given not less than fifteen (15) days' notice of the time and place set for consideration of the proposed revocation and cancellation of such business tax receipt. Such notice shall further instruct the receipt holder that he/she shall have an opportunity to be heard at such designated meeting.

- (b) Any business tax receipt issued by the city may be temporarily suspended, <u>refused</u> to <u>be renewed</u>, or revoked and canceled by the director of <u>development and</u> <u>neighborhood services or designee building</u> when
 - (1) Ssuch business, trade, profession, or occupation is operating in violation of this article or other provision of the City Code or was falsely procured;
 - (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.

The receipt holder shall be given not less than fifteen (15) days to appeal the decision in accordance with section 8-71.

(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. 8-678. - 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 <u>or her</u> 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 <u>or her</u> 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. 8-689. - 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, <u>trade</u>, 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 <u>or her</u> 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 as levied by the code enforcement board, under the provisions of sections 2-72 through 2-78.

Page No. 11

- (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. 8-6970. - 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 <u>July 1after the initial notice of the tax due</u>, 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. 8-7<u>0</u>1. - Appeals.

Any person who feels aggrieved adversely affected by the provisions of this article may petition the director of development and neighborhood services eity council within thirty (30) days of the adverse notice, action, or decision of the city for review of thise 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 city council 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

Page No. 12

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. 8-712. - Local business tax 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.

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).

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).

(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.

(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.

(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.
- 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.
- 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.
- (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.

(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)

(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:

Page No. 14

- 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.
- b. In addition, three hundred ten dollars and fifty-one cents (\$310.51) 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) 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) 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) 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.
- (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) per five thousand (5,000) square feet gross floor area and each fraction thereof up to twenty thousand (20,000) square feet.

Page No. 15

- b. Three hundred ten dollars and fifty-one cents (\$310.51) 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) 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) plus
- b. Thirty-three dollars and eight cents (\$33.08) per each additional five thousand (5,000) square feet of storage or warehouse area or portion thereof.

Sec. 8-723. - 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 8-712 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 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 <u>development</u> <u>and neighborhood services or designee</u> <u>building</u> 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 unconstitutions invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of surpart 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 relettered 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 6th day of June, 2022.

PASSED AND ADOPTED on the second reading this 18th day of July 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	

Revised: 06/06/2022

ZTA-22-08 (Ord. 2022-14)

Exhibit "A"

Date: May 2, 2022



DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2022-14 ZTA-22-08 Business Tax Receipts (BTRs)

Public Hearing & Adoption: A City-initiated request for a text amendment that amends the Code of Ordinances Chapter 8 entitled Licenses and Business Regulations to amend the correct department name, allow inspections by the appropriate City Department., add criteria when the City has the right to deny the issuance of a Business Tax Receipt, modify when the City has the right to renew, revoke to cancel a Business Tax Receipt, and requires appeals to be heard by the Special Magistrate rather than the City Council.

Special Magistrate rather than the City Council.	
[X] Recommendation to APPROVE	
Recommendation to DENY	
] Quasi-Judicial	
[X] Legislative	
[X] Public Hearing	

Originating Department:	Reviewed By:
Planning & Engineering	Director of Development and Neighborhood Services
Project Manager	Kara L. Irwin-Ferris, AICP
Caryn Gardner-Young, Zoning Administrator	
Approved By: City Manager Andrea McCue	Public Notice: [X] Required [] Not Required Dates: 7/7/22 Paper: The Lake Worth Herald Mailing [] Required [X] Not Required Notice Distance:
Attachments: • Ordinance 2022-14	City Council Action: [X] Approval [] Approve with conditions [] Denial [] Continued to:

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. A Business Tax Receipt is exempted (not required) of any charitable, religious; fundraising, certain disabled persons, the aged, and widows with minor dependents, veterans, spouses of veterans and certain servicemembers, and low-income persons. (FL statutes 205.055, 205.162, 205.191,192, 409.2554) Applicants for exemptions must provide the required documentation in order to qualify for the exemption.

A Business Tax Receipt is required for each location the business operates from, and one for each category of business which is conducted on site. When an entity pays a Business Tax Receipt, they receive a Business Tax Receipt, which is valid for one year, from October 1 through September 30. All commercial businesses located in the City will need approval from the Planning, GIS and Engineering Division and a fire and building department inspection. Tax rates vary, depending on the business classification. Certain professional business categories are required to submit proof of active permits, state license registration or other professional license or certification from other state or county agencies prior to the issuance or renewal of a local Business Tax Receipt.

Renewal notices are mailed to valid Business Tax Receipt holders annually on July 1st to the address on record. The annual renewal period is July 1 through September 30. All unpaid Business Tax Receipts become delinquent October 1 and are assessed a penalty. To avoid late penalties, Business Tax Receipts must be renewed on or before September 30th of each year.

Any person who engages in or manages any business, occupation, or profession without obtaining a Business Tax Receipt may be subject to a maximum of a 25% penalty of the business tax receipt fee, including the business tax receipt due and any other penalty provided by law or in the City Code.

Any person who engages in any business, occupation, or profession covered by the Business Tax Receipt code provisions and who does not pay the required local business tax within 150 days after the initial notice of tax due, and who does not obtain the required Business Tax Receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to two hundred fifty dollars (\$250.00). The City actually charges \$100 penalty and a \$25 administrative fee.

The proposed amendments to the Business Tax Receipt code provisions are as follows:

- 1. Change enforcement from the Building Department to the Development and Neighborhood Services Department
- 2. Requires proof of a passed fire inspection, building code inspection or any other inspection required by applicable law.
- 3. Clarifies no inspection required for Home Occupations unless the particular use triggers an inspection.
- 4. Removes duplicate language to require a Business Tax Receipt for licensees of Temporary Use Permits
- 5. Adds grounds for the City not to issue a Business Tax Receipt

6. Adds grounds for the City not to renew or revoke, cancel, or suspend a Business Tax Receipt 7. Changes appeals from the City Council to the Development and Neighborhood Services Director and then Special Magistrate

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. 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.

A business tax is hereby imposed by the city upon:

- (1) Any 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 its jurisdiction; and
- (2) Any person who does not qualify under the provisions of (1) above and who transacts any business or engages in any occupation or profession in interstate commerce where such business tax is not prohibited by section 8, article 1 of the United States Constitution and is not otherwise exempt by this article or other local, state, or federal laws or rules.

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 for engaging in or conducting any of the businesses, professions or occupations specified and set forth in this article, 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 building.
 - (2) Submit all documentation as required by this article and the director of <u>development and neighborhood services</u> <u>building</u> or <u>his/her appointed</u> 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 to engage in or conduct any of the businesses, professions or occupations specified and set forth in this article 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 receipt to maintain a permanent business location or branch office within the city 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 to maintain a permanent business location or branch office within the city 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. have inspections made and approval by the building official or appointed designee(s) and the fire marshal. An inspection fee for these mandatory inspections shall be imposed by separate city resolution in an amount to be kept on file in the department of building. Failure to provide proof of the passed inspection(s) schedule and pass these inspections—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 sections 2-72 through 2-78.
- (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 <u>development and neighborhood services</u> building or appointed designee shall issue a city business tax receipt, valid through September 30, of each fiscal year.

Sec. 8-49. - Contractors license requirements.

Every applicant desiring to engage in or conduct any of the contractor occupations which will maintain a permanent business location or branch office within the city 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.

Sec. 8-4950. – Home-based businesses-occupations—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(a), and (b) and (d) 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)sections 16.740 through 16.754 of the zoning code concerning

home occupations to verify compliance with the use, size and other restrictions for home occupations.

Sec. 8-501. - Home family daycare.

In addition to the requirements of section 8-498-50, 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; section 8-48(e);
- (2) An approved county permitAll 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 building.

Sec. 8-5<u>1</u>2. - 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. 8-523. - Business tax receipt required of nonprofit organizations.

- (a) The director of <u>development and neighborhood services</u> <u>building</u>, or <u>appointed</u> 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. 8-5<u>3</u>4. - 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 appointed designee, no business tax receipt shall be issued until the applicant therefore has made and filed with the director of development and neighborhood services building or appointed designee a notarized affidavit, duly authenticated, setting forth the facts upon which the amount of such business tax receipt depends.

Sec. 8-545. - 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. 8-5<u>5</u>6. - 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.
- (c) Each licensee for a temporary use permit who does not possess a valid and current local business tax receipt shall pay a registration fee to the city as set forth in article IV, entitled "Registration requirements and fees," of this <u>chapter 8</u> upon each instance that a temporary use permit is secured.

Sec. 8-567. - 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 <u>development and neighborhood services building</u>, or <u>appointed designee</u> 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. 8-578. - Duplicate business tax receipts.

The director of <u>development and neighborhood services</u> <u>building</u>, or <u>appointed</u> 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. 8-589. - 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. 8-5960. - 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. 8-601. - 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 <u>or herself</u>, in a partnership, employed by another, or incorporated as a professional association.

Sec. 8-612. - 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. 8-623. - 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. 8-634. - 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 <u>development and neighborhood services</u> <u>building</u>.

Sec. 8-645. - 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 <u>development and neighborhood services building</u> or appointed designee.

Sec. 8-656. - 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. 8-6<u>6</u>7. – <u>Issuance denial, suspension, or revocation.</u>

- (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.

Any business tax receipt issued by the city may be temporarily suspended or absolutely revoked and canceled by a majority vote of the city council when such council shall have ascertained and determined in the exercise of its sound discretion that such action will promote the public peace, health, safety, welfare, harmony or good order of the city and the neighborhood in which the receipt holder's place of business is located or where he/she operates or carries on his/her business, trade, profession or occupation; provided, however, that prior to the revocation and cancellation of any business tax receipt, the receipt holder shall be given not less than fifteen (15) days' notice of the time and place set for consideration of the proposed revocation and cancellation of such business tax receipt. Such notice shall further instruct the receipt holder that he/she shall have an opportunity to be heard at such designated meeting.

- (b) Any business tax receipt issued by the city may be temporarily suspended, <u>refused to be renewed</u>, or revoked and canceled by the director of <u>development and neighborhood services or designee building</u> when
 - (1) Ssuch business, trade, profession, or occupation is operating in violation of this article or other provision of the City Code or was falsely procured;
 - (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.

The receipt holder shall be given not less than fifteen (15) days to appeal the decision in accordance with section 8-71.

(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. 8-678. - 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 <u>or her</u> 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 <u>or her</u> 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. 8-689. - 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, <u>trade</u>, 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 <u>or her</u> 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 as levied by the code enforcement board, under the provisions of sections 2-72 through 2-78.
- (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. 8-6970. - 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 <u>July 1</u> after the initial notice of the tax due, 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. 8-7<u>0</u>1. - Appeals.

Any person who feels aggrieved adversely affected by the provisions of this article may petition the director of development and neighborhood services city council within thirty (30) days of the adverse notice, action, or decision of the city for review of thise 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 city council 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. 8-712. - Local business tax 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.

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).

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).

(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.

(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.

(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.
- 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.
- 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.
- (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.

(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)

(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.
- b. In addition, three hundred ten dollars and fifty-one cents (\$310.51) 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) 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) 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) 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.
- (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) 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) 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) 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) plus
- b. Thirty-three dollars and eight cents (\$33.08) per each additional five thousand (5,000) square feet of storage or warehouse area or portion thereof.

Sec. 8-723. - 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 8-712 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 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 <u>development and</u> <u>neighborhood services or designee building</u> 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 Planning, GIS and Engineering Division is now responsible for issuing business tax receipts to all new businesses within the city limits, as well as coordinating the annual tax renewal process for existing businesses. City staff will encourage and welcomed to the city new as well as existing businesses. We will do everything possible to help make locating or relocating a business within the city a successful event.

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.

Development Review Committee Comments:

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

Planning and Engineering Department: No Comments
Building Department: No Comments

Recreation and Parks Comments addressed in Staff Report

Fire Department:

PBSO District #16

Public Works Department:

No Comments

No Comments

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. It has been over five years since the City has reviewed its Business Tax Receipt regulations and the way businesses operate have changed. To remain current and ensure that the City has the tools to properly regulate Business Tax Receipts, City Staff is recommending amending the City Code.

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-22-08 through the adoption of Ordinance 2012-14.

CITY COUNCIL ACTION First Reading – June 6, 2022

The City Council on a motion made by Councilmember Bousquet and seconded by Councilmember Tharp, by a vote of four (4) to zero (0) recommended approval of Zoning Text Amendment ZTA 22-08 through Ordinance 2022-14 on first reading as presented by staff

CITY COUNCIL ACTION Second Reading -



ITEM SUMMARY

MEETING DATE: July 18, 2022

FROM: Glen Torcivia, City Attorney & Andrea McCue, City Manager

SUBJECT: Landlord/Tenant Notice Requirements Ordinance

BACKGROUND

Over the past year, the City has witnessed substantial and steady increases in residential rental rates within the City. The Council has been searching for ways to assist rental tenants in the City knowing the likelihood of a rent control ordinance is difficult at best given the state's preemption of such ordinances and the statutory requirement of a referendum each year such ordinance is to be adopted.

ANALYSIS

Based on direction provided by the Council, the City Attorney drafted a Landlord/Tenant Notice Ordinance for consideration. The Landlord/Tenant Notice Ordinance seeks to assist residential rental tenants in the City in two ways. First, due to concerns with availability of rentals and substantial increases in rental rates, the ordinance will require residential landlords in the City to give 60 days prior written notice of termination to all tenants with a month-to-month tenancy without a specific duration (i.e., term). The notice will need to be provided prior to the end of any monthly period. Currently, section 83.57, Florida Statutes, only requires 15 days prior notice before a month-to-month tenancy without a set duration may be terminated. Secondly, due to the significant increases in rental rates, the ordinance will require residential landlords to give 60 days prior written notice to all residential tenants with a set lease term, or a month-to-month tenancy without a specific duration, of a proposed rental rate increase that exceeds five percent (5%). This ensures that tenants with a set lease term and monthly tenants without a set lease term are given fair notice (60 days) of any potential rent increase before the rental increase commences. Currently, there is no law that requires such notice.

Ordinance 2022-18 was passed on first reading at the June 2, 2022, Council Meeting.

FINANCIAL INFORMATION

No cost associated with adopted of Ordinance 2022-18

LEGAL

The City Attorney has drafted and reviewed the ordinance for legal sufficiency and compliance.

STAFF RECOMMENDATION

Staff is recommending approval of Ordinance 2022-18 on second reading.

ORDINANCE NO. 2022-18

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 9 "MISCELLANEOUS OFFENSES," BY ADOPTING ARTICLE III "LANDLORD/TENANT NOTICE REQUIREMENTS," SECTION 9-30 "NOTICE OF TERMINATION OF MONTHLY RESIDENTIAL TENANCY WITHOUT SPECIFIC DURATION" SECTION 9-31 "WRITTEN NOTIFICATION REQUIREMENTS **RELATED** TO RENTAL **PAYMENT INCREASES FOR RENTAL** TENANCIES." REQUIRE 60-DAYS' WRITTEN NOTICE TO TERMINATION OF CERTAIN TENANCIES AND INCREASES IN RENTAL RATES; PROVIDING FOR SEVERABILITY, PRESERVATION, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, like other cities in South Florida, over the past year, the City has witnessed a significant and steady increase in rental rates being paid by tenants; and

WHEREAS, the Mayor and Council Members have heard from members of the public regarding unreasonable increases in rental rates within the City and Palm Beach County; and

WHEREAS, according to data from CoStar Group, a provider of multi-family home real estate information, rental rates in Palm Beach County in November 2021 increased 31% from prior year rental rates in 2020; and

WHEREAS, data from Zumper, RedFin and Apartment List found similar numbers with increases in rental rates from 2020 to 2021; and

WHEREAS, as reported by the Sun Sentinel on March 23, 2022, research from three (3) Florida colleges reveals that renters in South Florida are paying 18.98% more than what they should be; and

WHEREAS, in the same article by the Sun Sentinel it was reported that a five percent (5%) increase in rent is a normal annual increase in rental rates; and

WHEREAS, the most recent housing assessments conducted by Florida International University, from 2018 to 2020, showed that in Palm Beach County, 52.7% of renters' households are severely cost-burdened; and

Ordinance No. 2022-18 | Landlord/Tenant Notice Requirements Page No. 2

WHEREAS, according to the US Census Bureau, rental vacancy rates during the fourth quarter of 2021 fell to 5.6%, the lowest since 1984; and

WHEREAS, a decrease in available rentals is exacerbating the increases in rent as landlords have a lack of empty units and empty units usually help to maintain the affordability of the rental rates; and

WHEREAS, since the State has preempted the area of rent control and the statutory process to adopt a rent control ordinance requires a referendum each year, the City has very limited realistic options to assist renters with unreasonable increases in rent; and

WHEREAS, Part II of Chapter 83, Florida Statutes, which is commonly known as "Florida Residential Landlord and Tenant Act" ("Act"), applies to the rental of residential dwelling units and sets forth the rights and duties of landlords and tenants; and

WHEREAS, the Act does not provide specific notification requirements for landlords seeking to increase rental rates; and

WHEREAS, although some lease agreements contain provisions regarding increase in rental rates, a landlord generally may not raise rent during the term of a lease; and

WHEREAS, normally, a landlord will have to wait until the end of the term of the lease or tenancy to raise the rental rate and, while not required, generally the notice of such increase is provided in accordance with the termination notice set forth in the lease or set forth by law; and

WHEREAS, with respect to notices of termination of tenancy, if there is a written lease (with a specific duration, i.e., term), section 83.575 of the Act provides that notice to terminate is no more than 60 days; and

WHEREAS, when there is no lease or a lease with no set duration, section 83.57 of the Act provides that the landlord must provide at least a seven-day notice to a tenant renting week-to-week, a 15-day notice to a tenant renting month-to-month, a 30-day notice to a tenant renting quarter-to-quarter, and a 60-day notice to a tenant renting year-to-year; and

WHEREAS, this means tenants renting on a month-to-month basis (without a specific duration) could be evicted after receiving only 15 days written notice of a rental rate increase and/or termination of their tenancy; and

WHEREAS, according to the Florida Attorney General Opinion No. 94-41 (May 5, 1994) and the case law cited therein, the Florida Legislature has not preempted local governments from enacting ordinances that enlarge the notification period for month-to-month tenancies without a specific duration pursuant to section 83.57 of the Act; and

WHEREAS, the Florida Attorney General concluded that such enlargement of the notification period by ordinance would be supplemental to the Act and compliance with such ordinance is possible without violating section 83.57 of the Act; and

WHEREAS, the City desires to assist tenants faced with unreasonable rental rate increases, including those tenants who may only receive 15 days written notice prior to eviction for the same; and

WHEREAS, with the current lack of vacant rentals and increases in rents, 15 days written notice is insufficient time for such a tenant to find a new affordable location to live or means to pay an increase in rent in excess of five percent (5%); and

WHEREAS, requiring landlords to provide 60-days written notice before the rent can be increased more than five percent (5%) and before a tenant can be forced to leave in a month-to-month basis (without a specific duration) is a reasonable time period given the current market conditions; and

Ordinance No. 2022-18 | Landlord/Tenant Notice Requirements Page No. 4

WHEREAS, the City, in response to the Florida Attorney General's opinion 94-41, desires to enact this Ordinance requiring 60 days written notification to be given by City of Greenacres residential landlords to their tenants with a lease (with a specific duration) or a month-to-month tenancy without a specific duration prior to increasing the tenants' rental rates above five percent (5%) and prior to terminating a tenancy if the tenancy is month-to-month without a specific duration; and

WHEREAS, the City Council has reviewed the recommended ordinance and legislatively determines and declares that the ordinance serves a valid public purpose and is in the public interest of 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:

<u>SECTION 1.</u> 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. The City Council hereby amends the Greenacres Code by adopting new Chapter 9 Miscellaneous Offenses, Article III Landlord/Tenant Notice Requirements, which shall read as follows:

<u>ARTICLE III. – LANDLORD/TENANT NOTICE REQUIREMENTS</u>

<u>Sec. 9-30. – Required fair written notice of termination of monthly residential tenancy without specific duration.</u>

A residential tenancy without a specific duration (as defined in section 83.46(2), Florida Statutes) in which the rent is payable on a month-to-month basis may be terminated by either the landlord or tenant by giving not less than 60 days written notice prior to the end of any monthly period.

<u>Sec. 9-31. – Required fair written notice of rental payment increases for residential tenancies.</u>

A residential landlord that proposes to increase the current rental rate by more than five percent (5%) at the end of a lease with a specific duration, or during a tenancy without a specific

Ordinance No. 2022-18 | Landlord/Tenant Notice Requirements Page No. 5

duration (as defined in section 83.46(2), Florida Statutes) in which the rent is payable on a month-to-month basis, must provide 60 days written notice to the tenant before the tenant must either:

- (1) Accept the proposed amendment.
- (2) Reach an acceptable compromise; or,
- (3) Reject the proposed amendment to their tenancy.

If the required 60 days written notice has been provided and the tenant has not agreed to the proposed amendment or an acceptable compromise, the landlord may impose the proposed amended term(s) or require the tenant(s) to vacate the residence.

<u>SECTION 5.</u> Except for the notice provisions set forth above in sections 9-30 and 9-31, all other provisions set forth in Chapter 83, Part II, Florida Statutes, as may be amended from time to time, shall govern residential tenancies.

<u>SECTION 6.</u> SEVERABILITY. Should any one or more of the provisions or elements of this ordinance be held invalid, such provision or element shall be null and void, and shall be deemed separate from the remaining provisions or elements of this ordinance and shall in no way affect the validity of any of the remaining provisions or elements of this ordinance.

<u>SECTION 7.</u> PRESERVATION. All pending code compliance cases and code compliance orders existing at the time of the adoption of this ordinance are preserved and shall remain in full force and effect. All code compliance cases to be taken before the special magistrate after the date of adoption of this ordinance shall be processed in accordance with this ordinance. All requests for a release or partial release of an existing code compliance order which are made after the date of the adoption of this ordinance shall be processed in accordance with this ordinance.

<u>SECTION 8.</u> CONFLICTS. All other ordinances and resolutions in conflict with this ordinance are hereby cancelled, repealed, or revised to be consistent with provisions and elements of this Ordinance.

<u>SECTION 9.</u> CODIFICATION. Specific authority is hereby granted to codify Section 4 of this Ordinance by removing the current Division 2, entitled "Code Enforcement", as set forth in Chapter 2, Article III; and, replacing it with the newly created Article VIII, entitled "Code Compliance", to be set forth at Chapter 2. The sections set forth in Section 4 of this Ordinance may be renumbered to accomplish such intentions.

SECTION 10. EFFECTIVE DATE. That this Ordinance shall take effect immediately upon its final approval and adoption.

Ordinance No. 2022-18 | Landlord/Tenant Notice Requirements Page No. 6

Passed on the first reading this 6th day of June, 2022.

PASSED AND ADOPTED on the second reading this 18th day of July, 2022.

	Voted:
Joel Flores, Mayor	John Tharp, Deputy Mayor
Attest:	
	Voted:
Quintella Moorer, City Clerk	Peter Noble, Council Member, District II
	Voted:
	Judith Dugo, Council Member, District III
	Voted:
	Suzy Diaz, Council Member, District IV
	Voted:
Approved as to Form and Legal Sufficiency:	Paula Bousquet, Council Member, District V
Approved as to 1 orm and Logar Gameroney.	
Glen J. Torcivia, City Attorney	



ITEM SUMMARY

MEETING DATE: July 18, 2022

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

SUBJECT: Ordinance 2022-01

Interlocal Service Boundary Agreement (ISBA) – SE Corner Lake Worth

Road and South Jog Road

BACKGROUND

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

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

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

If approved by the City Council, the ISBA will be scheduled to be heard by the Board of County Commissioners.

ANALYSIS

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

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

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

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

FINANCIAL INFORMATION

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

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

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

LEGAL

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

STAFF RECOMMENDATION

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

ORDINANCE NO. 2022-01

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. The City Council hereby grants authorization for the execution of the Interlocal Service Boundary Agreement attached hereto as Attachment "1".

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

SECTION 3. Repeal of Conflicting Ordinances.

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

SECTION 4. Severability.

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

SECTION 5. Effective Date.

The provisions of this Ordinance shall become effective in accordance with section 171.203(14), Florida Statutes.

Page No. 4

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

PASSED AND ADOPTED on the second reading this 1st day of August, 2022.

	Voted:
Joel Flores, Mayor	John Tharp, Deputy Mayor
Attest:	
	Voted:
Quintella Moorer, City Clerk	Peter Noble, Council Member, District II
	Voted:
	Judith Dugo, Council Member, District III
	Voted:
	Susy Diaz, Council Member, District IV
	Voted:
	Paula Bousquet, Council Member, District V
Approved as to Form and Legal Sufficiency:	
Glen J. Torcivia, City Attorney	



ITEM SUMMARY

MEETING DATE: July 18, 2022

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

SUBJECT: Ordinance 2022-02, ANX-20-03

Lake Worth Plaza West Annexation

BACKGROUND

The 20.1183-acre site proposed for annexation contains one (1) parcel with a 46,967 square foot retail shopping center. The site is contiguous to the City's boundary on the north, east and south perimeters. City Future Land Use and Zoning designations will be applied to the properties after annexation. The subject site is currently in unincorporated Palm Beach County. The development was built in 1979 and includes restaurants, retail, personal services, and food supermarkets. The site is located at 4180 Jog Road.

ANALYSIS

The approximately 20.1183-acre site is located in unincorporated Palm Beach County within the identified Future Annexation Area of the City and is part of existing Palm Beach County pocket adjacent to the city. The site contains one (1) parcel having a Palm Beach County zoning designation of Commercial General (PBC CG). The site is contiguous to the City's boundary to the north, east and south. Consequently, the proposed annexation will reduce the size of the existing unincorporated pocket.

The applicant is proposing a voluntary annexation as provided for in Section 171.044, Florida Statutes. The subject site is included within the area of an Interlocal Service Boundary Agreement (ISBA) that is being approved concurrently. Through the ISBA, the City will have access to additional tools and statutory provisions for annexation such as annexation that creates pockets or temporary new enclaves, and these are expected to facilitate the expansion of the City towards the ultimate annexation boundary. The voluntary annexation will create an enclave of the outparcels that are located within the plazas master site that mostly have access only through the entrance to the plaza. An enclave will also be created of the two parcels located across Lake Worth Road on the north of the subject site. The outparcels and parcels across the street will be annexed through an Enclave Interlocal Agreement with Palm Beach County.

FINANCIAL INFORMATION			
N/A.			
LEGAL			

Ordinance 2022-02 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed by the City Attorney.

STAFF RECOMMENDATION

Approval of ANX-20-03 through the adoption of Ordinance 2022-02.

ORDINANCE NO. 2022-02

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, 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

WHEREAS, Matthew Scott of Dunay, Miskel, Backman, LLP., agent for the owners, LW JOG SC LTD. is herein known as the "Petitioner" for the herein described property; and; and

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

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

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

WHEREAS, the City of Greenacres Planning Commission has held a duly advertised public hearing on July 14, 2022 and recommended approval of petition ANX-20-03 to annex the subject property into the City of Greenacres; and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with the Land Development Staff Report and Recommendation dated January 28, 2021, as amended, attached hereto as Exhibit "A" and by this reference made a part hereof, the proposed annexation of the subject property is in the best interest of the citizens of the City of Greenacres, and is in accordance with State and local law; and

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

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

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

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

Legal Description

PCN: 00-42-44-27-00-000-1280

27-44-42, PAR LYG IN W 1013.37FT OF NW 1/4 OF NE 1/4 LYG S OF LAKE WORTH RD (LESS NLY 206.03 FT OF ELY 219 FT, NLY 173.69 FT OF WLY 441.32 FT OF ELY 740.32 FT, NLY 738.93 FT OF WLY 295.68 FT & W 80 FT JOGRD R/W)

AND:

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 20.1183 ACRES MORE OR LESS.

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

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

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

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

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

SECTION 6. Repeal of Conflicting Ordinances.

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

SECTION 7. Severability

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

Ordinance No. 2022-02 | ANX-20-03 Lake Worth Plaza West Page No. 4

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

SECTION 8. Effective Date

The provisions of this Ordinance shall become effective upon adoption.

[The remainder of this page intentionally left blank.]

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

PASSED AND ADOPTED on the second reading this DD day of Month, 2022.

	Voted:
Joel Flores, Mayor	John Tharp, Deputy Mayor
Attest:	
	Voted:
Quintella Moorer, City Clerk	Peter Noble, Council Member, District II
	Voted:
	Judith Dugo, Council Member, District III
	Voted:
	Suzy Diaz, Council Member, District IV
	Voted:
Approved as to Form and Legal Sufficiency:	Paula Bousquet, Council Member, District V
Approved as to 1 orm and Logar Gameroney.	
Glen J. Torcivia, City Attorney	

ANX-20-03 (Ordinance 2022-02)

Exhibit "A"

Date: June 9, 2022

Subject/Agenda Item:

\mathbf{r}	•	1
v.	OTHER	М
1/	evise	ZŪ



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Ordinance 2022-02: Voluntary Annexation – A Public Hearing & First Reading: A voluntary a approximately 20.1183 acres. The site is located a	nnnexation request for one (1) parcel of land totaling
[X] Recommendation to APPROVE	
[] Recommendation to DENY	
[] Quasi-Judicial	 -
[X] Legislative	
[X] Public Hearing	
Originating Department: Planning & Engineering	Reviewed By:
Project Manager	Director of Planning & Engineering
1 Toject Manager	
Kara L. Irwin-Ferris, AICP	Kara L. Irwin-Ferris, AICP
Kata L. Hwin-1 Chis, AlCi	
Approved By:	Public Notice:
City Manager	[X] Required [] Not Required Date: 6/30/22; 7/11/22
•	Paper: PB Post
Andrea McCue	Mailing
	[] Required [X] Not Required
	Notice Distance: Property Owner
Attachments:	City Council Action:
• Ordinance 2022-02	[X] Approval
Location Map	[] Approve with conditions [] Denial
	[] Continued to:

I. Executive Summary

The approximately 20.1183-acre site is located in unincorporated Palm Beach County within the identified Future Annexation Area of the City and is part of existing Palm Beach County pocket adjacent to the City. The site contains one (1) parcel having a Palm Beach County zoning designation of Commercial General (PBC CG). The site is contiguous to the City's boundary to the north, east and south. Consequently, the proposed annexation will reduce the size of the existing pocket.

The applicant is proposing a voluntary annexation as provided for in Section 171.044, Florida Statutes. The subject site is included within the area of an Interlocal Service Boundary Agreement (ISBA) that is being approved concurrently. Through the ISBA, the City will have access to additional tools and statutory provisions for annexation such as annexation that creates pockets or temporary new enclaves, and these are expected to facilitate the expansion of the City towards the ultimate annexation boundary. The voluntary annexation will create an enclave of the outparcels that are located within the plazas master site that mostly have access only through the entrance to the plaza. An enclave will also be created of the two parcels located across Lake Worth Road on the north of the subject site.

II. Site Data:

Property Data: See Exhibit A

Size: 20.1183 acres

III. Annexation/Zoning History:

The subject site is currently in unincorporated Palm Beach County. The site is comprised of one (1) parcel of land, that are developed with a 46,967 square foot shopping center plaza.

The development was built in 1979 and includes restaurants, retail, personal services, and food supermarkets.

IV. Applicable Comprehensive Plan Provisions:

Annexation Element:

Objective 1, page ANX 19	addresses efficiency, concurrency	and levels of service
--------------------------	-----------------------------------	-----------------------

(LOS).

Objective 1, Policy c), page ANX 19-- prohibits creating enclaves, or pocket areas which are not

reasonably compact.

Objective 2, page ANX 19-- encourages orderly annexation in the future annexation

boundaries through coordination with adjacent

municipalities and Palm Beach County.

Objective 4, page ANX 20-- supports annexations which are deemed necessary to

promote the orderly growth of the City and will not adversely impact the City's ability to fulfill other plans.

Objective 4, Policy a), page ANX 20-- outlines six guidelines for annexations.

V. Applicable City Code and Statutory Provisions:

Article III, Section 10 of the City Charter relating to annexation **Sec. 16-8 of the City Code** relating to zoning of annexed areas **Chapter 171, Florida Statutes** relating to voluntary annexation

VI. Staff Analysis:

Land Development Staff Comments:

The petition was reviewed by the Land Development Staff (LDS) on October 15, 2020 and October 29, 2020. The petition was recommended for approval.

Planning and Engineering Dept.: Incorporated into report

Building Department:

Public Works Department:

Fire Rescue Department:

PBSO District #16:

No objections

No objections

Background:

The site proposed for annexation contains one (1) parcel with a 46,967 square foot retail shopping center. The site is contiguous to the City's boundary on the north, east and south perimeters. City Future Land Use and Zoning designations will be applied to the properties through a concurrent application process.

Annexation Findings of Fact:

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

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

Specific Criteria Findings:

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

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

Findings: The annexation petition is consistent with the provisions in Chapter 171, F.S., specifically because the subject property is not irregular in shape, reasonably compact, and immediately contiguous to the City's municipal boundaries to the north, east and south. The subject area is identified as an existing unincorporated pocket at the southeast corner of the intersection of Lake Worth Road and South Jog Road, thus annexation reduces the size of the existing pocket area as well as improves service delivery.

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

Findings: The subject property has "a unity of interests with the City" and is "a logical extension" of the City of Greenacres' boundaries. The property is identified as part of the Future Annexation Area in the City's Comprehensive Plan. The site is also an infill location contiguous to the City's boundary to the north, east, and south within an existing unincorporated pocket. The annexation of the parcels is a logical extension of the previous annexations that annexed the southwest and northwest corners of the same intersection. The proposed annexation gives the city jurisdiction over all corners of the intersection which provides for better service delivery in the area.

The development is compatible and consistent with other development in the City that desires the local support services such as recreation, parks, and local City Hall services. The interests of the existing development are congruent to the City's.

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

Findings: The area has a growth potential sufficient to warrant the extension of services. Development and redevelopment activity is taking place in the immediate vicinity and adjacent properties within the City are already receiving City services. Since the property proposed for annexation is contiguous to the City and within an existing unincorporated pocket, the City is able to extend the same level of service provided to residents within the City.

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

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

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

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

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

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

Findings: The City of Greenacres will be able to provide City services to the subject property without degrading any established levels of service, since the City is already providing governmental services to other developments along Lake Worth Road and South Jog Road, in the immediate area of the subject parcel.

Summary of Annexation Criteria:

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

VII. Staff Recommendation:

Approval of ANX-20-03 through the adoption of Ordinance 2022-02.

PLANNING AND ZONING BOARD OF APPEALS RECOMMENDATION – July 14, 2022 CITY COUNCIL ACTION 1st Reading – July 18, 2022 CITY COUNCIL ACTION Adoption Hearing



ITEM SUMMARY

MEETING DATE: July 18, 2022

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

SUBJECT: Ordinance 2022-11, ZTA-22-07

Plat Process

BACKGROUND

A City-initiated request for a text amendment proposes to amend Chapter 12, Article II, Divisions 1 and 2 regarding plats; and to amend Chapter 16, Articles II, Division 1, Section 16-33, Table 16-33, of the City of Greenacres Code of Ordinances to create a two (2) step plat approval process with requirements and to reflect the new plat process in Table 16-33.

The Planning and Zoning Board of Appeals voted four (4) to zero (0) to recommended approval of Zoning Text Amendment ZTA-22-07 as presented by staff on June 9, 2022.

ANALYSIS

A plat is a guide to a tract of surveyed land created and maintained by licensed surveyors. It is a blueprint containing detailed property information used by a variety of interested parties. Plats are used for the following reasons:

- Plats are supposed to provide an accurate description of a section of land, people, access ways, and things on the tract.
- They are meant to prevent trespass of private property by unauthorized persons.
- They ensure land for public use remains public.
- Plats ensure lots comply with zoning rules and restrictions.
- A plat ensures all property owners have access to utilities.

Plats are currently reviewed by City Staff and the City Council. That process is not proposed to be changed. Instead, this Zoning Text Amendment will create the two-step plat approval process to allow the development process to move quicker. The first step is the preliminary plat review which is where the full-blown plat review is accomplished and City Council approval is obtained. If the proposed final plat is not significantly different than the preliminary plat then City staff compares the plats and approved the final plat administratively. This process will allow a developer to submit for an obtain outside agency permits which can take over six months to obtain. To implement the new process, Table 16-33, which addresses notice and approval requirements must be amended.

FINANCIAL INFORMATION

The proposed revisions to the Plat provisions may result in additional revenue being received depending on the plat petitions received.

LEGAL

Ordinance 2022-11 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-22-07 through the adoption of Ordinance 2022-11.

ORDINANCE NO. 2022-11

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY GREENACRES. FLORIDA, AMENDING SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS, ARTICLE II, PLATS, DIVISION 1, GENERALLY, AND DIVISION 2, APPLICATION PROCEDURE, TO CREATE A TWO STEP PLAT APPROVAL PROCESS WITH REQUIREMENTS; AMENDING CHAPTER 16, ZONING REGULATIONS, ARTICLE ADMINISTRATION, DIVISION 1, GENERALLY, SECTION 16-33, PUBLIC HEARING, TABLE 16-33, TO REFLECT THE NEW PLAT 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 12 and Chapter 16 to implement a new plat process and procedure; and

WHEREAS, it has been determined, in accordance with the Development Review Committee Staff Report and Recommendation, attached hereto as Exhibit "A" (dated April 11, 2022) that certain amendments to the City's plat process are appropriate; and

WHEREAS, the proposed amendments will streamline the plat process and make it more user friendly while better protecting the interests 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 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

Page No. 2

correct findings of the City Council.

