



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, February 06, 2023 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

AGENDA

Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

SPECIAL BUSINESS

1. **Proclamation:** Black History Month. - Dr. Philip C. Harris, President of National Forum of Black Public Administrators, South Florida Chapter.
2. **Proclamation:** Random Acts of Kindness, February 17, 2023. - Benjamin Dexter, Youth Programs Supervisor.
3. **Proclamation:** Pink Shirt Day, February 22, 2023. Benjamin Dexter, Youth Programs Supervisor.

CONSENT AGENDA

4. **Official Meeting Minutes:** City Council Meeting Minutes, January 9, 2023. - Quintella L. Moorer, City Clerk.
5. **Solid Waste Write-Off:** Request to write-off the outstanding Solid Waste balance of \$2,980.37. - Teri Beiriger Director of Finance.
6. **Resolution 2022-05:** Approving and authorizing the execution of the Traffic Control Jurisdiction Agreement between the City of Greenacres and the Catalina Estates Homeowners' Association, Inc.; and providing for transmittal and effective date. - Caryn Gardner-Young, Zoning Administrator.

REGULAR AGENDA

7. **PUBLIC HEARING: Ordinance 2023-01: First Reading:** Amending Chapter 16 "Zoning Regulations," Article 6, "Signs Regulation." Division 5, Sign Regulation by Zoning District,

Section 16-983, Identification Signs, to clarify the maximum sign copy area; providing for severability, conflicts, codification, and an effective date. - Caryn Gardner-Young, Zoning Administrator.

- 8. Ordinance 2022-37: First Reading:** Amending Chapter 4 "Buildings and Building Regulations," Article 1 "in General," by deleting Section 4-4, "Greenacres Property Maintenance Code," and creating a new Chapter 7 Article 8 to be entitled "Greenacres Property Maintenance Code," and amending provisions of the Greenacres Property Maintenance Code; providing for severability, conflicts, codification and an effective date. - Caryn Gardner- Young, Zoning Administrator.

- 9. Ratification of the Planning and Zoning Board of Appeals Board:** Reappointing Emily Jacob-Robarts to serve another three (3) year term.

DISCUSSION ITEM - None.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

MAYOR AND CITY COUNCIL REPORT

ADJOURNMENT

Upcoming City Council Meetings

March 6, 2023.

March 20, 2023.

Meeting Records Request

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

Notice of Council Meetings and Agendas

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

Americans with Disabilities Act

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



CITY COUNCIL SPECIAL MEETING

City of Greenacres, Florida

Monday, January 09, 2023 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

MINUTES

Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

Mayor Flores called the meeting to Order at 6PM and City Clerk Moorer called the Roll.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

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

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

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

SPECIAL BUSINESS

- 1. Proclamation:** Arbor Day, January 20, 2023. - Barbara Hardsell, Oleander Garden Club.

Ms. Moorer read the proclamation by title.

Mayor Flores presented the proclamation.

Oleander Club President Janet Stein and Becky Walton thanked the City and Staff. Ms. Hadsell welcomed the Council to the Arbor Day Event on January 20, 2023, at 3PM.

Photos were taken.

Mayor Flores recognized Councilmember Diaz for completing her IEMO Certification.

The audience sang Happy Birthday to Councilmember Bousquet.

CONSENT AGENDA

- 2. Official Meeting Minutes:** City Council Meeting Minutes, December 19, 2022. - Quintella Moorer, City Clerk.
- 3. Resolution 2023-01:** Approving the Host Shelter contract with Palm Beach County for the use of the Greenacres Community Center during emergencies; authorizing the appropriate City Officials to execute the contract and coordinate facility usage; providing for transmittal and an effective date. - Michele Thompson, Director of Community and Recreation Services.
- 4. Resolution 2023-02:** Approving an amendment to the Tower Lease Agreement and Memorandum of Agreement with SBA Steel II, LLC., and authorizing execution of the same; and providing for an effective date. - Andrea McCue, City Manager.
- 5. Resolution 2023-03:** Approving a Professional Services Agreement for fence installation, maintenance and repair services; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.
- 6. Resolution 2023-04:** Approving a Professional Services Agreement for printing services for City publications; authorizing the appropriate City Officials to execute the agreement. - Monica Powery, Director of Purchasing.
- 7. Resolution 2023-08:** Satisfying certain liens imposed against residential property, pursuant to Section 15-31; City of Greenacres Code. - Teri Beiriger, Director of Finance.

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

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

REGULAR AGENDA

- 8. PUBLIC HEARING: Ordinance 2022-39: Second Reading:** Amending the future land use map of the future land use element of the City's Comprehensive Plan, to change the future land use designation of one parcel of land totaling approximately 20.1183 acres, located at the southeast corner of Lake Worth Road and Jog Road at 6400-6490 Lake Worth Road and 4180 S. Jog Road Suites 1-9, from a Palm Beach County designation Commercial High (CH) to a City of Greenacres designation of Commercial (CM) as requested by the Planning, GIS and Engineering Division; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Division of Community Development; providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. Gardner-Young stated the ordinance was approved on First Reading on December 19, 2022 and no changes had taken place since the First Reading.

Staff recommended approval.

Motion made by Councilmember Dugo, Seconded by Councilmember Bousquet to approve Ordinance 2022-39 on Second Reading.

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

- 9. PUBLIC HEARING: Ordinance 2022-40: Second Reading:** Approving a zoning change for one parcel of land totaling approximately 20.1183 acres, located at the southeast corner of Lake Worth Road and Jog Road at 6400-6490 Lake Worth Road, and 4180 Jog Road Suites 1-9, from a Palm Beach County zoning designation of General Commercial (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI) as requested by the Planning, GIS and Engineering Division; providing for changes to the official zoning map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date.- Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. Gardner-Young stated the ordinance was approved on First Reading and no changes had been since the First Reading on December 19, 2022.

Staff recommended approval.

Motion made by Councilmember Diaz, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-40 on Second Reading.

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

- 10. PUBLIC HEARING: Ordinance 2022-41: Second Reading:** Approving the conveyance of 6,804 square feet strip of land located adjacent to and east of the property at 1105 S. Jog Road, Greenacres, Florida; authorizing City Manager to execute all documents necessary to accomplish the conveyance; providing for severability, conflicts, and an effective date. - Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. Gardner-Young stated the ordinance was approved on First Reading and no changes had been made since the First Reading on December 19, 2022.

Staff recommended approval.

Motion made by Councilmember Dugo, Seconded by Councilmember Bousquet to approve Ordinance 2022-41 on Second Reading.

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

- 11. PUBLIC HEARING: Ordinance 2022-43: Second Reading:** Amending the City of Greenacres Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023, inclusive; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Teri Beiriger, Director of Finance.

Ms. Moorer read the ordinance by title.

Ms. McCue stated no changes had been made since the approval of First Reading on December 19, 2022.

Staff recommended approval.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Noble to approve Ordinance 2022-43 on Second Reading.

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

DISCUSSION ITEM

12. Removal of acrylic dais partitions. - Councilmember Dugo.

After discussion the Council agreed to keep the dais partitions up and review monthly or bi-monthly to remove or maintain the partitions.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Mr. Stephen Young, resident, requested pickleball court modifications, such as colors and higher fencing. He also volunteered to assist with teaching.

CITY MANAGER'S REPORT

- 13. Community & Recreation Services Report.
- 14. Finance Report.
- 15. Fire Rescue Report.
- 16. Information Technology Report.
- 17. Palm Beach Sheriff Office District 16 Report.
- 18. Purchasing Report.
- 19. Youth Programs Report.

Ms. McCue reminded the Council about the upcoming Artzy and Conversation Talk events. She stated the January 16, 2022, Council Meeting was cancelled due to the Martin Luther King Observance. The Comp Plan meeting was also taking place February 1, 2023, at 6PM and the wall mural would begin January 23.

CITY ATTORNEY'S REPORT

No report.

MAYOR AND CITY COUNCIL REPORT

Councilmember Diaz - suggested having information regarding the City Scholarship Program at the upcoming Community Let's Talk. She suggested the City to take a stance on the County's School District newly revised district map which was dividing the City of Greenacres up into five school districts and requiring the students of Greenacres to go further to attend schools when there were other schools much closer. Councilmember Diaz suggested the Council review the maps to see what was happening to the City. The upcoming ABC District meeting was scheduled for January 12, 2023, via zoom at 5PM.

The Mayor and Council was thankful for the information and suggested a Resolution be drafted on behalf of the City urging the School District to leave Greenacres students in the City. The consensus was made to draft the resolution and email to the School District prior to the upcoming meeting.

Councilmember Dugo – wish all Law Enforcement officers a Happy Law Enforcement Day.

Councilmember Noble - said the Fiesta de Pablo event was a great success. He also suggested moving the event to Freedom Park. Councilmember Noble suggested having Proclamations presented only once a month, so the meetings were less evolved.

Deputy Mayor Tharp - thanked Law Enforcement for their service.

Mayor Flores - thanked Councilmember Diaz for informing the Council about the school district maps and he thanked Councilmember Dugo for highlighting Law Enforcement Day. Mayor Flores mentioned Michael Barnett as the new County Commissioner.

ADJOURNMENT

6:44PM

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



ITEM SUMMARY

MEETING DATE: February 6, 2023

FROM: Teri Lea Beiriger, Finance Director, Finance Department

SUBJECT: Solid Waste Write-off

BACKGROUND

Prior to being added to the tax bill, the City of Greenacres billed residential properties for solid waste collection. This property Solid Waste Account Number 04280-001 had no payments since April 2007 and had a total of eight (8) liens imposed on it and accrued \$3,427.37, with penalties and lien fees. The property owner subsequently filed for Bankruptcy Chapter 13 and based on a number of factors; his bankruptcy plan allowed a settlement payment of \$447.00.

ANALYSIS

The City attorney researched the Solid Waste account, and determined that the City accepts this payment and note the account as the amount received for the pending bankruptcy. The City cannot take any other collection efforts against the property owner and the City included this property in the most recent Release of Liens presented to Council by Resolution No. 2023-08 on January 9, 2023.

FINANCIAL INFORMATION

Attached is a copy of the account statement and correspondence with the City Attorney.

LEGAL

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

STAFF RECOMMENDATION

Approval to write-off the outstanding balance of \$2,980.37 for the remaining balance on Solid Waste Account Number 04280-001.

Teri Beiriger

From: Christy Goddeau <christy@torcivialaw.com>
Sent: Thursday, December 15, 2022 5:20 PM
To: Teri Beiriger
Subject: RE: bankruptcy chapter 13
Attachments: Donald Kerr Proof of Claim.pdf

EXTERNAL EMAIL: The following message has originated from outside of the Greenacres email system. Think before you click!

Hi Teri, I submitted a claim for \$3,427.37 for this bankruptcy. However, this is the amount debtor is able to pay under his bankruptcy plan based on a number of factors including the amounts owed to all creditors; the priority of the city's claim; etc. In other words, this is what the City can get instead of \$0. I recommend the City accept this amount and note it in the account as the amount received for the pending bankruptcy. Unfortunately, the City cannot take any other collection efforts against Mr. Kerr and the City should release the recorded liens. Attached is the statement of claim with information on the recorded liens.

Please note, any charges incurred by Mr. Kerr after March 4, 2022 are not covered by this bankruptcy. So, if there are charges after that date, the City can pursue those charges.

If you have any questions, please let me know.

Thank you,

Christy L. Goddeau, Esquire

*Board Certified City County and Local
Government Attorney*

**TORCIVIA, DONLON,
GODDEAU & RUBIN, P.A.**

Northpoint Corporate Center
701 Northpoint Parkway, Suite 209
West Palm Beach, FL 33407
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christy@torcivialaw.com
www.torcivialaw.com

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS ATTORNEY PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE COLLECT AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR YOUR EXPENSES. THANK YOU.

From: Teri Beiriger <TBeiriger@greenacresfl.gov>
Sent: Wednesday, December 14, 2022 5:04 PM
To: Christy Goddeau <christy@torcivialaw.com>
Subject: bankruptcy chapter 13

Christy,

Attached is a chapter 13 case, which owes the City solid waste but wants to settle for less. How do we handle this situation?



Teri Lea Beiriger

Director of Finance
 Finance Department
 5800 Melaleuca Ln., Greenacres, FL 33463
 Office (561) 642-2019 | Fax (561) 642-2037



CITY OF GREENACRES E-MAIL NOTICE: Florida has a very broad public records law. Most written communications to or from local officials regarding city business are public records and subject to public records request and public disclosure, pursuant to Chapter 119, Florida Statutes. E-mail communications may therefore be subject to public disclosure.

Transaction Statement

Item # 5.

Service Address

1092 Island Manor Dr
Greenacres, FL 33413

Mailing Address

DONALD KERR
1092 ISLAND MANOR DRIVE
GREENACRES, FL 33413

Account Number

04280-001

Amount Due

\$2,980.37

Account Number

04280-001

From - Through

4/1/2007 - 1/24/2023

Services

Solid Waste

Service Address

1092 Island Manor Dr
Greenacres, FL 33413

Beginning Balance

\$0.00

Date	Type	Amount	Running Balance	Description
04/02/2007	Bill	\$37.44	\$37.44	Due Date 04/30/2007
05/02/2007	Penalty	\$0.38	\$37.82	
06/01/2007	Penalty	\$0.38	\$38.20	
07/02/2007	Penalty	\$0.39	\$38.59	
08/01/2007	Penalty	\$0.39	\$38.98	
09/05/2007	Penalty	\$0.40	\$39.38	
10/01/2007	Bill	\$38.88	\$78.26	Due Date 10/31/2007
10/01/2007	Penalty	\$0.40	\$78.66	
11/01/2007	Penalty	\$0.78	\$79.44	
12/03/2007	Penalty	\$0.79	\$80.23	
01/03/2008	Penalty	\$0.80	\$81.03	
02/01/2008	Penalty	\$0.81	\$81.84	
03/07/2008	Penalty	\$0.82	\$82.66	
04/01/2008	Bill	\$38.88	\$121.54	Due Date 04/30/2008
04/01/2008	Penalty	\$0.82	\$122.36	
05/02/2008	Penalty	\$1.22	\$123.58	
06/02/2008	Penalty	\$1.23	\$124.81	
07/01/2008	Penalty	\$1.25	\$126.06	
08/01/2008	Penalty	\$1.26	\$127.32	
09/02/2008	Penalty	\$1.27	\$128.59	

City of Greenacres, 5800 Melaleuca Lane, Greenacres Florida 33463

Transaction Statement

Item # 5.

Date	Type	Amount	Running Balance	Description
09/22/2008	Adjustment	\$50.00	\$178.59	Adjustment Reason: Lien Fee
10/01/2008	Bill	\$41.22	\$219.81	Due Date 10/31/2008
10/02/2008	Penalty	\$1.27	\$221.08	
11/04/2008	Penalty	\$2.22	\$223.30	
12/01/2008	Penalty	\$2.24	\$225.54	
01/02/2009	Penalty	\$2.26	\$227.80	
02/03/2009	Penalty	\$2.28	\$230.08	
03/02/2009	Penalty	\$2.31	\$232.39	
04/01/2009	Bill	\$41.22	\$273.61	Due Date 04/30/2009
04/01/2009	Penalty	\$2.33	\$275.94	
05/01/2009	Penalty	\$5.12	\$281.06	
05/04/2009	Adjustment	(\$2.33)	\$278.73	Adjustment Reason: Write-off, interest, misc. reaso
06/02/2009	Penalty	\$2.79	\$281.52	
07/01/2009	Penalty	\$2.82	\$284.34	
08/03/2009	Penalty	\$2.85	\$287.19	
09/01/2009	Penalty	\$2.88	\$290.07	
09/22/2009	Adjustment	\$50.00	\$340.07	Adjustment Reason: Lien Fee
10/01/2009	Bill	\$42.12	\$382.19	Due Date 10/31/2009
10/01/2009	Penalty	\$3.40	\$385.59	
11/02/2009	Penalty	\$3.86	\$389.45	
12/01/2009	Penalty	\$3.90	\$393.35	
01/04/2010	Penalty	\$3.94	\$397.29	
02/03/2010	Penalty	\$3.98	\$401.27	
03/02/2010	Penalty	\$4.02	\$405.29	
04/01/2010	Bill	\$42.12	\$447.41	Due Date 04/30/2010
04/05/2010	Penalty	\$4.02	\$451.43	
05/03/2010	Penalty	\$4.52	\$455.95	
06/01/2010	Penalty	\$4.56	\$460.51	
07/01/2010	Penalty	\$4.61	\$465.12	
08/02/2010	Penalty	\$4.65	\$469.77	
09/01/2010	Penalty	\$4.70	\$474.47	
09/16/2010	Adjustment	\$50.00	\$524.47	Adjustment Reason: Lien Fee
10/01/2010	Bill	\$42.36	\$566.83	Due Date 10/31/2010
10/01/2010	Penalty	\$5.25	\$572.08	
11/02/2010	Penalty	\$5.73	\$577.81	
12/01/2010	Penalty	\$5.79	\$583.60	
01/04/2011	Penalty	\$5.84	\$589.44	
02/01/2011	Penalty	\$5.84	\$595.28	
03/01/2011	Penalty	\$5.96	\$601.24	
04/01/2011	Bill	\$42.36	\$643.60	Due Date 04/30/2011
04/01/2011	Penalty	\$6.02	\$649.62	
05/02/2011	Penalty	\$6.50	\$656.12	
06/01/2011	Penalty	\$6.57	\$662.69	
07/05/2011	Penalty	\$6.63	\$669.32	
08/01/2011	Penalty	\$6.70	\$676.02	
09/01/2011	Penalty	\$6.76	\$682.78	
09/21/2011	Adjustment	\$50.00	\$732.78	Adjustment Reason: Lien Fee

Transaction Statement

Item # 5.