SECTION 2. Chapter 12, Article II, Division 1, Sections 12-21 through 12-29 of the City of Greenacres Code of Ordinances is hereby amended as follows (additions are indicated by <u>underscoring</u> and deletions are indicated by strikeout):

DIVISION 1. GENERALLY

Sec. 12-21. Plat submission.

Any person proposing to subdivide land within the City of Greenacres shall submit a plat of the proposed subdivision to the city's <u>development and neighborhood services planning and engineering</u> department along with all required supporting documents. The plat shall conform to all of the requirements set forth in these regulations.

Sec. 12-22. Prior to construction.

No subdivider shall proceed with any construction work on a proposed subdivision before obtaining plat approval from the city council with the exception of clearing or demolition permits, no building or engineering permits shall be issued until the final plat has been recorded with the Clerk of the Circuit Court of Palm Beach County.

Sec. 12-23. City acceptance.

No required improvement shall be accepted as part of the city street system, nor shall it be maintained by the city unless such improvement is constructed and inspected in accordance with the specifications contained herein.

Sec. 12-24. Required legal access.

No building permit shall be issued for, and no building or other structure shall be erected on any lot within the city, unless such lot has access to a street as defined herein, or which corresponds in its location and lines with a street shown on the official map adopted by the city.

Sec. 12-25. Permits.

No permits or licenses as may be required by the City of Greenacres, Florida, for any construction, shall be issued on any lot in a subdivision until a plat has been approved by the city council and recorded in the Public Records of Palm Beach County.

Sec. 12-26. Layout and inspection.

The subdivider's engineer and/or surveyor shall provide all layout and field inspection work. Periodic inspections shall be performed by the engineer of record during the course of the work as necessary for the final certification and as required by city policy. The subdivider's engineer and/or surveyorHe shall also certify all improvements as having been completed in accordance

Page No. 3

with approved plans and specifications and shall provide reproducible "as-built" plans and copies of all applicable test reports.

Sec. 12-27. Certification.

The engineering of record shall also certify all improvements as having been completed in accordance with approved plans and specifications and shall provide reproducible "as-built" plans and copies of all applicable test reports.

Sec. 12-28. Completion.

No temporary or final certificate of occupancy shall be issued until all required improvements have been installed and accepted, or an irrevocable letter of credit bond is in full force and effect.

Sec. 12-29. Maintenance guarantee.

Upon completion of the improvements, the subdivider shall provide, at his or her expense, an irrevocable letter of credit ene (1) year maintenance bond on all required improvements in a form acceptable to the city. The irrevocable letter shall be for a minimum term of eighteen (18) months and issued by a nationally recognized and licensed bank with a local branch office in Palm Beach County, Florida. The amount of the irrevocable letter of credit bond shall be ten (10) percent of the original letter of credit submitted by the subdivider for the improvements. construction guarantee amount. After one (1) year, the site shall be inspected and noted deficiencies of the civil engineering improvements shall be repaired at the subdivider developer's expense within sixty (60) days, which time may be extended up to a total of one hundred twenty (120) days by the development and neighborhood services director or designee for good cause shown along with a renewed irrevocable letter of credit for a minimum term of six (6) months. In the event the deficiencies are not timely and correctly repaired, of the developer's default, the city without further notice or obligation to the subdivider shall utilize the irrevocable letter of credit bond to have the repairs made and any additional amounts owed for such repairs shall be grounds for the city to place a lien on the property until the city is paid in full for all repair costs.

SECTION 3. Chapter 12, Article II, Division 2, Sections 12-41 through 12-44 of the City of Greenacres Code of Ordinances is hereby amended as follows (additions are indicated by <u>underscoring</u> and deletions are indicated by strikeout):

DIVISION 2. APPLICATION PROCEDURE

Sec. 12-41. General procedure.

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the construction of paving and drainage or structures in such proposed subdivision shall be granted, the subdividing owner, or his-authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:

Page No. 4

- (a) Site plan.
- (b) Presubmission conference Preliminary subdivision plat.
- (c) Final subdivision plat.

Sec. 12-42. Site plan.

Prior to the preparation of the final plat, the subdivider shall receive site and development plan approval in accordance with Chapter 16, Article II, Division 9 of the City Code.

Sec. 12-43 Optional presubmission conference. Preliminary subdivision plat procedures.

The subdivider <u>shall may</u> have a <u>presubmission pre-application meeting conference</u> with <u>the development and neighborhood services department city staff</u> to review the sketch plan and to discuss different aspects of the subdivision regulations to assure that the desires of the subdividerdeveloper and the needs of the city are best served.

- (a) A Pre-Application Meeting Request Form along with The sketch plan shall be accompanied by the legal description and a land survey of the area being subdivided-
- (b) The sketch plan shall and shall contain the following information, which shall be filed with the development and neighborhood services department:
- (1) A scaled map with subdivision name, north point, graphic scale, and date. The map shall not be smaller than two hundred (200) feet to the inch.
- (2) The name of the owner and all adjoining property owners.
- (3) The boundaries of the area which are to be subdivided and the distance to the nearest existing street intersection.
- (4) All roads, utilities, and watercourses on and within one hundred (100) feet of the proposed subdivision.
- (5) All significant land features, existing structures, and wooded areas.
- (6) Low, swampy areas and areas subject to flooding within the proposed subdivision.
- (7) All existing restrictions on the use of the land, including easements and zoning district lines.
- (8) Proposed layout of streets, blocks, and lots.
- (9) Number of lots, proposed lot width and depth, building type, indication of utilities to be provided, and any proposed easements or deed restrictions.

Page No. 5

- (10) Location and size of proposed water, sewer, and drainage facilities, fire hydrants, and other utilities on the land to be subdivided and on land within one hundred (100) feet. This information is to be prepared by an engineer and/ or surveyor registered in the State of Florida.
- (11) Proposed parks, playgrounds, and other common areas.
- (b) Once, the pre-application meeting has been held, an application for preliminary plat may be submitted to the development and neighborhood services department along with the required documentation and fees.
- (c) Twenty (20) days prior to presubmission conference, the subdivider shall submit to the planning and engineering department seven (7) copies of the sketch plan for review of streets, drainage, and utilities consideration_planning and engineering department will coordinate the review process with other city departments as applicable and schedule the presubmission conference. After the presubmission conference the subdivider may proceed to prepare a final plat in accordance with the requirements hereinafter contained. If it has been determined that the preliminary plat application meets the submittal requirements and requirements of F.S. Ch. 177, the application shall be reviewed by the Development Review Committee (DRC) at its next available meeting. After review and approval by the DRC and the development and neighborhood services director or designee, the application for preliminary plat approval shall be forwarded to city council.
- (d) The city council shall either approve, approve with modifications or conditions, or deny the preliminary subdivision plat after considering the recommendation of city staff and all aspects of the plat necessary to meet all applicable requirements of applicable law, the City Code, and the City's Comprehensive Plan. The city council may also defer or table its decision to a time certain if the city council needs further information to render a decision. The preliminary plat submitted for city council review and approval shall have incorporated all changes or modifications, as required by the development and neighborhood services director or designee and the DRC, to make the preliminary plat conform to the requirements of applicable law, the City Code, the City's Comprehensive Plan, and to the conditions of final plat approval.
- (e) If approved by the city council, the approved preliminary plat is a preliminary development order. It shall not constitute acceptance of a final plat but shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat. The preliminary development order and the associated preliminary plat shall expire and be of no further effect twelve (12) months from the date of approval unless either a timely final plat is approved or a timely request to extend the twelve (12) months is submitted to the development and neighborhood services director or designee prior to expiration of the twelve (12) months. The twelve (12) months timeframe may be extended by development and neighborhood services director or designee for good cause shown. The development and neighborhood services director or designee may only extend the twelve (12) months for a maximum period of one hundred eighty (180) days; thereafter, the preliminary plat approval shall expire unless the final plat is approved within the extended timeframe. If the preliminary plat approval expires, the subdivider shall reapply for preliminary plat approval in accordance with the provisions of this chapter (as may be amended from time to time). This provision regarding the effect of approval and expiration of a preliminary plat shall not be subject to a variance. Further, the approval of

Page No. 6

the preliminary plat in no way reserves capacity for purposes of concurrency and approval of the final plat. Subdividers are highly encouraged to pursue final plat approval as soon as possible to avoid substantial revisions to the final plat necessary to comply with changes in the law and local conditions which may arise between preliminary plat approval and final plat approval.

Sec. 12-44. Procedure for final plat and final plat approval.

- (a) Qualification of person preparing plat: Every subdivision of lands made through these provisions shall be made under the responsible direction and supervision of a land surveyor, registered in the State of Florida, who shall certify on the plat that the plat is a true and correct representation of the lands surveyed, that the survey was made under his responsible direction and supervision, and that the survey data complies with all of the requirements of these regulations. The certification shall bear the signature, registration number and the official seal of the land surveyor. General procedure: If the preliminary plat application is approved by the city council, a final plat application shall be submitted to the development and neighborhood services department along with all fees as are prescribed in a resolution adopted by the city council (as amended from time to time). The original final plat application shall be submitted with one (1) copy of the application and three (3) full-size copies and fifteen (15) reduced-sized copies of the final plat, or as may be otherwise required in the development and neighborhood services department's application submittal checklist.
- (b) <u>General requirements:</u>Bonds: Prior to the time the final plat of a subdivision is executed on behalf of the city, the subdivider shall post surety as follows:
- (1) A contract, executed in three (3) copies, between the city and the subdivider for construction of required improvements. The contract shall be for a term of two (2) years, shall provide that the city may use the surety to complete the required improvements in the event of the developer's default, and shall be in a form approved by the city attorney. The city council, on recommendation of the planning and engineering department, may extend the period of performance for additional one (1) year periods. Said extension shall not be unreasonably withheld and construction is to be completed within five (5) years.
- (2) Guarantees of one hundred ten (110) percent of the cost of the grading, drainage, paving and sidewalk components of the required improvements as defined in Article III of this chapter shall be given to the city. Said guarantee may be in the form of a performance bond issued by a recognized surety company licensed to do business in Florida, in cash, or as a bank letter of credit approved by the city.

The final plat and all related plans shall conform to the approved site and development plan, the approved preliminary plat, the City Code, and the City's Comprehensive Plan. The final plat shall also conform to any requirements under federal, state, and local law and any local conditions which may have changed after the approval of the preliminary plat including, but not limited to, concurrency requirements. The approval of the preliminary plat in no way reserves capacity for the purposes of concurrency and approval of the final plat. At the option of the subdivider, the final plat may constitute only that portion or phase of the approved site and development plan which the subdivider proposes to record and/or develop at the time; provided, however, that such portion or phase shall conform to all requirements set forth herein. The development and

Page No. 7

neighborhood services department shall review the final plat for conformance with the foregoing and all applicable federal, state, and local law and any local conditions which may have changed after the approval of the preliminary plat including, but not limited to, concurrency requirements. The development and neighborhood services department shall also review the final plat for conformance with the following requirements:

- (1) The final plat shall conform with F.S. ch. 177, and shall be clearly and legibly drawn, on mylar, to a scale no smaller than one hundred (100) feet to the inch provided, however; that a scale of two hundred (200) feet to the inch may be used for large areas upon written approval of the city engineer. Individual sheets, their size, marginal lines, and other drafting considerations shall comply with accepted standards for the recording of plats. Where the final plat of a proposed subdivision requires more than one (1) sheet, each sheet shall be keyed to a master map with appropriate marks of identification.
- (2) A construction cost estimate shall be submitted providing the estimated cost of installing all improvements. Such estimates shall be prepared by the project engineer and shall be based upon recent bid information. As an alternative, bids of two (2) licensed contractors or a copy of an executed contract for the installation of the improvements may be submitted.
- (3) Land dedication or acceptable payment in lieu in accordance with Article IV of this chapter shall be executed or collected in a form acceptable to the city prior to the scheduled city council hearing.
- (4) When the final plat is approved by the city council, it shall be signed in the spaces provided by the city engineer, the city manager, and the mayor and be attested to by the city clerk and affixed with the city's seal.
- (5) The subdivider shall file a true copy of the plat, as approved, with the Clerk of the Circuit Court of Palm Beach County, Florida. One copy of the recorded final plat shall be provided to the City of Greenacres on mylar and shall be maintained as permanent record.
- (6) Any change in a recorded plat shall be made in accordance with F.S. ch. 177.
- (7) The vacation of any recorded plat shall be made in accordance with F.S. ch. 177.

General procedure: Whenever the provisions of this chapter have been complied with, while the approval of the site and development plan is in effect, and after all city engineering approvals and any required outside agency permits have been issued, the applicant shall submit seven (7) copies of the final plat and plans to the planning and engineering department for approval. The final plat and plans shall conform to the approved site and development plan, and, at the option of the subdivider, may constitute only that portion or phase of the approved site and development plan which the subdivider proposes to record and/or develop at the time provided, however, that such portion conforms to all requirements of this chapter. The planning and engineering department shall review the final plat for conformance with the approved site and development plan, the zoning code, the provisions of this chapter, and street numbering, naming, and

Page No. 8

addressing. The review shall be completed and comments resolved prior to the plat being sent to the city council for approval. (d)

- (c)(d) Submittal requirements: The final plat shall be drawn to a scale no smaller than one hundred (100) feet to the inch; provided, however, that a scale of two hundred (200) feet to the inch may be used for large areas upon written approval of the city engineer. Size of sheets shall be twenty-four (24) inches by thirty-six (36) inches and shall contain or be accompanied by the following:
- (1) Name of proposed subdivision. The name shall not duplicate or closely approximate the name of any other subdivision recorded in the Public Records of Palm Beach County.
- (2) Location sketch, showing the plat in relation to nearby streets and to city limits.
- (3) Date, north arrow, and scale.
- (4) Legal description of the property being platted.
- (5) A copy of the title documentation that was used to create the plat. The title documentation may be either a title certificate, title commitment, title insurance, or an attorney's opinion of title, and shall include a legal description that matches the plat; the date through which the public records were searched; the names of all owners of record; the names of all mortgage holders of record and if there are no mortgages, it shall so state; a listing of all easements and rights-of-way lying within the plat boundaries and if there are none, it shall so state; a listing of all easements and rights-of-way of record which abut the plat boundaries and are necessary for legal access to the plat and if there are none, it shall so state.
- (6) Boundary line of the parcel to be subdivided, drawn accurately to scale, labeled as "limit of plat", and with accurate linear and angular dimensions, in conformance with the legal description of the parcel.
- (7) Location and name of adjacent subdivisions, including plat book and page, the depiction of adjacent parcels, lots, easements and rights-of-way and the instrument of record labeled.
- (8) All existing streets and alleys on or adjacent to the tract, including name, classification, and right-of-way width. Existing streets shall be dimensioned to tract boundaries.
- (9) Name of subdivider and address.
- (10) Name, address, and seal of registered surveyor responsible for the plat and accepted data.
- (11) All existing property lines, easements, and rights-of-way within the plat, the purpose for which the easements or rights-of-way have been established and the instrument of record labeled.

Page No. 9

- (12) Location, width and dimensions of all proposed streets, alleys, rights-of-way, and easements, indicating purpose of easements, including an indication of the purpose of each easement.
- (13) Proposed lot lines or parcels with dimensions.
- (14) The developer shall indicate vacation of existing right-of-way within the subdivision if vacation of existing right-of-way within the subdivision is necessary for recording of new plat.
- (15) Parcels, if any, to be reserved or dedicated for parks, playgrounds, or other public uses with dimensions.
- (16) Parcels, if any, for multiple-family dwelling, shopping center, house of worship, industry, or other nonpublic use exclusive of single-family residential uses, with dimensions.
- (17) Parcel data, in tabular form, including total area of the plat, number/letter designations and areas of residential lots, parcels, areas in parks, right-of-way dedications and other uses. These areas will be depicted in square feet (rounded to the nearest foot) and acreage (rounded to the nearest thousandth of an acre).
- (18) Dedications. The purpose of all reserved areas shown on the plat shall be defined in the dedication on the plat. All areas reserved for use by the residents of the subdivision shall be so dedicated and all areas reserved for public use, such as parks, rights-of-way for roads, streets, or alleys, however the same may be designated shall be dedicated to a particular public agency. Easements for utilities, rights-of-way and easements for drainage purposes and any other area, however designated, shall be dedicated by the owner of the land at the time the plat is recorded.
- (19) Mortgagee's consent and approval. All mortgages along with the mortgagee's consent and approval of the dedication shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged. In case the mortgagee is a corporation, the consent and approval shall be signed on behalf of the corporation by the president or vice president and the secretary or an assistant secretary, respectively, by and with the authority of the board of directors as evidenced by a resolution adopted thereby.
- (20) Certification of surveyor. The plat shall contain the signature, registration number and official seal of the land surveyor, certifying that the plat is a true and correct representation of the land surveyed under his responsible direction and supervision and that the survey data compiled and shown on the plat complies with all the requirements of F.S. ch. 177, as amended, and this chapter. The certification shall also state that Permanent Reference Monuments (PRMs) have been set in compliance with F.S. ch. 177, as amended, and this chapter, and the Permanent Control Points (PCPs) will be set under the direction and supervision of the surveyor within one year from the date the plat was recorded. When plats are recorded and improvements are to be accomplished under surety posted as provided for by this chapter, the required improvements and surety shall include PCPs.

of Chapter 177, Florida Statutes.

Date: _____

Page No. 10

- (21) Certification of title. Title certification shall be contained on the face or first page of the plat. The title certificate shall state:
- a. That the lands as described and shown on the plat are in the name, and apparent record-title is held by the person, persons, or organizations executing the dedication;
- b. That all taxes <u>and city special assessments</u>, fees, fines, and liens have been paid on said lands as required by F.S. § 197.051, as amended; and,
- c. All mortgages on the land and their official record book and page number. The title certification must be an opinion of an attorney-at-law licensed in Florida, or the certification of an abstractor or a title insurance company licensed in Florida.
- (22) Instrument prepared by. The name and address of the natural person who prepared the plat shall be contained on the plat as required by F.S. § 695.24, as amended. The name and address shall be in statement form consisting of the words,

address shall be in statement form consisting of the words,
"This instrument was prepared by
Name
Address"
(23) Survey submittal. F.S. § 177.041(1), requires a boundary survey to accompany the plat at time of submittal. In addition to the boundary, this survey shall depict the following:
a. All existing watercourses, drainage ditches, canals, and bodies of water on or adjacent to the proposed subdivision.
b. All existing improvements on the proposed subdivision and all existing sewers, water mains, culverts, fire hydrants, underground or aboveground utilities on or adjacent to the proposed subdivision.
c. All easements and rights-of-way within the site as shown in the title documentation and all adjacent improvements.
(24) Plat review. In accordance with F.S. § 177.081(1), the plat will be reviewed for conformity with said Chapter 177 by a professional surveyor or mapper either employed by or under contract to the City of Greenacres. The following certification shall be placed on the first page of the plat:
It is hereby certified that the undersigned Professional Surveyor for the City of Greenacres and

duly licensed in the State of Florida has reviewed the Plat for conformity with the requirements

Page No. 11

By:	

(d) A final plat application shall be reviewed and approved administratively if there are no changes from the preliminary plat to the final plat. If changes have been made or are required to be made subsequent to preliminary plat approval, the development and neighborhood services director or designee shall determine whether the final plat must be considered by city council or the changes are minor in nature. If the changes are minor in nature, the development and neighborhood services director or designee may approve the final plat. Minor changes may include but are not limited to the following:

- (1) Realignment of an internal roadway or curb cut to improve traffic flow, turn movements or other safety considerations.
- (2) Relocate parking or retention areas within the site to increase percolation or reduce runoff from the site (over and above the approved site plan).
- (3) Add or delete less than five (5) percent of the square footage of any lot for the project or add or delete less than five (5) percent of street frontage or lot width for any lot of the project as long as other code requirements are met.
- (4) Decrease density, height, intensity, or permeable surface coverage.
- (5) Relocate easements or utilities to provide more effective service levels.
- (6) Any other changes as determined by the development and neighborhood director or designee to be minor in nature.

The development and neighborhood services director or designee reserves the right to require a final plat to be reviewed by city council if the changes made to the final plat are of such a nature that further city council review is deemed necessary in the director's or designee's sole discretion.

- (e) Qualification of person preparing plat: Every subdivision of lands made through these provisions shall be made under the responsible direction and supervision of a land surveyor, registered in the State of Florida, who shall certify on the plat that the plat is a true and correct representation of the lands surveyed, that the survey was made under his responsible direction and supervision, and that the survey data complies with all of the requirements of these regulations. The certification shall bear the signature, registration number and the official seal of the land surveyor.
- (f) Bonds Irrevocable Letter of Credit: Prior to the time the final plat of a subdivision is executed on behalf of the city, the subdivider shall provide the development and neighborhood services department with an executed subdivision contract and irrevocable letter of credit as follows:
- (1) A <u>subdivision</u> contract, executed in three (3) copies, between the city and the subdivider for construction of required improvements. The contract shall be for a term of two (2) years, shall provide that the city may use the <u>irrevocable letter of credit surety</u>to complete the required improvements in the event of the developer's default, and shall be in a form approved by the city attorney. The contract shall also provide that the city has a right to place a lien on the property for the cost of any repairs which are not covered by the letter of credit. The city council, on the

Page No. 12

recommendation of the development and neighborhood services planning and engineering director or designee, may extend the period of construction performance for up to an additional two ene(1)(2) year period for good cause shown along with extensions of the subdivision contract and irrevocable letter of credit which cover the extension timeframe plus six (6) months. Said extension shall not be unreasonably withheld and construction is to be completed within four five (5) (4) years. If construction is not completed within four (4) years, the city without notice and any obligation to the subdivider may use the letter of credit to pay for the removal of any and all improvements and lien the property if additional costs are incurred by the city in removing any and all improvements.

- (2) An irrevocable letter of credit Guarantees of one hundred ten (110) percent of the cost of the grading, drainage, paving and sidewalk components of the required improvements as defined in Article III of this chapter shall be given to the city. Said guarantee letter of credit must be in the form acceptable to the city attorney and issued by a nationally recognized and licensed bank with a local branch office in Palm Beach County, Florida. may be in the form of a performance bond issued by a recognized surety company licensed to do business in Florida, in cash, or as a bank letter of credit approved by the city.
- (g) Outside agency approvals and city engineering permit: Prior to the time the final plat of a subdivision is executed on behalf of the city, the subdivider shall provide proof of all outside agency approvals, which shall be reviewed and approved by the city engineer or designee. In addition, a city engineering permit shall be prepared and ready for issuance within thirty (30) days of execution of the final plat on behalf of the city.

SECTION 4. Chapter 16, Article II, Division 1, Section 16-33, table 16-33 of the City of Greenacres Code of Ordinance is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout):

Sec. 16-33. - Public hearing.

TABLE 16-33: SUMMARY TABLE OF DEVELOPMENT APPLICATION APPOVALS AND NOTICE REQUIREMENTS D-Decision R-Recommendation S-Staff Review #-Mandatory Pre-application Conference					
Review Procedure	City Council	Planning and Zoning Board of Appeals (PZAB)	DNS Directo r	DRC	NOTICE REQUIR EMENT S
Petitions					
Abandonment of Easement or ROW-# (Cross Access, Drainage and LAE do not require newspaper notice and only require first class mail)	D			S	Newspaper Mail Posting City Hall
Annexation, voluntary and involuntary - #	D 2 meetings	R		S	Newspaper Mail Posting City

Ordinance No. 2022-11 | Plats Page No. 13

					Hall
Comprehensive Plan	D	R		S	Newspaper
Amendment (text) - #	2 meetings				Posting City Hall
Comprehensive Plan Amendment small scale - #	D 2 meetings	R		S	Newspaper Mail
	C				Posting City Hall
Comprehensive Plan	D	R		S	Newspaper Mail
Amendment large scale - #	2 meetings				Posting City Hall
Master Plan - #	D	R		S	Posting City Hall
Master Plan Amendment - #	D	R		S	Posting City Hall
Master Sign Plan Program - #	D	R		S	Posting City Hall
Plat – Preliminary- #	<u>D</u>		<u>S</u>	<u>S</u>	
Plat -Final	Đ		<u>D</u>	S	
Plat Exemption - #			<u>D</u>	<u>S</u>	
Site and Development Plan - #	D	R		S	Posting City Hall
Site and Development Plan Amendment (Minor) - #			D	S	
Site and Development Plan Amendment (Major) - #	D	R		S	Posting City Hall
Special Exception (Developed) - #	D	R		S	Newspaper Mail Posting City Hall
Special Exception (Undeveloped) - #	D	R		S	Newspaper Mail Posting City Hall
Special Exception Amendment Minor) - #			D	S	
Special Exception Amendment (Major) - #	D	R		S	Newspaper Mail Posting City Hall
Unity of Title - #				S	
Variance (Administrative) - #			D	S	
Variance (single family) - #		D		S	Newspaper Mail Posting City
Variance (residential but single family) - #		D		S	Hall Newspaper Mail

Ordinance No. 2022-11 | Plats

Page No. 14

				Posting City Hall
Variance (non-residential) - #		D	S	Newspaper Mail Posting City Hall
Zoning Map Amendment - #	D 2 meetings	R	S	Newspaper Mail Posting City Hall
Zoning Text Amendment (general) - #	D 2 meetings	R	S	Newspaper Posting City Hall

SECTION 5. Repeal of Conflicting Ordinances.

All ordinances and resolutions or parts thereof, which conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 6. Severability

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

SECTION 7. 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 relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

SECTION 8. Effective Date

The provisions of this Ordinance shall become effective 10 days after adoption.

(Remaining page is intentionally left blank)

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

PASSED AND ADOPTED on the second rea	ading this day of 2022.
	Voted:
Joel Flores, Mayor	John Tharp, Deputy Mayor
Attest:	
	Voted:
Quintella Moorer, City Clerk	Peter Noble, Council Member, District II
	Voted:
	Judith Dugo, Council Member, District III
	Voted:
	Susy Diaz, Council Member, District IV
	Voted:
	Paula Bousquet, Council Member, District V
Approved as to Form and Legal Sufficiency:	
Glen J. Torcivia, City Attorney	

ZTA-22-07 (Ord. 2022-11)

Exhibit "A"

Date: April 11, 2022





DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2022-11: ZTA-22-07 – Plats

First Reading: A City-initiated text amendment to the Zoning Code to amend Chapter 12, Articles II, Division 1 and 2 regarding plats; and to amend Chapter 16, Articles II, Division 1, Section 16-33, Table 16-33, of the City of Greenacres Code of Ordinances to create a two (2) step plat approval process with requirements and to reflect the new plat process in Table 16-33.

[X] Recommendation to APPROVE	
[] Recommendation to DENY	
[] Quasi-Judicial	
[X] Legislative	
[X] Public Hearing	
Originating Department:	Reviewed By:
Planning & Engineering	Director of Planning & Engineering
Project Manager	Kara L. Irwin-Ferris, AICP
Kara Ferris	
Approved By: City Manager Andrea McCue	Public Notice: [] Required [X] Not Required PC Dates: 6/30/22 Papers LWH Mailing:
Andrea Meede	[] Required [X] Not Required Notice Distance:
Attachments: • Ordinance 2022-11	City Council Action: [] Approval [] Approve with conditions [] Denial [] Continued to:

Executive Summary

The proposed zoning text amendment is a city-initiated request to amend Chapter 12 (Subdivisions and Land Development Regulations), Article II (Plats); Chapter 16 (Zoning Regulations), Article II (Administration), Division 1 (Generally), Section 16-33 (Public Hearing), Table 16-33. The intent of the City initiated zoning text amendment proposes to create a two (2) step plat approval process with requirements and to reflect the new plat process in Table 16-33.

II. **Background**

A plat is a guide to a tract of surveyed land created and maintained by licensed surveyors. A plat is a blueprint containing detailed property information used by a variety of interested parties. A plat may seem straightforward, but the origin of platting laws creates ambiguity because plat laws are based on public law instead of contract law. They grow out of the governmental legal concept of the right of the government to make laws to protect the welfare of the public rather than the idea of creating a document controlling the rights of the signatories. As such, public law can be somewhat vague at a time when specifics matter the most.

Overall, Plats are used for the following reasons:

- Plats are supposed to provide an accurate description of a section of land, people, access ways, and things on the tract.
- They are meant to prevent trespass of private property by unauthorized persons.
- They ensure land for public use remains public.
- Plats ensure lots comply with zoning rules and restrictions.
- A plat ensures all property owners have access to utilities.
- City leaders also use plats to plan and regulate the growth of the city.

The proposed language is intended to clarify and update the city's platting process for development.

III. **Proposed Zoning Code Amendments:**

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

Proposed Change #1

Chapter 12, Article II, Division 1, Sections 12-21 through 12-29 of the City of Greenacres Code of Ordinances is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout):

DIVISION 1. GENERALLY

Sec. 12-21. Plat submission.

Any person proposing to subdivide land within the City of Greenacres shall submit a plat of the proposed subdivision to the city's development and neighborhood servicesplanning and engineering department along with all required supporting documents. The plat shall conform to all of the requirements set forth in these regulations.

Sec. 12-22. Prior to construction.

No subdivider shall proceed with any construction work on a proposed subdivision before obtaining plat approval from the city council with the exception of clearing or demolition permits, no building or engineering permits shall be issued until the final plat has been recorded with the Clerk of the Circuit Court of Palm Beach County.

Sec. 12-23. City acceptance.

No required improvement shall be accepted as part of the city street system, nor shall it be maintained by the city unless such improvement is constructed and inspected in accordance with the specifications contained herein.

Sec. 12-24. Required legal access.

No building permit shall be issued for, and no building or other structure shall be erected on any lot within the city, unless such lot has access to a street as defined herein, or which corresponds in its location and lines with a street shown on the official map adopted by the city.

Sec. 12-25. Permits.

No permits or licenses as may be required by the City of Greenacres, Florida, for any construction, shall be issued on any lot in a subdivision until a plat has been approved by the city council and recorded in the Public Records of Palm Beach County.

Sec. 12-26. Layout and inspection.

The subdivider's engineer and/or surveyor shall provide all layout and field inspection work. Periodic inspections shall be performed by the engineer of record during the course of the work as necessary for the final certification and as required by city policy. The subdivider's engineer and/or surveyorHe shall also certify all improvements as having been completed in accordance with approved plans and specifications and shall provide reproducible "as-built" plans and copies of all applicable test reports.

Sec. 12-27. Certification.

The engineering of record shall also certify all improvements as having been completed in accordance with approved plans and specifications and shall provide reproducible "as-built" plans and copies of all applicable test reports.

Sec. 12-28. Completion.

No temporary or final certificate of occupancy shall be issued until all required improvements have been installed and accepted, or an irrevocable letter of credit bond-is in full force and effect.

Sec. 12-29. Maintenance guarantee.

Upon completion of the improvements, the subdivider shall provide, at his or her expense, an irrevocable letter of credit one (1) year maintenance bond on all required improvements in a form acceptable to the city. The irrevocable letter shall be for a minimum term of eighteen (18) months and issued by a nationally recognized and licensed bank with a local branch office in Palm Beach County, Florida. The amount of the irrevocable letter of credit bond-shall be ten (10) percent of the original letter of credit submitted by the subdivider for the improvements. construction guarantee amount. After one (1) year, the site shall be inspected and noted deficiencies of the eivil engineering improvements shall be repaired at the <u>subdividerdeveloper</u>'s expense <u>within sixty (60)</u> days, which time may be extended up to a total of one hundred twenty (120) days by the development and neighborhood services director or designee for good cause shown along with a renewed irrevocable letter of credit for a minimum term of six (6) months. In the event the deficiencies are not timely and correctly repaired, of the developer's default, the city without further notice or obligation to the subdivider shall utilize the irrevocable letter of creditbond to have the repairs made and any additional amounts owed for such repairs shall be grounds for the city to place a lien on the property until the city is paid in full for all repair costs.

Chapter 12, Article II, Division 2, Sections 12-41 through 12-44 of the City of Greenacres Code of Ordinances is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout):

DIVISION 2. APPLICATION PROCEDURE

Sec. 12-41. General procedure.

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the construction of paving and drainage or structures in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:

- (a) Site plan.
- (b) Presubmission conference Preliminary subdivision plat.
- (c) Final subdivision plat.

Sec. 12-42. Site plan.

Prior to the preparation of the final plat, the subdivider shall receive site and development plan approval in accordance with Chapter 16, Article II, Division 9 of the City Code.

Sec. 12-43 Optional presubmission conference. Preliminary subdivision plat procedures.

The subdivider shall may have a presubmission pre-application meeting conference with the development and neighborhood services department-eity staff to review the sketch plan and to discuss different aspects of the subdivision regulations to assure that the desires of the subdividerdeveloper and the needs of the city are best served.

- (a) A Pre-Application Meeting Request Form along with 7the sketch plan shall be accompanied by the legal description and a land survey of the area being subdivided-
- (b) The sketch plan shall—and shall contain the following information, which shall be filed with the development and neighborhood services department:
- (1) A scaled map with subdivision name, north point, graphic scale, and date. The map shall not be smaller than two hundred (200) feet to the inch.
- (2) The name of the owner and all adjoining property owners.
- (3) The boundaries of the area which are to be subdivided and the distance to the nearest existing street intersection.
- (4) All roads, utilities, and watercourses on and within one hundred (100) feet of the proposed subdivision.
- (5) All significant land features, existing structures, and wooded areas.
- (6) Low, swampy areas and areas subject to flooding within the proposed subdivision.
- (7) All existing restrictions on the use of the land, including easements and zoning district lines.
- (8) Proposed layout of streets, blocks, and lots.
- (9) Number of lots, proposed lot width and depth, building type, indication of utilities to be provided, and any proposed easements or deed restrictions.
- (10) Location and size of proposed water, sewer, and drainage facilities, fire hydrants, and other utilities on the land to be subdivided and on land within one hundred (100) feet. This information is to be prepared by an engineer and/ or surveyor registered in the State of Florida.
- (11) Proposed parks, playgrounds, and other common areas.

- (b) Once, the pre-application meeting has been held, an application for preliminary plat may be submitted to the development and neighborhood services department along with the required documentation and fees.
- (c) Twenty (20) days prior to presubmission conference, the subdivider shall submit to the planning and engineering department seven (7) copies of the sketch plan for review of streets, drainage, and utilities consideration planning and engineering department will coordinate the review process with other city departments as applicable and schedule the presubmission conference. After the presubmission conference the subdivider may proceed to prepare a final plat in accordance with the requirements hereinafter contained. If it has been determined that the preliminary plat application meets the submittal requirements and requirements of F.S. Ch. 177, the application shall be reviewed by the Development Review Committee (DRC) at its next available meeting. After review and approval by the DRC and the development and neighborhood services director or designee, the application for preliminary plat approval shall be forwarded to city council.
- (d) The city council shall either approve, approve with modifications or conditions, or deny the preliminary subdivision plat after considering the recommendation of city staff and all aspects of the plat necessary to meet all applicable requirements of applicable law, the City Code, and the City's Comprehensive Plan. The city council may also defer or table its decision to a time certain if the city council needs further information to render a decision. The preliminary plat submitted for city council review and approval shall have incorporated all changes or modifications, as required by the development and neighborhood services director or designee and the DRC, to make the preliminary plat conform to the requirements of applicable law, the City Code, the City's Comprehensive Plan, and to the conditions of final plat approval.
- (e) If approved by the city council, the approved preliminary plat is a preliminary development order. It shall not constitute acceptance of a final plat but shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat. The preliminary development order and the associated preliminary plat shall expire and be of no further effect twelve (12) months from the date of approval unless either a timely final plat is approved or a timely request to extend the twelve (12) months is submitted to the development and neighborhood services director or designee prior to expiration of the twelve (12) months. The twelve (12) months timeframe may be extended by development and neighborhood services director or designee for good cause shown. The development and neighborhood services director or designee may only extend the twelve (12) months for a maximum period of one hundred eighty (180) days; thereafter, the preliminary plat approval shall expire unless the final plat is approved within the extended timeframe. If the preliminary plat approval expires, the subdivider shall reapply for preliminary plat approval in accordance with the provisions of this chapter (as may be amended from time to time). This provision regarding the effect of approval and expiration of a preliminary plat shall not be subject to a variance. Further, the approval of the preliminary plat in no way reserves capacity for purposes of concurrency and approval of the final plat. Subdividers are highly encouraged to pursue final plat approval as soon as possible to avoid substantial revisions to the final plat necessary to comply with changes in the law and local conditions which may arise between preliminary plat approval and final plat approval.

Sec. 12-44. Procedure for final plat and final plat approval.