Date	Type	Amount	Running Balance	Description
10/01/2011	Bill	\$43.98	\$776.76	Due Date 10/31/2011
10/03/2011	Penalty	\$7.33	\$784.09	
11/01/2011	Penalty	\$7.84	\$791.93	
12/01/2011	Penalty	\$7.91	\$799.84	
01/03/2012	Penalty	\$7.99	\$807.83	
02/01/2012	Penalty	\$8.07	\$815.90	
03/01/2012	Penalty	\$8.15	\$824.05	
04/01/2012	Bill	\$43.98	\$868.03	Due Date 04/30/2012
04/02/2012	Penalty	\$8.23	\$876.26	
05/02/2012	Penalty	\$8.77	\$885.03	
06/01/2012	Penalty	\$8.85	\$893.88	
07/02/2012	Penalty	\$8.94	\$902.82	
08/01/2012	Penalty	\$9.03	\$911.85	
09/05/2012	Penalty	\$9.12	\$920.97	
10/01/2012	Bill	\$45.00	\$965.97	Due Date 10/31/2012
10/01/2012	Penalty	\$9.21	\$975.18	
11/01/2012	Penalty	\$9.76	\$984.94	
12/04/2012	Penalty	\$9.85	\$994.79	
01/03/2013	Penalty	\$9.95	\$1,004.74	
02/01/2013	Penalty	\$10.05	\$1,014.79	
03/01/2013	Penalty	\$10.15	\$1,024.94	
04/01/2013	Bill	\$45.00	\$1,069.94	Due Date 04/30/2013
04/01/2013	Penalty	\$10.25	\$1,080.19	
05/01/2013	Penalty	\$10.81	\$1,091.00	
06/03/2013	Penalty	\$10.91	\$1,101.91	
07/01/2013	Penalty	\$11.02	\$1,112.93	
08/01/2013	Penalty	\$11.13	\$1,124.06	
09/03/2013	Penalty	\$11.13	\$1,135.19	
10/01/2013	Bill	\$46.02	\$1,181.21	Due Date 10/31/2013
10/02/2013	Penalty	\$11.36	\$1,192.57	
11/04/2013	Penalty	\$11.93	\$1,204.50	
12/03/2013	Penalty	\$12.05	\$1,216.55	
01/03/2014	Penalty	\$12.17	\$1,228.72	
02/03/2014	Penalty	\$12.29	\$1,241.01	
03/04/2014	Penalty	\$12.41	\$1,253.42	
04/01/2014	Bill	\$46.02	\$1,299.44	Due Date 04/30/2014
04/02/2014	Penalty	\$12.54	\$1,311.98	
05/05/2014	Penalty	\$13.11	\$1,325.09	
06/02/2014	Penalty	\$13.24	\$1,338.33	
07/01/2014	Penalty	\$13.38	\$1,351.71	
08/04/2014	Penalty	\$13.51	\$1,365.22	
09/03/2014	Penalty	\$13.51	\$1,378.73	
10/01/2014	Bill	\$47.10	\$1,425.83	Due Date 10/31/2014
10/02/2014	Penalty	\$13.78	\$1,439.61	
11/04/2014	Penalty	\$14.40	\$1,454.01	
12/02/2014	Penalty	\$14.54	\$1,468.55	
01/06/2015	Penalty	\$14.69	\$1,483.24	

Transaction Statement

Item # 5.

Date	Type	Amount	Running Balance	Description
02/04/2015	Penalty	\$14.84	\$1,498.08	
03/03/2015	Adjustment	\$50.00	\$1,548.08	Adjustment Reason: Lien Fee
03/03/2015	Penalty	\$14.98	\$1,563.06	
04/01/2015	Bill	\$47.10	\$1,610.16	Due Date 04/30/2015
04/02/2015	Penalty	\$15.63	\$1,625.79	
05/04/2015	Penalty	\$16.25	\$1,642.04	
06/03/2015	Penalty	\$16.41	\$1,658.45	
07/06/2015	Penalty	\$16.58	\$1,675.03	
08/03/2015	Penalty	\$16.74	\$1,691.77	
09/02/2015	Penalty	\$16.91	\$1,708.68	
10/01/2015	Bill	\$47.70	\$1,756.38	Due Date 10/31/2015
10/01/2015	Penalty	\$17.08	\$1,773.46	
11/03/2015	Penalty	\$17.73	\$1,791.19	
12/01/2015	Penalty	\$17.91	\$1,809.10	
01/05/2016	Penalty	\$18.09	\$1,827.19	
02/02/2016	Penalty	\$18.27	\$1,845.46	
03/01/2016	Penalty	\$18.46	\$1,863.92	
04/01/2016	Penalty	\$18.64	\$1,882.56	
04/01/2016	Bill	\$47.70	\$1,930.26	Due Date 04/30/2016
04/25/2016	Adjustment	\$50.00	\$1,980.26	Adjustment Reason: Lien Fee
05/01/2016	December Late Fees	\$19.12	\$1,999.38	
06/01/2016	Penalty	\$19.31	\$2,018.69	
07/01/2016	Penalty	\$19.50	\$2,038.19	
08/01/2016	Penalty	\$19.70	\$2,057.89	
09/01/2016	Penalty	\$19.90	\$2,077.79	
10/01/2016	Penalty	\$20.09	\$2,097.88	
10/01/2016	Bill	\$48.42	\$2,146.30	Due Date 10/31/2016
11/01/2016	December Late Fees	\$21.27	\$2,167.57	
12/01/2016	Penalty	\$21.48	\$2,189.05	
01/01/2017	Penalty	\$21.69	\$2,210.74	
02/01/2017	Penalty	\$21.91	\$2,232.65	
03/01/2017	Penalty	\$22.13	\$2,254.78	
04/01/2017	Penalty	\$22.35	\$2,277.13	
04/01/2017	Bill	\$48.42	\$2,325.55	Due Date 04/30/2017
04/12/2017	Adjustment	\$50.00	\$2,375.55	Adjustment Reason: Lien Fee
05/01/2017	Penalty	\$23.03	\$2,398.58	
06/01/2017	Penalty	\$23.26	\$2,421.84	
07/01/2017	Penalty	\$23.49	\$2,445.33	
08/01/2017	Penalty	\$23.73	\$2,469.06	
09/01/2017	Penalty	\$23.97	\$2,493.03	
10/01/2017	Penalty	\$24.20	\$2,517.23	
10/01/2017	Bill	\$49.38	\$2,566.61	Due Date 10/31/2017
11/01/2017	December Late Fees	\$25.42	\$2,592.03	
12/01/2017	Penalty	\$25.68	\$2,617.71	
01/01/2018	Penalty	\$25.93	\$2,643.64	
02/01/2018	Penalty	\$26.19	\$2,669.83	
03/01/2018	Penalty	\$26.45	\$2,696.28	

Transaction Statement

Item # 5.

Date	Type	Amount	Running Balance	Description
04/01/2018	Penalty	\$26.72	\$2,723.00	
04/01/2018	Bill	\$49.38	\$2,772.38	Due Date 04/30/2018
05/01/2018	December Late Fees	\$27.45	\$2,799.83	
06/01/2018	Penalty	\$27.73	\$2,827.56	
06/07/2018	Adjustment	\$50.00	\$2,877.56	Adjustment Reason: Lien Fee
07/01/2018	Penalty	\$28.00	\$2,905.56	
08/01/2018	Penalty	\$28.28	\$2,933.84	
09/01/2018	Penalty	\$28.57	\$2,962.41	
10/01/2018	Penalty	\$28.85	\$2,991.26	
11/01/2018	December Late Fees	\$29.14	\$3,020.40	
12/01/2018	Penalty	\$26.99	\$3,047.39	
01/01/2019	Penalty	\$27.26	\$3,074.65	
02/01/2019	Penalty	\$27.53	\$3,102.18	
03/01/2019	Penalty	\$27.80	\$3,129.98	
04/01/2019	Penalty	\$28.08	\$3,158.06	
05/01/2019	Penalty	\$28.36	\$3,186.42	
06/01/2019	Penalty	\$28.65	\$3,215.07	
07/01/2019	Penalty	\$29.43	\$3,244.50	
08/01/2019	Penalty	\$29.73	\$3,274.23	
09/01/2019	Penalty	\$30.02	\$3,304.25	
10/01/2019	Penalty	\$30.32	\$3,334.57	
11/01/2019	Penalty	\$30.63	\$3,365.20	
12/01/2019	Penalty	\$30.93	\$3,396.13	
01/01/2020	Penalty	\$31.24	\$3,427.37	
02/01/2020	Penalty	\$24.45	\$3,451.82	
02/27/2020	Adjustment	(\$24.45)	\$3,427.37	Adjustment Reason: PENALTY CALCULATION ERROR
12/16/2022	Payment	(\$447.00)	\$2,980.37	Check

Total Due

\$2,980.37

Account Number

04280-001



ITEM SUMMARY

MEETING DATE: February 6, 2023

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: Ordinance No. 2023-05
TCJA Catalina Estates

BACKGROUND

Pursuant to the requirements of City Code, Administrative Directive No. 30, and a condition within the Catalina Estates Site Plan Development Order, the Catalina Estates Homeowners Association submitted an application for a Traffic Control Jurisdiction Agreement (TCJA) for the Catalina Estates residential development, which was originally approved by City Council on March 4, 2019. The TCJA enables the Palm Beach County Sheriff's Office to enforce State Uniform Traffic Control regulations within the private community.

ANALYSIS

A review of the regulatory signs within the development indicates that the signs are consistent with the requirements of the State Manual on Uniform Traffic Control Devices (MUTCD).

FINANCIAL INFORMATION

N/A

LEGAL

Resolution 2023-05 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of the Catalina Estates Traffic Control Jurisdiction Agreement through the adoption of Resolution 2023-05.

RESOLUTION NO. 2023-05**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE TRAFFIC CONTROL JURSDICTION AGREEMENT BETWEEN THE CITY OF GREENACRES AND THE CATALINA ESTATES HOMEOWNERS' ASSOCIATION, INC.; AND PROVIDING FOR TRANSMITTAL AND AN EFFECTIVE DATE**

WHEREAS, Catalina Estates Homeowners Association, Inc., located on Dodd Road, desires law enforcement services within its private residential community for the purposes of enforcement of the State Uniform Traffic Control regulations (section 316.006(2), Florida Statutes), through a Traffic Control Jurisdiction Agreement, which is attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the City Council deems it to be in the best interest of the residents within the Catalina Estates residential community to obtain state traffic control services from PBSO District 16 within the boundaries of said community.

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

SECTION 1. The City Council of the City of Greenacres hereby approves the Traffic Jurisdiction Agreement with Catalina Estates Homeowners Association, Inc. (Exhibit "A") and authorizes the Mayor to execute the same.

SECTION 2. The City Council directs the City Clerk to transmit an executed copy of this Resolution and the Traffic Control Jurisdiction Agreement to the Catalina Estates Homeowners Association and to Palm Beach County Sheriff's Office.

SECTION 3. This Resolution shall become effective upon adoption.

RESOLVED AND ADOPTED this 6th of day of February 2023

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:

Jonathan Pearce, 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: February 6, 2023

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2023-01, ZTA-22-18**
Sign Regulations

BACKGROUND

On September 23, 2022, the City Council adopted updated sign regulations to be in compliance with state, federal and county regulations. Unfortunately, during the rewrite, inadvertently sign copy area for residential and non-residential signs was omitted. The intent of this zoning text amendment is to include in the zoning code the sign copy area with no proposed changes to the square footage allowed

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 January 12, 2023.

ANALYSIS

The principal intent of these proposed text amendments to the Zoning Code is to include sign copy area which was inadvertently omitted during the last zoning text amendment round. The proposed language is not recommending any changes to the previous sign copy area square footage.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2023-01 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-22-18 through the adoption of Ordinance 2023-01.

ORDINANCE NO. 2023-01

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16 “ZONING REGULATIONS,” ARTICLE VI, “SIGN REGULATION,” DIVISION 5, SIGN REGULATION BY ZONING DISTRICT, SECTION 16-983, IDENTIFICATION SIGNS, TO CLARIFY THE MAXIMUM SIGN COPY AREA; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

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

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

WHEREAS, on September 28, 2022, the City Council adopted Ordinance No. 2022-25 to modify and update the City’s regulation of signs in Chapter 16, Article VI, Sign Regulation, of the City of Greenacres Code of Ordinances; and

WHEREAS, there is a need to further amend Section 16-983, subsections (a) and (b) of the newly adopted sign regulations to clarify the maximum allowable sign copy area for certain identification signs; and

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

WHEREAS, the City Council conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and

participation by interested members of the public and staff, the City Council has determined that this Ordinance is consistent with the City's Comprehensive Plan; and

WHEREAS, the City Council 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, AS FOLLOWS:

SECTION 1. **Legislative Findings, Intent and Purpose.** The WHEREAS clauses contained herein are legislatively determined to be true and correct and are incorporated herein and represent the legislative findings of the City Council.

SECTION 2. The City Council hereby amends the City of Greenacres Code of Ordinance at Chapter 16, Zoning Regulations, Article VI, Sign Regulation, Division 5, Sign Regulation by Zoning District, Section 16-983, by amending subsections (a) and (b) to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

CHAPTER 16. ZONING REGULATIONS.

ARTICLE VI. SIGN REGULATIONS

DIVISION 5. – SIGN REGULATION BY ZONING DISTRICT

Sec. 16-983. Identification signs.

(a) Residential districts.

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

(3) The maximum copy area per sign face shall be 32 sq. ft.

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

(1) For single-use stores with over forty thousand (40,000) sq. ft. of floor area, three (3) wall signs with copy area not to exceed the maximum copy area allowed.

(2) Multi-tenant commercial properties are allowed one (1) freestanding sign per frontage and one (1) wall sign per tenant space.

(3) Outparcels and outbuildings within a unified development are allowed one (1) free-standing monument sign with a maximum height of eight (8) feet and with a maximum copy area of forty (40) sq. ft. per sign face.

(4) Time and temperature signs not exceeding two (2) feet in height, located in the bottom portion of the sign, may be included as an integral part of the identification sign copy area in CG districts for banks and financial institutions with drive-thrus.

(5) Electronic changeable copy gas station price signs not exceeding twelve (12) square feet may be included as an integral part of the freestanding sign copy area for gas stations located in the CG and CI districts provided, they are LED style and the sign copy is only for fuel prices.

(6) Electronic changeable copy signs for Government users are limited to messages that serve a public purpose and are not permitted to promote commercial messages of any kind. No advertising for off-site businesses is permitted in any

form.

- (7) The allowable copy area per sign face for each wall sign shall be one and one half (1 ½) sq. ft. per linear foot of building or tenant frontage, not to exceed the following maximum copy area by zoning district:

<u>Zoning District</u>	<u>Maximum Wall Sign Copy Area</u>
<u>OPI, MXD-O</u>	<u>60 sq. ft.</u>
<u>CN, MXD-OS</u>	<u>75 sq. ft.</u>
<u>CG, CI, GU</u>	<u>240 sq. ft.</u>
<u>MXD-R, MXD-C</u>	<u>30 sq. ft.</u>

- (8) The allowable copy area per sign face for each freestanding sign shall be 25% of parcel linear footage, not to exceed the following maximum copy area by zoning district:

<u>Zoning District</u>	<u>Maximum Freestanding Sign Copy Area</u>
<u>OPI</u>	<u>60 sq. ft.</u>
<u>CN, MXD-OS</u>	<u>75 sq. ft.</u>
<u>CG</u>	<u>240 sq. ft.</u>
<u>MXD-R, MXD-C</u>	<u>12 sq. ft.</u>
<u>MXD-O</u>	<u>90 sq. ft.</u>
<u>CI, GU</u>	<u>400 sq. ft.</u>

(c) *General provisions – wall signs.*

- (1) There shall be a minimum separation of three (3) feet between wall signs.
- (2) Side wall building signage shall not exceed fifty (50) percent of max. sq. ft. of allowable building sign copy area, or twenty-five (25) percent of max. sq. ft. of allowable building signs copy area when adjacent to residential parcels.