- (a) Qualification of person preparing plat: Every subdivision of lands made through these provisions shall be made under the responsible direction and supervision of a land surveyor, registered in the State of Florida, who shall certify on the plat that the plat is a true and correct representation of the lands surveyed, that the survey was made under his responsible direction and supervision, and that the survey data complies with all of the requirements of these regulations. The certification shall bear the signature, registration number and the official seal of the land surveyor. General procedure: If the preliminary plat application is approved by the city council, a final plat application shall be submitted to the development and neighborhood services department along with all fees as are prescribed in a resolution adopted by the city council (as amended from time to time). The original final plat application shall be submitted with one (1) copy of the application and three (3) full-size copies and fifteen (15) reduced-sized copies of the final plat, or as may be otherwise required in the development and neighborhood services department's application submittal checklist.
- (b) General requirements: Bonds: Prior to the time the final plat of a subdivision is executed on behalf of the city, the subdivider shall post surety as follows:
- (1) A contract, executed in three (3) copies, between the city and the subdivider for construction of required improvements. The contract shall be for a term of two (2) years, shall provide that the city may use the surety to complete the required improvements in the event of the developer's default, and shall be in a form approved by the city attorney. The city council, on recommendation of the planning and engineering department, may extend the period of performance for additional one (1) year periods. Said extension shall not be unreasonably withheld and construction is to be completed within five (5) years.
- (2) Guarantees of one hundred ten (110) percent of the cost of the grading, drainage, paving and sidewalk components of the required improvements as defined in Article III of this chapter shall be given to the city. Said guarantee may be in the form of a performance bond issued by a recognized surety company licensed to do business in Florida, in cash, or as a bank letter of credit approved by the city.

The final plat and all related plans shall conform to the approved site and development plan, the approved preliminary plat, the City Code, and the City's Comprehensive Plan. The final plat shall also conform to any requirements under federal, state, and local law and any local conditions which may have changed after the approval of the preliminary plat including, but not limited to, concurrency requirements. The approval of the preliminary plat in no way reserves capacity for the purposes of concurrency and approval of the final plat. At the option of the subdivider, the final plat may constitute only that portion or phase of the approved site and development plan which the subdivider proposes to record and/or develop at the time; provided, however, that such portion or phase shall conform to all requirements set forth herein. The development and neighborhood services department shall review the final plat for conformance with the foregoing and all applicable federal, state, and local law and any local conditions which may have changed after the approval of the preliminary plat including, but not limited to, concurrency requirements. The development and neighborhood services department shall also review the final plat for conformance with the following requirements:

- (1) The final plat shall conform with F.S. ch. 177, and shall be clearly and legibly drawn, on mylar, to a scale no smaller than one hundred (100) feet to the inch provided, however; that a scale of two hundred (200) feet to the inch may be used for large areas upon written approval of the city engineer. Individual sheets, their size, marginal lines, and other drafting considerations shall comply with accepted standards for the recording of plats. Where the final plat of a proposed subdivision requires more than one (1) sheet, each sheet shall be keyed to a master map with appropriate marks of identification.
- (2) A construction cost estimate shall be submitted providing the estimated cost of installing all improvements. Such estimates shall be prepared by the project engineer and shall be based upon recent bid information. As an alternative, bids of two (2) licensed contractors or a copy of an executed contract for the installation of the improvements may be submitted.
- (3) Land dedication or acceptable payment in lieu in accordance with Article IV of this chapter shall be executed or collected in a form acceptable to the city prior to the scheduled city council hearing.
- (4) When the final plat is approved by the city council, it shall be signed in the spaces provided by the city engineer, the city manager, and the mayor and be attested to by the city clerk and affixed with the city's seal.
- (5) The subdivider shall file a true copy of the plat, as approved, with the Clerk of the Circuit Court of Palm Beach County, Florida. One copy of the recorded final plat shall be provided to the City of Greenacres on mylar and shall be maintained as permanent record.
- (6) Any change in a recorded plat shall be made in accordance with F.S. ch. 177.
- (7) The vacation of any recorded plat shall be made in accordance with F.S. ch. 177.

General procedure: Whenever the provisions of this chapter have been complied with, while the approval of the site and development plan is in effect, and after all city engineering approvals and any required outside agency permits have been issued, the applicant shall submit seven (7) copies of the final plat and plans to the planning and engineering department for approval. The final plat and plans shall conform to the approved site and development plan, and, at the option of the subdivider, may constitute only that portion or phase of the approved site and development plan which the subdivider proposes to record and/or develop at the time provided, however, that such portion conforms to all requirements of this chapter. The planning and engineering department shall review the final plat for conformance with the approved site and development plan, the zoning code, the provisions of this chapter, and street numbering, naming, and addressing. The review shall be completed and comments resolved prior to the plat being sent to the city council for approval. (d)

(c)(d) Submittal requirements: The final plat shall be drawn to a scale no smaller than one hundred (100) feet to the inch; provided, however, that a scale of two hundred (200) feet to the inch may be used for large areas upon written approval of the city engineer. Size of sheets shall be twentyfour (24) inches by thirty-six (36) inches and shall contain or be accompanied by the following:

- (1) Name of proposed subdivision. The name shall not duplicate or closely approximate the name of any other subdivision recorded in the Public Records of Palm Beach County.
- (2) Location sketch, showing the plat in relation to nearby streets and to city limits.
- (3) Date, north arrow, and scale.
- (4) Legal description of the property being platted.
- (5) A copy of the title documentation that was used to create the plat. The title documentation may be either a title certificate, title commitment, title insurance, or an attorney's opinion of title, and shall include a legal description that matches the plat; the date through which the public records were searched; the names of all owners of record; the names of all mortgage holders of record and if there are no mortgages, it shall so state; a listing of all easements and rights-of-way lying within the plat boundaries and if there are none, it shall so state; a listing of all easements and rights-ofway of record which abut the plat boundaries and are necessary for legal access to the plat and if there are none, it shall so state.
- (6) Boundary line of the parcel to be subdivided, drawn accurately to scale, labeled as "limit of plat", and with accurate linear and angular dimensions, in conformance with the legal description of the parcel.
- (7) Location and name of adjacent subdivisions, including plat book and page, the depiction of adjacent parcels, lots, easements and rights-of-way and the instrument of record labeled.
- (8) All existing streets and alleys on or adjacent to the tract, including name, classification, and right-of-way width. Existing streets shall be dimensioned to tract boundaries.
- (9) Name of subdivider and address.
- (10) Name, address, and seal of registered surveyor responsible for the plat and accepted data.
- (11) All existing property lines, easements, and rights-of-way within the plat, the purpose for which the easements or rights-of-way have been established and the instrument of record labeled.
- (12) Location, width and dimensions of all proposed streets, alleys, rights-of-way, and easements, indicating purpose of easements, including an indication of the purpose of each easement.
- (13) Proposed lot lines or parcels with dimensions.
- (14) The developer shall indicate vacation of existing right-of-way within the subdivision if vacation of existing right-of-way within the subdivision is necessary for recording of new plat.
- (15) Parcels, if any, to be reserved or dedicated for parks, playgrounds, or other public uses with dimensions.

- (16) Parcels, if any, for multiple-family dwelling, shopping center, house of worship, industry, or other nonpublic use exclusive of single-family residential uses, with dimensions.
- (17) Parcel data, in tabular form, including total area of the plat, number/letter designations and areas of residential lots, parcels, areas in parks, right-of-way dedications and other uses. These areas will be depicted in square feet (rounded to the nearest foot) and acreage (rounded to the nearest thousandth of an acre).
- (18) Dedications. The purpose of all reserved areas shown on the plat shall be defined in the dedication on the plat. All areas reserved for use by the residents of the subdivision shall be so dedicated and all areas reserved for public use, such as parks, rights-of-way for roads, streets, or alleys, however the same may be designated shall be dedicated to a particular public agency. Easements for utilities, rights-of-way and easements for drainage purposes and any other area, however designated, shall be dedicated by the owner of the land at the time the plat is recorded.
- (19) Mortgagee's consent and approval. All mortgages along with the mortgagee's consent and approval of the dedication shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged. In case the mortgagee is a corporation, the consent and approval shall be signed on behalf of the corporation by the president or vice president and the secretary or an assistant secretary, respectively, by and with the authority of the board of directors as evidenced by a resolution adopted thereby.
- (20) Certification of surveyor. The plat shall contain the signature, registration number and official seal of the land surveyor, certifying that the plat is a true and correct representation of the land surveyed under his responsible direction and supervision and that the survey data compiled and shown on the plat complies with all the requirements of F.S. ch. 177, as amended, and this chapter. The certification shall also state that Permanent Reference Monuments (PRMs) have been set in compliance with F.S. ch. 177, as amended, and this chapter, and the Permanent Control Points (PCPs) will be set under the direction and supervision of the surveyor within one year from the date the plat was recorded. When plats are recorded and improvements are to be accomplished under surety posted as provided for by this chapter, the required improvements and surety shall include PCPs.
- (21) Certification of title. Title certification shall be contained on the face or first page of the plat. The title certificate shall state:
- a. That the lands as described and shown on the plat are in the name, and apparent record-title is held by the person, persons, or organizations executing the dedication;
- b. That all taxes and city special assessments, fees, fines, and liens have been paid on said lands as required by F.S. § 197.051, as amended; and,
- c. All mortgages on the land and their official record book and page number. The title certification must be an opinion of an attorney-at-law licensed in Florida, or the certification of an abstractor or a title insurance company licensed in Florida.

(22) Instrument prepared by. The name and address of the natural person who prepared the plat shall be contained on the plat as required by F.S. § 695.24, as amended. The name and address shall be in statement form consisting of the words,
"This instrument was prepared by
Name
Address"
(23) Survey submittal. F.S. § 177.041(1), requires a boundary survey to accompany the plat at time of submittal. In addition to the boundary, this survey shall depict the following:
a. All existing watercourses, drainage ditches, canals, and bodies of water on or adjacent to the proposed subdivision.
b. All existing improvements on the proposed subdivision and all existing sewers, water mains, culverts, fire hydrants, underground or aboveground utilities on or adjacent to the proposed subdivision.
c. All easements and rights-of-way within the site as shown in the title documentation and all adjacent improvements.
(24) Plat review. In accordance with F.S. § 177.081(1), the plat will be reviewed for conformity with said Chapter 177 by a professional surveyor or mapper either employed by or under contract to the City of Greenacres. The following certification shall be placed on the first page of the plat:
It is hereby certified that the undersigned Professional Surveyor for the City of Greenacres and duly licensed in the State of Florida has reviewed the Plat for conformity with the requirements of Chapter 177, Florida Statutes.
Date:
By:
(d) A final plat application shall be reviewed and approved administratively if there are no changes from the preliminary plat to the final plat. If changes have been made or are required to be made subsequent to preliminary plat approval, the development and neighborhood services director or designee shall determine whether the final plat must be considered by city council or the changes are minor in nature. If the changes are minor in nature, the development and neighborhood services director or designee may approve the final plat. Minor changes may include but are not limited to the following:

(1) Realignment of an internal roadway or curb cut to improve traffic flow, turn movements or other safety considerations.

- (2) Relocate parking or retention areas within the site to increase percolation or reduce runoff from the site (over and above the approved site plan).
- (3) Add or delete less than five (5) percent of the square footage of any lot for the project or add or delete less than five (5) percent of street frontage or lot width for any lot of the project as long as other code requirements are met.
- (4) Decrease density, height, intensity, or permeable surface coverage.
- (5) Relocate easements or utilities to provide more effective service levels.
- (6) Any other changes as determined by the development and neighborhood director or designee to be minor in nature.

The development and neighborhood services director or designee reserves the right to require a final plat to be reviewed by city council if the changes made to the final plat are of such a nature that further city council review is deemed necessary in the director's or designee's sole discretion.

- (e) Qualification of person preparing plat: Every subdivision of lands made through these provisions shall be made under the responsible direction and supervision of a land surveyor, registered in the State of Florida, who shall certify on the plat that the plat is a true and correct representation of the lands surveyed, that the survey was made under his responsible direction and supervision, and that the survey data complies with all of the requirements of these regulations. The certification shall bear the signature, registration number and the official seal of the land surveyor.
- (f) BondsIrrevocable Letter of Credit: Prior to the time the final plat of a subdivision is executed on behalf of the city, the subdivider shall provide the development and neighborhood services department with an executed subdivision contract and irrevocable letter of credit as follows:
- (1) A <u>subdivision</u> contract, executed in three (3) copies, between the city and the subdivider for construction of required improvements. The contract shall be for a term of two (2) years, shall provide that the city may use the irrevocable letter of credit suretyto complete the required improvements in the event of the developer's default, and shall be in a form approved by the city attorney. The contract shall also provide that the city has a right to place a lien on the property for the cost of any repairs which are not covered by the letter of credit. The city council, on the recommendation of the development and neighborhood services planning and engineering director or designee, may extend the period of construction performance for up to an additional two one(1)(2) year period for good cause shown along with extensions of the subdivision contract and irrevocable letter of credit which cover the extension timeframe plus six (6) months. Said extension shall not be unreasonably withheld and construction is to be completed within four five (5) (4) years. If construction is not completed within four (4) years, the city without notice and any obligation to the subdivider may use the letter of credit to pay for the removal of any and all improvements and lien the property if additional costs are incurred by the city in removing any and all improvements.
- (2) An irrevocable letter of credit Guarantees of one hundred ten (110) percent of the cost of the grading, drainage, paving and sidewalk components of the required improvements as defined in Article III of this chapter shall be given to the city. Said guarantee letter of credit must be in the

form acceptable to the city attorney and issued by a nationally recognized and licensed bank with a local branch office in Palm Beach County, Florida. may be in the form of a performance bond issued by a recognized surety company licensed to do business in Florida, in cash, or as a bank letter of credit approved by the city.

(g) Outside agency approvals and city engineering permit: Prior to the time the final plat of a subdivision is executed on behalf of the city, the subdivider shall provide proof of all outside agency approvals, which shall be reviewed and approved by the city engineer or designee. In addition, a city engineering permit shall be prepared and ready for issuance within thirty (30) days of execution of the final plat on behalf of the city.

Proposed Change #2

Chapter 16, Article II, Division 1, Section 16-33, table 16-33 of the City of Greenacres Code of Ordinance is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout):

	POVALS AND I	LE OF DEVELONOTICE REQUIDENCE REQUIRED SENTING TO SENTING TO THE RESERVE OF THE R	IREMENTS eview #-Mar	S	ON
Review Procedure	City Council	Planning and Zoning Board of Appeals (PZAB)	DNS Directo r	DRC	NOTICE REQUIR EMENT S
		Petitions			
Abandonment of Easement or ROW-# (Cross Access, Drainage and LAE do not require newspaper notice and only require first class mail)	D			S	Newspaper Mail Posting City Hall
Annexation, voluntary and involuntary - #	D 2 meetings	R		S	Newspaper Mail Posting City Hall
Comprehensive Plan Amendment (text) - #	D 2 meetings	R		S	Newspaper Posting City Hall
Comprehensive Plan Amendment small scale - #	D 2 meetings	R		S	Newspaper Mail Posting City Hall
Comprehensive Plan Amendment large	D	R		S	Newspaper Mail

scale - #	2 meetings				Posting City Hall
Master Plan - #	D	R		S	Posting City Hall
Master Plan Amendment - #	D	R		S	Posting City Hall
Master Sign Plan Program - #	D	R		S	Posting City Hall
Plat – Preliminary- #	<u>D</u>		<u>S</u>	<u>S</u> S	
Plat -Final	Đ		<u>D</u>		
Plat Exemption - #			<u>D</u>	<u>S</u> S	
Site and Development Plan - #	D	R		S	Posting City Hall
Site and Development Plan Amendment (Minor) - #			D	S	
Site and Development Plan Amendment (Major) - #	D	R		S	Posting City Hall
Special Exception (Developed) - #	D	R		S	Newspaper Mail Posting City Hall
Special Exception (Undeveloped) - #	D	R		S	Newspaper Mail Posting City Hall
Special Exception Amendment Minor) - #			D	S	
Special Exception Amendment (Major) - #	D	R		S	Newspaper Mail Posting City Hall
Unity of Title - #				S	
Variance (Administrative) - #			D	S	
Variance (single family) - #		D		S	Newspaper Mail Posting City
					Hall
Variance (residential but single family) - #		D		S	Newspaper Mail
					Posting City Hall
Variance (non-residential) - #		D		S	Newspaper Mail Posting City Hall
Zoning Map Amendment - #	D 2 meetings	R		S	Newspaper Mail Posting City Hall

Zoning Text Amendment	D	R	S	Newspaper
(general) - #	2 meetings			Posting City
	2 11100011185			Hall

III. **Staff Analysis:**

Plats are currently reviewed by City Staff and approved by the City Council. That process is not proposed to be changed. Instead, this Zoning Text Amendment will create the two-step plat approval process to allow the development process to move quicker. The first step is the preliminary plat review which is where the full-blown plat review is accomplished and City Council approval is obtained. If the proposed final plat is not significantly different than the preliminary plat, then City staff compares the plats and approved the final plat administratively. This process will allow a developer to submit for an obtain outside agency permits which can take over six months to obtain.

This Zoning Text Amendment includes two (2) changes to the Zoning Code:

- 1. Amending Chapter 12 regarding plats to create the two step process and clarify the requirements related to the process and required submittals.
- Amending Chapter 16, specifically, table 16-33, to address the new plat process. 2.

The first amendment provides changes to the process so that after approval by City Council, staff can administratively approve minor modifications prior to the recordation of the plat. This will provide some flexibility for changes that occur as a result of the permitting process that do not change the main structure of the plat.

The second amendment provides a guide for applicants on the city processes. Through the use of the table, applicants can better plan for the required time to process their applications. To implement the new process, Table 16-33, which addresses notice and approval requirements must be amended.

Land Development Staff Comments:

The petition was reviewed by the Land Development Staff on February 9, May 17, July 12, and July 19, 2012 and recommended for approval.

Planning and Engineering Department: Incorporated into the staff report

Building Department: None Recreation and Parks None

Fire Department: Incorporated into the staff report

PBSO District #16 None

Public Works Department: Incorporated into the staff report

IV. **Zoning Text Amendment Criteria:**

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

The principal intent of these proposed text amendments to the City Code is to streamline the plat approval process, clarify requirements, and ideally make the entire plat process more user friendly.

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

The proposed amendments are consistent with the City's Comprehensive Plan and will further the purposes of the City's Zoning Code regulations and other City Codes by updating and clarifying the plat approval process.

Staff Recommendation: V.

Approval of ZTA-22-07 through the adoption of Ordinance 2022-11.

PLANNING AND ZONING BOARD OF ADJUSTMENTS RECOMMENDATION – June 9, 2022

The Planning and Zoning Board of Appeals on a motion made by Board Member Jacob-Robarts and seconded by Board Member Edmundson, by a vote of four (4) to zero (0) recommended approval of Zoning Text Amendment **ZTA-22-07** as presented by staff.

CITY COUNCIL ACTION First Reading – July 18, 2022

CITY COUNCIL ACTION Second Reading -



ITEM SUMMARY

MEETING DATE: July 18, 2022

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

SUBJECT: Ordinance 2022-17, ZTA-22-10

Right of Way Permit Process

BACKGROUND

A City-initiated request for a text amendment proposes to add Section 11-6 to create a right of way permit process.

ANALYSIS

Sometimes called a driveway permit, culvert permit or utility permit, a right-of-way permit is required to disturb, excavate, block, obstruct, tamper with, or place any construction or other material on or in a city road, right of way or easement. Typically, any work performed within the City's right-of-way requires an approval from the City to ensure that the work is performed properly and safely and the site is restored to its original or better condition. Although the City has been authorizing right-of-way work, it has done so under a general building permit.

The proposed amendment intent is to clarify the process including the requirements, documentation and approvals needed to obtain a specific right-of-way permit. By outlining the right-of-way permit process in the City's code, it will make the permit process clearer and more concise and ensure the City is protected when work is done by a third party in the City's right-of-way.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2022-17 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-22-10 through the adoption of Ordinance 2022-17.

ORDINANCE NO. 2022-17

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 11, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE I, "IN GENERAL", BY ADDING SECTION 11-6, RIGHT OF WAY PERMITS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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 City owns and maintains certain rights-of-way within the City's municipal limits; and

WHEREAS, from time-to-time various residents, agencies or entities require the need to take action within the City's rights-of-way; and

WHEREAS, the intent and purpose of the code amendments is to provide a safe, efficient, and economical method of approving construction activity, temporary use or closure of the rights-of-way and the removal, placement, installation or location of structures, facilities, or landscaping in or above the city owned rights -of-way; and,

WHEREAS, the rights-of-way permit will be used to evaluate in detail the proposed plans for use of the rights-of-way, to ensure that use of the rights-of-way is performed in a safe manner that is consistent with City code and that the rights-of-way are restored after it use; and

WHEREAS, it has been determined, in accordance with the Development Review Committee Staff Report and Recommendation, "Exhibit A" dated June 1, 2022 (attached) that the addition of a right-of-way process to the City's Code of Ordinance as set forth herein is necessary for the protection of life, health and safety; 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 serve a valid public purpose.

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

SECTION 1. Chapter 11 of the City of Greenacres Code of Ordinance, entitled "Streets, Sidewalks and Other Public Places", is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout):

Chapter 11 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Sec. 11-6 Right-of-Way Use Permit

(a) Intent and Purpose

It is the intent and purpose of this section to provide a safe, efficient, and economical method of approving of construction activity; temporary use or closure of the right-of-way; and the removal, placement, installation, or location of structures, facilities, or landscaping in or above city owned rights-of-way.

The Right-of-Way Use Permit is used to:

- (1) Evaluate in detail the proposed plans for use of the right-of-way;
- (2) Ensure that, if approved, use of the right-of-way is performed in a safe manner that is consistent with the requirements of this Code and the health, safety, and welfare of the city and its citizens; and
- (3) Ensure that the right-of-way is restored after use.

(b) Applicability

This section shall apply to all construction activity; temporary use or closure of the right-of-way, such as for a sporting event; and the removal, placement, installation, or location of structures, facilities, or landscaping in or above (overhead facilities or structures) city owned rights-of-way.

(c) Exemptions

The following activities, structures, facilities, and landscaping are exempt from the requirements of a Right-of-Way Use Permit:

- (1) Mailboxes installed in accordance with United States Postal Service regulations and Florida Department of Transportation (FDOT) design standards, including those published in the "Manual on Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways."
- (2) Sod ground covering installed in right of way in front of residential dwelling units. Stones, boulders, pavers, mulch, astro turf, faux landscape or other materials that are not considered acceptable sod are not permitted within the city's right of way.
- (3) Use of the right-of-way for temporary moving oversize or overweight loads
- (4) Approved driveway building permits where there are alterations or modifications to the driveway apron in the right of way.
- (5) Routine maintenance where the subject area is being restored to its current condition.
- (6) Emergency None of the above permit procedures shall apply to emergency repair work. Emergency repair work is work which must be done immediately upon discovery, in order to safeguard the public from immediate danger to life or limb, to safeguard public health, safety or welfare, to repair or replace traffic signals or to restore interrupted utility services. In the event of an emergency as defined above, repair work may be started without a permit upon verbal notification being given to the development and neighborhood services department. If the development and neighborhood services are closed, then notification must be given as early as possible on the next regular workday. After the emergency repair is completed, a record drawing must be submitted to the development and neighborhood services department, unless otherwise provided hereinafter, within ten (10) working days. Work that can be scheduled ahead of time will not be considered emergency work.

In addition to the above, in the event that an emergency does arise, the owner/registrant shall provide the following:

1. A public relations/customer service representative shall be contacted immediately for all emergencies and shall be available to handle all homeowner questions and issues as well as media information. Such activities shall be coordinated with the city's public information officer.

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

(d) Application Requirements

Applications for Rights-of-Way Use Permits shall include:

- (1) Applicant Information
 - (i) Name, Address, E-mail of Applicant
 - (ii) Engineer of Record If Any
 - (iii) Application Fee
- (2) General Information
 - (i) Road Name
 - (ii) Road Location
 - (iii) Publicly or Privately Maintained Road
 - (iv) Road Type: Collector, Arterial, Residential
- (3) Narrative. A description of the overall proposed activities including the scope, the location, and the nature of the proposed work. The narrative shall include an estimated duration of any construction activity during which the right-of-way will be affected.
- (4) Detailed Drawing(s): The application shall include a detailed drawing(s) showing the details and location of the proposed use, including:
 - (i) Location map. An aerial or survey shall be required for proposed uses involving the installation or removal of structures.
 - (ii) Proposed work to be done in the right-of-way (to scale or accurately dimensioned).

- (iii) Location of any proposed open cuts shall be clearly marked on the plans.
- (iv) Evidence of a Sunshine 8-1-1 completed underground utility locate ticket and photographs of any markings found on-site.
- (v) Location of any tree(s) five (5) inches dbh that is/are proposed for removal from the right-of-way and if permittee shall be responsible for any damages occurring to the asphalt and/or concrete surfaces caused by roots and/or branches that may impeded or cause a hazard to pedestrians, cyclists, motorists, and overhead powerlines.
- (vi) Traffic Signing and Marking Plans where applicable
 - (1) Signing and marking plans shall be prepared in accordance with the current versions of the Federal Manual on Uniform Traffic Control Devices and FDOT standards.
 - (2) <u>Signing and marking plans shall be provided on separate sheets of the plan set.</u>
 - (3) Signing and marking notes shall comply with the M.U.T.C.D. (latest edition), the City of Greenacres Code of Ordinances, and Palm Beach County Typicals (latest edition) and FDOT standards, if applicable.
 - (4) Plans shall be scaled at no less than one (1) inch to twenty (20) or thirty (30) feet.
 - (5) Centerline curve radius data for all turns and curves shall be placed on the signing and marking plans to verify proper warning signs.
 - (6) A quantity sheet or tabulation of quantities shall be included
 - (7) All signs shall be identified by the Federal Manual on Uniform Traffic Control Devices designation number; for example, a stop sign is R1-1. A graphic of the sign shall be included.
 - (8) All pavement markings shall be identified by size and

Page No. 6

color.

- (9) All street names shall be shown on the plans by size and colors.
- (10) If the streets are a combination of publicly and privately maintained, each street shall be identified as publicly or privately maintained.

(5) Other Required Approvals

The following approvals also may be required to be obtained in addition to a Right-of-Way Use Permit:

- (i) Uses where dewatering into the right-of-way is proposed must be accompanied by a plan to insure there is no sediment transfer and that pumped water is uncontaminated, and which is approved by the city manager or designee.
- (ii) Any proposed work requiring interruption of vehicular or pedestrian traffic shall require a maintenance of traffic plan approved through the building permit process.
- (iii) Proposed work requiring a road closure shall approval through the building permit process with notices sent to the PBSO District 16 Captain, Fire Department Chief, Public Information Officer, Public Works Director and the Development and Neighborhood Services Director.
- (iv) License and Maintenance Agreements in an approved form may be required for installation of signage, landscaping, irrigation or other facilities or structures within the right-of-way.
- (v) Tree location survey and tree plan for projects larger than one single-family dwelling where trees are located within the right of way.
- (vi) Traffic Impact Study and substandard Roadway Analysis or, if completed, the applicable approval statement.
- (vii) An indemnity agreement in an approved form may be required.
- (viii) An insurance policy in an approved form may be required.

(e) Application Processing

- (1) An application for a Right-of-Way Use Permit shall be reviewed by all appropriate review agencies as determined by the city manager or designee.
- (2) The city manager or designee shall evaluate the request for a Right-of-Way Use Permit and shall:
 - (i) Approve the application as proposed;
 - (ii) Approve the application with conditions; or
 - (iii) Deny the application.

The approval of a Right-of-Way Use Permit may be subject to specific conditions deemed necessary by the city manager or designee and appropriate for the fulfillment of the purposes of this Code. The Conditions of Approval shall be stated on the face of the permit or may be incorporated by reference into any document which shall be attached to the permit.

(f) Terms of Permit and Effect of Permit Approval

- (1) The permittee is liable for any damage that results from the permit holder's operations and the city shall be relieved of all responsibility from damage of any nature arising from the permit.
- (2) The permit is a license for permissive use only and use of or installation of facilities in the right-of-way pursuant to the permit does not operate to create or to vest any property right in the permittee.
- (3) Whenever the city decides to further utilize or perform maintenance in the right-of-way or when an approved route or bus stop is deleted by the county, any installations authorized by the permit shall be removed from the right-of-way or relocated within the right-of-way upon notice by the city manager or designee. Removal or relocation shall be at the expense of the holder of the permit, unless one of the specific exceptions in Section 337.403, Florida Statutes applies. Failure to timely relocate the installations will relieve the city of all liability for damage to the facilities, and/or the city may remove or relocate theinstallations and charge the holder of the permit for all costs incurred inremoving or relocating the installations.

If maintenance of the drainage system is involved then the permit holder must relocate underground installations within fifteen (15) days of notification by the city manager or designee.

- (4) The permittee shall have up to 180 days to complete the work authorized by the permit and to complete all required restoration, unless a different time period is authorized by the city on the face of the permit or an extension has been requested for good cause shown. Upon expiration of a permit, the permit is void and further use of the right-of-way requires a new Right-of-Way Use Permit application.
- (5) In the event the proposed use and the restoration of the right-of-way is not completed upon the expiration date of the permit, the city may remove or complete such work and charge the holder of the permit for all costs incurred in removing or completing the work.

(g) Prior to Construction Activity

- (1) Permittee shall notify all other utility and underground users in the area covered by the permit, so that those users may safeguard their interests through the 8-1-1 Sunshine One Call System.
- (2) Permittee shall notify the building division at least forty-eight (48) hours prior to the start of any construction activity.
- (3) Permittees shall observe all State "One Call Call Before You Dig" requirements.

(h) Activity Pursuant to Permit

(1) Construction and Operations

- (i) A copy of the permit and all incorporated conditions shall be kept readily available at the site of the work at all times.
- (ii) All work shall be done in keeping with the standards of the city through the building permit process.
- (iii) Permittee shall notify the building division within forty-eight (48) hours after concluding all activities required by or authorized by the permit.
- (iv) Permittee shall allow inspection of all materials and equipment by the city at any time. Permittee and agents/employees, including

<u>field personnel on site, shall provide all information and identification</u> requested by the city.

- (v) During construction, all applicable governing safety regulations shall be observed. The permittee may take such safety measures, including the placing and display of caution signs, as it deems necessary to observeall required safety regulations in the conduct of activities under the permit.
- (vi) Permittee shall perform all testing through the building permit process. Testing shall adhere to the most current version of the Florida Department of Transportation and Palm Beach County Engineering Department design standards and testing specifications for the construction of roads, storm drainage, and utilities.
- (vii) All underground cable or phone lines shall be installed or located at least thirty (30) inches below grade. All lines, cable, or phone lines, under the roadway shall be installed or located at least thirty-six (36) inches deep, unless a different depth is approved through the building permit process.
- (viii) All underground utility installations other than cable or phone lines shall be installed or located at the depth specified or approved by through the building permit process.
- (ix) All other underground crossing installations not mentioned hereinabove shall be laid at such depth as may be approved through the building permit process.
- (x) All activity performed in the city right-of-way pursuant to a Right-of-Way Use Permit shall conform to the approved permit, the approved drawings, and the conditions, if any, of the permit. Deviations from approved drawing or other aspects of the permit or conditions that are required as a result of physical siteconditions discovered after the start of the work shall be described in writing to the city within twenty-four (24) hours after discovery of the condition and, to the extent possible, before further activity is performed under the permit. Upon written submission of a description of the circumstances requiring a deviation from the approved drawings/permit/conditions, is submitted to the building division, the development and neighborhood services director or designee may amend the permit to authorize the deviation if the deviation otherwise meets the standards of this Code.
- (xii No track type equipment will be allowed on any asphalt or concrete surface. If this cannot be avoided, it must be stated in the

- <u>building permit application and contractor shall be responsible for full</u> restoration of impacted/damaged surface if it occurs.
- (xiii) Required erosion and sediment control devices shall be in place at all times during construction and shall be removed only after final stabilization has been established. Photographic evidence of the erosion and sediment control devices shall be submitted to the building division at weekly intervals to ensure compliance.
- (xiv) No illicit discharge shall occur as a result of activity performed pursuant to the permit.
- (xv) No dewatering into a city right-of-way shall occur without prior written approval from the Public Works Director, or designee as a part of the approved permit. Where dewatering has been approved, no sediment transfer may occur during any dewatering into the city's right-of-way, and pumped water must be uncontaminated. No direct pumping into inlets is allowed, and there must be a visible zone of at least five (5) feet from the dewatering discharge hose to the structure receiving the water. There shall be no dewatering into the city's right-of-way from any petroleum site, whether contaminated or not.
- (xvi) Interruption of vehicular or pedestrian traffic or obstruction of a traffic lane shall not occur, except pursuant to the terms of an approved maintenance of traffic plan approved through the building permit process.
- (xvii) Roads shall not be closed without an approved MOT by the city, notification, and acceptance of the closure to the city's emergency responders and city to the surrounding residents.
- (xviii) Provision for safe pedestrian traffic must be maintained at all times.
- (xix) Open cuts shall not be performed without prior written approval through the building permit process.
- (xx) Work pursuant to a permit must be performed in accordance with the city's noise ordinance as stated in Chapter 7-56 of the city's Code of Ordinances unless specifically authorized otherwise through the building permit process.

(2) Restoration and Maintenance Standards

- (i) The city right-of-way, including sidewalks, curbs and gutters, landscaping, and any aesthetic enhancement thereto, and any adjacent private property affected during activity performed pursuant to a Right-of-Way Use Permit, or for which a Right-of-Way Use Permit was required, must be restored within fifteen (15) days of the completion of activity authorized by the permit, unless a different time period is specified in writing through the building permit process. Any sidewalks removed or damaged must be replaced within three (3) days after the removal or damage.
- (ii) The city right-of-way, including sidewalks, curbs and gutters, landscaping, and any aesthetic enhancement thereto, and any adjacent private property affected during activity performed pursuant to a Right-of-Way Use Permit, or for which a Right-of-Way Use Permit was required, must be restored to current code requirements, unless a different standard for restoration is specified in writing through the building permit process.
 - (1) Restorations shall adhere to the most current version of the Palm Beach County Engineering design standards and testing specifications for the construction of roads, storm drainage, and utilities.
 - (2) Disturbed areas must be properly stabilized, including grading, compacting, and sodding.
 - (3) Roadway connections that have been replaced must meet current Florida Department of Transportation regulations including Americans with Disabilities Act standards
 - (4) All open cut restoration work shall include an additional twenty feet (20') on both sides of milling and resurfacing
- (iii) Permittee shall inform the building division within forty-eight (48) hours after completion of required restorations.
- (iv) Restorations shall be maintained for one (1) year after completion unless a longer time period is required by this Code.

(i) Bond Requirement

The holder shall post cash, or a Surety Performance Guarantee and Maintenance Guarantee, with the City Clerk. The required amounts for each

shall be based on cost estimates for each prepared by the permittee's engineer and approved by the city manager or designee. The sums approved through the building permit process shall ensure the proper and necessary restoration and maintenance of any property affected by activities under the permit to guarantee performance of the terms and conditions of the permittee's obligations, and to guarantee maintenance of property affected by activity performed under the permit for a period of - twelve (12) months following completion of the activity authorized and required by the permit. In the event a Surety Bond is posted, the said Surety Bond shall be made payable to the city and shall obligate the surety to hold the city harmless and pay the city any costs expended by the city in the event the holder of the permit should fail to meet any of its obligations. The Surety Bond shall also indemnify the city for all court costs and reasonable attorney fees in the event legal action is required to collect on the said Surety Bond. Security posted shall not be refunded, terminated, or released until the expiration of the full required maintenance period and completion of all work authorized or required by the permit.

(i) Prohibitions

Unless exempt under this section, no construction activity; temporary use, or closure of the right-of-way; or removal, placement, installation, or location of structures, facilities, or landscaping in city-owned rights-of-way shall be performed except within the scope of an approved Right-of-Way Use Permit.

(k) Suspension, Modification, or Revocation of Permit

Failure to comply with the terms and conditions of the permit, or County, State, or Federal statutes, rules, or regulations governing use of the right of way may constitute grounds for suspension, modification, or revocation of the Right-of-Way Use Permit. Upon a determination of noncompliance, the city manager or designee may take one (1) or more of the following steps:

- (1) Order appropriate corrective action.
- (2) Modify the existing conditions or impose additional, more stringent conditions on the permit.
- (3) Suspend the permit until appropriate, corrective action is taken or additional or modified conditions are complied with. Any Right-of-WayUse Permit shall be subject to suspension or revocation in whole or in part upon a finding of noncompliance with the terms of the said permit, this Code, or applicable statutes, rules, and regulations. While a permitor any part of a permit is suspended, no operations authorized by the suspended portion of

the Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.

(4) Revoke the permit.

(I) Enforcement/Violations

In addition to suspension, modification, or revocation of the Right-of-Way Use Permit, violation of this section may be addressed through any of the enforcement methods in this Code.

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances and resolutions or parts thereof which conflict with or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the conflict.

SECTION 3. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of the 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 the construed to have been the legislative intent to pass the Ordinance without such unconstitution; invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of suppart or parts shall be deemed to be held valid as if such part or parts had not been included thereit or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, ground of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall be declared to any other person, property or circumstances.

Section 4. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of

Ordinance No. 2022-17 | ZTA-22-10 ROW Permit Page No. 14

Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

SECTION 5. Effective Date

The provisions of this Ordinance shall become effective 10 days after adoption.