- (3) All wall signs shall be no closer than twelve (12) inches from the side lines of the premises storefront and six (6) inches to the top and bottom of the premises sign area.
- (4) The height of any wall sign cannot exceed the top elevation of the structure.
- (5) Building signs shall be consistent in color with those of the freestanding sign.
- (6) Unless otherwise approved as part of the Master Sign Plan, site, and development plan approval, or as necessary to maintain consistency with the majority of the existing signs in the plaza, wall signs shall be internally illuminated with individual channel letters or reverse channel letters. The trim cap and returns of the building wall sign shall be the same color as the letters and the illumination shall be with clear neon or LED tubing. No raceways or box signs will be permitted. A maximum of fifty (50) percent of the area of each wall sign may incorporate a logo of any color, the logos shall not exceed the total height of the sign on the building and shall meet the requirements of distance from the premise area.

(d) *General provisions – freestanding signs.*

- (1) Free-standing identification signs shall be designed as monument signs, and oriented perpendicularly to the frontage on which they are situated. The maximum height for free-standing signs shall be eight (8) feet except as otherwise provided in this Chapter.
- (2) Free-standing signs must be located within the general area of the major vehicular access points and must include the name of the development prominently displayed. Free-standing identification signs for commercial developments must also include the full range of street addresses located

onsite (this will not be included as part of the copy area).

- (3) Freestanding signs shall be consistent in color with those on the building. All freestanding signs shall be designed with an opaque background, so that light or a light source cannot penetrate through the sign with the exception of through the letters and logo associated with said sign. The architectural design shall be consistent with the design of the building, sharing materials, colors, and design motifs.
- (4) Free-standing monument signs may include a leasing sign not exceeding twelve (12) square feet incorporated into the base of the monument sign. Letter size shall be no less than five (5) inches using no more than two (2) colors and consistent with the design of the rest of the sign.
- (e) All signage located within any development shall maintain architectural consistency with itself, as well as with all structures, located onsite. The development may get a master sign program approval which incorporates multiple colors, fonts, and logos provided it is included in part of a theme that provides architectural consistency for the project as a whole and is formally approved by the city.

SECTION 3. Repeal of Conflicting Ordinances. All other ordinances or parts thereof or parts of the Code conflicting or inconsistent with this Ordinance are hereby cancelled, repealed, or revised to be consistent with provisions and elements of this Ordinance.

SECTION 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.

SECTION 5. Codification.

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

SECTION 6. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this _____ day of _____, 2023.

PASSED AND ADOPTED on the second reading this _____ day of _____, 2023.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

John Tharp, Deputy Mayor

Peter Noble, Council Member, *District II*

Judith Dugo, Council Member, *District III*

Susy Diaz, Council Member, *District IV*

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

ZTA-22-18 (Ordinance 2023-01)
Date: December 21, 2022

Revised: 1/12/2023



DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION

ZTA-22-18: Sign Regulations

Recommendation to City Council: A City-initiated request for a text amendment to include sign copy area for all signs permitted in each zoning district .

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Caryn Gardner-Young, Zoning Administrator	Reviewed By: Director of Development and Neighborhood Services _____ Denise Malone
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: 12/29/22; 1/26/23 Paper: The Lake Worth Herald, Palm Beach Post Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____
Attachments: <ul style="list-style-type: none"> Ordinance 2023-01 	City Council Action: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____

I. Executive Summary

On September 23, 2022, the City Council adopted updated sign regulations to be in compliance with state, federal and county regulations. Unfortunately, during the rewrite, inadvertently sign copy area for residential and non-residential signs was omitted. The intent of this zoning text amendment is to include in the zoning code the sign copy area with no proposed changes to the square footage allowed.

II. Proposed Zoning Text Amendments:

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Items which are proposed for deletion are in ~~Strike-Through~~, items proposed for addition are in Single Underline.

Proposed Change

Chapter 16, Zoning Regulations, Article VI, Sign Regulations, to be amended as follows (underlined language is added):

DIVISION 5. SIGN REGULATION BY ZONING DISTRICT.

Sec. 16-983. Identification signs.

(a) Residential districts.

- (1) In residential districts, non-residential uses are allowed one (1) identification wall sign.
- (2) For planned residential developments and subdivisions, one free-standing sign per major access is allowed. Two (2) signs with one (1) copy side each may be permitted in place of a single sign with two (2) copy areas.
- (3) The maximum copy area per sign face shall be 32 sq. ft.

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

- (1) For single-use stores with over forty thousand (40,000) sq. ft. of floor area, three (3) wall signs with copy area not to exceed the maximum copy area allowed.
- (2) Multi-tenant commercial properties are allowed one (1) freestanding sign per frontage and one (1) wall sign per tenant space.
- (3) Outparcels and outbuildings within a unified development are allowed one (1) free-standing monument sign with a maximum height of eight (8) feet and with a maximum copy area of forty (40) sq. ft. per sign face.

- (4) Time and temperature signs not exceeding two (2) feet in height, located in the bottom portion of the sign, may be included as an integral part of the identification sign copy area in CG districts for banks and financial institutions with drive-thrus.
- (5) Electronic changeable copy gas station price signs not exceeding twelve (12) square feet may be included as an integral part of the freestanding sign copy area for gas stations located in the CG and CI districts provided, they are LED style and the sign copy is only for fuel prices.
- (6) Electronic changeable copy signs for Government users are limited to messages that serve a public purpose and are not permitted to promote commercial messages of any kind. No advertising for off-site businesses is permitted in any form.
- (7) The allowable copy area per sign face for each wall sign shall be one and one half (1 ½) sq. ft. per linear foot of building or tenant frontage, not to exceed the following maximum copy area by zoning district:

<u>Zoning District</u>	<u>Maximum Wall Sign Copy Area</u>
<u>OPI, MXD-O</u>	<u>60 sq. ft.</u>
<u>CN, MXD-OS</u>	<u>75 sq. ft.</u>
<u>CG, CI, GU</u>	<u>240 sq. ft.</u>
<u>MXD-R, MXD-C</u>	<u>30 sq. ft.</u>

- (8) The allowable copy area per sign face for each freestanding sign shall be 25% of parcel linear footage, not to exceed the following maximum copy area by zoning district:

<u>Zoning District</u>	<u>Maximum Freestanding Sign Copy Area</u>
<u>OPI</u>	<u>60 sq. ft.</u>
<u>CN, MXD-OS</u>	<u>75 sq. ft.</u>
<u>CG</u>	<u>240 sq. ft.</u>
<u>MXD-R, MXD-C</u>	<u>12 sq. ft.</u>
<u>MXD-O</u>	<u>90 sq. ft.</u>
<u>CI, GU</u>	<u>400 sq. ft.</u>

(c) *General provisions – wall signs.*

- (1) There shall be a minimum separation of three (3) feet between wall signs.
- (2) Side wall building signage shall not exceed fifty (50) percent of max. sq. ft. of allowable building sign copy area, or twenty-five (25) percent of max. sq. ft. of allowable building signs copy area when adjacent to residential parcels.
- (3) All wall signs shall be no closer than twelve (12) inches from the side lines of the premises storefront and six (6) inches to the top and bottom of the premises sign area.

- (4) The height of any wall sign cannot exceed the top elevation of the structure.
- (5) Building signs shall be consistent in color with those of the freestanding sign.
- (6) Unless otherwise approved as part of the Master Sign Plan, site, and development plan approval, or as necessary to maintain consistency with the majority of the existing signs in the plaza, wall signs shall be internally illuminated with individual channel letters or reverse channel letters. The trim cap and returns of the building wall sign shall be the same color as the letters and the illumination shall be with clear neon or LED tubing. No raceways or box signs will be permitted. A maximum of fifty (50) percent of the area of each wall sign may incorporate a logo of any color, the logos shall not exceed the total height of the sign on the building and shall meet the requirements of distance from the premise area.

(d) *General provisions – freestanding signs.*

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

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

III. Zoning Text Amendment Criteria:

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

The principal intent of these proposed text amendments to the Zoning Code is to include sign copy area which was inadvertently omitted during the last zoning text amendment round. The proposed language is not proposing any changes to the previous sign copy area square footage.