Ordinance No. 2022-17 | ZTA-22-10 ROW Permit Page No. 15

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

PASSED AND	ADOPTED on	the second	reading this	day d	of .	2022.
	/ \D \O \ \ \ \ \ \ \ \ \ \		I Ouding time		· ,	

pel Flores , Mayor	John Tharp, Deputy Mayor
	Commitment, Bopaty Mayor
test:	
	Voted:
uintella Moorer, City Clerk	Peter Noble, Council Member, District II
	Voted:
	Judith Dugo, Council Member, District III
	Voted:
	Susy Diaz, Council Member, District IV
	Voted:
oproved as to Form and Legal Sufficiency:	Paula Bousquet, Council Member, District V

ZTA-22-10 (Ord. 2022-17)

Exhibit "A"

Date: June 1, 2022



DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION

Revised:

Subject/Agenda Item:

Ordinance 2022-17: ZTA-22-10 – Right-of-Way Permit

First Reading: A City-initiated text amendment to the Zoning Code to Chapter 11 (Streets, Sidewalks and Other Public Places) Article I (In General). The intent of the City initiated zoning text amendment proposes adding Section 11-6 to create a right-of-way permit process.

[] Quasi-Judicial [X] Legislative				
[] Public Hearing				
Reviewed By:				
Director of Planning & Engineering				
Kara L. Irwin-Ferris, AICP				
Public Notice: [] Required [X] Not Required PC Dates: 6/30/22 Papers LWH				
Mailing: [] Required [X] Not Required Notice Distance:				
City Council Action: [] Approval [] Approve with conditions [] Denial [] Continued to:				

Executive Summary

The proposed zoning text amendment is a city-initiated request to add Section 11-6 to create a right-of-way permit process. City staff initiated this code change to address the need for strengthening code regulations for issues that were occurring within the city relative to live entertainment and businesses acting outside of their definitions. After reviewing the City's current standards, staff determined that there was a need to add supplemental regulations to include live entertainment, outdoor storage, outdoor sales, outdoor seating, and finally performance standards.

II. **Background**

Sometimes called a driveway permit, culvert permit or utility permit, a right-of-way permit is required to disturb, excavate, block, obstruct, tamper with, or place any construction or other material on or in a city road, right of way or easement. So, any work performed within the City's right-of-way requires an approval from the City to ensure that the work is performed properly and safely, and the site restored to its original or better condition.

Although the City has been authorizing right-of-way work, it has done so under a general building permit. The proposed amendment intent is to clarify the process including the requirements, documentation and approvals needed to obtain a specific right-of-way permit.

III. **Proposed Zoning Code Amendments:**

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

Proposed Change #1

Sec. 11-6 Right-of-Way Use Permit

(a) Intent and Purpose

It is the intent and purpose of this section to provide a safe, efficient, and economical method of approving of construction activity; temporary use or closure of the right-of-way; and the removal, placement, installation, or location of structures, facilities, or landscaping in or above city owned rightsof-way.

The Right-of-Way Use Permit is used to:

(1) Evaluate in detail the proposed plans for use of the right-of-way;

- (2) Ensure that, if approved, use of the right-of-way is performed in a safe manner that is consistent with the requirements of this Code and the health, safety, and welfare of the city and its citizens; and
- (3) Ensure that the right-of-way is restored after use.

(b) Applicability

This section shall apply to all construction activity; temporary use or closure of the right-of-way, such as for a sporting event; and the removal, placement, installation, or location of structures, facilities, or landscaping in or above (overhead facilities or structures) city owned rights-of-way.

(c) Exemptions

The following activities, structures, facilities, and landscaping are exempt from the requirements of a Right-of-Way Use Permit:

- Mailboxes installed in accordance with United States Postal Service regulations and Florida Department of Transportation (FDOT) design standards, including those published in the "Manual on Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways."
- (2) Sod ground covering installed in right of way in front of residential dwelling units. Stones, boulders, pavers, mulch, astro turf, faux landscape or other materials that are not considered acceptable sod are not permitted within the city's right of way.
- Use of the right-of-way for temporary moving oversize or overweight (3) loads
- Approved driveway building permits where there are alterations or modifications to the driveway apron in the right of way.
- Routine maintenance where the subject area is being restored to its current condition.
- (6) Emergency – None of the above permit procedures shall apply to emergency repair work. Emergency repair work is work which must be done immediately upon discovery, in order to safeguard the public from immediate danger to life or limb, to safeguard public health, safety or welfare, to repair or replace traffic signals or to restore interrupted utility

services. In the event of an emergency as defined above, repair work may be started without a permit upon verbal notification being given to the development and neighborhood services department. If the development and neighborhood services offices are closed, then notification must be given as early as possible on the next regular workday. After the emergency repair is completed, a record drawing must be submitted to the development and neighborhood services department, unless otherwise provided hereinafter, within ten (10) working days. Work that can be scheduled ahead of time will not be considered emergency work.

In addition to the above, in the event that an emergency does arise, the owner/registrant shall provide the following:

- 1. A public relations/customer service representative shall be contacted immediately for all emergencies and shall be available to handle all homeowner questions and issues as well as media information. Such activities shall be coordinated with the city's public information officer.
- 2. The name, address and telephone number of the company retained, if any, by the owner/registrant to handle all emergency matters, including but not limited to, immediate repair of any of the facilities and/or property affected by the emergency situation.

(d) **Application Requirements**

Applications for Rights-of-Way Use Permits shall include:

- (1) Applicant Information
 - Name, Address, E-mail of Applicant
 - (ii) Engineer of Record If Any
 - (iii) Application Fee
- (2) **General Information**
 - Road Name (i)
 - (ii) **Road Location**
 - (iii) Publicly or Privately Maintained Road
 - (iv) Road Type: Collector, Arterial, Residential

- (3) Narrative. A description of the overall proposed activities including the scope, the location, and the nature of the proposed work. The narrative shall include an estimated duration of any construction activity during which the right-of-way will be affected.
- Detailed Drawing(s): The application shall include a detailed drawing(s) showing the details and location of the proposed use,including:
 - (i) Location map. An aerial or survey shall be required for proposed uses involving the installation or removal of structures.
 - Proposed work to be done in the right-of-way (to scale or accurately dimensioned).
 - (iii) Location of any proposed open cuts shall be clearly marked onthe plans.
 - (iv) Evidence of a Sunshine 8-1-1 completed underground utility locate ticket and photographs of any markings found on-site.
 - Location of any tree(s) five (5) inches dbh that is/are proposed for removal from the right-of-way and if permittee shall be responsible for any damages occurring to the asphalt and/or concrete surfaces caused by roots and/or branches that may impeded or cause a hazard to pedestrians, cyclists, motorists, and overhead powerlines.
 - Traffic Signing and Marking Plans where applicable (vi)
 - (1) Signing and marking plans shall be prepared in accordance with the current versions of the Federal Manual on Uniform Traffic Control Devices and FDOT standards.
 - Signing and marking plans shall be provided on (2) separate sheets of the plan set.
 - (3)Signing and marking notes shall comply with the M.U.T.C.D. (latest edition), the City of Greenacres Code of Ordinances, and Palm Beach County Typicals (latest edition) and FDOT standards, if applicable.
 - Plans shall be scaled at no less than one (1) inch to (4) twenty (20) or thirty (30) feet.
 - Centerline curve radius data for all turns and curves (5)

- shall be placed on the signing and marking plans to verify proper warning signs.
- (6)A quantity sheet or tabulation of quantities shall be included
- All signs shall be identified by the Federal Manual on (7) Uniform Traffic Control Devices designation number: for example, a stop sign is R1-1. A graphic of the sign shallbe included.
- (8) All pavement markings shall be identified by size and color.
- (9)All street names shall be shown on the plans by size and colors.
- (10)If the streets are a combination of publicly and privately maintained, each street shall be identified as publicly orprivately maintained.

(5) Other Required Approvals

The following approvals also may be required to be obtained in addition to a Right-of-Way Use Permit:

- Uses where dewatering into the right-of-way is proposed must be accompanied by a plan to insure there is no sediment transfer and that pumped water is uncontaminated, and which is approved by the city manager or designee.
- Any proposed work requiring interruption of vehicular or pedestrian traffic shall require a maintenance of traffic plan approved through the building permit process.
- Proposed work requiring a road closure shall approval through (iii) the building permit process with notices sent to the PBSO District 16 Captain, Fire Department Chief, Public Information Officer, Public Works Director and the Development and Neighborhood Services Director.
- License and Maintenance Agreements in an approved form may be required for installation of signage, landscaping, irrigation or other facilities or structures within the right-of-way.
- Tree location survey and tree plan for projects larger than one single-family dwelling where trees are located within the right of way.

- Traffic Impact Study and substandard Roadway Analysis or, if completed, the applicable approval statement.
- (vii) An indemnity agreement in an approved form may be required.
- (viii) An insurance policy in an approved form may be required.

(e) Application Processing

- (1) An application for a Right-of-Way Use Permit shall be reviewed by all appropriate review agencies as determined by the city manager or designee.
- (2) The city manager or designee shall evaluate the request for a Right-of-Way Use Permit and shall:
 - Approve the application as proposed; (i)
 - Approve the application with conditions; or (ii)
 - Deny the application. (iii)

The approval of a Right-of-Way Use Permit may be subject to specific conditions deemed necessary by the city manager or designee and appropriate for the fulfillment of the purposes of this Code. The Conditions of Approval shall be stated on the face of the permit or may be incorporated by reference into any document which shall be attached to the permit.

Terms of Permit and Effect of Permit Approval (f)

- (1) The permittee is liable for any damage that results from the permit holder's operations and the city shall be relieved of all responsibility from damage of any nature arising from the permit.
- The permit is a license for permissive use only and use of or installation of facilities in the right-of-way pursuant to the permit does not operate to create or to vest any property right in the permittee.
- Whenever the city decides to further utilize or perform maintenance in the right-of-way or when an approved route or bus stop is deleted by the county, any installations authorized by the permit shall be removed from the right-of-way or relocated within the right-of-way upon notice by the city manager or designee. Removal or relocation shall be at the expense of the holder of the permit, unless one of the specific exceptions in Section 337.403, Florida Statutes applies. Failure to timely relocate the installations will

relieve the city of all liability for damage to the facilities, and/or the city may remove or relocate theinstallations and charge the holder of the permit for all costs incurred inremoving or relocating the installations.

If maintenance of the drainage system is involved then the permit holder must relocate underground installations within fifteen (15) days of notification by the city manager or designee.

- The permittee shall have up to 180 days to complete the work authorized by the permit and to complete all required restoration, unless a different time period is authorized by the city on the face of the permit or an extension has been requested for good cause shown. Upon expiration of a permit, the permit is void and further use of the right-of-way requires a new Right-of-Way Use Permit application.
- (5) In the event the proposed use and the restoration of the right-of-way is not completed upon the expiration date of the permit, the city may remove or complete such work and charge the holder of the permit for all costs incurred in removing or completing the work.

Prior to Construction Activity (g)

- (1) Permittee shall notify all other utility and underground users in the area covered by the permit, so that those users may safeguard their interests through the 8-1-1 Sunshine One Call System.
- Permittee shall notify the building division at least forty-eight (48) hours prior to the start of any construction activity.
- Permittees shall observe all State "One Call Call Before You Dig" requirements.

Activity Pursuant to Permit (h)

Construction and Operations (1)

- A copy of the permit and all incorporated conditions shall be kept readily available at the site of the work at all times.
- All work shall be done in keeping with the standards of the city through the building permit process.
- Permittee shall notify the building division within forty-eight (48) hours after concluding all activities required by or authorized by the permit.
- Permittee shall allow inspection of all materials and equipment by the city at any time. Permittee and agents/employees,

- including field personnel on site, shall provide all information and identification requested by the city.
- During construction, all applicable governing safety regulations shall be observed. The permittee may take such safety measures, including the placing and display of caution signs, as it deems necessary to observe all required safety regulations in the conduct of activities under the permit.
- Permittee shall perform all testing through the building permit process. Testing shall adhere to the most current version of the Florida Department of Transportation and Palm Beach County Engineering Department design standards and testing specifications for the construction of roads, storm drainage, and utilities.
- (vii) All underground cable or phone lines shall be installed or located at least thirty (30) inches below grade. All lines, cable, or phone lines, under the roadway shall be installed or located at least thirty-six (36) inches deep, unless a different depth is approved through the building permit process.
- (viii) All underground utility installations other than cable or phone lines shall be installed or located at the depth specified or approved by through the building permit process.
- (ix) All other underground crossing installations not mentioned hereinabove shall be laid at such depth as may be approved through the building permit process.
- All activity performed in the city right-of-way pursuant to a Right-of-Way Use Permit shall conform to the approved permit, the approved drawings, and the conditions, if any, of the permit. Deviations from approved drawing or other aspects of the permit or conditions that are required as a result of physical site conditions discovered after the start of the work shall be described in writing to the city within twenty-four (24) hours after discovery of the condition and, to the extent possible, before further activity is performed under the permit. Upon written submission of a description of the circumstances requiring a deviation from the approved drawings/permit/conditions, is submitted to the building division, the development and neighborhood services director or designee may amend the permit to authorize the deviation if the deviation otherwise meets the standards of this Code.
- No track type equipment will be allowed on any asphalt or concrete surface. If this cannot be avoided, it must be stated in the

- building permit application and contractor shall be responsible for full restoration of impacted/damaged surface if it occurs.
- (xiii) Required erosion and sediment control devices shall be in place at all times during construction and shall be removed only after final stabilization has been established. Photographic evidence of the erosion and sediment control devices shall be submitted to the building division at weekly intervals to ensure compliance.
- (xiv) No illicit discharge shall occur as a result of activity performed pursuant to the permit.
- (xv) No dewatering into a city right-of-way shall occur without prior written approval from the Public Works Director, or designee as a part of the approved permit. Where dewatering has been approved, no sediment transfer may occur during any dewatering into the city's right-of-way, and pumped water must be uncontaminated. No direct pumping into inlets is allowed, and there must be a visible zone of at least five (5) feet from the dewatering discharge hose to the structure receiving the water. There shall be no dewatering into the city's rightof-way from any petroleum site, whether contaminated or not.
- (xvi) Interruption of vehicular or pedestrian traffic or obstruction of atraffic lane shall not occur, except pursuant to the terms of an approved maintenance of traffic plan approved through the building permit process.
- (xvii) Roads shall not be closed without an approved MOT by the city, notification, and acceptance of the closure to the city's emergency responders and city to the surrounding residents.
- (xviii) Provision for safe pedestrian traffic must be maintained at all times.
- (xix) Open cuts shall not be performed without prior written approval through the building permit process.
- (xx) Work pursuant to a permit must be performed in accordance with the city's noise ordinance as stated in Chapter 7-56 of the city's Code of Ordinances unless specifically authorized otherwise through the building permit process.
- (2)Restoration and Maintenance Standards
 - The city right-of-way, including sidewalks, curbs and gutters, landscaping, and any aesthetic enhancement thereto, and any adjacent

private property affected during activity performed pursuant to a Right-of-Way Use Permit, or for which a Right-of-Way Use Permit was required, must be restored within fifteen (15) days of the completion of activity authorized by the permit, unless a different time period is specified in writing through the building permit process. Any sidewalks removed or damaged must be replaced within three (3) days after the removal or damage.

- (ii) The city right-of-way, including sidewalks, curbs and gutters, landscaping, and any aesthetic enhancement thereto, and any adjacent private property affected during activity performed pursuant to a Right-of-Way Use Permit, or for which a Right-of-Way Use Permit was required, must be restored to current code requirements, unless a different standard for restoration is specified in writing through the building permit process.
 - (1) Restorations shall adhere to the most current version of the Palm Beach County Engineering design standards and testing specifications for the construction of roads, storm drainage, and utilities.
 - (2) Disturbed areas must be properly stabilized, including grading, compacting, and sodding.
 - (3) Roadway connections that have been replaced must meet current Florida Department of Transportation regulations including Americans with Disabilities Act standards
 - (4) All open cut restoration work shall include an additional twenty feet (20') on both sides of milling and resurfacing
- (iii) Permittee shall inform the building division within forty-eight (48) hours after completion of required restorations.
- (iv) Restorations shall be maintained for one (1) year after completion unless a longer time period is required by this Code.

(i) Bond Requirement

The holder shall post cash, or a Surety Performance Guarantee and Maintenance Guarantee, with the City Clerk. The required amounts for each shall be based on cost estimates for each prepared by the permittee's engineer and approved by the city manager or designee. The sums approved through the building permit process shall ensure the proper and necessary restoration and maintenance of any property affected by activities under the permit to

guarantee performance of the terms and conditions of the permittee's obligations, and to guarantee maintenance of property affected by activity performed under the permit for a period of - twelve (12) months following completion of the activity authorized and required by the permit. In the event a Surety Bond is posted, the said Surety Bond shall be made payable to the city and shall obligate the surety to hold the city harmless and pay the city any costs expended by the city in the event the holder of the permit should fail to meet any of its obligations. The Surety Bond shall also indemnify the city for all court costs and reasonable attorney fees in the event legal action is required to collect on the said Surety Bond. Security posted shall not be refunded, terminated, or released until the expiration of the full required maintenance period and completion of all work authorized or required by the permit.

(j) Prohibitions

Unless exempt under this section, no construction activity; temporary use, or closure of the right-of-way; or removal, placement, installation, or location of structures, facilities, or landscaping in city-owned rights-of-way shall be performed except within the scope of an approved Right-of-Way Use Permit.

(k) Suspension, Modification, or Revocation of Permit

Failure to comply with the terms and conditions of the permit, or County, State, or Federal statutes, rules, or regulations governing use of the right of way may constitute grounds for suspension, modification, or revocation of the Right-of-Way Use Permit. Upon a determination of noncompliance, the city manager or designee may take one (1) or more of the following steps:

- (1) Order appropriate corrective action.
- (2) Modify the existing conditions or impose additional, more stringent conditions on the permit.
- (3) Suspend the permit until appropriate, corrective action is taken or additional or modified conditions are complied with. Any Right-of-WayUse Permit shall be subject to suspension or revocation in whole or in part upon a finding of noncompliance with the terms of the said permit, this Code, or applicable statutes, rules, and regulations. While a permitor any part of a permit is suspended, no operations authorized by the suspended portion of the Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.
- (4) Revoke the permit.

(1) Enforcement/Violations

In addition to suspension, modification, or revocation of the Right-of-Way Use Permit, violation of this section may be addressed through any of the enforcement methods in this Code.

Secs. 11-67—11-25. - Reserved.

Staff Analysis: III.

The proposed amendment intent is to clarify the process including the requirements, documentation and approvals needed to obtain a specific right-of-way permit. By outlining the right-of-way permit process in the City's code, it will make the permit process clearer and more concise and ensure the City is protected when work is done by a third party in the City's right-of-way.

Development Review Committee Comments:

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

Planning Department: No comments

Building Department: Comments addressed in staff report

Recreation and Parks No comments

Fire Department: Comments addressed in staff report PBSO District #16 Comments addressed in staff report

Public Works Department: No comments

IV. **Zoning Text Amendment Criteria:**

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

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

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

The proposed amendments are consistent with the City's Comprehensive Plan and will further the purposes of the City's Zoning Code regulations and other City Codes by adding the specific requirements to obtain a City Right-of-Way Permit.

V. **Staff Recommendation:**

Approval of ZTA-22-10 through the adoption of Ordinance 2022-17.

PLANNING AND ZONING BOARD OF ADJUSTMENTS RECOMMENDATION -June 9, 2022

The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Board Member Jacobs-Robarts, by a vote of four (4) to zero (0) recommended approval of Zoning Text Amendment **ZTA-22-10** as presented by staff.

CITY COUNCIL ACTION First Reading –July 18, 2022

CITY COUNCIL ACTION Second Reading -



ITEM SUMMARY

MEETING DATE: July 18, 2022

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

SUBJECT: Ordinance 2022-22, Blossom Trail

Community Development District (CDD)

BACKGROUND

A request from Forestar (USA) Real Estate Group Inc. to establish a Community Development District (COD) for Blossom Trail. Blossom Trail (fka Nash Trail) is generally located on the west side of Haverhill Road, south of Lake Worth Drainage District L-15 Canal, north of Nash Trail and south of 52nd Drive South (5650 and 5696 52nd Drive South; 5141 and 5329 Nash Trail; 5690, 5601, and 5533 Carmel Lane; 5625 50th Way South; 5595 and 5519 Haverhill Road).

On July 13, 2020, Ordinance 2020-03 was adopted by the City Council to provide for a referendum on the question of annexation for the registered electors within the Nash Trail Area. The city held the referendum on annexation at the next regularly scheduled election, August 18, 2020. The referendum passed with 75% of the registered electors and the Annexation Ordinance became effective ten (10) days after the referendum, on August 28, 2020.

On January 3, 2022, the City Council adopted Ordinance 2021-05, approving a large-scale Future Land Use Map amendment designating the future land use for the subject site as Residential-Medium Density (RS-MD) and Residential High Density (RS-HD). On the same date, the City Council approved a rezoning for the subject site through the adoption of Ordinance 2021-06, to apply a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2) and Residential High Density (RH) to the subject site.

The Blossom Trail Planned Unit Development was approved on January 3, 2022, through the adoption of Resolution 2021-31 for seventy-six (76) single-family homes with a zero-lot line design and 154 townhome units within a planned unit development. Currently, the applicant is requesting approval from the City Council to establish a Uniform Community Development District (CDD) on the site.

Authority for CDDs was established by Florida's Uniform Community Development District Act of 1980. Community Development Districts are a local, special-purpose government framework authorized by Chapter 190, *Florida Statutes*, and is an alternative for managing and financing infrastructure required to support development of a community. The State of Florida has over 600 CDDs. The City of Greenacres has no previously approved CDDs in the city.

ANALYSIS

The Applicant is requesting to establish a CDD, as provided for in the *Florida Statutes*. CDDs are a local, special-purpose government framework authorized by Chapter 190, *Florida Statutes*, and is an alternative for managing and financing the infrastructure required to support development of a community.

The CDD is a financing mechanism for the infrastructure costs associated with the project. The specific services that are provided are up to the landowners/residents, and, generally, the initial price for property owners within the CDD is lower due to deferred infrastructure costs. However, all infrastructure must be built in accordance with the Master Plan for the PUD and related approving exhibits.

CDD Services:

The specific services proposed to be addressed through the CDD include Wastewater Collection System; Water Distribution System; Surface Water Management and Drainage Systems; Offsite Improvements; and Professional Services. The bond terms will be set at bond pricing, and the assessment allocation will be set forth in an Assessment Methodology adopted by the CDD Board of Supervisors. The Applicant has provided a "good faith" assessment and bond assumption; these are preliminary estimates subject to change and amendment as they cannot be established until the CDD Board of Supervisors is established:

Assessment Assumptions:

Improvement	Estimated Costs	Financing / Construction Entity	Final Owner	Maintenance Entity
Stormwater Management System	\$1,749,780.00	CDD	CDD	CDD
Roadways	\$1,595,340.00	Developer	HOA	HOA
Water & Wastewater Systems	\$1,413,975.00	CDD	CDD/County	CDD/County
Offsite Improvements	\$1,200,000.00	CDD	City/County	City/County
Professional Services	\$1,072,637.10	CDD	CDD	N/A
Contingency	\$1,191,819.00			
TOTAL	\$8,223,551.10			

CDD Board of Supervisors:

The CDD will be governed as required by Chapter 190, *Florida Statutes*. The general duties of a CDD are set forth in Section 190.007, *Florida Statutes*, and the general and special powers of a CDD's Board of Supervisors are set forth in Section 190.011 and Section 190.012, *Florida Statutes*, respectively.

Section 190.006, *Florida Statutes*, sets forth the process of election of the Board of Supervisors of the District. The statute provides that, within 90 days following the effective date of the ordinance establishing the District, the landowners of the District shall hold a meeting and elect the initial five (5) members. The term of the office of a supervisor is either two (2) or four (4) years. The two (2) candidates receiving the highest number of votes.

shall be elected for four (4) years, and the three (3) candidates receiving the next largest number of votes shall be elected for two (2) years. Thereafter, the statutory process provides for elections of members every two (2) years in November. After the District reaches its sixth year in existence and there are at least 250 qualified electors residing in the District, the positions of two (2) board members whose terms are expiring shall be filled by qualified electors of the District elected by the qualified electors of the District for four-(4) year terms.

As the terms expire for the remaining board members, these board members shall be qualified electors elected by qualified electors of the District for a term of four (4) years.

Following an initial period during which the District's non-ad valorem assessments may be collected from the developer/landowners by direct bill, the non-ad valorem assessments levied by the District to pay debt service on the District's special assessment bonds payable over a 30-year period, as well as the District's operation and maintenance assessments, will be collected by the District utilizing the Uniform Method (i.e., on the Palm Beach County Tax Roll) pursuant to Section 197.3632, *Florida Statutes*

Disclosure:

The *Florida Statutes* have specific provisions for disclosure regarding the proposed District. Section 190.048, *Florida Statutes*, requires that each contract for the initial sale of residential real property in the District shall contain a disclosure statement. This disclosure statement must be placed immediately prior to the space in the contract reserved for the signature of the purchaser, in bold-faced and conspicuous type that is larger than the type in the remaining text of the contract.

Further, disclosures of the existence of the District and the levy of non-ad valorem assessments by the District will be provided to prospective residents of the District pursuant to Section 190.009, *Florida Statutes*, and a Notice of Public Financing will be recorded in the official records of Palm Beach County. Other disclosure information will also be recorded in the official records of Palm Beach County, including a Notice of Lien of Record, to be recorded following the issuance of the District's levy of non-ad valorem assessments. Therefore, future property purchasers will become aware of these disclosures in connection with their purchase of property in the District.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2022-22 was prepared in accordance with all applicable state statutes and City Code Requirements and has been reviewed by the City Attorney.

The petition was publicly noticed prior to second reading of the Ordinance, which includes the public hearing, per 190.005 (d) of the *Florida Statutes*, with published ads in a local newspaper of general circulation for four (4) consecutive weeks immediately prior to the hearing.

STAFF RECOMMENDATION

Staff does not have any criteria or minimum requirements for the establishment of a CDD within the city limits.

ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ESTABLISHING THE BLOSSOM TRAIL COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES: PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT: PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE DESCRIPTION OF THE FUNCTIONS AND POWERS OF THE DISTRICT: PROVIDING FOR THE DESIGNATION OF THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS: PROVIDING FOR NOTICE REQUIREMENTS AND FOR COMPLIANCE WITH ALL REMAINING SECTIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the "Uniform Community Development Act of 1980", Chapter 190, Florida Statutes ("Act"), sets forth the exclusive and uniform method for establishing a community development district; and

WHEREAS, Section 190.005(2) of the Act requires that a Petition for the Establishment of a Community Development District of less than 2,500 acres be filed by the petitioner with the municipality having jurisdiction over the majority of land in the area in which the district is to be located; and

WHEREAS, Section 190.005(1)(a) of the Act requires that such petition contain certain information to be considered at a public hearing before the City Council of the City of Greenacres, Florida ("City"); and

WHEREAS, Forestar (USA) Real Estate Group Inc. ("Petitioner"), having obtained written consent to the establishment of the Blossom Trail Community Development District ("District") by the owners of one-hundred percent (100%) of the real property to be included in the District and having presented documents evidencing the control of the real property to be

included in the District, has petitioned the City to adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes* (2021); and

WHEREAS, the Petitioner is a Delaware corporation authorized to conduct business in the State of Florida and whose principal place of business is 10700 Pecan Park Boulevard, Suite 150, Austin, Texas 78750; and

WHEREAS, the Petition which was submitted to the City on or around June 22, 2022, has been determined to contain the requisite information as mandated by Section 190.005(1)(a) of the Act; and

WHEREAS, all interested persons and affected units of general-purpose local government have been afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing(s) conducted by the City on July 18, 2022 and August 1, 2022; and

WHEREAS, on August 1, 2022, the City considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the Act, and upon such review, has determined that granting the District is in the best interest of the City; and

WHEREAS, the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and

WHEREAS, it is believed that the establishment of the District will result in a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition; and

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

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

SECTION 1. Recitals Incorporated

The foregoing findings that are expressly set forth herein are hereby adopted and made a part hereof.

SECTION 2. AUTHORITY.

This Ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, codified in Chapter 190, *Florida Statutes*. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

SECTION 3. FINDINGS OF FACT.

The City hereby finds and determines, pursuant to Section 190.005(2) of the Act, based on the testimony and evidence presented before the City, and the record established at the public hearing that:

- A. All statements within the Petition are true and correct.
- B. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the state comprehensive plan, or the City of Greenacres Comprehensive Plan.

C.

- D. The area of land within the District, described in Exhibit "A", which is attached hereto and incorporated herein, is of a sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.
- E. The District is the best alternative available for delivering the community development services and facilities to the area that would be served by the District.
 - F. The community development services and facilities of the District will not be

incompatible with the capacity and uses of existing local and regional community development services and facilities; and

G. The area to be served by the District is amenable to separate special-district government.

SECTION 4. ESTABLISHMENT AND DISTRICT NAME.

There is hereby created a community development district situated entirely within the incorporated limits of the City of Greenacres, Florida, which District shall be known as the "Blossom Trail Community Development District".

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT.

The external boundaries of the District are described in Exhibit "A", and said boundaries encompass 33.059 acres, more or less and is generally located as identified on the location map attached hereto as Exhibit "B".

SECTION 6. DISTRICT POWERS AND FUNCTIONS.

The powers and functions of the District are described in Chapter 190, *Florida Statutes*. The District shall have all powers and functions granted by the Act pursuant to Sections 190.011 and 190.012(1) and (3), *Florida Statutes*, as amended from time to time. In addition, and pursuant to Section 190.012(2)(a) and (d), *Florida Statutes*, consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural and educational uses and security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars. Pursuant to Section 190.002(3), *Florida Statutes*, the District shall not have or exercise any zoning or development permitting powers governing land development or

the use of land.

Bonds to be issued by the District shall not constitute a debt, liability or general obligation of the City, the County or of the State of Florida, or of any political subdivision thereof, but shall be payable solely from the Pledged Revenues designated for the Bonds.

This Ordinance is not intended nor shall it be construed to expand, modify or delete any provisions of the Act, as set forth in Chapter 190, *Florida Statutes*, nor shall it be intended to modify, restrict or expand any current prospective development or utility agreements.

SECTION 7. BOARD OF SUPERVISORS.

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Christian Cotter,
Mary Moulton,
Rachel Wolfe,
Zachary Griffin
Maria Camporeale.

SECTION 8. NOTICE REQUIREMENTS.

Petitioner has caused a notice of a public hearing on the consideration of the Petition to be published in a newspaper at least once a week for four consecutive weeks immediately prior to such hearing in compliance with the provisions of Section 190.005(1)(d), *Florida Statutes*.

SECTION 9. COMPLIANCE WITH ALL REMAINING PROVISIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE PROVISIONS OF LAW.

Petitioner has complied with all remaining provisions of Chapter 190, *Florida Statutes* and other provisions of law necessary for the establishment of the District.

SECTION 10. SEVERABILITY.

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or

Ordinance No. 2022-22 | Blossom Trail CDD

Page No. 6

unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining sections of this Ordinance.

SECTION 11. ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS.

The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 12. EFFECTIVE DATE.

This Ordinance shall take effect upon its approval and publication as required by law.

Ordinance No. 2022-22 | Blossom Trail CDD Page No. 7

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

PASSED AND ADOPTED on the second reading this 1st day of th, 202Y.

	Voted:
Joel Flores, Mayor	John Tharp, Deputy Mayor
Attest:	
	Voted:
Quintella Moorer, City Clerk	Peter Noble, Council Member, District II
	Voted:
	Judith Dugo, Council Member, District III
	Voted:
	Suzy Diaz, Council Member, District IV
	Voted:
	Paula Bousquet, Council Member, District V
Approved as to Form and Legal Sufficiency:	
Glen J. Torcivia, City Attorney	

Ordinance No. 2022-22 | Blossom Trail CDD Page No. 8

EXHIBIT A LEGAL DESCRIPTION

Overall and PLAT Description

Said lands being more particularly described as follows:

A parcel of land lying within a portion of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

COMMENCE at the East quarter corner (E 1/4) of Section 35; Thence South 02°08'51" West along the East line of the Southeast quarter (SE 1/4) of said Section 35, for 64.15 feet; Thence North 88°51'28" West departing said East line of Section 35, for 60.43 feet to the POINT OF BEGINNING, said point being the intersection of the South right of way line of the LWDD L-15 Canal according to Official Records Book 6495, Page 761, Public Records Palm Beach County, Florida, and the West Right-of-Way line for Haverhill Road, according to Official Record Book 12022, Page 197, Public Records Palm Beach County, Florida; Thence, following two (2) courses being along said West right-of-way line for Haverhill Road, South 02°08'51" West, for 414.28 feet to a point of curvature with a curve concave to the West, said curve having a radius of 18,154.93 feet and a central angle of 01°46'26"; Thence Southerly along said curve for 562.10 feet to the South line of land recorded in Official Records Book 25925, Page 1423, Public Records Palm Beach County, Florida; Thence North 88°57'52" West along said South line, for 267.93 feet to a point on the East line of lands recorded in Official Records Book 13006, Page 1083, Public Records Palm Beach County, Florida; Thence South 02°07'22" West along said East line, for 321.10 feet to a point on the North Right-of-Way of Nash Trail, according to Official Records Book 1689, Page 895, Public Records of Palm Beach County, Florida; Thence North 88°51'36" West along said North Right-of-Way line for Nash Trail and a common South line of lands recorded in Official Records Book 13006, Page 1083, Official Records Book 6071, Page 1082, Official Records Book 31027, Page 668, Official Records Book 27089 Page 440, all being of the Public Records Palm Beach County, Florida, for 970.74 feet to a point on the East Right-of-Way for 52nd Drive South (formally Myers Rd.) according to Deed Book 1088, Page 518, Public Records Palm Beach County, Florida; Thence North 02°02'52" East along said East Right-of-Way for 52nd Drive South, and a common West line of lands recorded in Official Records Book 27089, Page 440, Official Records Book 30058, Page 5, all being of the Public Records Palm Beach County, Florida, for 1,007.96 feet; Thence South 89°10'24" East along a common North line of lands recorded in Official Records Book 30058, Page 5, Palm Beach County Public Records, Florida, for 297.38 feet; The following Three (3) courses being along the West, North and East lines of lands recorded in Official records Book 28980, Page 91, Official records Book 8925, Page 323, all being of the Public Records Palm Beach County; Thence North 02°04'22" East, for 281.16 feet to the South Right-of-Way line for LWDD L-15 canal; Thence South 89°16'39" East along said South Right-of-Way Line, for 952.14 feet to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida.

Said lands contain 33.059 acres, more or less.

EXHIBIT B MAP



LOCATION MAP

NO SCALE

PROJECT LOCATION: NORTHWEST CORNER OF HAVERHILL ROAD AND NASH TRAIL, GREENACRES FLORIDA

PETITION TO ESTABLISH BLOSSOM TRAIL COMMUNITY DEVELOPMENT DISTRICT

Submitted by: Jere Earlywine

Florida Bar No. 155527 <u>Jere@kelawgroup.com</u> KE LAW GROUP, PLLC

2016 Delta Boulevard, Suite 101 Tallahassee, Florida 32303 (850) 528-6152 (telephone)

BEFORE THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA

PETITION TO ESTABLISH THE BLOSSOM TRAIL COMMUNITY DEVELOPMENT DISTRICT

Petitioner, Forestar (USA) Real Estate Group Inc. ("Petitioner"), hereby petitions the City Council of the City of Greenacres, Florida, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District ("District") with respect to the land described herein. In support of this petition, Petitioner states:

- 1. <u>Location and Size.</u> The proposed District is located entirely within the City of Greenacres, Florida, and covers approximately 33.059 acres of land, more or less. **Exhibit 1** depicts the general location of the project. The site is generally located northwest of the intersection of Nash Trail and Havernhill Road. The sketch and metes and bounds descriptions of the external boundary of the proposed District is set forth in **Exhibit 2**.
- 2. <u>Excluded Parcels.</u> There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.
- 3. <u>Landowner Consents.</u> Petitioner has obtained written consent to establish the proposed District from the owners of one hundred percent (100%) of the real property located within the proposed District in accordance with Section 190.005, Florida Statutes. Consent to the establishment of a community development district is contained in **Exhibit 3**.
- 4. <u>Initial Board Members.</u> The five (5) persons designated to serve as initial members of the Board of Supervisors of the proposed District are Christian Cotter, Mary Moulton, Rachel Wolfe, Zachary Griffin and Maria Camporeale. All of the listed persons are residents of the state of Florida and citizens of the United States of America.
- 5. <u>Name.</u> The proposed name of the District is the Blossom Trail Community Development District.
- 6. <u>Major Water and Wastewater Facilities.</u> **Exhibit 4** shows the existing and proposed major trunk water mains and sewer connections serving the lands within and around the proposed District.
- 7. <u>District Facilities and Services.</u> **Exhibit 5** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and install, as well as the estimated costs of construction. At present, these improvements are estimated to be made, acquired, constructed and installed in one (1) phase over an estimated one and a half (1 ½) year period from July 2022 July 2024. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

- 8. <u>Existing and Future Land Uses.</u> The existing use of the lands within the proposed District is vacant/residential. The future general distribution, location and extent of the public and private land uses within and adjacent to the proposed District by land use plan element are shown in **Exhibit 6**. These proposed land uses are consistent with the City of Green Acres Comprehensive Plan.
- 9. <u>Statement of Estimated Regulatory Costs.</u> **Exhibit 7** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, Florida Statutes. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.
- 10. <u>Authorized Agent.</u> The Petitioner is authorized to do business in the State of Florida. The Petitioner has designated Jere Earlywine as its authorized agent. See **Exhibit 8** Authorization of Agent. Copies of all correspondence and official notices should be sent to:

Jere Earlywine
Florida Bar No. 155527

Jere@kelawgroup.com
KE LAW GROUP, PLLC
2016 Delta Boulevard, Suite 101
Tallahassee, Florida 32303
(850) 528-6152 (telephone)

- 11. This petition to establish the Blossom Trail Community Development District should be granted for the following reasons:
- a. Establishment of the proposed District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the City of Green Acres Comprehensive Plan.
- b. The area of land within the proposed District is part of a planned community. It is of sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.
- c. The establishment of the proposed District will prevent the general body of taxpayers in the City of Green Acres from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the proposed District. The proposed District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the proposed District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

- d. The community development services and facilities of the proposed District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the proposed District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the proposed District's services and facilities.
- e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the City Council of the City of Green Acres, Florida to:

- a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes;
- b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes;
- c. consent to the District exercise of certain additional powers to finance, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, each as authorized and described by Section 190.012(2), Florida Statutes; and
 - d. grant such other relief as may be necessary or appropriate.