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

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

IV. Staff Analysis:

The Development Review Committee Staff met on January 12, 2023, to discuss the proposed amendment. No objections were received.

Planning, GIS, and Engineering Division:	No objections
Building Division,	No objections
Fire Rescue Department	No objections
Public Works Department	No objections
PBSO District #16	No objections
Recreation and Community Services Department	No objections

IV. Staff Recommendation:

Approval of ZTA- 22-18 through the adoption of Ordinance 2023-01.

PLANNING ZONING BOARD OF APPEALS RECOMMENDATION – January 12, 2023

The Planning and Zoning Board of Appeals on a motion made by Board Member Litowsky and seconded by Board Member Fitzgerald, by a vote of five (5) to zero (0) *recommended approval* of Zoning Text Amendment ZTA 22-18, as presented by staff.

CITY COUNCIL ACTION First Reading – February 6, 2023

CITY COUNCIL ACTION Adoption Hearing –



ITEM SUMMARY

MEETING DATE: February 6, 2023

FROM: Caryn Gardner-Young, Zoning Administrator

SUBJECT: **Ordinance 2022-37, ZTA-22-14**
Property Maintenance Regulations

BACKGROUND

The proposed code amendment is a city-initiated request to codify and update property maintenance regulations. A property maintenance code deals with the conditions of existing housing and non-residential property. It moves the maintenance of an existing building and the surrounding property from an option to a legal requirement for a responsible property owner. City staff initiated this code change proactively to provide property owners, tenants, and property managers with objective and specific maintenance standards for structures and hardscape. The desired result is to keep all properties in acceptable state of repair; thereby maintaining property values.

In 2019, the city adopted a property maintenance code through reference (Chapter 4, Article I, Section 4-4). However, the specific regulations were only listed in a separate document (2019 Greenacres Property Maintenance Code) which is not posted but available in the office of the city clerk. To ensure that there is transparency and the ability of the residents to easily review the property standards, this amendment requests that the specific regulations be added to the Code of Ordinances Chapter 7. In addition, the proposed property maintenance regulations were reviewed by the Building Division, Code Enforcement Division, Fire Department, and legal counsel which resulted in the regulations being updated.

ANALYSIS

The proposed change establishes minimum requirements for the maintenance of existing buildings through code provisions that contain clear and specific maintenance and property improvement provisions. The code amendments establish regulations that protect the public health, safety, and welfare of the Greenacres citizens. By placing the specific language in the code, the city is being user friendly and transparent. In addition, the code provisions have been reviewed by multiple city staff and legal counsel to ensure that it is up to date and addresses any concerns which have occurred since its adoption in 2019.

FINANCIAL INFORMATION

N/A.

LEGAL

Ordinance 2022-37 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-22-14 through the adoption of Ordinance 2022-37.

ORDINANCE NO. 2022-37

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 4 "BUILDINGS AND BUILDING REGULATIONS," ARTICLE I "IN GENERAL," BY DELETING SECTION 4-4, "GREENACRES PROPERTY MAINTENANCE CODE," AND CREATING A NEW CHAPTER 7 ARTICLE VIII TO BE ENTITLED "GREENACRES PROPERTY MAINTENANCE CODE," AND AMENDING PROVISIONS OF THE GREENACRES PROPERTY MAINTENANCE CODE; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

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

WHEREAS, in 2019 consistent with its general police powers, the City Council of the City of Greenacres adopted the 2019 Greenacres Property Maintenance Code ("2019 PMC") setting forth objective maintenance standards for all properties within the City; and

WHEREAS, the City did not codify the entire 2019 PMC into the City's Code of Ordinances but rather adopted the 2019 PMC by reference and made the 2019 PMC available by request at the City Clerk's office; and

WHEREAS, since the 2019 PMC sets objective maintenance standards for all properties within the City, the 2019 PMC should be readily available within the City's Code of Ordinances and fully accessible online at all times; and,

WHEREAS, in addition to incorporating the entire 2019 PMC into the City's Code of Ordinances, the City is amending the 2019 PMC to update and clarify certain provisions; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Greenacres and 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 hereby fully incorporated herein by reference as the legislative findings of the City Council of the City of Greenacres.

SECTION 2. The City of Greenacres Code of Ordinances is hereby amended at Chapter 4, "Buildings and Building Regulations," Article I, "In General," by deleting Section 4-4, "Greenacres Property Maintenance Code," as follows (additions are indicated by underscoring and deletions are indicated by strikeout):

~~Sec. 4-4. - Greenacres Property Maintenance Code Reserved.~~

~~The city hereby adopts by reference the 2019 Greenacres Property Maintenance Code, attached hereto and by this reference made part hereof. A copy of the 2019 Greenacres Property Maintenance Code shall be kept on file in the office of the city clerk.~~

SECTION 3. The City of Greenacres Code of Ordinances is hereby amended at Chapter 7, "Health, Sanitation, ~~and Nuisances~~, and Property Maintenance", by creating a new Article VIII to be entitled "Property Maintenance Code" as follows:

ARTICLE VIII. – PROPERTY MAINTENANCE CODE

DIVISION 1 – GENERALLY.

Sec. 7-400 – Greenacres property maintenance code.

The city hereby adopts the Greenacres Property Maintenance Code (hereinafter in this Article referred to as the "PMC"), which shall apply within the city to all existing structures, both residential and commercial, and to all existing premises, and shall constitute minimum requirements and standards for premises, properties, structures, equipment, and facilities for light, ventilation, space, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary

maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Sec. 7-401. – Intent.

This PMC shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

Sec. 7-402. – Severability.

If a section, subsection, sentence, clause, or phrase of this PMC is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this PMC.

Sec. 7-403. – Applicability.

- (a) **General.** Where there is a conflict between a general requirement and a specific requirement in this PMC, the specific requirement shall govern. Where differences occur between provisions of this PMC and the referenced standards, the provisions of this PMC shall apply. Where, in a specific case, different sections of this PMC specify different requirements, the most restrictive shall govern.
- (b) **Maintenance.** Equipment, systems, devices and safeguards required by this PMC or a previous regulation or code, under which the structure or premises was constructed, altered or repaired, shall be maintained in good working order including all electrical, gas, mechanical, and plumbing systems and all parts thereof. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied building, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this PMC are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures, and premises.
- (c) **Application of Other Codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Building Code and the Greenacres Amendments to the Florida Building Code, the Florida Fire Prevention Code, and any other codes or laws adopted by the city. Nothing in this PMC shall be construed to cancel, modify or set aside any provision of the aforementioned or the Greenacres Code.
- (d) **Existing Remedies.** The provisions in this PMC shall not be construed to abolish or impair existing remedies of the city relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

- (e) **Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this PMC shall be executed and installed in a workmanlike manner and installed in accordance with the Greenacres Code and all manufacturer's installation instructions.
- (f) **Referenced Codes and Standards.** The codes and standards referenced in this PMC shall be those that are listed herein and considered part of the requirements of this PMC to the prescribed extent of each such reference. Where differences occur between provisions of this PMC and the referenced standards, the most stringent provision shall apply. However, the following exceptions apply:
 - 1. Where enforcement of a PMC provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.
 - 2. The provisions of this PMC shall not be deemed to nullify any provisions of local, state or federal law.

Sec. 7-404. - Requirements Not Covered By Code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this PMC, shall be determined by the building official.

Sec. 7-405. – Responsibility and Enforcement

- (a) **General.** The Development and Neighborhood Services Department, through the Building Division and the Code Compliance Division, shall have prime responsibility for the enforcement of this PMC.
- (b) **Violations.** All violations of this PMC shall be a violation of the Greenacres Code and may be enforced by and through the city's code compliance process and/or through any other legal means of enforcement at the option of the city.

DIVISION 2 – DEFINITIONS.

Sec. 7-406. - Generally.

- (a) **Scope.** Unless otherwise expressly stated, the following terms shall, for the purpose of this PMC, have the meanings shown in this article.
- (b) **Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- (c) **Terms Defined in Other Codes.** Where terms are not defined in this PMC and are defined in the Florida Building Code, the Florida Fire Prevention Code, the National Electrical Code, city local amendments to those codes, or the Greenacres Code, such terms shall have the meanings ascribed to them as in those codes.
- (d) **Terms Not Defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings

such as the context implies.

- (e) **Parts.** Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “structure,” “property,” “rooming house,” “rooming unit,” “house keeping unit,” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

Sec. 7-407. - General definitions.