RESPECTFULLY SUBMITTED, this 22nd day of June, 2022.

KE LAW GROUP, PLLC

Jere Earlywine

Florida Bar No. 155527

Jere@kelawgroup.com

KE LAW GROUP, PLLC

2016 Delta Boulevard, Suite 101

Tallahassee, Florida 32303

(850) 528-6152 (telephone)

Attorneys for Petitioner

EXHIBIT 1

Item # 14.



LOCATION MAP

NO SCALE

PROJECT LOCATION:
NORTHWEST CORNER OF HAVERHILL ROAD AND NASH TRAIL,
GREENACRES FLORIDA

EXHIBIT 2

Overall and PLAT Description

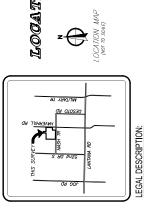
Said lands being more particularly described as follows:

A parcel of land lying within a portion of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

COMMENCE at the East quarter corner (E 1/4) of Section 35; Thence South 02°08'51" West along the East line of the Southeast quarter (SE 1/4) of said Section 35, for 64.15 feet; Thence North 88°51'28" West departing said East line of Section 35, for 60.43 feet to the POINT OF BEGINNING, said point being the intersection of the South right of way line of the LWDD L-15 Canal according to Official Records Book 6495, Page 761, Public Records Palm Beach County, Florida, and the West Right-of-Way line for Haverhill Road, according to Official Record Book 12022, Page 197, Public Records Palm Beach County, Florida; Thence, following two (2) courses being along said West right-of-way line for Haverhill Road, South 02°08'51" West, for 414.28 feet to a point of curvature with a curve concave to the West, said curve having a radius of 18,154.93 feet and a central angle of 01°46'26"; Thence Southerly along said curve for 562.10 feet to the South line of land recorded in Official Records Book 25925, Page 1423, Public Records Palm Beach County, Florida; Thence North 88°57'52" West along said South line, for 267.93 feet to a point on the East line of lands recorded in Official Records Book 13006, Page 1083, Public Records Palm Beach County, Florida; Thence South 02°07'22" West along said East line, for 321.10 feet to a point on the North Right-of-Way of Nash Trail, according to Official Records Book 1689, Page 895, Public Records of Palm Beach County, Florida; Thence North 88°51'36" West along said North Right-of-Way line for Nash Trail and a common South line of lands recorded in Official Records Book 13006, Page 1083, Official Records Book 6071, Page 1082, Official Records Book 31027, Page 668, Official Records Book 27089 Page 440, all being of the Public Records Palm Beach County, Florida, for 970.74 feet to a point on the East Right-of-Way for 52nd Drive South (formally Myers Rd.) according to Deed Book 1088, Page 518, Public Records Palm Beach County, Florida; Thence North 02°02'52" East along said East Right-of-Way for 52nd Drive South, and a common West line of lands recorded in Official Records Book 27089, Page 440, Official Records Book 30058, Page 5, all being of the Public Records Palm Beach County, Florida, for 1,007.96 feet; Thence South 89°10'24" East along a common North line of lands recorded in Official Records Book 30058, Page 5, Palm Beach County Public Records, Florida, for 297.38 feet; The following Three (3) courses being along the West, North and East lines of lands recorded in Official records Book 28980, Page 91, Official records Book 8925, Page 323, all being of the Public Records Palm Beach County; Thence North 02°04'22" East, for 281.16 feet to the South Right-of-Way line for LWDD L-15 canal; Thence South 89°16'39" East along said South Right-of-Way Line, for 952.14 feet to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida.

Said lands contain 33.059 acres, more or less.



BANGB 42 bast SOB VEX LOCATIED IN SECTION 85, TOWNSELL 44 SOUTIE, PALM BEACH COUNTY, FLORIDA BOUNDARY/TOPOGRAPHIG

File Number: 2037-4634024 (Maldonado Parcel)

Parcel Identification Number: 00-42-44-35-00-000-5300.

A position (3). Towards of all the left (2) of the left (1) of the 52 / 4 of the 52 /

File Number: 2037-4633893 (Dumitrescu Porcel)

when the of the East and of the Water I told of the Optimizer of the Water according to the Configuration of the Scaleback quarter of Section 35, foreign 44, Scaleback and East in Profile Back Chaulty (Finding, Jogether No resembne file is set of Easts as one the North 25 feet of the Scaleback and of the East North Annual Configuration on the North Data (Section 1985) and the Scaleback and the Scaleback and the Scaleback Scaleback and the Scaleback Scaleba

Parcel Identification Number: 00-42-44-35-00-000-5480.

Number: 2037-4633857 (Shipley

Tile Number: 2037-4634088/R1 (American German Club Parcel)

Number: 00-42-44-35-00-000-5030.

Parcel Identification Number: 00-42-44-35-00-000-5080.

The North holf of the South holf of the West holf of the West holf of the Northeast quarter of the Southeast quarter of Section 35, Township 44 South, Regard #2 East, Polm Beach County, Florida, excepting therefrom the West 40 feet thereon.

The South (12 of the Southwest (2) of Section 35, Towards 44 South Range 42 East (14 of the Southwest (14 of Section 35, Towards 44 South Range 42 East (14 of the Southwest (14 of Section 35, Towards 44 South Range 40 South Prince 40 South Section 14 of Section 14 of

File Number: 2037-4634077 (Sze Parcel)

all of the West half of the on 35, Township 44 South, six the West 40 feet thereof of Palm Beach by Deed . Public Records of Palm The South half of the North half of the West half Northeast aparter of Saction Ronge 42 East, Palm Beach County, Florida, less the Racarded in Deed Book Deeded to the County of Palman Beach County of Palman Beach County of Palman Beach County, Florida.

File Number: 2037-4633904/R2 (Menor Parcel)

Parcel Identification Number: 00-42-44-35-00-000-5170.

The South V.2 of the East 1.7 of the Meet 1.2 of the John Weet 1.2 of the Action 1.4 of the Action 1.4 of South Meet 1.2 of the Meet 1.4 of South Meet 2.5 the Me

Number: 2037-4633974 (Walter Parcel) Parcel Identification Number: 00-42-44-35

The West 1/2 of the West 1/2 of the East 1/2 of the Northeast 1/4 of Section 35 Township 44 South, Range 42 East, Point Black County, Florica, less the South 825 feet thereof, and less the North 65.59 feet thereof for Canal L-15.

Together with a non-exclusive road right-of-way for ingress and egress purposes over the East 25 et and the South RES feet of the West 172 of the Rest 172 of the Northeast 174 of the Southeast 174 of Section 35, Township 44 South, frange 42 East, Polin Beach County, Floride.

File Number: 2037-4634059 (Cheetham Parcel)

h 400 feet of South 825 feet of the West 1/2 of the West 1/2 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 35, 44 South, Range 42 East, Palm Beach County, Florida. Parcel Identification Number: 00-42-44-35-00-000-5500.

South 1/2 of the North 1/2 of the East 1/2 of the East 1/2 of the Park North South 1/2 of the North North South 1/2 of the East 1/2 of the South 1/2 of the North 1

Said lands contain 33.059 acres, more or less.

Said lands lying and

Identification Number: 00-42-44-35-00-000-5440.

e east 1/2 of nship 44 South, the Southerly The South 425 feet of the West 1/2 of the West 1/2 of the the Northeast 1/4 of the Southeast 1/4 of Section 35, Townst Range 42 East, Polin Beach County, Florido, less and except the 25 feet for Road Right-Gr-Way.

LEGEND:

The South 233 feet of the North 1/2 of the South 1/2 of the East 1/2 of the third 7/2 of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of South 1/2 of the Northeast 1/4 of Southeast 1/4 of Southeast 1/4 South 1/4 South Northeast 1/4 South 1/4 South Northeast 1/4 South 1/4 South Road fight—67—1/6;

Parcel Identification Number: 00–42–44–35–00–000–5370. Parcel Identification Number: 00–42–44–35–00–000–5430.

File Number: 2037-4634107 (Shay Parcel)

The North 161,45 feet of the South 164,38 feet of the North 1/2 of the South 1/2 of the East 1/2 of the West 1/2 of the Northeast 1/4 of the County, Floribust 1/4 of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florido.

Number: 2037-4751827 (Greene Parcel)

North 1/4 less the North 63.69

Parcel Identification File

The North hald of the North Half of the East Half of the East Half of the North-Half of the Southeest Courted for Southeest of Section 21 Property of 40 Percentage of Section 21 Property of 40 Percentage of Section 21 Percentage 15.0 and electronest has been 12 Courted 16.0 and 16.0 percentage 15.0 and 16.0 percentage 16.0 16.0 perce

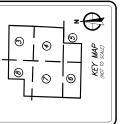
Parcel Identification Number: 00-42-44-35-00-000-5010.

The North Holf of the East Holf of the West Holf of the Northeast Counter of the Workheast Councer of the Southeast Councer of the Southeast Councer of the Southeast Councer of South Range & East, Less the North 63.09 feet for LUDD 1-15 Councerbid Range & East, Less the North 63.09 feet for LUDD 1-15 Councerbid Range & Councerbid Rang

: 1/2 of the West 1/2 of the Northeast 1/4 of the Southeast 1/4 35, Township 44 South, Range 42 East, Poim Beach County, Florida.

NATIONAL FLOOD INSURANCE PROGRAM:

120192 & 120193 0757F, 0776F, 0760F & 0778F 10/05/2017 Community Number Panel Number Map Revision Date Flood Zone Base Flood Elevation



INDEX OF SHEETS:

Sheet 1 Sheet 2–8 Sheet 9–14 Sheet 15

Cover Sketch of Survey Tree Locations Tree Tabulation Table

SURVEYORS NOTES:

The survey date is January 19, 2021.

This survey map and report or the capies thereof are not valid without the signature the original raised seal of a Florida licensed surveyor and mapper.

A parcel of land lying within a portion of the Northeast quarter (NE 1/4) of t. Southeast quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Hom Beach County, Planto.

Said lands being more particularly described as follows:

- Additions or deletions to survey maps or reports by other than the signing porty or parties is prohibited without written consent of the signing party or parties.
- Capyright © 2021 by WGI, Inc.
- The bearings shown upon this survey ore Orid Bearings based upon the North American Dotum (NoV) 1983 (1940) Odistiment) using the East line of the Southeast I /4 of Section 25. Township 44 South, Range 42 East, being South 02/0851" West as published by Polin Beach County Survey Division.
 - 2. State Plane Coordinates:

 2. State Plane Coordinates:

 Discuss March 1990 Algustment

 Zon Rodon East Plane Plane

 Coordinate System 1993 State Plane

 Projection or Transverse Wisconstrainers noted

 All discusses one ground unless others

 Sonte Projection = 1,00004490 and

 Millionness one ground unless others

 Sonte Projection = 1,00004490 and

 Sonte Projection = 1,00004490 and

 Plane Millionness Sonte Fragin Grid Distance

COMMONICE at the East anather corner (E. 1974) of Section 25 DE Thurces South of Section 32. For 44 of Section 12 through south of Section 32, the 64 of Section 12 through south of Section 32, the 64 of Section 12 through south of Section 32, the 64 of Section 12 through south of Section 32, the 64 of Section 12 through south of Section 32 through south of Section 12 through south south of Section 12 through south south section 12 through south section 12 th

- The coophists shown from rand or enemy the local paramy uniterents of a confinedir goodic control surem, and over referenced to the Tockob State Rowe Coordinals Spared (Transverse Marcolet Profession). East Josen, born American Optimus 1983 (1980 objectment), as established by performing a static GPS survey. Control was written through or rendanting of menastrements on founds attent control or swell as considered harizontal crease to established out to control or swell or considered harizontal crease to established control public to everify their accurates ord meet or exceed clears for Solutions. Unear 1 foot in 7,500 feet. All distonces shown harars on an U.S. Survey Feet.
 - Evendions shown treason are refresheed to the Notth American Noticeal Datum of 1988 (AM/O 88), or established by Point beach County benchmark "MDAN PINES", having a published evendion of 18,422 feet (MAIO 88).

DATE 03/13/2020

- 10. This survey is based on a review of Fist American The insurance Company Commitments.

 ALL, The Lander-Visit-ALCHESS, who a commitment does of February 12, 2020 of 8.00

 ALL, The Lander-Visit-ALCHESS, who a commitment does of February 13, 2020 of 8.00

 ALL, The Visit-ALL STR-ALCHESS, who are commitment does of February 13, 2020 of 8.00

 ALL, The Visit-ALCHESS, All on commitment does of February 12, 2020 of 8.00

 ALL, The Visit-ALCHESS, who are commitment does of February 12, 2020 of 8.00

 ALL, The ALL STR-ALCHESS, who are commitment does of February 12, 2020 of 8.00

 Number 2027-4545024, who are commitment does of February 2, 2020 of 8.00

 ALL, The ALCHESS, who are commitment does of February 2, 2020 of 8.00

 ALL, The ALCHESS, who are commitment does of February 2, 2020 of 8.00

 ALL, The ALCHESS, who are commitment does of February 2, 2020 of 8.00

 ALL, The ALCHESS ALL STR-ALCHESS ALL THE COMMITMENT DOES OF ALCHESS ALL THE PROPERTY OF THE PROPERTY DOES OF ALCHESS ALL THE PROPERTY DOES OF ALCHESS ALL THE COMMITMENT DOES OF ALCHESS ALL THE PROPERTY DESCRIPTION OF THE PROPERTY OF THE PROPERTY DESCRIPTION OF THE PROPERTY OF THE PROPERTY DESCRIPTION OF THE PROPERTY DES
- The descriptions of the lands contained in this boundary are survey per Ethibit "A" of the last commitments referenced above. The metes and bounds description was prepared by WG for obtaining purposes.

dЭ an.

North American Vertical Da
 Official Records Book
 Overhead Utility Wires
 Property Control Number
 Page

- This survey delineates the locations of the legal descriptions oground, but does not determine ownership or property rights.
- 13. Underground improvements, if any, were not located except as shown. information was obtained from the Palm Beach

Page Book County Records Plans Book County Records Professional Land Surveyor Professional Profe

= Chemoul
= Concrete [1233]
= Dorinote Essenti
= Derinote Essenti
= Derinote Essenti
= Effectival Junction Box
= Effectival Junction Box
= Finish Floor
= Finish Floor
= Finish Floor
= Found

To D.R. Harton, Inc., a Delaware Corporation Nesion Mullins Rifley & Scarberough Le d/b/a Nelson Mullins Broad and Cassel Nesion Title Insurance Company

HORTON,

NASH TRAIL

I hereby celly trail the Boundary & Ropographic Survey shown hereon is a true and correct the Conference of Proteins on sell cells by the Public Bound of Proteins of Land Surveyor in rule —1-17 Tables with cells by the Public Bound of Proteins of Land Surveyor in rule —1-17 Tables the Reference of the Conference Jim Sullivan Bate: 2021 02.02 15:36:36 For the Firm: WGI, Inc.

= Utility Exsement
= Wood Power Pole Transformer
= Wood Power Pole Transformer
= Wood Power Pole
= Set 5/8" fran & Cap Stamped
= LB 7055" unless otherwise noted
= LB 7055" unless otherwise noted
= LB 7055" unless otherwise noted

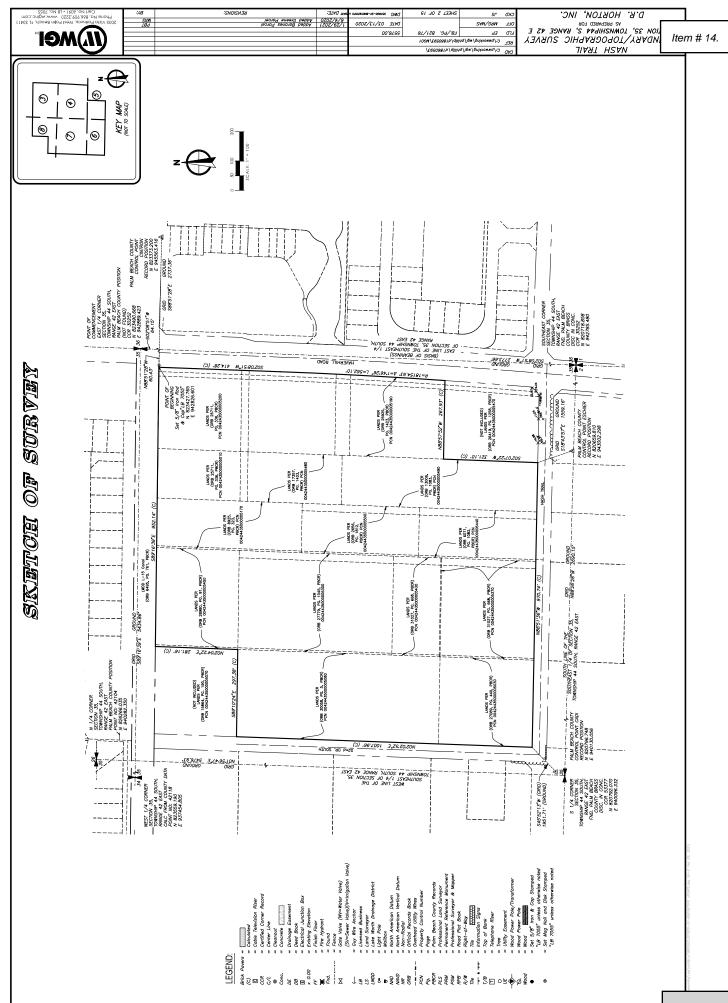
Ferrice

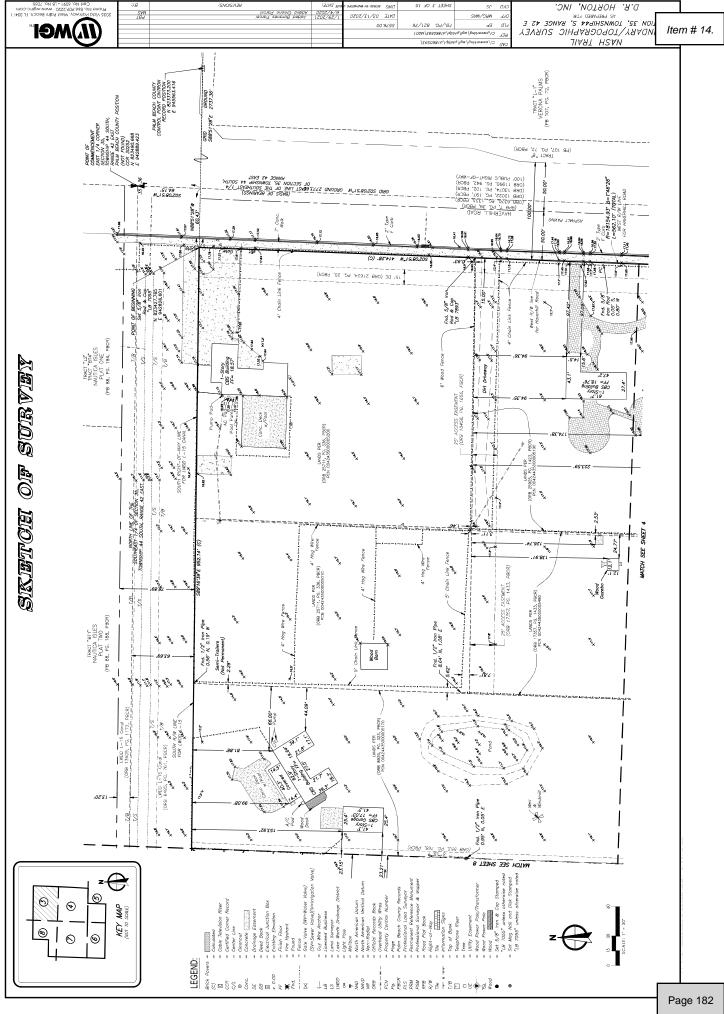
Golden (WA-Wither Volve)

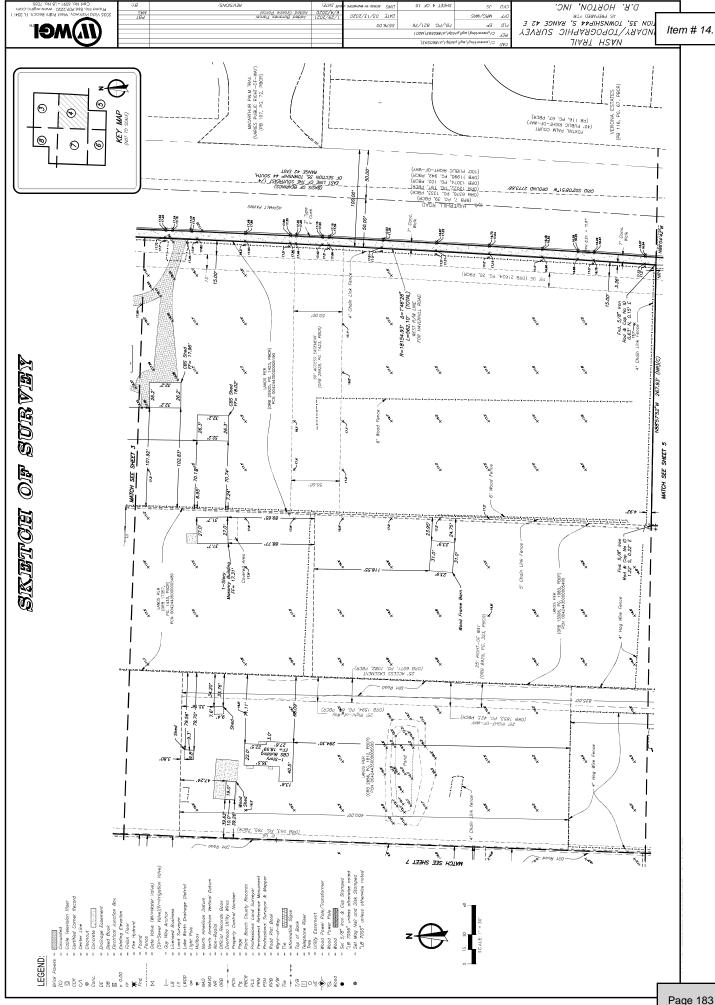
(Studener Vol

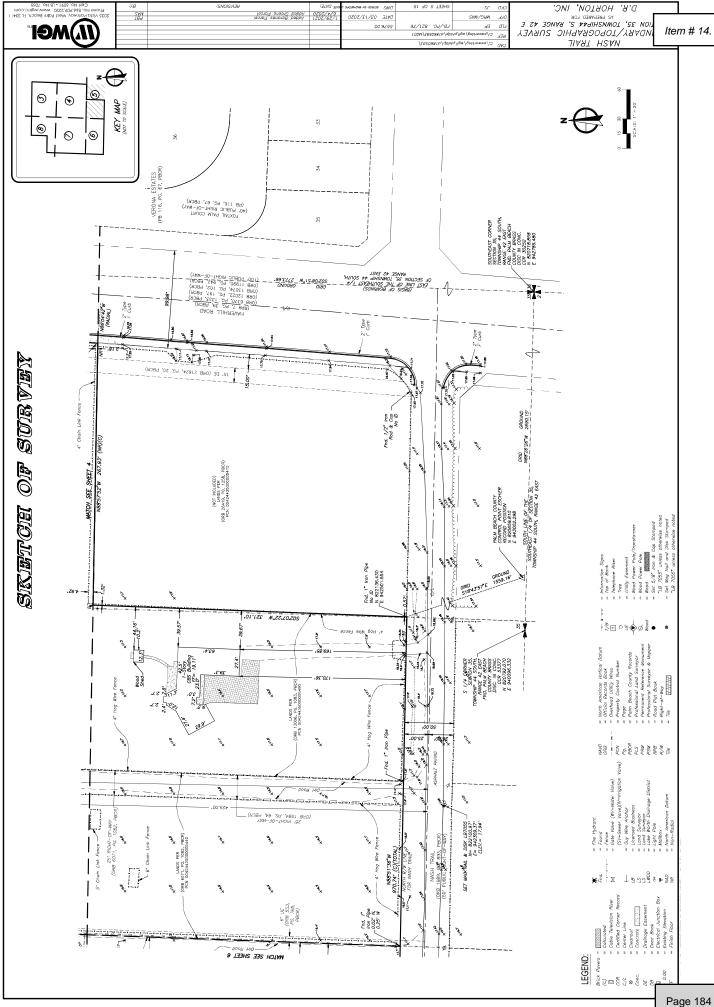
03/19/20

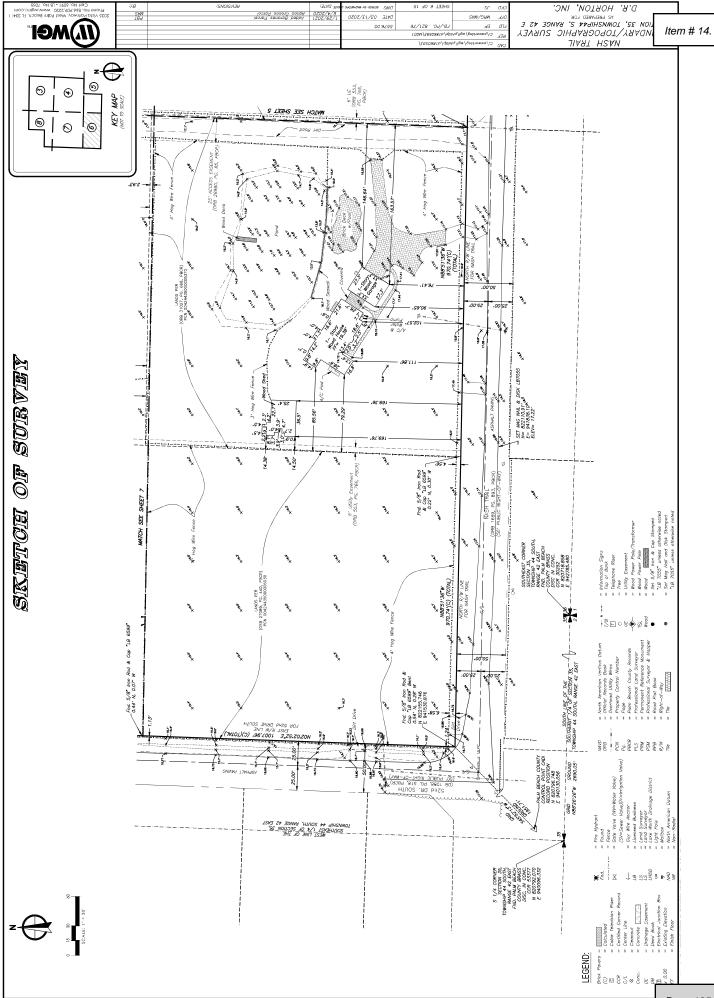
and Mapper se No. 6889 P.S.M. Surveyor Jim Sullivan, F Professional S