The following definitions are applicable to this PMC:

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the building official or other authority having jurisdiction.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

BUILDING OFFICIAL. The official who is charged with the administration and enforcement of the Florida Building Code.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD or GUARDRAIL. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not generally considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises, of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unregistered, unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living, sleeping or working in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for

unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC RIGHT OF WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRUCTURE. That which is built or constructed or a portion thereof, whether fixed or portable, attached or detached, whether a main structure or an accessory structure, that includes but is not limited to all buildings, dwellings, garages, sheds, pools, fences, walls, screen rooms, screen enclosures, and other enclosures.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

DIVISION 3 - GENERAL MAINTENANCE REQUIREMENTS

Sec. 7-408. - GENERAL

- (a) **Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.
- (b) **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this PMC. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this PMC. Occupants of a dwelling unit, rooming house or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming house or housekeeping unit, or premises which they occupy and control.

Sec. 7-409. - Vacant Structures and Land

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 7-410. – Exterior Property Areas.

- (a) **Safety and Sanitation.** All exterior property and premises shall be maintained in a clean, orderly, safe and sanitary condition. The following is prohibited:
 - 1.The outdoor storage, presence, accumulation, display, or otherwise keeping of any debris, appliances, tools, equipment, chemicals, automotive parts, furniture, building materials, household items, or other similar goods that are not designed for outside use, including without limitation, any abandoned, discarded, or tangible personal property in a state of disrepair; and,
 - 2.The outdoor storage, presence, accumulation, display, or otherwise keeping of any debris, appliances, tools, equipment, chemicals,

automotive parts, building material, or other material of any kind on the ground, leaning against any building or structure, or upon the roof or top of any building or structure.

Sec. 7-411. - Grading and Drainage.

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. The exception to this requirement is an approved retention area and/or reservoir.

Sec. 7-412. - Walkways and Driveways.

All walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, free of debris, stains, mold, discoloration, deterioration and shall be kept clear of all obstacles and maintained free from hazardous conditions.

Sec. 7-413. – Landscaping and Uncontrolled Growth of Vegetation.

All yards exposed to public view must be landscaped. Landscaping shall be maintained so as to present a healthy, neat and orderly appearance, and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be kept free of visible signs of insects and disease and appropriately irrigated and fertilized to enable landscaping to be in a healthy condition.

Play areas, flowerbeds, driveways, walks, and similar areas not intended to have vegetative cover should be clearly defined, maintained free of uncultivated growth, and shall be edged to prevent encroachment from adjacent vegetated areas.

All premises and exterior of properties shall be maintained free from weeds or similar noxious plant growth in excess of 6 inches in height. All such weeds and noxious plant growth and prohibited species (as defined in the Greenacres Code) shall be removed. Any dead trees, tree stumps, dead and decaying plant material, trash and garbage shall be removed from the premises. Shrubbery and other landscape materials shall be trimmed to prevent encroachment onto sidewalks and other public rights-of-way, including waterways.

Sec. 7-414. - Stagnant Water.

The exterior of all properties shall be maintained free of all collection of water in which mosquitos breed or are likely to breed. The exception to this requirement is approved retention areas, reservoirs, and other similar areas required for proper stormwater management or other purposes as approved by the City.

Sec. 7-415. - Rodent and Pest Harborage.

All structures and exterior property shall be kept free from rodent and other pest harborage and infestation. Where rodents or other pests are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent and pest harborage and prevent re-infestation.

Sec. 7-416. - Exhaust Vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another owner or tenant.

Sec. 7-417. - Accessory Structures

All accessory structures, including but not limited to detached garages, storage buildings, sheds, fences, walls, driveways and driveway aprons, walkways, antennas, portable carports screen rooms, screen enclosures, and other enclosures shall be maintained structurally sound, in good repair, and have their exterior coatings and coverings maintained in a sound and uniform appearance free from rips, broken areas, algae, mildews, molds, dirt or other stains.

Sec. 7-418. – Gates

Gates which are required to be self-closing and self-latching in accordance with the Florida Building Code shall be maintained such that the gate will positively close and latch when released from a still position of six (6) inches from the gatepost.

Sec. 7-419. - Motor Vehicles.

Except as provided for in the Greenacres Code, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. The exception to this requirement is a vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes, and is not otherwise violating any other code or ordinance.

Sec. 7- 420. – Open Storage.

It shall be unlawful for the owner or occupant of a residential building or structure or property to utilize the premises for the open storage or any appliance or other item of personal property, building materials, rubbish or similar items.

Sec. 7-421. - Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of

any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Sec. 7-422. – Swimming pools, spas, and hot tubs.

- (a) **Swimming pools.** Swimming pools, spas, portable spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.
- (b) **Enclosures.** Swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall have barriers per the Florida Building Code. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Sec. 7-423. – Exterior Structure.

- (a) **General.** The exterior of all premises and every structure thereon where exposed to public view shall be maintained in good repair, structurally sound and sanitary, so as not to show evidence of deterioration nor pose a threat to the public health, safety or welfare. All surfaces shall be maintained free of weathering discoloration; ripping, tearing or other holes or breaks; broken glass; crumbling stone, brick or stucco; or other conditions reflective of deterioration or inadequate maintenance.
- (b) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Building Code Existing Building as required for existing buildings:
 - 1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
 - 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
 - 3. Structures or components thereof that have reached their limit state.
 - 4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
 - 5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
 - 6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
 - 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
 - 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in

good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the building official.

- (c) **Protective Treatment** . All exterior surfaces, including but not limited to, walls, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition and generally accepted uniform appearance. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, moldy, severely chalked, deteriorated, dirty, stained or chipped paint or other coating shall be eliminated and surfaces repainted or recoated. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designated for stabilization by oxidation are exempt from the requirement.
- (d) **Structural Members**. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) **Foundation Walls**. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition. All foundation walls shall also prevent the entry of rodents and other pests.
- (f) **Exterior Walls**. All exterior walls, on main structures and accessory structures,

shall be free from holes, breaks, mold, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

- (g) **Roofs and Drainage.** The roof and flashing shall be sound, tight, in good repair and condition. The roof and flashing shall not have defects that are a detriment to the roof's effectiveness or appearance. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water including A/C condensate shall not be discharged in a manner that creates a public nuisance.
- (h) **Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition.
- (i) **Overhang Extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (j) **Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (k) **Chimneys and Towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (l) **Handrails and Guardrails.**
 - 1. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
 - 2. Every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.
Exception: Guards shall not be required where exempted by the Florida Building Code.
- (m) **Window, Skylight and Door Frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
- (n) **Glazing.** All glazing materials shall be maintained free from cracks and holes.

- (o) **Openable Windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (p) **Shutters and Impact Protection.** Hurricane protective devices on all 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.
- (q) **Insect Screens.** Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging screened door shall have a self-closing device in good working condition. The exception to requirement for insect screens is where other approved and effective means, such as air curtains or insect repellant fans, are employed.
- (r) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with this PMC.
- (s) **Building Security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.
- (t) **Access Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.
- (u) **Windows.** Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with window sash locking devices.
- (v) **Skirting.** Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure. Replacement or new skirting shall be constructed of materials intended for exterior use and properly sized and mounted to prevent free access to the crawl space of the structure. Crawl space access grille or door and ventilation grilles shall be sized according to building code requirements.
- (w) **Gates.** Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall

tightly secure the gates.

Sec. 7-424. – Interior structure.

- (a) **General.** The interior of a structure and the equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition.
- (b) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Building Code Existing Building as required for existing buildings:
 - 1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
 - 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
 - 3. Structures or components thereof that have reached their limit state.
 - 4. Structural members are incapable of supporting nominal loads and load effects.
 - 5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
 - 6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- 1. Where substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted where approved by the building official.
- (c) **Structural Members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- (d) **Interior Surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, dirty, stained or abraded paint or other coatings shall be repaired, removed, or replaced. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.
- (e) **Stairs and Walking Surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(f) **Handrails and Guardrails**

1. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
2. Every interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the Florida Building Code.

- (g) **Interior Doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Sec. 7-425. – Component Serviceability.