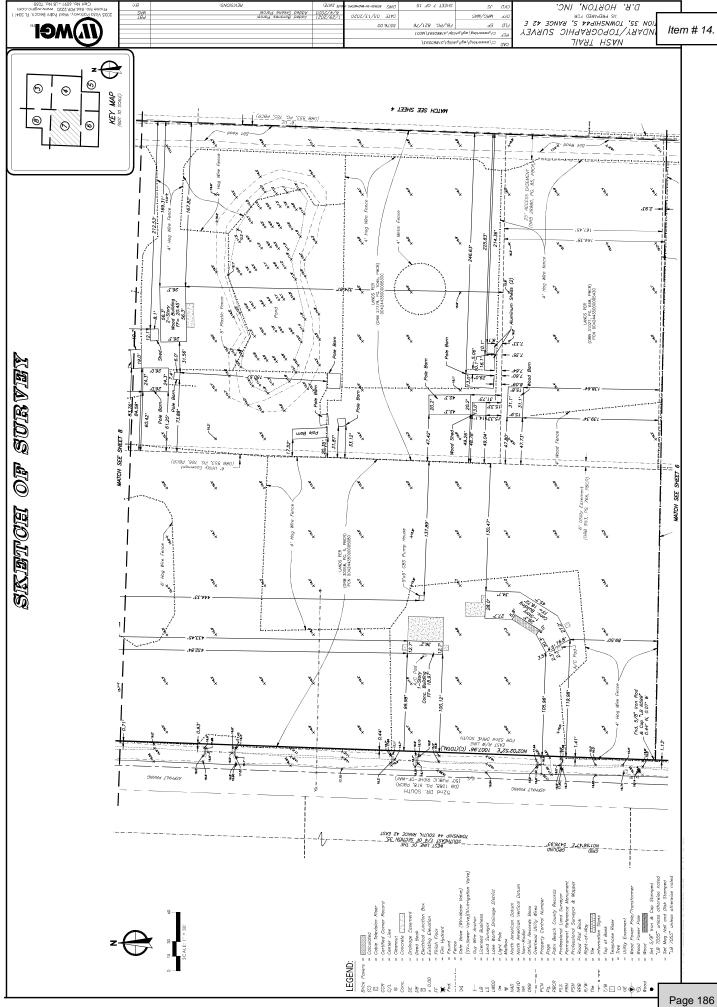


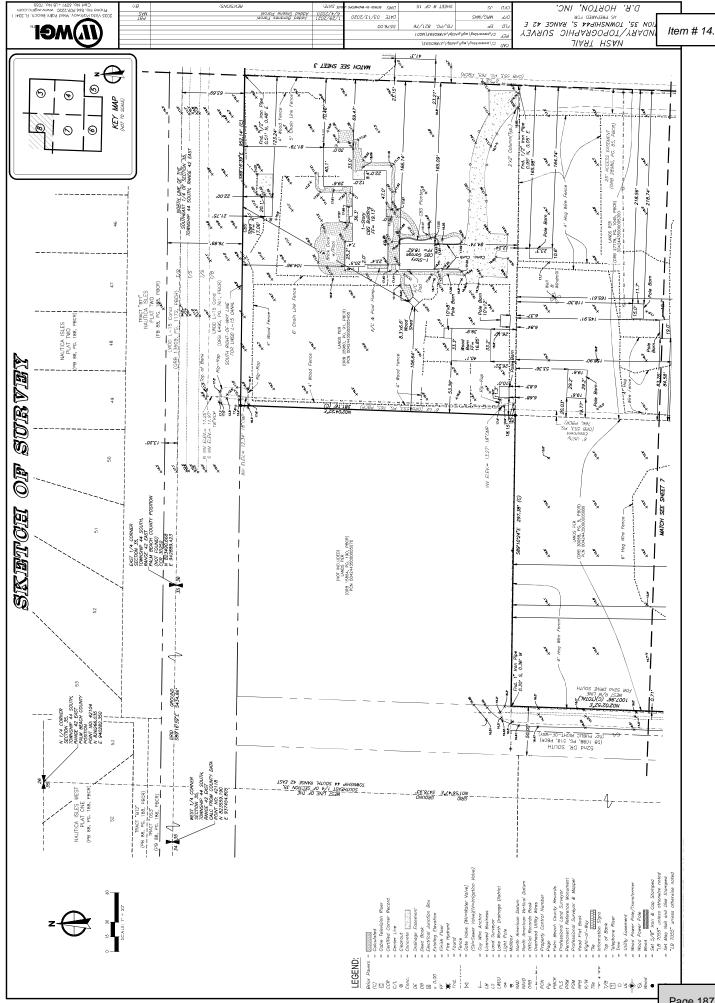


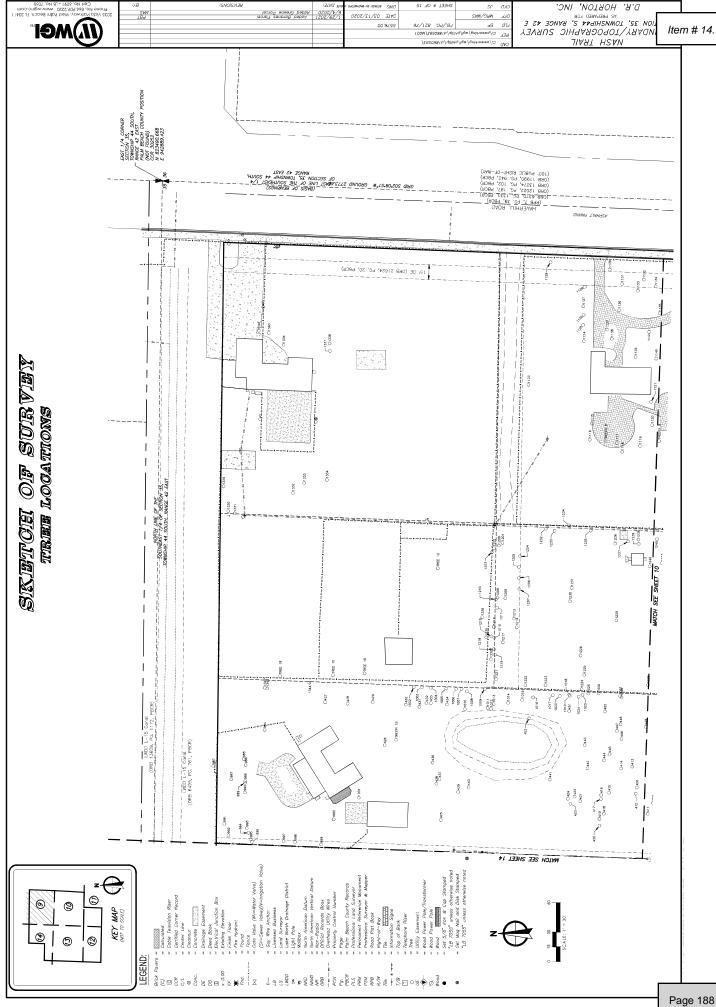


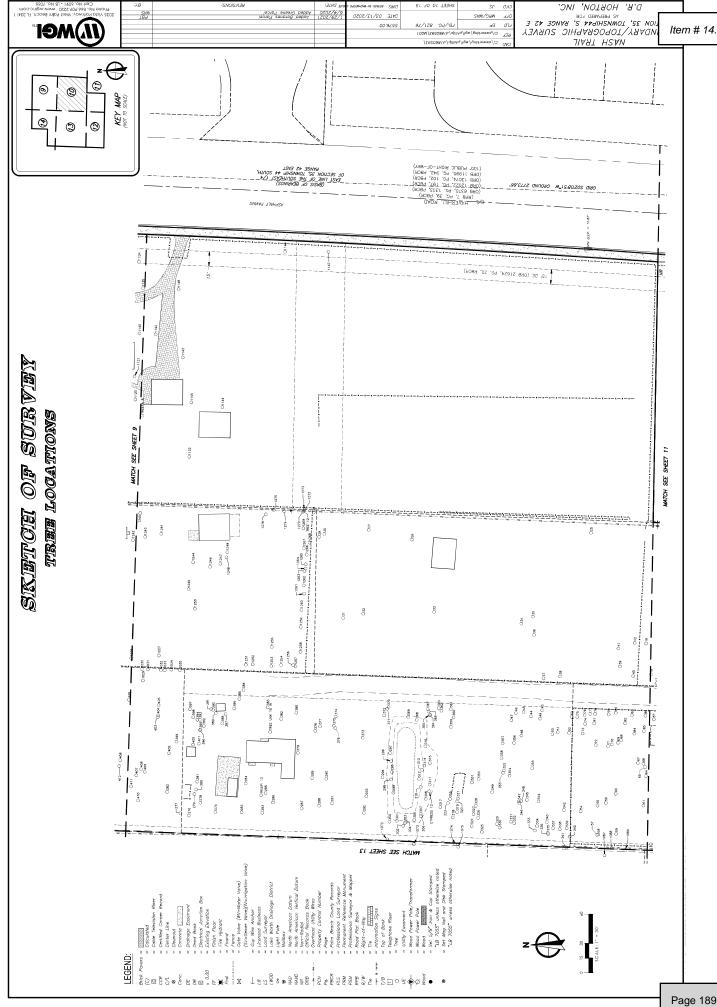


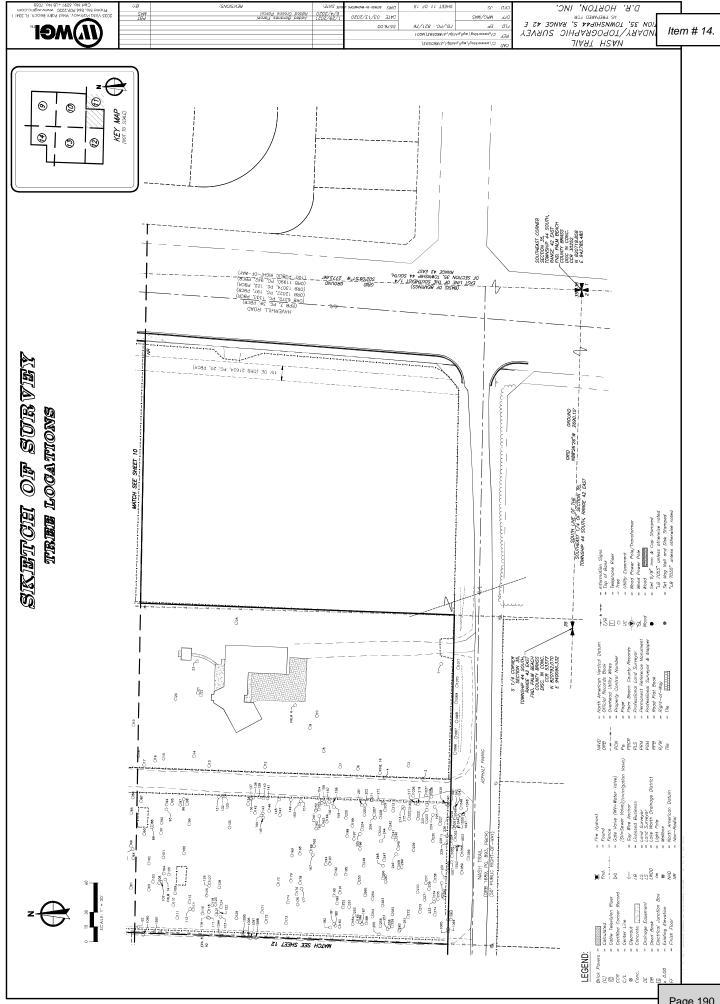


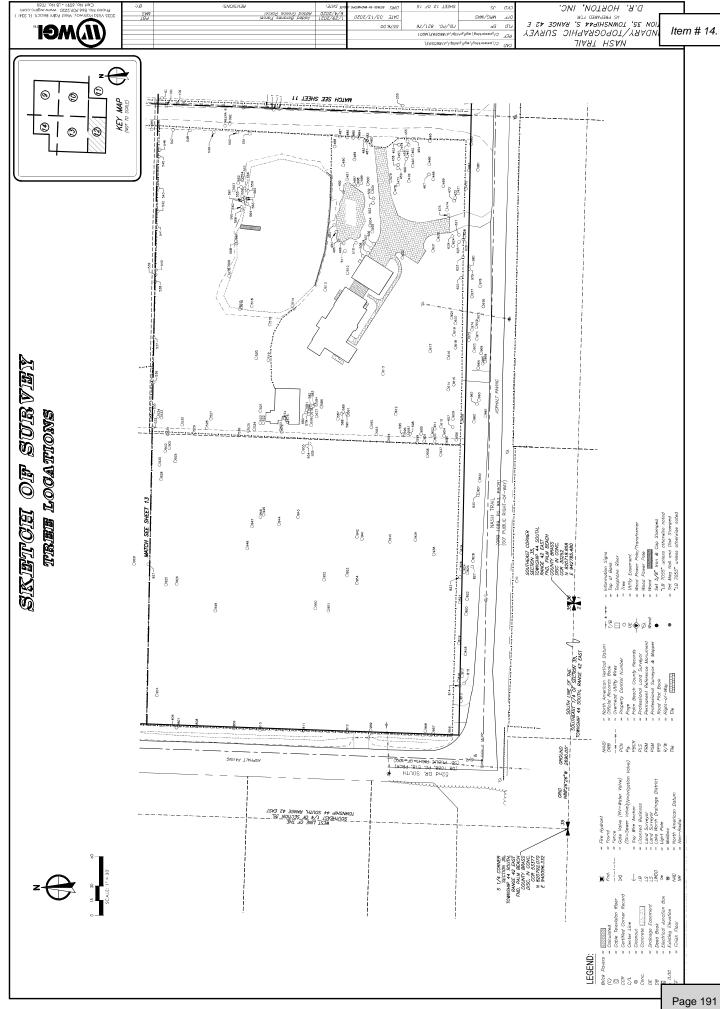


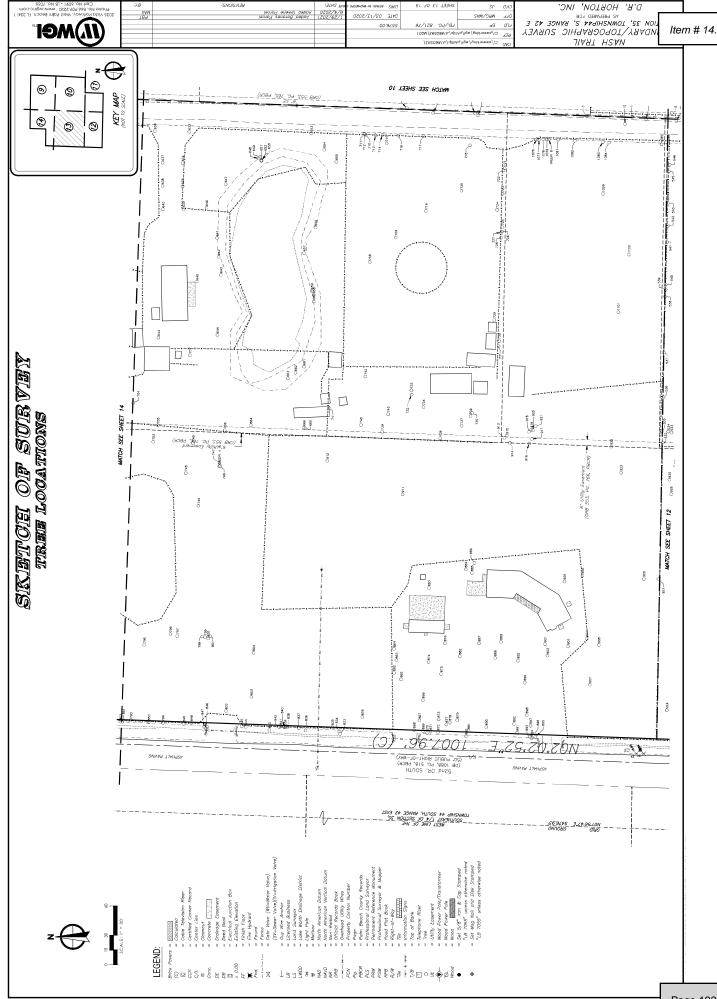


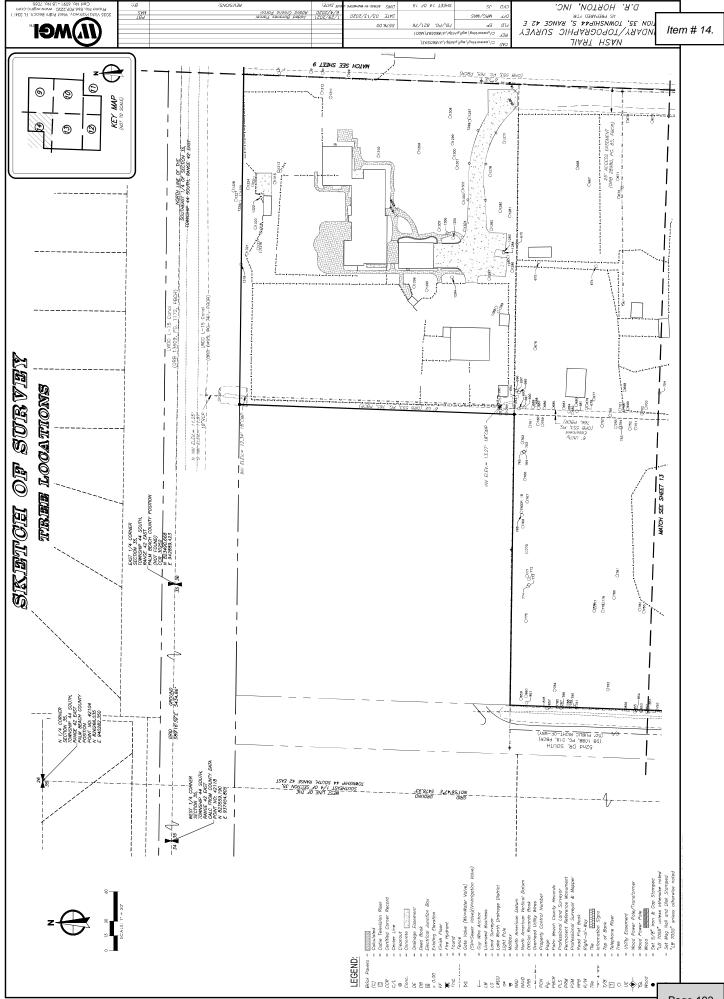












NASH TRAIL NDARY/TOPOGRAPHIC SURVEY NOW 35, TOWNSHP44 S, RANGE 42 E SA PHENARD FOR D.R. HORTON, INC.

Item # 14.

TAN OUT OF THE	
PATTITE. A.	1500 CO
A MI	1
يعايعا جالمان	

Company	Sygua conscriment 8 Sygua conscriment 8 Foundam H Foundam C Foundam C Foundam C
	1340 Cusen Parn 1341 Cusen Parn 1342 Steh Pine 1343 Steh Pine 1344 Steh Pine 1179A Cusen Parn

This instrument was prepared by and upon recording should be returned to:

KE LAW GROUP, PLLC PO Box 6386 Tallahassee, Florida 32314

Consent and Authorization of Landowner to the Establishment of a Community Development District [Proposed Blossom Trail Community Development District]

The undersigned is the owner of certain lands more fully described on <u>Exhibit A</u> attached hereto and made a part hereof ("Property").

As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of a Community Development District that will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District. The undersigned acknowledges that the petitioner has the right by contract for the establishment of the Community Development District, and Jere Earlywine of KE Law Group, PLLC is hereby authorized to file and prosecute the petition to establish the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or three years from the date hereof, whichever shall first occur. The undersigned further agrees that this consent shall be binding upon the owner and its successors and assigns as to the Property or portions thereof for the entirety of such three year term.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument.

[SIGNATURE PAGE TO FOLLOW]

Consent and Joinder of Landowner to the Establishment of a Community Development District [Proposed Blossom Trail Community Development District]

Legal Description

Exhibit A:

Executed this May of Jone	, 2022.
Witnessed:	FORESTAR (USA) REAL ESTATE GROUP INC. LANDOWNER
Print Name: Maria Camprelle	BY: John Switzer) ITS: Vick Presions
Print Name: Secho Machinez	
STATE OF FLORIDA COUNTY OF PRIMARD	
The foregoing instrument was acknowledged befor notarization, this // day of // 2022, by me this day in person, and who is eith as identification.	
Notary Public State of Florida Rebecca Zuluaga-Cortes My Commission GG 987625 Expires 05/12/2024	NOTARY PUBLIC, STATE OF FLORADA Name: Personal Junior - Coffee (Name of Notary Public, Printed, Stamped or Typed as Commissioned)

EXHIBIT A

Overall and PLAT Description

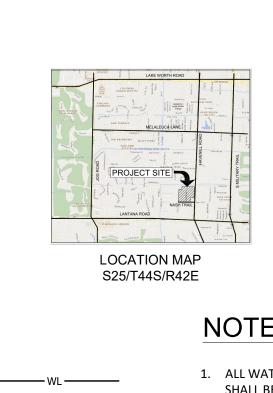
Said lands being more particularly described as follows:

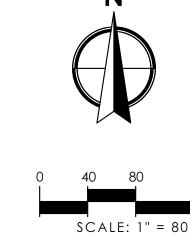
A parcel of land lying within a portion of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

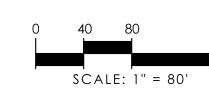
COMMENCE at the East quarter corner (E 1/4) of Section 35; Thence South 02°08'51" West along the East line of the Southeast quarter (SE 1/4) of said Section 35, for 64.15 feet; Thence North 88°51'28" West departing said East line of Section 35, for 60.43 feet to the POINT OF BEGINNING, said point being the intersection of the South right of way line of the LWDD L-15 Canal according to Official Records Book 6495, Page 761, Public Records Palm Beach County, Florida, and the West Right-of-Way line for Haverhill Road, according to Official Record Book 12022, Page 197, Public Records Palm Beach County, Florida; Thence, following two (2) courses being along said West right-of-way line for Haverhill Road, South 02°08'51" West, for 414.28 feet to a point of curvature with a curve concave to the West, said curve having a radius of 18,154.93 feet and a central angle of 01°46'26"; Thence Southerly along said curve for 562.10 feet to the South line of land recorded in Official Records Book 25925, Page 1423, Public Records Palm Beach County, Florida; Thence North 88°57'52" West along said South line, for 267.93 feet to a point on the East line of lands recorded in Official Records Book 13006, Page 1083, Public Records Palm Beach County, Florida; Thence South 02°07'22" West along said East line, for 321.10 feet to a point on the North Right-of-Way of Nash Trail, according to Official Records Book 1689, Page 895, Public Records of Palm Beach County, Florida; Thence North 88°51'36" West along said North Right-of-Way line for Nash Trail and a common South line of lands recorded in Official Records Book 13006, Page 1083, Official Records Book 6071, Page 1082, Official Records Book 31027, Page 668, Official Records Book 27089 Page 440, all being of the Public Records Palm Beach County, Florida, for 970.74 feet to a point on the East Right-of-Way for 52nd Drive South (formally Myers Rd.) according to Deed Book 1088, Page 518, Public Records Palm Beach County, Florida; Thence North 02°02'52" East along said East Right-of-Way for 52nd Drive South, and a common West line of lands recorded in Official Records Book 27089, Page 440, Official Records Book 30058, Page 5, all being of the Public Records Palm Beach County, Florida, for 1,007.96 feet; Thence South 89°10'24" East along a common North line of lands recorded in Official Records Book 30058, Page 5, Palm Beach County Public Records, Florida, for 297.38 feet; The following Three (3) courses being along the West, North and East lines of lands recorded in Official records Book 28980, Page 91, Official records Book 8925, Page 323, all being of the Public Records Palm Beach County; Thence North 02°04'22" East, for 281.16 feet to the South Right-of-Way line for LWDD L-15 canal; Thence South 89°16'39" East along said South Right-of-Way Line, for 952.14 feet to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida.

Said lands contain 33.059 acres, more or less.







LEGEND

CONNECT TO

EXISTING 12" WM

EXISTING

12" WM

EXISTING 10" DIP FM

EXISTING 6"

CONNECT TO

EXISTING 6" FM

- LWDD L-15 CANAL

- SAN MANHOLE

— PROPERTY LINE

- SAN MANHOLE

- 8" PVC SAN SEWER (TYP.)

SAN SERVICE

LIFT STATION —

(PBCWUD)

EXISTING FH —

EXISTING 8" WM —

CONNECT TO -

EXISTING 8" WM

─ 8" PVC SAN

SEWER (TYP.)

8" PVC WM -

5 UNITS

5 UNIȚS

WATER SERVICE -

- WET DETENTION AREA -

(3.20 AC)

POOL

CLUBHOUSE

PROPERTY LINE

(TYP)

BLDG. 22

PROPOSED WATER MAIN	
PROPOSED SEWER PIPE	ww
PROPOSED FORCE MAIN	FM
EXISTING WATER MAIN	w-
EXISTING GRAVITY SEWER	———s—
EXISTING SEWER FORCE MAIN	— — FM —
FENCE	x
SANITARY MANHOLE	ww
FIRE HYDRANT	⊒₩
SANITARY SERVICES	Q Q
WATER SERVICES	민무 무

FIRE FLOW DEMAND CALCULATIONS

FIRE FLOW DEMAND CALCS

AREA (SF)

< 5900

8,290

9,936

11,584

13,230

NUMBER UNITS

Single Family Lots

NOTES

- 1. ALL WATER AND SANITARY SEWER IMPROVEMENTS SHALL BE IN ACCORDANCE WITH PALM BEACH COUNTY WATER UTILITIES DESIGN AND CONSTRUCTION STANDARDS.
- 2. UTILITY IMPROVEMENTS WITHIN PUBLIC ROADWAY WILL REQUIRE JURISDICTIONAL APPROVAL.

CORNERS AS REQUIRED BY PBCWUD.

PALM BEACH COUNTY WATER UTILITY **DEPARTMENT NOTES**

- **RECORD DRAWING NOTES:** 1. RECORD DRAWINGS SHALL BE PREPARED IN THE STATE PLAN
- COORDINATE SYSTEM. 2. ALL UTILITY FEATURES SHALL BE SHOWN IN THEIR AS-BUILT LOCATION. 3. STATE PLANE COORDINATES SHALL BE DISPLAYED ON RECORD
- DRAWINGS FOR ALL FEATURES SPECIFIED IN PBCWUD STANDARDS. 4. STATE PLANE COORDINATES SHALL BE SHOWN ON PROPERTY
- **HYDRANT & HYDRANT SECURITY EQUIPMENT NOTES:** 1. FIRE HYDRANT SHALL BE EQUIPPED WITH A SET OF AFC "CAPTIVATER" SECURITY CAPS. THE CAPS SHALL BE CHAINED TO THE HYDRANT BODY AND INSTALLED PRIOR TO ISSUANCE OF "CONSTRUCTION

WATER RELEASE" CERTIFICATION. A SCHEDULED INSPECTION BY

PBCWUD IS REQUIRED TO VERIFY THE INSTALLATION AND OPERATION OF THE CAPS. 2. PLEASE NOTE THAT THE SECURITY CAPS CAN ONLY BE REMOVED USING SPECIAL WRENCHES. THE CONTRACTOR SHALL CONTACT THE

PBCWUD INSPECTOR FOR ASSISTANCE IF ACCESS TO THE HYDRANT IS

REQUIRED FOR FLUSHING OR TESTING PURPOSES. 3. ALL NEW FIRE HYDRANTS ARE TO BE INSTALLED SO THE FIRE HYDRANT IS 5.0' MIN WITH RAISED CURB OR 6.0' MIN WITHOUT RAISED CURB FROM EDGE OF PAVEMENT AND THE PUMPER NOZZLE IS 12.0' MAX. FROM THE EDGE OF PAVEMENT.

GENERAL WATER NOTES:

- 1. ALL WATER MAIN DUCTILE IRON PIPE AND PIPE FITTINGS SHALL BE PAINTED WITH A 4" WIDE CONTINOUS BLUE LINE THAT RUNS PARALLEL TO THE AXIS OF THE PIPE AND IS LOCATED ALONG THE TOP OF THE
- 2. ALL WATER MAINS SHALL BE MARKED WITH ONE CONTINOUS STRIP OF 6" WIDE MAGNETIC BLUE CODED TAPE IMPRINTED WITH ONE AND HALF (1 1/2) INCH HIGH LETTERING READING "CAUTION - WATER LINE BELOW" AND LOCATED APPROXIMATELY TWELVE (12) INCHES ABOVE THE CROWN OF THE THE WORDING SHALL OCCUR EVERY THREE (3) FEET. 3. ALL WATER SERVICE BRASS FITTINGS ARE REQUIRED TO BE LEAD
- 4. ALL EXISITNG PBCWUD FACILITIES (IE. VALVES) TO BE OPERATED BY PBCWUD PERSONNEL ONLY.

GENERAL SEWER NOTE:

1. ON-SITE SEWER LATERALS AND LIFT STATION ARE PRIVATELY OWNED

AND MAINTAINED. 2. SEWER CLEANOUT MINI-MANHOLES ARE REQUIRED ON ALL CLEANOUTS WITHIN PAVEMENT AREAS.

GENERAL LANDSCAPE NOTE:

2500

IF ANY NEW LANDSCAPE MATERIALS ARE INSTALLED AS PART OF THIS PROJECT THEN SOD ONLY WITH NO SHRUBS AND/OR TREES ARE TO BE INSTALLED WITHIN 5' OF ANY WATER METER AND WITHIN 7.5' OF ANY FIRE HYDRANT. TREES CANNOT BE INSTALLED WITHIN 10' OF A WUD WATER OR FORCE MAIN WITHOUT PRIOR PBCWUD APPROVAL AND THE INSTALLATION OF A ROOT BARRIER. ALSO IF ANY EXISTING TREES ARE LESS THAN 10' MINIMUM OF ANY NEW WATER OR FORCE MAIN A ROOT BARRIER IS REQUIRED TO BE INSTALLED OR TREE RELOCATED/REMOVED.

BUILDING NUMBER*	NUMBER OF UNITS	REQUIRED FLOW (GPM)	MIN. PROVIDED FLOW (GPM)**
Single Family Lots	76 Lots	1500	2500
BUILDING 1	8	2500	3000
BUILDING 2	8	2500	3000
BUILDING 3	5	2000	3000
BUILDING 4	5	2000	3000
BUILDING 5	5	2000	3000
BUILDING 6	6	2250	3000
BUILDING 7	5	2000	3000
BUILDING 8	8	2500	3000
BUILDING 9	7	2250	2500
BUILDING 10	7	2250	3000
BUILDING 11	7	2250	3000
BUILDING 12	7	2250	4500
BUILDING 13	6	2250	4500
BUILDING 14	6	2250	2500
BUILDING 15	7	2250	4500
BUILDING 16	7	2250	3000
BUILDING 17	7	2250	3000
BUILDING 18	7	2250	3000
BUILDING 19	7	2250	3000
BUILDING 20	7	2250	4500
BUILDING 21	6	2250	3000
BUILDING 22	8	2500	3000

FIRE FLOW REQUIRED

(GPM)+

1500

2000

2250

2250

2500

+III(200) CONSTRUCTION TYPE BASED ON NFPA 220

BUILDING 23

*TOWNHOME BUILDINGS ARE TYPE III CONSTRUCTION

**CALCULATED FROM FIRE HYDRANT TO CLOSEST POINT ON BUILDING PER NFPA 1 TABLE 18.5.4.3 **CALCULATED FROM NFPA 1 TABLE 18.4.5.2.1: D < 250' = 1500 GPM, D < 500' = 1000 GPM, D < 1000 = 750 GPM

2500

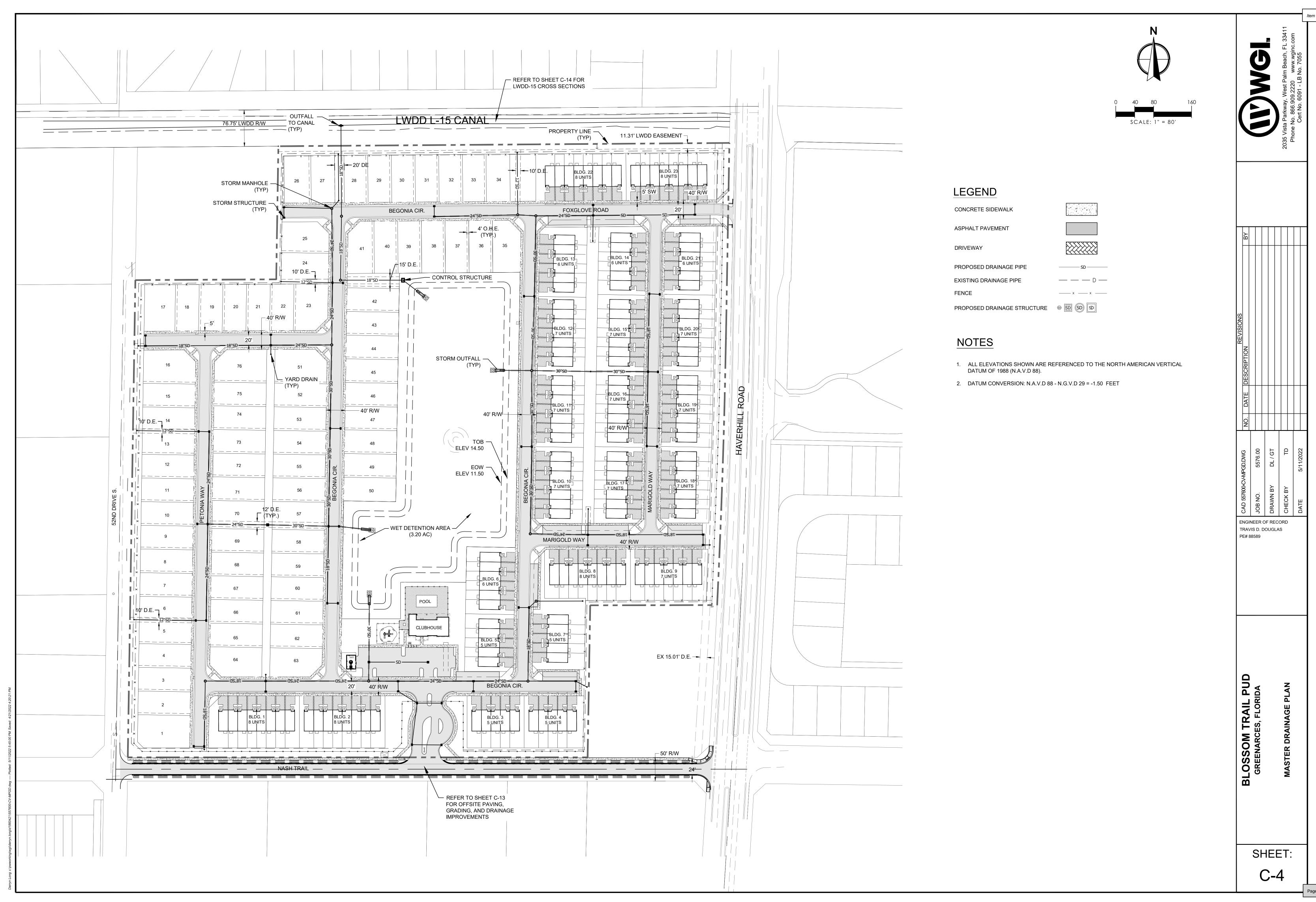
WUD#	22-525

ENGINEER OF RECORD TRAVIS D. DOUGLAS PE# 88589

I TRAIL PUD

BLOSSOM GREENARCE

SHEET:



BLOSSOM TRAIL COMMUNITY DEVELOPMENT DISTRICT PROPOSED FACILITIES

Improvement	Estimated Costs	Financing /	Final Owner	Maintenance
		Construction		Entity
		Entity		
Stormwater Management System	\$1,749,780.00	CDD	CDD	CDD
Roadways	\$1,595,340.00	Developer	HOA	HOA
Water & Wastewater Systems	\$1,413,975.00	CDD	CDD/County	CDD/County
Offsite Improvements	\$1,200,000.00	CDD	City/County	City/County
Professional Services	\$1,072,637.10	CDD	CDD	N/A
Contingency	\$1,191,819.00			
TOTAL:	\$8,223,551.10	_		

Proposed Land Use Map



BLOSSOM TRAIL COMMUNITY DEVELOPMENT DISTRICT

Statement of Estimated Regulatory Costs

June 17, 2022



Provided by

Wrathell, Hunt and Associates, LLC

2300 Glades Road, Suite 410W Boca Raton, FL 33431 Phone: 561-571-0010 Fax: 561-571-0013

Website: www.whhassociates.com

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the Blossom Trail Community Development District ("District") in accordance with the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (the "Act"). The proposed District will comprise approximately 33.059 +/- acres of land located within the City of Greenacres, Florida (the "City") and is projected to contain approximately 230 residential dwelling units, which will make up the Blossom Trail development. The limitations on the scope of this SERC are explicitly set forth in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing District establishment) as follows:

"That the process of establishing such a district pursuant to uniform general law be fair and <u>based only on factors material to managing and financing the service</u> <u>delivery function of the district, so that any matter concerning permitting or</u> <u>planning of the development is not material or relevant</u> (emphasis added)."

1.2 Overview of the Blossom Trail Community Development District

The District is designed to provide public infrastructure, services, and facilities along with operation and maintenance of the same to a master planned residential development currently anticipated to contain a total of approximately 230 residential dwelling units, all within the boundaries of the District. Tables 1 and 2 under Section 5.0 detail the anticipated improvements and ownership/maintenance responsibilities the proposed District is anticipated to construct, operate and maintain.

A community development district ("CDD") is an independent unit of special purpose local government authorized by the Act to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDDs provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers." Section 190.002(1)(a), F.S.

A CDD is not a substitute for the local, general purpose government unit, i.e., the city or county in which the CDD lies. A CDD does not have the permitting, zoning or policing powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating and maintaining public infrastructure for developments, such as Blossom Trail.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S., defines the elements a statement of estimated regulatory costs must contain:

- (a) An economic analysis showing whether the rule directly or indirectly:
- 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment,

or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;

- 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or
- 3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.
- (b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.
- (c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.
- (d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.
- (e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses. (City of Greenacres, according to Census 2020, has a population of 43,990; therefore, it is not defined as a small City for the purposes of this requirement.)
- (f) Any additional information that the agency determines may be useful.
- (g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2)(a), F.S.

- 2.0 An economic analysis showing whether the ordinance directly or indirectly:
 - 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance;
 - 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance; or

3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

The ordinance establishing the District is not anticipated to have any direct or indirect adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation. Any increases in regulatory costs, principally the anticipated increases in transactional costs as a result of imposition of special assessments by the District will be the direct result of facilities and services provided by the District to the landowners within the District. However, as property ownership in the District is voluntary and all additional costs will be disclosed to prospective buyers prior to sale, such increases should be considered voluntary, self-imposed and offset by benefits received from the infrastructure and services provided by the District.

2.1 Impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

The purpose for establishment of the District is to provide public facilities and services to support the development of a new, master planned residential development. The development of the approximately 33.059 +/- acres anticipated to be within the District will promote local economic activity, create local value, lead to local private sector investment and is likely to result in local private sector employment and/or local job creation.

Establishment of the District will allow a systematic method to plan, fund, implement, operate and maintain, for the benefit of the landowners within the District, various public facilities and services. Such facilities and services, as further described in Section 5, will allow for the development of the land within the District. The provision of District's infrastructure and the subsequent development of land will generate private economic activity, economic growth, investment and employment, and job creation. The District intends to use proceeds of indebtedness to fund construction of public infrastructure, which will be constructed by private firms, and once constructed, is likely to use private firms to operate and maintain such infrastructure and provide services to the landowners and residents of the District. The private developer of the land in the District will use its private funds to conduct the private land development and construction of an anticipated approximately 230 residential dwelling units, the construction, sale, and continued use/maintenance of which will involve private firms. While similar economic growth, private sector job creation or employment, or private sector investment could be achieved in absence of the District by the private sector alone, the fact that the establishment of the District is initiated by the private developer means that the private developer considers the establishment and continued operation of the District as beneficial to the process of land development and the future economic activity taking place within the District, which in turn will lead directly or indirectly to economic growth, likely private sector job growth and/or support private sector employment, and private sector investments.

2.2 Impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

When assessing the question of whether the establishment of the District is likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation, one has to compare these factors in the presence and in the absence of the District in the development. When the question is phrased in this manner, it can be surmised that the establishment of the District is likely to not have a direct or indirect adverse impact on business competitiveness, productivity, or innovation versus that same development without the District. Similar to a purely private solution, District contracts will be bid competitively as to achieve the lowest cost/best value for the particular infrastructure or services desired by the landowners, which will insure that contractors wishing to bid for such contracts will have to demonstrate to the District the most optimal mix of cost, productivity and innovation. Additionally, the establishment of the District for the development is not likely to cause the award of the contracts to favor non-local providers any more than if there was no District. The District, in its purchasing decisions, will not vary from the same principles of cost, productivity and innovation that guide private enterprise.

2.3 Likelihood of an increase in regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

The establishment of the District will not increase any regulatory costs of the State or the City by virtue that the District will be one of many already existing similar districts within the State and also one of a many already existing similar districts in the City. As described in more detail in Section 4, the proposed District will pay a one-time filing fee to the City to offset any expenses that the City may incur in holding a local public hearing on the petition. Similarly, the proposed District will pay annually the required Special District Filing Fee, which fee is meant to offset any State costs related to its oversight of all special districts in the State.

The establishment of the District will, however, directly increase regulatory costs to the landowners within the District. Such increases in regulatory costs, principally the anticipated increases in transactional costs as a result of likely imposition of special assessments and use fees by the District, will be the direct result of facilities and services provided by the District to the landowners within the District. However, as property ownership in the District is completely voluntary, all current property owners must consent to the establishment of the District and all initial prospective buyers will have such additional transaction costs disclosed to them prior to sale, as required by State law. Such costs, however, should be considered voluntary, self-imposed, and as a tradeoff for the service and facilities provided by the District.

The District will incur overall operational costs related to services for infrastructure maintenance, landscaping, and similar items. In the initial stages of development, the costs will likely be minimized. These operating costs will be funded by the landowners through direct funding agreements or special assessments levied by the District. Similarly, the District may incur costs associated with the issuance and repayment of special assessment revenue bonds. While these costs in the aggregate may approach the stated threshold over a five year period, this would not be unusual for a Project of this nature and the infrastructure and services proposed to be provided by the District will be needed to serve the Project regardless of the existence of the District. Thus, the District-related costs are not additional development costs. Due to the relatively low cost of financing available to CDDs, due to the tax-exempt nature of their debt, certain improvements can be provided more efficiently by the District than by alternative entities. Furthermore, it is important to remember that such costs would be funded through special assessments paid by landowners within the District, and would not be a burden on the taxpayers outside the District.

3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.

The individuals and entities likely to be required to comply with the ordinance or affected by the proposed action (i.e., adoption of the ordinance) can be categorized, as follows: 1) The State of Florida and its residents, 2) the City and its residents, 3) current property owners, and 4) future property owners.

a. The State of Florida

The State of Florida and its residents and general population will not incur any compliance costs related to the establishment and on-going administration of the District, and will only be affected to the extent that the State incurs those nominal administrative costs outlined herein. The cost of any additional administrative services provided by the State as a result of this project will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

b. City of Greenacres

The City and its residents not residing within the boundaries of the District will not incur any compliance costs related to the establishment and on-going administration of the District other than any one-time administrative costs outlined herein, which will be offset by the filing fee submitted to the City. Once the District is established, these residents will not be affected by adoption of the ordinance. The cost of any additional administrative services provided by the City as a result of this development will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

c. Current Property Owners

The current property owners of the lands within the proposed District boundaries will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

d. Future Property Owners

The future property owners are those who will own property in the proposed District. These future property owners will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

The proposed District will serve land that comprises an approximately 33.059+/- acre master planned residential development currently anticipated to contain a total of approximately 230 residential dwelling units, although the development plan can change. Assuming an average density of 3.5 persons per residential dwelling unit, the estimated residential population of the proposed District at build out would be approximately 805 +/- and all of these residents as well as the landowners within the District will be affected by the ordinance. The City, the proposed District and certain state agencies will also be affected by or required to comply with the ordinance as more fully discussed hereafter.

4.0 A good faith estimate of the cost to the agency, and to any other state and local

government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state or local revenues.

The City is establishing the District by ordinance in accordance with the Act and, therefore, there is no anticipated effect on state or local revenues.

4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

Because the result of adopting the ordinance is the establishment of an independent local special purpose government, there will be no significant enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified with their costs herein.

State Governmental Entities

The cost to state entities to review or enforce the proposed ordinance will be very modest. The District comprises less than 2,500 acres and is located within the boundaries of the City. Therefore, the City (and not the Florida Land and Water Adjudicatory Commission) will review and act upon the Petition to establish the District, in accordance with Section 190.005(2), F.S. There are minimal additional ongoing costs to various state entities to implement and enforce the proposed ordinance. The costs to various state entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those state agencies that will receive and process the District's reports are minimal because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.064, F.S., the District must pay an annual fee to the State of Florida Department of Economic Opportunity which offsets such costs.

City of Greenacres, Florida

The proposed land for the District is located within City of Greenacres, Florida and consists of less than 2,500 acres. The City and its staff may process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources; however, these costs incurred by the City will be modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides most, if not all, of the information needed for a staff review. Third, the City already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Fifth, the potential costs are offset by a filing fee included with the petition to offset any expenses the City may incur in the processing of this petition. Finally, the City already processes similar petitions, though for entirely different subjects, for land uses and zoning changes that are far more complex than the petition to establish a community development district.

The annual costs to the City, because of the establishment of the District, are also very small. The District is an independent unit of local government. The only annual costs the City faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the City, or any monitoring expenses the City may incur if it establishes a monitoring program for this District.

4.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

Any non-ad valorem assessments levied by the District will not count against any millage caps imposed on other taxing authorities providing services to the lands within the District. It is also important to note that any debt obligations the District may incur are not debts of the State of Florida or any other unit of local government. By Florida law, debts of the District are strictly its own responsibility.

5.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the ordinance.

Table 1 provides an outline of the various facilities and services the proposed District may provide. Financing for these facilities is projected to be provided by the District.

Table 2 illustrates the estimated costs of construction of the capital facilities, outlined in Table 1. Total costs of construction for those facilities that may be provided are estimated to be approximately \$8,223,551.10. The District may levy non-ad valorem special assessments (by a variety of names) and may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non-ad valorem special assessments levied on all developable properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

Prospective future landowners in the proposed District may be required to pay non-ad valorem special assessments levied by the District to provide for facilities and secure any debt incurred through bond issuance. In addition to the levy of non-ad valorem special assessments which may be used for debt service, the District may also levy a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services. However, purchasing a property within the District or locating in the District by new residents is completely voluntary, so, ultimately, all landowners and residents of the affected property choose to accept the non-ad valorem assessments as a tradeoff for the services and facilities that the District will provide. In addition, state law requires all assessments levied by the District to be disclosed by the initial seller to all prospective purchasers of property within the District.

Table 1

BLOSSOM TRAIL COMMUNITY DEVELOPMENT
DISTRICT

Proposed Facilities and Services

FACILITY	FUNDED BY	OWNED BY	MAINTAINED BY
Stormwater Management System	CDD	CDD	CDD
Roadways	Developer	HOA	HOA
Water & Wastewater Systems	CDD	CDD/County	CDD/County
Offsite Improvements	CDD	City/County	City/County

Table 2

BLOSSOM TRAIL COMMUNITY DEVELOPMENT
DISTRICT
Estimated Costs of Construction

CATEGORY	COST
Stormwater Management System	\$1,749,780.00
Roadways	\$1,595,340.00
Water & Wastewater Systems	\$1,413,975.00
Offsite Improvements	\$1,200,000.00
Professional Services	\$1,072,637.10
Contingency (15%)	\$1,191,819.00
Total Estimated Project Costs	\$8,223,551.10

A CDD provides the property owners with an alternative mechanism of providing public services; however, special assessments and other impositions levied by the District and collected by law represent the transactional costs incurred by landowners as a result of the establishment of the District. Such transactional costs should be considered in terms of costs likely to be incurred under alternative public and private mechanisms of service provision, such as other independent special districts, City or its dependent districts, or City management but financing with municipal service benefit units and municipal service taxing units, or private entities, all of which can be grouped into three major categories: public district, public other, and private.

With regard to the public services delivery, dependent and other independent special districts can be used to manage the provision of infrastructure and services, however, they are limited in the types of services they can provide, and likely it would be necessary to employ more than one district to provide all services needed by the development.

Other public entities, such as cities, are also capable of providing services, however, their costs in connection with the new services and infrastructure required by the new development and, transaction costs, would be borne by all taxpayers, unduly burdening existing taxpayers. Additionally, other public

entities providing services would also be inconsistent with the State's policy of "growth paying for growth".

Lastly, services and improvements could be provided by private entities. However, their interests are primarily to earn short-term profits and there is no public accountability. The marginal benefits of tax-exempt financing utilizing CDDs would cause the CDD to utilize its lower transactional costs to enhance the quality of infrastructure and services.

In considering transactional costs of CDDs, it shall be noted that occupants of the lands to be included within the District will receive three major classes of benefits.

First, those residents in the District will receive a higher level of public services which in most instances will be sustained over longer periods of time than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the public services will be completed concurrently with development of lands within the development. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of local governance which is specifically established to provide District landowners with planning, construction, implementation and short and long-term maintenance of public infrastructure at sustained levels of service.

The cost impact on the ultimate landowners in the development is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above, if applicable, what the landowners would have paid to install infrastructure via an alternative financing mechanism.

Consequently, a CDD provides property owners with the option of having higher levels of facilities and services financed through self-imposed revenue. The District is an alternative means to manage necessary development of infrastructure and services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of various public and private sources.

6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

There will be little impact on small businesses because of the establishment of the District. If anything, the impact may be positive because the District must competitively bid all of its contracts and competitively negotiate all of its contracts with consultants over statutory thresholds. This affords small businesses the opportunity to bid on District work.

City of Greenacres has a population of 43,990 according to the Census 2020 conducted by the United States Census Bureau and is therefore not defined as a "small" City according to Section 120.52, F.S.

7.0 Any additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially

as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner's Engineer and other professionals associated with the Petitioner.

In relation to the question of whether the proposed Blossom Trail Community Development District is the best possible alternative to provide public facilities and services to the project, there are several additional factors which bear importance. As an alternative to an independent district, the City could establish a dependent district for the area or establish an MSBU or MSTU. Either of these alternatives could finance the improvements contemplated in Tables 1 and 2 in a fashion similar to the proposed District.

There are a number of reasons why a dependent district is not the best alternative for providing public facilities and services to the Blossom Trail development. First, unlike a CDD, this alternative would require the City to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be directly and wholly attributed to the land directly benefiting from them, as the case would be with a CDD. Administering a project of the size and complexity of the development program anticipated for the Blossom Trail development is a significant and expensive undertaking.

Second, a CDD is preferable from a government accountability perspective. With a CDD, residents and landowners in the District would have a focused unit of government ultimately under their direct control. The CDD can then be more responsive to resident needs without disrupting other City responsibilities. By contrast, if the City were to establish and administer a dependent Special District, then the residents and landowners of the Blossom Trail development would take their grievances and desires to the City Commission meetings.

Third, any debt of an independent CDD is strictly that District's responsibility. While it may be technically true that the debt of a City-established, dependent Special District is not strictly the City's responsibility, any financial problems that a dependent Special District may have may reflect on the City. This will not be the case if a CDD is established.

Another alternative to a CDD would be for a Property Owners' Association (POA) to provide the infrastructure as well as operations and maintenance of public facilities and services. A CDD is superior to a POA for a variety of reasons. First, unlike a POA, a CDD can obtain low cost funds from the municipal capital market. Second, as a government entity a CDD can impose and collect its assessments along with other property taxes on the County's real estate tax bill. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Third, the proposed District is a unit of local government. This provides a higher level of transparency, oversight and accountability and the CDD has the ability to enter into interlocal agreements with other units of government.

8.0 A description of any regulatory alternatives submitted under section 120.541(1)(a), F.S., and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.

No written proposal, statement adopting an alternative or statement of the reasons for rejecting an alternative have been submitted.

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to establish the Blossom Trail Community Development District.

APPENDIX A LIST OF REPORTING REQUIREMENTS

22222	FL. STATUE	
REPORT	CITATION	DATE
Annual		
Financial Audit	190.008/218.39	9 months after end of Fiscal Year
Annual		
Financial		45 days after the completion of the Annual Financial Audit but
Report	190.008/218.32	no more than 9 months after end of Fiscal Year
TRIM		
Compliance		no later than 30 days following the adoption of the property
Report	200.068	tax levy ordinance/resolution (if levying property taxes)
Form 1 - Statement of		within 30 days of accepting the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year
Financial	110 2145	thereafter by 7/1 (by "local officers" elected to special district's
Interest	112.3145	board)
Public Facilities Report	189.08	within one year of special district's creation; then annual notice of any changes; and updated report every 7 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings		
Schedule	189.015	quarterly, semiannually, or annually
Bond Report	218.38	when issued; within 120 days after delivery of bonds
Registered Agent	189.014	within 30 days after first meeting of governing board
Proposed	400000	
Budget	190.008	annually by June 15
Adopted	400.000	11 1 0 1 4
Budget	190.008	annually by October 1
Public		
Depositor	290.17	annually by November 30
Report	280.17	, ,
Notice of Establishment	190.0485	within 30 days after the effective date of an ordinance establishing the District
Notice of Public Financing	190.009	file disclosure documents in the property records of the City after financing

EXHIBIT 8

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jere Earlywine of KE Law Group, PLLC to act as agent for Petitioner, FORESTAR (USA) REAL ESTATE GROUP INC. with regard to any and all matters pertaining to the Petition to the City Council of the City of Greenacres, Florida, to Establish the Blossom Trail Community Development District pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, Section 190.156(1), Florida Statutes. This authorization shall remain in effect until revoked in writing.

	FORESTAR (USA) REAL ESTATE GROUP INC.
Witnessed:	PETITIONER
Print Name: Maria Canpora /e Print Name: Redro Maduscer	By: Tong Switten Its: Wing Cars: Own
COUNTY OF BROWNED	
online notarization, this $\underline{\mathcal{H}}$ day of \underline{Juse}	pefore me by means of physical presence or, 2022, by
	ento de la companya dela companya
Notary Pub	llic, State of Florida
y or Notal Reb	ry Public State of Florida ecca Zuluaga-Cortes Commission GG 987625 res 05/12/2024

TORCIVIA, DONLON, GODDEAU & RUBIN, P.A.

701 Northpoint Parkway, Suite 209 West Palm Beach, Florida 33407-1950 561-686-8700 Telephone / 561-686-8764 Facsimile www.torcivialaw.com

Glen J. Torcivia Lara Donlon Christy L. Goddeau* Leonard G. Rubin* Jennifer H.R. Hunecke Susan M. Garrett Elizabeth V. Lenihan* Denise A. Mutamba Aleksandr Boksner

*FLORIDA BAR BOARD CERTIFIED CITY COUNTY AND LOCAL GOVERNMENT ATTORNEY

June 9, 2022

Mayor Joel Flores and Councilmembers City of Greenacres 5800 Melaleuca Lane Greenacres, FL 33463

Re: Campaign-Free Zone

Dear Mayor and Councilmembers:

This letter is in response to the Council's desire to discuss the regulation of political campaigning in Council Chambers. The following is an overview of when, where and how a municipality may restrict First Amendment rights in various public areas and when and where a "campaign-free zone" may be established.

The United States Supreme Court has employed "forum" analysis to determine when a governmental entity, in regulating property in its charge, may place limitations on speech. Christian Legal Soc'y Chapter of the Univ. of Cal. V. Martinez, 561 U.S. 661 (2010). The Supreme Court identified three such fora: the "traditional public forum" (public streets, sidewalks, parks, etc.); the "nonpublic forum" (public property which is not by tradition or designation a forum for public communication); and the "limited public forum" (property which the state [or a municipality] has opened for use by the public as a place for expressive activities). United Faculty of Florida v. Florida Bd. of Regents, 585 So. 2d 991, 997 (Fla. 1st DCA 1991), citing Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103 S.Ct. 948, 74 L.Ed.2d 794 (1983). Meetings of local governing bodies have been found to be a limited public forum. See Cleveland v. City of Cocoa Beach, 221 Fed. Appx. 875 (11th Cir. 2007).

In limited public forums, the government may limit its use to the discussion of certain subjects or to speech by certain speakers, and any restrictions on access to a limited public forum must be reasonable and viewpoint neutral. *Christian Legal Soc. Chapter of the University of California, Hastings College of Law v. Martinez*, 130 S. Ct. 2971, 2984-2985 (2010). The case of *Cleveland*

v. City of Cocoa Beach, Florida, 221 Fed. Appx. 875 (C.A. 11 (Fla.) 2007) provides guidance on this issue. In Cleveland, an audience member at a city council meeting brought a civil rights action against the city, its former mayor, and the city attorney alleging that his First Amendment rights were violated when the mayor told him he could not wear a T-shirt at a city council meeting that contained a political message regarding an ongoing local mayoral race. See Cleveland v. City of Cocoa Beach, Florida, 221 Fed. Appx. 875 (C.A. 11 (Fla.)). The United States District Court for the Middle District of Florida granted summary judgment in favor of the city and the plaintiff appealed to the 11th Circuit United States Court of Appeals.

The Court of Appeals held that "it was reasonable for the City to establish a campaign-free zone for the purpose of limiting political influence on its employees and conducting orderly and efficient meetings." See *Id.* at 879. The court found that there is a significant governmental interest in conducting orderly, efficient meetings of public bodies. See *Id.* The court found that the "...forum was not open for the purpose of campaigning. 'As a limited public forum, a city council meeting is not open for endless public commentary speech but instead is simply a limited platform to discuss the topic at hand." See *Id.* The court pointed out that the "City Commission meetings serve the purpose of conducting the city business and are not for the purpose of providing a venue to express political election views." See *Id.* at 880. Therefore, in a limited public forum, there may be content-based restrictions (i.e., no campaigning) as long as the restrictions are reasonable, "given the limited forum's purpose" but the restrictions may not be used to discriminate against a particular viewpoint. See *Id.* at 878-879.

Further, the City has limited public comments during meetings to only the following subject matters: agenda items (required pursuant to section 286.0114, Florida Statutes) and City policy issues (see Council Policy No. 7, at paragraph 4). Based upon these limitations and the holding in *Cleveland*, the City may establish a campaign-free zone, in the City Council Chambers, during its Council meetings. The campaign-free zone must be applied across the board and not discriminate against a particular candidate or issue.

For your review and discussion, we have attached a draft resolution for the City's campaign-free zone. Should you have any questions regarding the above, please feel free to contact me.

Sincerely.

GLEN J. TORCIVIA, ESQ.

GJT/jhrh Encl.

cc: Andrea McCue, City Manager Quintella Moorer, CMC, City Clerk

RESOLUTION NO. 2022-

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, ADOPTING A POLICY ESTABLISHING CITY COUNCIL MEETINGS AS A CAMPAIGN-FREE ZONE; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Council meetings are not open for endless public commentary speech but instead are a limited platform to discuss City business; and

WHEREAS, section 286.0114, Florida Statutes, requires the City to provide an opportunity for public comment on agenda items, and Council Policy No. 7 limits public discussion on non-agenda items to City policies only; and

WHEREAS, based upon such statutory requirement, Council policy, and applicable Florida caselaw (including, but not limited to, *Cleveland v. City of Cocoa Beach, Florida*, 221 F.App'x 875 (Fla. 11th Cir. 2007)), the Council's meetings are a limited public forum, and the Council may limit the use of such meetings to the discussion of certain subjects as long as such restrictions are reasonable and viewpoint neutral; and

WHEREAS, the City Council finds that it is of the utmost importance to limit political influence on City employees and to conduct orderly and efficient Council meetings; and

WHEREAS, the Council deems it advisable to adopt a "campaign-free zone" policy during Council meetings; and

WHEREAS, the Council finds that such policy is reasonable and viewpoint neutral and that it serves a public purpose and is in the best interests of the City.

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

<u>Section 1.</u> The foregoing recitals contained in the preamble to this Resolution are incorporated herein by this reference.

<u>Section 2.</u> The City Council of the City of Greenacres hereby adopts the following policy to establish a "campaign-free zone" during council meetings:

Campaign-Free Zone. It is of the utmost importance to limit political influence on City employees and to conduct orderly and efficient council meetings. Therefore, all City council meetings shall be considered "campaign-free zones". The following are prohibited during council meetings: (a) the wearing, carrying, and/or displaying of political campaign materials and/or political campaign attire; (b) the distribution of political campaign materials; (c) public comments related to political campaigns (except that, if a political referendum or ballot question is discussed by the council, public comment on said political referendum or ballot question may be permitted). Public comments relating to political campaigns are defined as public comments related to a candidate for office, referendum, or ballot question in an upcoming election. Individuals violating the campaign-free zone rules during council meetings shall be asked to cease the prohibited activity. Failure to cease the prohibited activity after request shall result in removal of the individual from the council meeting.

<u>Section 3.</u> Severability. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

<u>Section 4.</u> Conflicts. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 5. Effective Date. This resolution shall be effective upon its adoption.

RESOLVED AND ADOPTED this _	of day of <u>,</u> 20	022.
	A contraction of cont	
	### A PART	
	Control Contro	on.
Joel Flores , Mayor	John Tharp, Deputy Mayor	
Attest:		
	Topped print the control of the cont	
Quintella Moorer, City Clerk	Peter Noble, Council Member, Distr	ict II
	The control of the co	
	Noted:	
	Judith Dugo, Council Member, <i>Dist</i> i	rict
	The state of the s	
**Commonition	Susy Diaz, Council Member, District	t IV
	Voted:	
	Paula Bousquet, Council Member, <i>District V</i>	
Approved as to Form and Legal Su	fficiency:	
	_	
Glen J. Torcivia, City Attorney		



ITEM SUMMARY

MEETING DATE: July 18, 2022

FROM: Andrea McCue, City Manager, Administration

SUBJECT: Limited Income Senior Citizen Exemption

BACKGROUND

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

ANALYSIS

Staff was directed to research the program to discuss with the Mayor and Council. The income limit for the 2022 exemption is \$32,561. There are currently 533 properties in the City that qualify for this exemption. The following municipalities participate in the program:

<u>\$5,000</u> <u>\$25,000</u> <u>\$50,000</u>

Village of Palm Beach County Town of Haverhill

Royal Palm Beach City of Boynton Beach Town of Loxahatchee Groves
City of Lake Worth Beach Village of Wellington

Town of Lantana

City of Palm Beach Gardens

Village of Palm Springs

Town of Jupiter

The financial impact to the City based on the three exemption categories is:

\$5,000 - \$17,056

\$25,000 - \$85,280

\$50,000 - \$170,560.

FINANCIAL INFORMATION

Financial impact would be determined by exemption level selected by the Council.

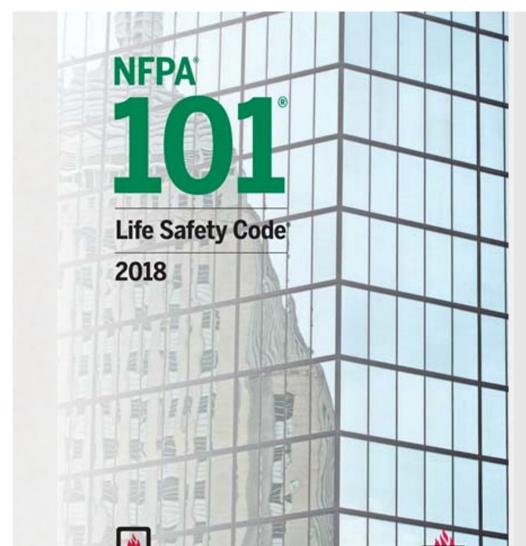
LEGAL

City Attorney has reviewed for legal sufficiency and compliance.

STAFF RECOMMENDATION

Should the Council wish to adopt this program it should be done prior to October 1, 2022

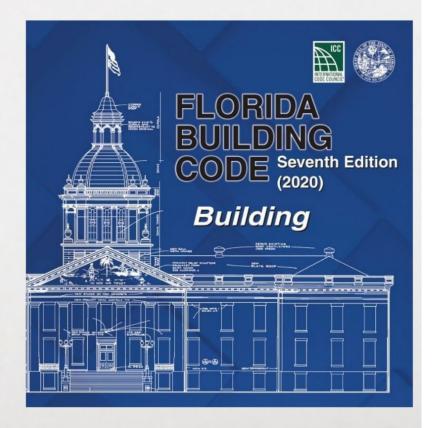




7.5.2.3. Hurricane Protection Devices. The temporary installation or closure of storm shutters, panels, and other approved hurricane protection devices shall be permitted on emergency escape and rescue openings in residential occupancies during the threat of a storm. Such devices shall not be required to comply with the operational constraints of 7.2.1.5. While such protection is provided, at least one means of escape from each occupied unit shall be within the first floor of the unit and shall not be located within a garage.

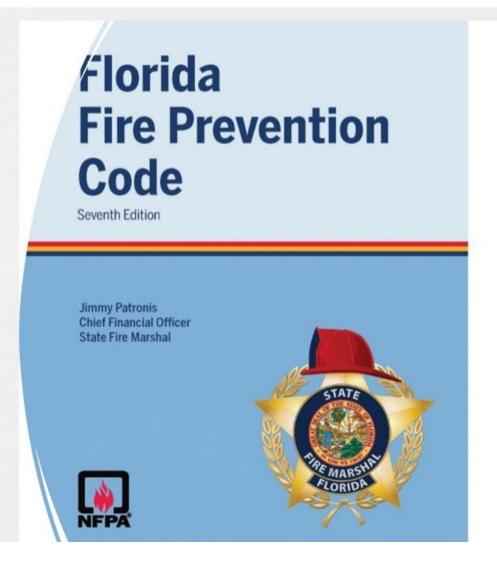
2. Page 228

1010.1.4.6 Protection Devices for emergency escape and rescue openings. The temporary installation or closure of storm shutters, panels, and other approved hurricane protection devices shall be permitted on emergency escape and rescue openings and egress doors in group R occupancies during the treat of a storm. Such devices shall not be required to comply with the operational constraints of section 1030.4 or 1010.1.9. While such protection is provided, at least one means of escape from dwelling or dwelling unit shall be provided. The means of escape shall be within the first floor of the dwelling or dwelling unit and shall not be located within a garage without a side-hinged.



3. Page 229

on or closure s, and other tection devices nergency ings in during the devices shall ly with the of 7.2.1.5. provided, at pe from each ithin the first II not be



NFPA-1 sect Code is to p necessary to and life safe hazards crea dangerous (NFPA-101 Se The Code ac protection, a minimize da including sn during a fire NFPA-101 se octablishes

NFPA-1 section 1.2* Purpose. The purpose of this Code is to prescribe minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous conditions NFPA-101 Section 1.1.2 Danger to Life from Fire. The Code addresses those construction.

5.

nazards created by fire, explosion, and dangerous conditions

NFPA-101 Section 1.1.2 Danger to Life from Fire. The Code addresses those construction, protection, and occupancy features necessary to minimize danger to life from the effects of fire, including smoke, heat, and toxic gases created during a fire.

NFPA-101 section 1.1.3 Egress Facilities. The Code establishes minimum criteria for the design of

including smoke, heat, and toxic gases created during a fire.

NFPA-101 section 1.1.3 Egress Facilities. The Code establishes minimum criteria for the design of egress facilities to allow prompt escape of occupants from buildings or, where desirable, into safe areas within buildings.

NFPA-101 Section 1.1.4 Other Fire-Related Considerations. The Code addresses other

7. Page 233

ode

n pied n of tual

thin

NFPA-101 Section 1.1.4 Other Fire-Related Considerations. The Code addresses other considerations that are essential to life safety in recognition of the fact that life safety is more than a matter of egress. The Code also addresses protective features and systems, building services, operating features, maintenance activities, and other provisions in recognition of the fact that achieving an acceptable degree of life safety depends on additional safeguards to provide adequate egress time or protection for people exposed to fire.

reproduced with permission. This material is not affiliated with nor has it been reviewed or approved by the NFPA

2019 Greenacres Property Maintenance Code

304.13.3 Shutters and Impact Protection

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

Item # 17.

reco

thar

pro

serv

acti

the

life

pro



11. Page 237

https:// www.youtube.com/ watch?v=v6CFt74ktBw

12. Page 238

- Eliminates secondary means of egress for occupants.
- Increases potential for Flashover and Backdraft conditions.
- Limits visibility for Firefighters and building occupants.
- Increase in firefighter injuries during fire suppression.
- Difficult for firefighters to determine if the structure is occupied.

https://www.clickorlando.com/ news/2014/06/07/hurricane-shutters-putresidents-at-risk-when-fire-strikes/

14. Page 240



Department Report

MEETING DATE: July 18, 2022

FROM: Michele Thompson, Director, Community & Recreation Services

SUBJECT: Community & Recreation Services Dept. May & June Report

ADMINISTRATION

PERFORMANCE MEASUREMENT	THIS PERIOD	FY2022 TO DATE	FY 2022 BUDGET
No. of Contracts Executed	0	0	2
No. of Collaborative Partnerships	3	15	22
No. of Vendor/Independent Contractor Agreements	3	28	18
No. of Educational Scholarship Applications	14	19	14
No. of Community Events Coordinated	1	4	8
No. of Event Participants	101	13,101	28,000
No. of Little Free Libraries (LFL)*/Story Walk	0	24/2	30/2
No. of Business Sponsorships	2	24	17

FACILITY RENTALS

,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
FACILITY RENTALS	THIS PERIOD	FY2022 TO DATE	FY 2022 BUDGET
Fields/Concession Stands	120	770	550
Pavilions	91	339	350
Center Facility	156 ¹	607 ¹	1,100
Monthly Center Attendance	7,105	29,068	N/A

¹ 117 Additional Free Rentals: **79** Gym -YP/Tai Chi/BB Mayor, **9** Banquet Room -Conversation Series/PBSO/Fire Marshall Assoc., DDD, Village Palm Springs, LFL, Cops Helping Kids, **2** Room 1 - PBSD ESE, PW Training, **24** Room 3 -Senior Social, **3** Room 4 -Fire Rescue FTO/AARP, DDD.

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

1 122 EVENTS & SI ONSONSTIII S				
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., Sunshine Health, and BlueMed	\$14,828	5,500	
Fiesta de Pueblo (1/8/22) March 5 th	Co-Sponsored w/ FdP, Inc.	\$2,268		
Artzy Eve. at City Hall (1/22/22)	Cancelled	\$3,527		
Daddy Daughter Dance (6/4/22)	The Glasser Family	\$3,560	101	
Egg'stravaganza (4/16/22)	Waste Management; Nissan; Dedicated Sr. Med. Ctr.; Lily V. State Farm; The Glasser family; Ed's & Tapatia	\$13,655	5,000	
Rock-n-Roll Sunday	Cancelled	\$1,598		
Ignite the Night (7/4/22)	Waste Management; Nissan Dedicated Sr. Medical Ctr.	\$39,165		
Back2School Supply Distribution (July)	Sunshine Health; Humana	\$6,200		



Department Report

MEETING DATE: July 18, 2022

FROM: Kara L. Irwin-Ferris, Director of Development & Neighborhood Services

SUBJECT: May 1, 2022 through May 31, 2022

Development & Neighborhood Services

Planning & Engineering

NEW CASES

ZTA-22-09

A City-initiated request for a text amendment to amend the Sign regulations.

ZTA-22-10

A City-initiated request for a text amendment to add right of way permits.

ZTA-22-11

A City-initiated request for a text amendment to add Outdoor sales regulations.

ZTA-22-12

A City-initiated request for a text amendment modify Tree Removal regulations

ZTA-22-13

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

ZTA-22-14

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

ZTA-22-15

A City-initiated request for a text amendment to add Engineering Permits.

ZTA-22-16

A City-initiated request for a text amendment to modify business tax receipt and fees.

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.

CURRENT PLANNING CASES

ALFA-G Arcade

A request by the owner for a request for a special exception (SE-21-01) to allow an indoor amusement in a commercial zoning district. The site is located at 3757 S.

Military Trail. (Item was tabled until appropriate permits are filed) (On May 6, 2022 application was administratively withdrawn)

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.

Bethesda Tabernacle

A request by the owner for a request for a site and development plan approval (SP-99-04B) to modify the previously approved site plan and a special exception (SE-21-02) to for a house of worship and develop a 16,459 square foot House of Worship use and accessory uses at 4901 Lake Worth Road. (Resubmittal received on April 28, 2022 and is under staff review.)

Church of God 7th Day of Palm Beach

A request by the applicant for a site plan amendment (SP-08-01C) to change the metal roof to asphalt shingle due to cost constraints. The site is located at 3535 S. Jog Road. (Scheduled for the DRC meetings April 14 and April 21, 2022. (Scheduled for City Council on May 2, 2022 The City Council postponed until applicant is ready for certificate of occupancy.

Chick Fil A Greenacres

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

ISBA-2020 Northeast Corner of S Jog and Lake Worth Road

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.

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. (DRC comments sent to applicant on February 25, 2022. On March 25, 2022 resubmittal received and reviewed. Resubmittal received on May 25, 2022 under staff review.

SITE PLAN AMENDMENTS

Tire Kingdom @ Woodlake Plaza

A request by the owner for a class I site plan amendment (PCD-84-02CC) for exterior elevations. The site is located at 5901 Lake Worth Road. (Comments sent on February 17, 2022. 30 day inactivity notice sent on March 28, 2022. Awaiting receipt of resubmittal) (On April 27, 2022 application was administratively withdrawn.)

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-21-05 MXD-O

A request by the Planning & Engineering Department for a zoning text amendment to modify MXD-O. (Scheduled for City Council on May 2, 2022)

ZTA-21-07 Art in Public Places

A City-initiated request to add regulations for the creation of a program providing for the placement of art in public spaces within the City. (Scheduled for first reading at the City Council on May 16, 2022)

ZTA-22-05

A City-initiated request for a text amendment to add Adult Entertainment to zoning districts. (Staff review)

ZTA-22-07

A City-initiated request for a text amendment to amend the final and preliminary plat procedures. (Staff review)

ZTA-22-08

City-initiated zoning text amendment to require all fees owed the City to be paid prior to issuance of a Business Tax Receipt. (Scheduled for DRC review on May 12 and May 19, 2022)

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 inspecations are approximately 70% completed.

COMMERCIAL PERMITS

Braman Honda

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

Church of God 7th Day (3535 S Jog Road)

The building permit and engineering permit are both issued for the development. Stop work order was issued by Building Official on September 28, 2018. Subsequent meetings have been held with Building Official and Consultant Engineer. The Building Official has re-issued the permits to the contractor. The construction is moving forward.

Palm Beach Christian Academy

Revision to building permit received on November 1, 2021 comments sent to applicant on November 17, 2021, waiting on outside agency permits and resubmittal to address City's engineer comments.

CAPITAL IMPROVEMENTS

Original Section Drainage Improvement - Phase 8

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

Dillman Trail

Preconstruction meeting held on May 31, 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	9	14	
Variances	0	0	4	
Zoning Text Amendments	2	7	3	

Inspection Type	Current Period	FY 2021 to Date	FY 2021 Budget
Landscaping	5	37	130
Zoning	2	22	121
Engineering	12	81	100

Building Division

1) ADMINISTRATION:

- a) Researched and completed ninety-six (96) lien searches providing open and/or expired permit information.
- b) Researched and completed fify-nine (59) records request for historical permits.

2) PERMITS/INSPECTIONS:

PERMITS/INSPECTIONS	DURING THIS PERIOD	FYTD 2021
New Applications Received / Permits Created	321	2,567
Applications Approved	94	555
Applications Canceled	5	24

Applications Denied	1	52
Applications Reopened	6	28
Permits Issued	329	2,457
Permits Completed	222	1,879
Permits Canceled	17	77
Permits Reopened	31	183
Permits Expired	21	42
Inspections Performed	519	4,790
Construction Value of Permits Issued	\$6,023,337.56	\$31,264,800.01
Construction Reinspection Fees	\$600.00	\$4,000
CO's Issued	1	13
CC's Issued	0	11
Temporary CO's Issued	0	0

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

ACTION	DURING THIS PERIOD	FYTD 2021
BTR Inspections Performed	47	193

(see attached licensing reports)

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

PROJECT	ADDRESS	SIZE	DESCRIPTION	PERMIT#
Palm Beach Christian Academy	5208 S Haverhill Rd	4,250	Construct two new classroom buildings & one bathroom building	2021-3230
ABCE Restaurant	3034 S Jog Rd	1,400	Interior Renovation	2021-1302

Sylvan Learning Center	6153 Lake Worth Rd	360	Interior Renovation – New Offices	2022-2507

5) PROJECTS IN PROGRESS - PRINCIPAL REMODELING/RENOVATION:

PROJECT	ADDRESS	SIZE	DESCRIPTION	PERMIT#
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 sq.ft.	Interior Remodel – Add Coin Laundry to Convenience Store	2021-1191
Ministries in Bethel	3950 S 57 th Ave	6,939 sq.ft.	House of Workship	2021-0365
Greenacres Plaza Landlord Improvements	3953 S Jog Rd		Interior Remodel – Subdivide one bay into three.	2021-2600
Greenacres Plaza Landlord Improvements	3951 S Jog Rd		Interior Remodel – Subdivide one bay into three.	2021-2599
Greenacres Plaza Landlord Improvements	3949 S Jog Rd		Interior Remodel – Subdivide one bay into three.	2021-2598
Target	5900 Lake Worth Rd	1,394	Remove Café/Snack Bar & Convert to Online Pick-Up Storage Area	2021-0756
Supertech Communications (Waiting for a Contractor)	5305 Lake Worth Rd	800	Interior Remodel	2021-1498
Isabel Barber Salon	3820 S Jog Rd	1,040	Remodel Add Mani/Pedi Stations New Salon	2020-2742
Mission of Grace	6200 Lake Worth Rd	3690 sq. ft.	Convert former Restaurant to House of Workship 2020-20	
Mission of Grace	6200 Lake Worth Rd		Interior Demo of Former 2020-17 Steak N Shake	
Church of God 7 th Day	3535 S Jog Rd	11,500 sq. ft.	New Church	2016-2382

6) PROJECTS IN PROGRESS - PRINCIPAL NEW CONSTRUCTION:

PROJECT	ADDRESS/LOCATION	UNITS OR SQ. FT. APPROVED	UNITS C.O.'D	
Ranchette Townhomes	1093 Ranchette Rd / Common Area	74 T/H	0	
Catalina Estates	4500 Catalina Way / Common Area	20 S/F	0	
Original Section	249 Martin Ave	1,797 sq. ft.	New Single Family	
Original Section	349 Jackson Ave	1,951 sq. ft.	New Single Family	
Original Section	461 Swain Blvd	1,761 sq. ft	New Single Family	
Original Section	457 Swain Blvd	1,761 sq. ft.	New Single Family	
Original Section	453 Swain Blvd	1,761 sq. ft.	New Single Family	
Original Section	310 Jennings Ave	1,696 sq. ft.	New Single Family	
Original Section	346 Perry Ave	1,761 sq. ft.	New Single Family	
Original Section	3119 Martin Ave	1,664 sq. ft.	New Single Family	
Original Section	3129 Martin Ave	1,664 sq. ft.	New Single Family	
Colonial Estates	New Mobile Homes	25	0	

Code Enforcement Division

CODE ENFORCEMENT	DURING THIS PERIOD	FYTD 2021	
Inspections Related to Active Code Cases	221	3919	
New Cases Started	75	1011	
New Cases Started		1214	
Cases Complied	75	941	
Current Open Cases	267	2382	
Notices Sent	216	3660	
Illegal Signs Removed from right-of-ways	219	3770	
Inspections Not Related to Active Code Cases	221	2166	
Complaints Received and Investigated	26	484	
Warning Tickets	372	1964	





Activity Date Range 05/01/22 - 05/31/22 Summary Listing

		Application	Application	Application	New License	License	License	License
License Type	Category	Received	Denied	Approved	Issued	Renewed	Revoked	Canceled
Cont Office - Contractor Office	Business	1	0	0	1	1	0	0
Contractor Reg - Contractor Registration	Business	41	0	0	37	16	0	0
Exemptions - Exemptions / Non-Profit	Business	0	0	0	2	0	0	0
Food Service - Food Service / Bar / Lounge	Business	2	0	0	0	9	0	0
General Retail - General Retail	Business	6	0	0	5	5	0	0
General Service - General Service	Business	16	0	0	20	19	0	0
General Svc Reg - General Service Registration	Business	2	0	0	2	3	0	0
Home - Home Based Business	Business	7	0	0	7	36	0	0
Insurance Co - Insurance Sales Company	Business	0	0	0	0	1	0	0
Professional - Professional	Business	6	0	0	11	14	0	0
Rental Office - Rental Office	Business	0	0	0	0	2	0	0
Rental Unit - Rental Unit	Business	17	0	0	27	763	0	0
Storage/WH Units - Storage / Warehouse Units	Business	1	0	0	0	0	0	0
	Grand Totals	99	0	0	112	869	0	0

CITY OF GREENACRES

Licensing Revenue Summary Report

Licensing Revenue Summary Report - Summary From Date: 05/01/2022 - To Date: 05/31/2022

Charge Code	No. of Billing Transactions	No. of Adjustment Transactions	Billed Amount	Adjustments	Net Billed
License Type: Food Service-Food Service / Bar / Lour	nge				
Food-Food Service	4	0	\$364.66	\$0.00	\$364.66
Food Per Seat-Food Per Seat	5	0	\$1,594.18	\$0.00	\$1,594.18
Com Inspection-Commercial Inspection	3	0	\$207.00	\$0.00	\$207.00
Transfer-Transfer	1	0	\$25.00	\$0.00	\$25.00
Collection Fee-Collection Fee	2	0	\$50.00	\$0.00	\$50.00
Delinquent > 150-Delinquent Over 150 Days	2	0	\$200.00	\$0.00	\$200.00
License Type Food Service-Food Service / Bar / Lounge Totals	17	0	\$2,440.84	\$0.00	\$2,440.84
License Type: General Retail-General Retail					
General Retail-General Retail Sq Feet	6	0	\$698.04	\$0.00	\$698.04
Com Inspection-Commercial Inspection	5	0	\$345.00	\$0.00	\$345.00
License Type General Retail-General Retail Totals	11	0	\$1,043.04	\$0.00	\$1,043.04
License Type: General Service-General Service					
General Service-General Service	13	1	\$774.89	(\$55.35)	\$719.54
Com Inspection-Commercial Inspection	14	1	\$966.00	(\$69.00)	\$897.00
Transfer-Transfer	4	0	\$44.28	\$0.00	\$44.28
Collection Fee-Collection Fee	1	0	\$25.00	\$0.00	\$25.00
Delinquent > 150-Delinquent Over 150 Days	1	0	\$100.00	\$0.00	\$100.00
License Type General Service-General Service Totals	33	2	\$1,910.17	(\$124.35)	\$1,785.82
License Type: General Svc Reg-General Service Reg	istration				
General Svc Reg-General Service Registration	3	0	\$75.00	\$0.00	\$75.00
License Type General Svc Reg-General Service Registration Totals	3	0	\$75.00	\$0.00	\$75.00
License Type: Home-Home Based Business					
Home-Home Based Business	10	0	\$472.85	\$0.00	\$472.85
Collection Fee-Collection Fee	3	0	\$75.00	\$0.00	\$75.00
Delinquent >150-Delinquent Over 150 Days	3	0	\$300.00	\$0.00	\$300.00

Pages: 1 of 2

CITY OF GREENACRES

Licensing Revenue Summary Report

Licensing Revenue Summary Report - Summary From Date: 05/01/2022 - To Date: 05/31/2022

Charge Code	No. of Billing Transactions	No. of Adjustment Transactions	Billed Amount	Adjustments	Net Billed
License Type Home-Home Based Business Totals	16	0	\$847.85	\$0.00	\$847.85
License Type: Professional-Professional					
Professional-Professional	1	0	\$58.11	\$0.00	\$58.11
Cosmetology-Cosmetology / Barber	3	0	\$58.02	\$0.00	\$58.02
Com Inspection-Commercial Inspection	1	0	\$69.00	\$0.00	\$69.00
Transfer-Transfer	1	0	\$11.62	\$0.00	\$11.62
License Type Professional-Professional Totals	6	0	\$196.75	\$0.00	\$196.75
License Type: Rental Unit-Rental Unit					
Rental Unit-Rental Unit	93	3	\$3,341.89	(\$116.04)	\$3,225.85
Rental Insp-Rental Inspection	17	0	\$850.00	\$0.00	\$850.00
Collection Fee-Collection Fee	3	1	\$75.00	(\$25.00)	\$50.00
Delinquent >150-Delinquent Over 150 Days	3	1	\$300.00	(\$100.00)	\$200.00
NSF-NSF	2	0	\$40.00	\$0.00	\$40.00
License Type Rental Unit-Rental Unit Totals	118	5	\$4,606.89	(\$241.04)	\$4,365.85
License Type: Storage/WH Units-Storage / Warehouse	e Units				
Storage/WH Units-Storage / Warehouse Units	1	0	\$41.35	\$0.00	\$41.35
Com Inspection-Commercial Inspection	1	0	\$69.00	\$0.00	\$69.00
License Type Storage/WH Units-Storage / Warehouse Units Totals	2	0	\$110.35	\$0.00	\$110.35

Pages: 2 of 2



MEETING DATE: July 18, 2022

FROM: Kara L. Irwin-Ferris, Director of Development & Neighborhood Services

SUBJECT: June 1, 2022 through June 30, 2022

Development & Neighborhood Services

Planning & Engineering

NEW CASES

Interlocal Annexation 2022

Annexation (ANX-22-02) of sixteen enclaves located on Chickasaw and Wry Road into the City through an Interlocal Agreement with Palm Beach County.

3130 Perry Avenue

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

CURRENT PLANNING CASES

ANX-08-01

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

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

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

Bethesda Tabernacle

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

Church of God 7th Day of Palm Beach

A request by the applicant for a site plan amendment (SP-08-01C) to change the metal roof to asphalt shingle due to cost constraints. The site is located at 3535 S. Jog Road. (Scheduled for the DRC meetings April 14 and April 21, 2022. (Scheduled for City Council on May 2, 2022 The City Council postponed until applicant is ready for certificate of occupancy.

Chick Fil A Greenacres

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

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

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

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. (DRC comments sent to applicant on February 25, 2022. On March 25, 2022 resubmittal received and reviewed. Resubmittal received on May 25, 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.

ZTA-21-02 Uses

A request by the Planning & Engineering Department for a zoning text amendment to reflect uses in all zoning districts.

ZTA-21-05 MXD-O

A request by the Planning & Engineering Department for a zoning text amendment to modify MXD-O. . (Staff review)

ZTA-22-05

A City-initiated request for a text amendment to add Adult Entertainment to zoning districts. (Staff review)

ZONING TEXT AMENDMENTS

ZTA-22-07

A City-initiated request for a text amendment to amend the final and preliminary plat procedures. (Staff review)

ZTA-22-08

City-initiated zoning text amendment to require all fees owed the City to be paid prior to issuance of a Business Tax Receipt. (Scheduled for DRC review on May 12 and May 19, 2022)

ZTA-22-09

A City-initiated request for a text amendment to amend the Sign regulations

ZTA-22-10

A City-initiated request for a text amendment to add right of way permits.

ZTA-22-11

A City-initiated request for a text amendment to add Outdoor sales regulations.

ZTA-22-12

A City-initiated request for a text amendment modify Tree Removal regulations

ZTA-22-13

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

ZTA-22-14

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

ZTA-22-15

A City-initiated request for a text amendment to add Engineering Permits.

ZTA-22-16

A City-initiated request for a text amendment to modify business tax receipt and fees.

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 inspecations are approximately 70% completed.

COMMERCIAL PERMITS

Braman Honda

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

Church of God 7th Day (3535 S Jog Road)

The building permit and engineering permit are both issued for the development. Stop work order was issued by Building Official on September 28, 2018. Subsequent meetings have been held with Building Official and Consultant Engineer. The Building Official has re-issued the permits to the contractor. The construction is moving forward.

Palm Beach Christian Academy

Revision to building permit received on November 1, 2021 comments sent to applicant on November 17, 2021, waiting on outside agency permits and resubmittal to address City's engineer comments.

CAPITAL IMPROVEMENTS

Original Section Drainage Improvement - Phase 8

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

Dillman Trail

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

FY 2022 Data:				
Case	Current Period	FY 2021 to Date	FY 2021 Budget	
Annexation	0	0	2	
Comprehensive Plan Amendment	0	4	5	
Zoning Changes	0	1	3	
Special Exceptions	0	1	5	
Site Plans	0	2	5	
Site Plan Amendments	0	9	14	
Variances	0	0	4	
Zoning Text Amendments	1	8	3	

Inspection Type	Current Period	FY 2021 to Date	FY 2021 Budget
Landscaping	8	45	130
Zoning	7	29	121
Engineering	6	86	100

Building Division

1) ADMINISTRATION:

- a) Researched and completed ninety-six (96) lien searches providing open and/or expired permit information.
- b) Researched and completed fify-nine (59) records request for historical permits.

2) PERMITS/INSPECTIONS:

PERMITS/INSPECTIONS	DURING THIS PERIOD	FYTD 2021
New Applications Received / Permits Created	321	2,567
Applications Approved	94	555
Applications Canceled	5	24
Applications Denied	1	52
Applications Reopened	6	28
Permits Issued	329	2,457
Permits Completed	222	1,879
Permits Canceled	17	77
Permits Reopened	31	183
Permits Expired	21	42
Inspections Performed	519	4,790

Construction Value of Permits Issued	\$6,023,337.56	\$31,264,800.01
Construction Reinspection Fees	\$600.00	\$4,000
CO's Issued	1	13
CC's Issued	0	11
Temporary CO's Issued	0	0

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

ACTION	DURING THIS PERIOD	FYTD 2021
BTR Inspections Performed	47	193

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

PROJECT	ADDRESS	SIZE	DESCRIPTION	PERMIT#
Palm Beach Christian Academy	5208 S Haverhill Rd	4,250	Construct two new classroom buildings & one bathroom building	2021-3230
ABCE Restaurant	3034 S Jog Rd	1,400	Interior Renovation	2021-1302
Sylvan Learning Center	6153 Lake Worth Rd	360	Interior Renovation – New Offices	2022-2507

5) PROJECTS IN PROGRESS - PRINCIPAL REMODELING/RENOVATION:

PROJECT	ADDRESS	SIZE	DESCRIPTION	PERMIT#
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 sq.ft.	Interior Remodel – Add Coin Laundry to Convenience Store	2021-1191
Ministries in Bethel	3950 S 57 th Ave	6,939 sq.ft.	House of Workship	2021-0365
Greenacres Plaza Landlord Improvements	3953 S Jog Rd		Interior Remodel – Subdivide one bay into three.	2021-2600
Greenacres Plaza Landlord Improvements	3951 S Jog Rd		Interior Remodel – Subdivide one bay into three.	2021-2599
Greenacres Plaza Landlord Improvements	3949 S Jog Rd		Interior Remodel – Subdivide one bay into three.	2021-2598
Target	5900 Lake Worth Rd	1,394	Remove Café/Snack Bar & Convert to Online Pick-Up Storage Area	2021-0756
Supertech Communications (Waiting for a Contractor)	5305 Lake Worth Rd	800	Interior Remodel	2021-1498
Isabel Barber Salon	3820 S Jog Rd	1,040	Remodel Add Mani/Pedi Stations New Salon	2020-2742
Mission of Grace	6200 Lake Worth Rd	3690 sq. ft.	Convert former Restaurant to House of Workship	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 sq. ft.	New Church	2016-2382

6) PROJECTS IN PROGRESS – PRINCIPAL NEW CONSTRUCTION:

PROJECT	ADDRESS/LOCATION	UNITS OR SQ. FT. APPROVED	UNITS C.O.'D
Ranchette Townhomes	1093 Ranchette Rd / Common Area	74 T/H	0
Catalina Estates	4500 Catalina Way / Common Area	20 S/F	0
Original Section	249 Martin Ave	1,797 sq. ft.	New Single Family
Original Section	349 Jackson Ave	1,951 sq. ft.	New Single Family

Original Section	461 Swain Blvd	1,761 sq. ft	New Single Family
Original Section	457 Swain Blvd	1,761 sq. ft.	New Single Family
Original Section	453 Swain Blvd	1,761 sq. ft.	New Single Family
Original Section	310 Jennings Ave	1,696 sq. ft.	New Single Family
Original Section	346 Perry Ave	1,761 sq. ft.	New Single Family
Original Section	3119 Martin Ave	1,664 sq. ft.	New Single Family
Original Section	3129 Martin Ave	1,664 sq. ft.	New Single Family
Colonial Estates	New Mobile Homes	25	0

Code Enforcement Division

CODE ENFORCEMENT	DURING THIS PERIOD	FYTD 2021
Inspections Related to Active Code Cases	223	4142
New Cases Started	84	1298
Cases Complied	55	996
Current Open Cases	292	2674
Notices Sent	212	3872
Illegal Signs Removed from right-of-ways	202	3972
Inspections Not Related to Active Code Cases	180	2346
Complaints Received and Investigated	20	504
Warning Tickets	295	2259



MEETING DATE: July 18, 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 May 1 through June 30, 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 collect outstanding solid waste accounts; IT re-licensed the Utilities Management module in NWS.
- Continued to review and discuss x:/drive format and Laserfiche cleanup.
- Completed and distributed the Annual Comprehensive Financial Report for FY21.
- Continued department budget meetings with City Manager, including CIP revisions.
- Reassigned the Finance City vehicle to HR and updated corresponding department policies.
- Presented EMS deceased write-offs to Council.

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



MEETING DATE: July 12, 2022 **FROM:** Brian Fuller, Fire Chief

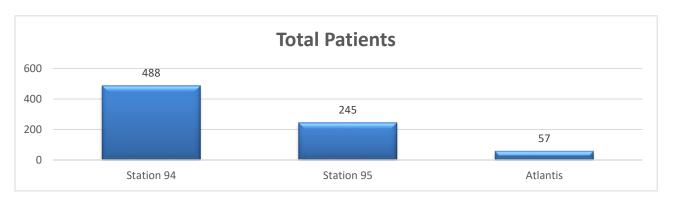
SUBJECT: Fire Rescue May-June Report

FR CALLS

CALLS	MONTHLY TOTALS
Total Alarms dispatched in May and June	1,031
Average alarms per day	18.41
Total calls this fiscal year	5,394

In May-June 2022, 733 patients were treated for Emergency Medical related services. Of those patients, 57 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 151. 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.



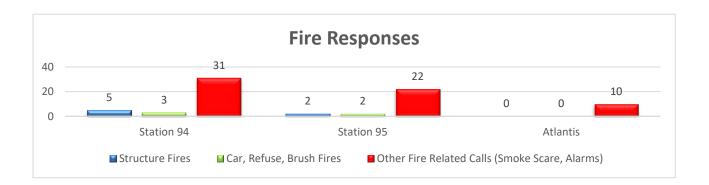
ALS/BLS

Fire Rescue transported 489 patients to a hospital or 67% of the patients we were called to treat. The majority of those (330) 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 53 calls for a fire or smoke related emergency. There were five (5) requiring an escalated response to a car, brush, or refuse fire; seven (7) were in a residential or commercial structure.



MUTUAL AID

Mutual aid is the sending or receiving of emergency resources (apparatus, personnel) to or from another entity or agency upon request. No community has sufficient resources to handle every emergency of all sizes. Therefore, neighboring agencies work together through a system called Mutual Aid. That system is designed to be limited to large events that tax the resources beyond the normal capabilities of the community.



FIRE MARSHAL

Fire Prevention and Protection focuses on protecting people and property from fire through fire safety inspections, fire plans review, fire cause and origin investigations, and public education. In addition, the Fire Marshal provides fire safety lectures, attends land development meetings, and testifies at code enforcement hearings.

Inspections	496
Plans Review	58
Dollar Loss due to fire	\$57,650.00



SPECIAL SERVICES

Blood Pressure Screenings	1
Presentations, Station Tours/Attendees	4/64
Persons Trained in CPR	17



MEETING DATE: July 18, 2022

FROM: Georges Bayard, Director, Information Technology

SUBJECT: Department of Information Technology – May-June Activity Report

DEPARTMENT HIGHLIGHTS

The following report provides the highlights of activity within the Information Technology Department for the reporting period from May 1 through June 30, 2022.

- a. Kicked off the major software implementation project to migrate the City's Permitting, Business Tax Receipt, Planning and Code Enforcement to Tyler Technologies' Enterprise Permitting & Licensing (EPL) cloud platform.
- b. Kicked off the project to implement a GPS and telematics monitoring system for all City vehicles.
- c. Deployed new Apple iPads with 5G mobile connectivity to the Development & Neighborhood Services Department, for improved communication with the County's online Hurricane Damage Assessment system.
- d. Ubiquiti network switch refresh project is in progress; 18 of the 20 new switches have been installed, and older desk-side switches are being replaced with mini switches from Ubiquiti, managed from the same interface as the infrastructure switches.
- e. Monthly KnowBe4 simulated phishing test results:
 - a. May Links clicked: 2; attachments opened: 0; replied: 0; Phish-prone users (vulnerable to phishing attacks): 1.4% (up from 0.7% in the previous month's campaign).
 - b. June Links clicked: 1; attachments opened: 0; replied: 0; Phish-prone users (vulnerable to phishing attacks): 0.7% (down from 1.4% in the previous month's campaign).

City personnel continues to exhibit secure online behavior by paying attention to the email messages they receive and not clicking on links or opening attachments indiscriminately.

SERVICE DESK REQUESTS

May 2022

DEPARTMENT	CURRENT PERIOD	FY 2022 YTD	FY 2022 BUDGET
Administration	6	123	-
Community & Recreation Svcs.	3	79	-
Development & Neighborhood Svcs.	7	149	-
Finance	5	145	-
Fire/Rescue	4	115	-
Information Technology	4	64	-
Public Works	9	105	-
Purchasing	0	45	-
Youth Programs	7	87	-
Total Service Desk Requests	45	912	350

June 2022

DEPARTMENT	CURRENT PERIOD	FY 2022 YTD	FY 2022 BUDGET
Administration	9	132	-
Community & Recreation Svcs.	2	81	-
Development & Neighborhood Svcs.	11	160	-
Finance	2	147	-
Fire/Rescue	3	118	-
Information Technology	3	67	-
Public Works	4	109	-
Purchasing	2	47	-
Youth Programs	2	89	-
Total Service Desk Requests	38	950	350



MEETING DATE: July 18, 2022

FROM: Captain Tristram Moore, PBSO District 16

SUBJECT: PBSO District 16 May Report

CAD CALLS

CAD CALLS	MONTHLY TOTALS
Business / Residence Checks (Self-Initiated)	1,858
Traffic Stops (Self-Initiated)	596
Calls for Service	2,226
All CAD Calls - Total	4,680
Total Calls for Service – FY 2022 (October 2021 – September 2022)	36,701

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 4,680 generated calls within the District and 52% of these calls were self-initiated.

TRAFFIC ACTIVITY

DISTRICT 16 PERSONNEL		
Total Citations	Total Warnings	
262	272	

Data Source: D16 Office Staff/Monthly Report

PBSO MOTORS UNIT		
Total Citations Total Warnings		
288	294	

Data Source: D16 Office Staff/Motor Unit Weekly Report

COMMUNITY POLICING EVENTS

- 05/19/22 Palm Beach State College Business Partnership Council Meeting
- 05/20/22 Diamond View Elementary Mental Health Week, Therapy Dogs Day
- 05/25/22 Liberty Park Elementary Ice Cream Social for perfect attendance (bicycle raffle)
- 05/27/22 Basketball with the Mayor at the Greenacres Community Center

STREET CRIMES UNIT

- The District 16 Street Crimes conducted a traffic stop on a vehicle and it was determined the vehicle was stolen. The driver was in possession of crack cocaine and had outstanding warrants. The defendant was arrested for two counts FTA, possession of cocaine, possession of paraphernalia, and trespass conveyance.
- The District 16 Street Crimes Unit executed a residential search warrant where four defendants were all arrested. Charges include manufacturing, sale, possession of firearm by felon, and various other felony charges
- The District 16 Street Crimes Unit conducted proactive enforcement when the defendant fled from deputies. The defendant was located and was arrested. The defendant was in possession of trafficking amount of Fentanyl, Oxycodone, and MDMA. Agents executed a residential search warrant and located stolen property and a fraud operation. District 16 Detective Bureau was notified and responded.

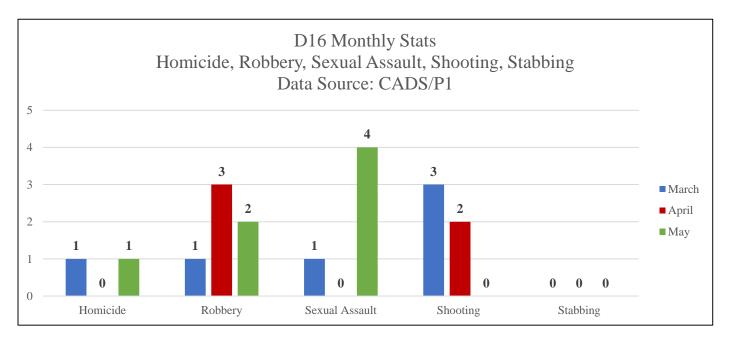
PROPERTY DETECTIVES

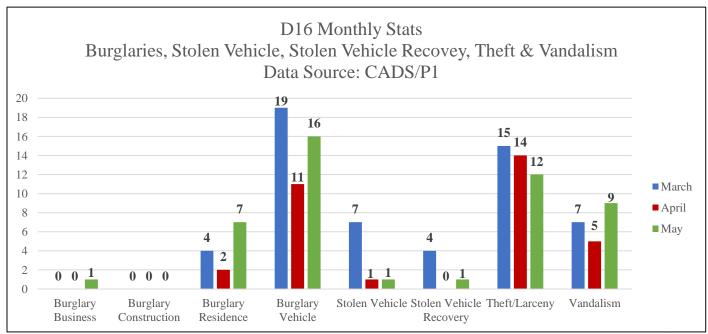
- District 16 Detective Bureau Monthly Stats for May 2022:
 - · New Cases: 39
 - · Cases Cleared by Arrest: 9
 - · Search Warrants: 1
 - Operations: 1
- The District 16 Detectives investigated a vehicle burglary where the victim sustained a \$3000 loss of tools and equipment. A suspect vehicle was identified and multiple other cases were discovered involving this vehicle spanning over the past 60 days throughout Palm Beach County. Through a coordinated effort with the South Florida Taskforce, the suspect was taken into custody and a residential search warrant executed on residence. Evidence was collected related to the burglaries and probable cause established for three additional suspects. This case is cleared by arrest.
- The District 16 Detectives were contacted by the victim of a vehicle burglary who located some of their high end tools at the Lake Worth Swap Shop. Detectives responded and identified multiple stolen items which were sold to this vendor. The vendor cooperated and positively identified a person and their accomplice as the suspects who sold the stolen items. The property was turned back over to the victim and additional charges for dealing in stolen property were developed for the suspects.
- The District 16 Detectives were called out regarding a Construction Site Burglary where deputies were able to detain a possible suspect but unable to identify a victim.

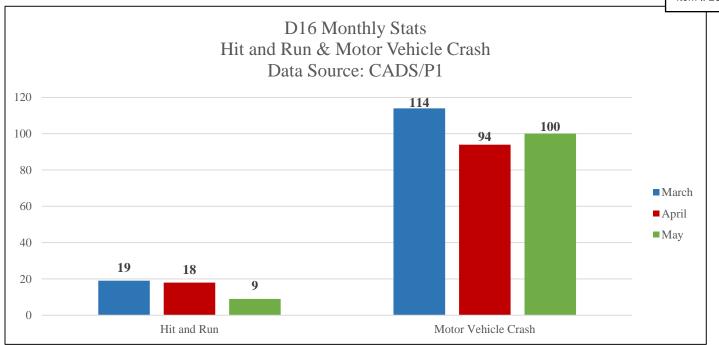
Detectives assumed the investigation and were able to locate the victim. The case was properly documented and the suspect transported to jail. This case is cleared by arrest.

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 MAY 2022

Location	Case Number Count
Forest Hill Boulevard / S Jog Road	9
Lake Worth Road / S Jog Road	7
10th Avenue N / S Jog Road	7
10th Avenue N / S Haverhill Road	6
S Military Trail / Lake Worth Road	5



MEETING DATE: July 18, 2022

FROM: Captain Tristram Moore, PBSO District 16

SUBJECT: PBSO District 16 June Report

CAD CALLS

CAD CALLS	MONTHLY TOTALS
Business / Residence Checks (Self-Initiated)	1,874
Traffic Stops (Self-Initiated)	557
Calls for Service	1,647
All CAD Calls - Total	4,078
Total Calls for Service – FY 2022 (October 2021 – September 2022)	40,779

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 4,078 generated calls within the District and 60% of these calls were self-initiated.

TRAFFIC ACTIVITY

DISTRICT 16 PERSONNEL		
Total Citations	Total Warnings	
256	321	

Data Source: D16 Office Staff/Monthly Report

PBSO MOTORS UNIT		
Total Citations Total Warnings		
455	418	

Data Source: D16 Office Staff/Motor Unit Weekly Report

COMMUNITY POLICING EVENTS

- 6/1/22: Conversation with a Deputy at Wawa
- 6/4/22: Daddy Daughter Dane at Greenacres Community Center
- 6/5/22: Big Brothers Big Sisters Greenacres Bowling Event Fundraiser
- 6/22/22: Pizza with a Deputy Greenacres Youth Programs
- 6/10/22, 6/17/22, 6/24/22: Basketball with the Mayor
- 6/27/22: Ice Cream Social at Greenacres Youth Programs Department
- 6/29/22: Hoagies for Heroes (from Wawa)
- 6/30/22: Community Walk and Talk on Fleming Avenue

STREET CRIMES UNIT

- The District 16 Street Crimes Agents conducted a traffic stop. The driver was arrested for carrying a firearm during a felony, trafficking cocaine, possession of oxy, and possession of marijuana with intent to sell.
- The District 16 Street Crimes Unit conducted a traffic stop. During the traffic stop, probable cause was established and the suspect was arrested for possession of marijuana with intent to sell, carrying a firearm while committing a felony, possession of hash oil, two handguns, and one stolen rifle was recovered.
- The District 16 Street Crimes Unit stopped a vehicle containing a wanted suspect. The suspect had violated probation during the District 16 curfew check operation. Upon contact with the vehicle in plain view was a rifle and copious amounts of illegal narcotics. All five vehicle occupants were arrested for felony charges. A total of three handguns (two stolen) and one rifle were recovered inside of the vehicle.

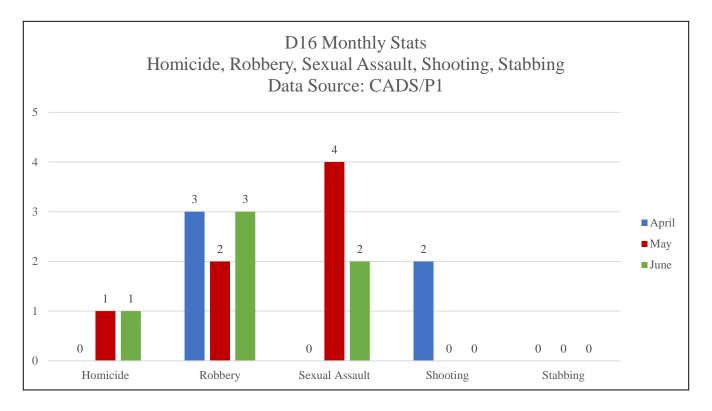
PROPERTY DETECTIVES

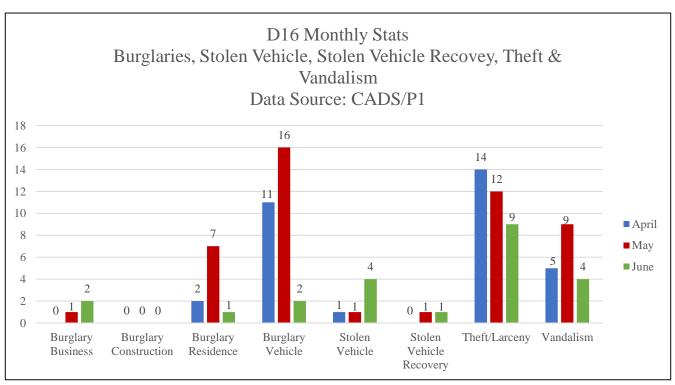
- District 16 Detectives investigated a theft from a business valued at approximately \$700. Through investigative means a suspect was positively identified and apprehended by District 14 Deputies. This case was cleared by arrest.
- District 16 Detectives investigated a smash and grab burglary to a vehicle. A suspect and suspect vehicle was positively identified. Probable Cause was established to execute a residential search warrant. Upon execution, all the stolen property was recovered inside the suspects home. This case was cleared by arrest.
- District 16 Detectives responded to a business to investigate a theft where the suspect wheeled out equipment valued at approximately \$450 and attempted to put it inside his van. Through the investigation a suspect was positively identified and was apprehended by the District 16 Street Crimes Unit. This case was cleared by arrest.

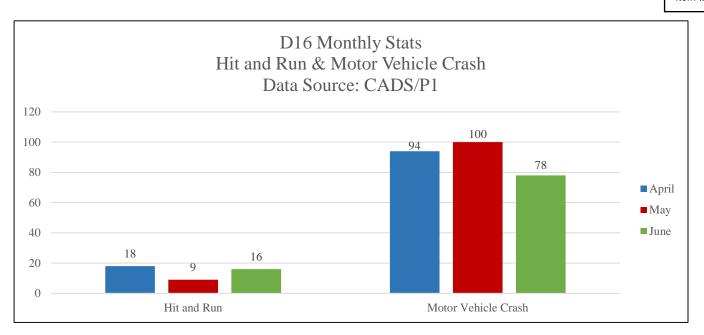
DATA ANALYSIS

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 JUNE 2022

Location	Case Number Count
Lake Worth Road / S Jog Road	7
Forest Hill Boulevard / S Jog Road	7
Lake Worth Road / S Military Trail	3



MEETING DATE: July 18, 2022

FROM: Carlos Cedeño, Public Works Director

SUBJECT: Public Works Department Report

DEPARTMENT HIGHLIGHTS

Listed below is a brief summary of the activities undertaken by the Public Works Department during the period of May 1, 2022 through June 30, 2022.

1. ADMINISTRATION:

- Decorative Stone, mulch, new plants and benches were installed at the City Hall main entrance.
- Public Works Staff attended a professional development training "Secretes of Successfully Interacting with Diverse People" hosted by FAU.
- A pre-construction meeting was conducted for the Forest Hill Median Landscape and Irrigation project scheduled to commence in August.
- Arbor Park at the Municipal Complex has been completed and open to the public.

2. ROADS AND DRAINAGE MAINTENANCE

- A total of eighteen (18) Trash Collection information signs were installed in the areas of Villa Del Trio and Palm Beach Villas
- New decorative street posts were installed throughout City Hall, Public Works, and the Fire Rescue 94/PBSO Complex.
- Decorative rocks were placed in the round abouts at Harwich Cir and Oak Trees were trimmed.

3. VEHICLE MAINTENANCE

- Public Works Staff participated in "Hurricane Preparedness Safety" and "Chainsaw Safety" training, facilitated by Vehicle Maintenance.
- Staff participated in NPDES Training.
- A new enclosed Trailor for the Roads Division was set up for service.
- New vehicle lifts were installed in the shop.
- A new 66 Passenger Bus for youth programs was delivered and set for service.
- Tests were conducted for the Fire Rescue engine pumps.

• Supervisor completed the recertification EVT Testing Management levels 1 & 2.

4. BUILDING SERVICES

- Two (2) roll up doors were replaced at Fire Rescue Station 94
- Conducted a walkthrough and meeting with Electrical company for a new Fountain feature to be placed in the lake behind City Hall.

5. PARKS MAINTENANCE

- Staff assisted with the set up and installation of new exterior benches and tables at the City Hall building.
- Coordinated flatwork pressure cleaning of various City facilities.



MEETING DATE: July 18, 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 May 1 through June 30, 2022.

- a. <u>22-006 Forest Hill Median Landscape Improvements</u> This bid was advertised on April 3, 2022 and opened on May 3, 2022 with three (3) bids received. City Council approved award to ARZ Builders, Inc. at the meeting held on May 16, 2022.
- b. <u>22-010 Fire Rescue Station 94 Renovations</u> This bid was advertised on April 3, 2022, and opened on May 3, 2022. City Staff has decided not to award this agreement.
- c. <u>22-016 Professional Planning Consultant Services</u> This RFP was advertised on June 5, 2022 and closes on July 12, 2022.
- d. <u>Request for Quotes</u> Developed, administered and assisted with the RFQ for Electrical for City Hall Lake Fountain.
- e. <u>Solicitations In Progress</u> Emergency Operations Center Construction; Public Works Generator; Gladiator Lake Drainage Enhancements; Financial Audit Services; HVAC and Ice Machine Repair; Fence Installation, Maintenance and Repair Services; Pressure Cleaning Services; Code Enforcement Acceptance Windows; and City Hall Grounds Annual Landscape Maintenance.

DEPARTMENT ACTIVITY

ACTIVITY	CURRENT PERIOD	FY 2022 YTD
Purchase Orders Issued	133	580
Purchase Order Amounts	\$ 2,656,099.51	\$ 24,084,985.25
Solicitations Issued	2	14
Solicitations in Progress	9	ı
Central Store Requests	4	23
Contracts Managed	60	60
Purchasing Card Purchases	466	1,984
Purchasing Card Transactions	\$ 71,946.83	\$ 277,660.84
No. of Training Sessions Conducted	0	3
Towing Revenue*	\$ 2,412.00	\$ 24,321.00

^{*}Only reflects May's revenue. The City has not received June's revenue yet.



Youth Programs Department Monthly Report

MEETING DATE: July 18, 2022

FROM: Jowie Mohammed, Director of Youth Programs

SUBJECT: May 2022 Department Report

PROGRAMMING

 Nineteen (19) days of after-school provided and transportation from six (6) schools within City limits.

• Last day of school – Thursday May 26, 2022.

PERFORMANCE MEASURMENTS

PERFORMANCE MEASUREMENT	AVERAGE THIS PERIOD	FY 2022 TO DATE	FY 2022 BUDGET
# of Participants	62	97	150
# of Participants in Sierra Club ICO	0	10	25
# of Licenses Coordinated	1	1	1
# of MOU's Coordinated	3	2	6
# of Part.'s in Teen Advisory Council (TAC)	5	5	5
# of Part's in TOP Program	37	37	15
# of Part.'s in Garden Club	19	19	20
# of Presidential Volunteer Service Hours	627	2338	8,000

FINANCIAL INFORMATION

GRANTS COORDINATED	AVERAGE THIS PERIOD	FY 2022 TO DATE	FY 2022 BUDGET
Early Learning Coalition	\$7,600.12	\$107,169.69	\$290.400
Parent & Registration Fees	\$4,240.80	\$37,357.56	\$187,481
Youth Services Department SEL Grant	\$4,812.30	\$28,151.99	\$72,805
Textile Funds	-	\$2,400.00	-
Youth Services Summer Camp Program	-	-	\$49,400
Community Foundation Grant (Summer)	\$25,000	\$25,000	-

C.A.R.E.S REPORT

- On 5/16/22 the CARES program was able to attend a virtual field trip to Loggerhead
 Marine Center to conclude their Extended Learning Opportunity (ELO). They were given
 a tour of the facility and met some of the wildlife that they have on the facility.
- On 5/20/22 Garden Club had their annual Parent Day celebration where they invited parents to view the work that their children have been doing over the course of the school year. Parents were provided food and beverages while the youth performed some songs while the parents watched.
- On 5/24/22 the CARES program was able to spectate a Hot Spot vs. Staff Kickball game hosted by the Teen Program. The teens provided snow cones and popcorn to all the youth spectating and some of the youth were able to participate in the kickball game.

TEEN PROGRAMS REPORT

- Ashley Resendiz, a Junior at John I. Leonard, and participant in our Teen Program submitted a paining in Congresswoman Lois Frankel's annual art contest. Several members of Hot Spot attended the event to show their support.
- As a reward for their constant and consistent attendance and participation we took some our teens out on an end of the year field trip to Golden Corral. They did a fantastic job this year as a group and we wanted show them our thanks and support.
- On Tuesday, May 24th, 2022, Hot Spot participants completed their final Community Service Learning (CSL) project, by hosting a Hot Spot vs. Staff Kickball game. The teens had their team jersey's ready as well as making popcorn and snow cones for the Elementary school and Middle School peers. The reception was great, and everyone had a great time playing and watching the game

Jowie Mohammed, Director Youth Programs Department



Youth Programs Department Monthly Report

MEETING DATE: July 18, 2022

FROM: Jowie Mohammed, Director of Youth Programs

SUBJECT: June 2022 Department Report

PROGRAMMING

Twenty-one (21) days of summer camp provided; hours of operation 7:30a.m. –
 5:30p.m. Field trips include: Fun Depot, CiCi's Pizza, Wellington Pool, Adrenaline, FAU Rope Course, Archery, Movies and much more!

PERFORMANCE MEASURMENTS

PERFORMANCE MEASUREMENT	AVERAGE THIS PERIOD	FY 2022 TO DATE	FY 2022 BUDGET
# of Participants Summer Camp	63	85	150
# of Participants in Sierra Club ICO	0	10	25
# of Licenses Coordinated	1	1	1
# of MOU's Coordinated	2	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	1062	3400	8,000

FINANCIAL INFORMATION

GRANTS COORDINATED	AVERAGE THIS PERIOD	FY 2022 TO DATE	FY 2022 BUDGET
Early Learning Coalition	\$7,070.80	\$114,440.49	\$290.400
Parent & Registration Fees	\$7,328.60	\$44,686.16	\$187,481
Youth Services Department SEL Grant	\$4,812.30	\$37,776.56	\$72,805
Textile Funds	-	\$2,400.00	-
Youth Services Summer Camp Program	-	-	\$49,400
Community Foundation Grant (Summer)	\$25,000	\$25,000	-

C.A.R.E.S REPORT

- Throughout the month of June, the CARES program, (2nd-5th grade) participated in an Extended Learning Opportunity (ELO) Youth Speak Out (YSO) weekly on Tuesdays. Youth Speak Out offers a S.T.E.A.M. program that helps young people build their media literacy and interpersonal communication skills.
- Throughout the month of June, the CARES program, (4th-5th grade) participated in the
 Extended Learning Opportunity (ELO) Florida Fishing Academy weekly on
 Wednesdays. Florida Fishing Academy teaches youth basic fishing skills, kayaking,
 snorkeling, water safety, environmental awareness, problem-solving and other life skills
 through the Florida
- On Monday June 27, 2022, the CARES program was able to participate in an Ice Cream Social hosted by PBSO. The CARES program youth were given the opportunity to meet and greet with Deputies who attended the event and they participated in a Q&A session while being treated to Ice cream by the Palm Beach County Sheriff's office.

TEEN PROGRAMS REPORT

- Throughout the month of June, our Teen Program, comprised of Middle High School youth (6th-12th) participated in an Expanded Learning Opportunity (ELO) Florida Fishing Academy. Florida Fishing Academy teaches youth basic fishing skills, kayaking, snorkeling, water safety, environmental awareness, problem-solving and other life skills through the Florida.
- On Wednesday June 2022, our Teen Program was able to participate in Pizza with a
 Deputy hosted by PBSO. Teens were given the opportunity to meet and greet with some
 deputies who attended the event and participated in a Q&A session while being treated
 to pizza by the Palm Beach Sheriff's office. Teens created a list of questions in advance
 of the event and Deputies took the time to answer all their questions.
- On Wednesday June 29th, 2022, Teen Summer Camp participants took part in a Teen Summit hosted by Prime Time and Palm Beach County. Through the summit the teens were able to learn more about financing terms and strategies, as well as explore the importance of having a professional social media presence. The teens were also able to win gift cards and gain community service hours for their participation.

Jowie Mohammed, Director Youth Programs Department