- (a) **General.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- (b) **Unsafe conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Florida Building Code or the Florida Building Code Existing Building as required for existing buildings:
1. Soils that have been subjected to any of the following conditions:
 - i. Collapse of footing or foundation system.
 - ii. Damage to footing, foundation, concrete or other structural element due to soil expansion.
 - iii. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
 - iv. Inadequate soil as determined by a geotechnical investigation.
 - v. Where the allowable bearing capacity of the soil is in doubt.
 - vi. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
 2. Concrete that has been subjected to any of the following conditions:
 - i. Deterioration.
 - ii. Ultimate deformation.
 - iii. Fractures.
 - iv. Fissures.
 - v. Spalling.
 - vi. Exposed reinforcement.
 - vii. Detached, dislodged or failing connections.
 3. Aluminum that has been subjected to any of the following conditions:
 - i. Deterioration.
 - ii. Corrosion.
 - iii. Elastic deformation.
 - iv. Ultimate deformation.
 - v. Stress or strain cracks.
 - vi. Joint fatigue.

- vii. Detached, dislodged or failing connections.
- 4. Masonry that has been subjected to any of the following conditions:
 - i. Deterioration.
 - ii. Ultimate deformation.
 - iii. Fractures in masonry or mortar joints.
 - iv. Fissures in masonry or mortar joints.
 - v. Spalling.
 - vi. Exposed reinforcement.
 - vii. Detached, dislodged or failing connections.
- 5. Steel that has been subjected to any of the following conditions:
 - i. Deterioration.
 - ii. Elastic deformation.
 - iii. Ultimate deformation.
 - iv. Metal fatigue.
 - v. Detached, dislodged or failing connections.
- 6. Wood that has been subjected to any of the following conditions:
 - i. Ultimate deformation.
 - ii. Deterioration.
 - iii. Damage from insects, rodents and other vermin.
 - iv. Fire damage beyond charring.
 - v. Significant splits and checks.
 - vi. Horizontal shear cracks.
 - vii. Vertical shear cracks.
 - viii. Inadequate support.
 - ix. Detached, dislodged or failing connections.
 - x. Excessive cutting and notching.

Exceptions:

- 1. Where substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted where approved by the building official.

Sec. 7-426. – Rubbish and garbage.

- (a) **Disposal of Rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- (b) **Refrigerators.** Refrigerators and similar appliances and equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors. Refrigerators and other household appliances not in operation shall not be stored on the exterior of a property or in an open carport or patio. All refrigerators and other household appliances shall be installed protected from the weather and per manufacturers specifications and recommendations.
- (c) **Disposal of Garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

Sec. 7-427– Extermination.

- (a) **Infestation.** All structures shall be kept free from insect, pest, and rodent infestation. All structures in which insects, pests, or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
- (b) **Owner.** The owner of any structure shall be responsible for extermination within the structure.

Sec. 7-428. – Light, Ventilation, and occupancy limitations.

- (a) **Responsibility.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.
- (b) **Alternative Devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.
- (c) **Light in Habitable Spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.
Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.
- (d) **Light in Common Halls and Stairways.** Every common hall and stairway in residential occupancies, other than in one and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied, with a minimum of 1 footcandle (11 lux) at floors, landings and treads.
- (e) **Light in other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.
- (f) **Ventilation in Habitable Spaces.** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 4-402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors

shall be based on a total floor area being ventilated.

- (g) **Ventilation in bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.
- (h) **Cooking Facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.
Exception: Where specifically approved in writing by the building official.
- (i) **Process Ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.
- (j) **Clothes Dryer Exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions. **Exception:** Listed and *labeled* condensing (ductless) clothes dryers.
- (k) **Minimum Room Widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension unless otherwise approved by the Florida Building Code and/or the building official. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.
- (l) **Minimum Ceiling Heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear height of not less than 7 feet (2134 mm).

Exceptions:

1. In one and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
 2. Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
 3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.
 4. As otherwise authorized by the Florida Building Code.
- (m) **Access from Bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.
Exception: Units that contain fewer than two bedrooms.
 - (n) **Water Closet Accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

- (o) **Prohibited Occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.
- (p) **Other Requirements.** Bedrooms shall comply with the applicable provisions of this PMC including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements; the electrical receptacle requirements; and the smoke detector and emergency escape requirements.
- (q) **Food Preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.
- (r) **Kitchen Facilities.** Every dwelling unit shall contain a kitchen equipped with the following minimum facilities:
 - 1. Food preparation surfaces impervious to water and free of defects which could trap food or liquid.
 - 2. Shelving, cabinets, or drawers for the storage of food and cooking and eating utensils, all of which shall be maintained in good repair.
 - 3. Freestanding or permanently installed cookstove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.
 - 4. Mechanical refrigeration equipment for the storage of perishable foodstuffs.

Sec. 7-429. – Plumbing facilities and fixture requirements.

- (a) **Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.
- (b) **Dwelling Units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet, and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.
- (c) **Rooming Houses.** At least one water closet, lavatory, and bathtub or shower shall be supplied for each four rooming units.
- (d) **Hotels.** Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory, and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
- (e) **Employees' Facilities.** A minimum of one water closet, one lavatory, and one drinking facility shall be available to employees.
- (f) **Drinking Facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
- (g) **Public Facilities.** A minimum of one water closet and one lavatory shall be available to the public and such public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Florida Building Code Plumbing. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet

facilities at all times during occupancy of the premises.

- (h) **Toilet Rooms.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling. Toilet rooms and bathrooms serving hotel units, rooming units, dormitory units, or housekeeping units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway. Toilet facilities for employees shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities. **Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease, or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.
- (i) **Floor Surface.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, non-absorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

Sec. 7-430. – Plumbing systems and fixtures.

- (a) **General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks, and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary, and functional condition.
- (b) **Fixture Clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.
- (c) **Plumbing System Hazards.** Where it is found that a plumbing system for a structure or premises constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the defects shall be promptly corrected to eliminate the hazard.

Sec. 7-431. – Water system.

- (a) **General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Florida Building Code, Plumbing.
- (b) **Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

- (c) **Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- (d) **Water Heating Facilities.** Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature or not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom, or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.
- (e) **Nonpotable water reuse systems.** Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with this PMC or the Florida Building Code.
- (f) **Abandonment of systems.** Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with this PMC or the Florida Building Code Plumbing.

Sec. 7-432. – Sanitary drainage system.

- (a) **General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (b) **Maintenance.** Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks, and defects.
- (c) **Grease interceptors.** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the building official.

Sec. 7-433. – Storm Drainage.

- (a) **General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance or is violation of the Greenacres Code.

Sec. 7-434. – Mechanical and electrical requirements.

- (a) **Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements and the Florida

Building Code. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not provide mechanical or electrical facilities or equipment or such facilities or equipment that fail to comply with the requirements of this PMC or the Florida Building Code.

(b) **Heating Facilities.**

1. **Residential Occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Florida Building Code, Plumbing. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
 2. **Heat Supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory, or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th through March 15th to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. **Exception:** When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Florida Building Code, Plumbing.
 3. **Occupiable Work Spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from November 15th through March 15th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied. **Exceptions:** Processing, storage, and operation areas that require cooling or special temperature conditions; and, areas in which persons are primarily engaged in vigorous physical activities
 4. **Room Temperature Measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.
- (c) **Mechanical Appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances, and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- (d) **Removal of Combustion Products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. **Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.
- (e) **Electrical facilities.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this PMC. All electrical systems shall provide electricity in safe condition.
1. **Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.
 2. **Electrical System Hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason in inadequate service, improper fusing, insufficient receptacle and lighting outlets,

improper wiring or installation, deterioration or damage, or for similar reasons, the defects shall be promptly corrected to eliminate the hazard.

3. **Abatement of electrical hazards associated with water exposure.** Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the Florida Building Code. **Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement: Enclosed switches, rated not more than 600 volts or less; busway, rated not more than 600 volts; panelboards, rated not more than 600 volts; switchboards, rated not more than 600 volts; fire pump controllers, rated not more than 600 volts; manual and magnetic motor controllers; motor control centers; alternating current high-voltage circuit breakers; low-voltage power circuit breakers; protective relays, meters and current transformers; low- and medium-voltage switchgear; liquid-filled transformers; cast-resin transformers; wire or cable that is suitable for wet locations and whose ends have not been exposed to water; wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water; luminaires that are listed as submersible; motors; and, electronic control, signaling and communication equipment.
 4. **Abatement of electrical hazards associated with fire exposure.** Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Florida Building Code. **Exception:** Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.
- (f) **Electrical equipment.** All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner. All required electric shall be maintained in working order. All un-used or abandoned electric including wiring shall be removed from the building or structure.
 - (g) **Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter if within six ft. from a sink. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.
 - (h) **Lighting Fixtures.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, and mechanical room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.
 - (i) **Wiring.** Flexible cords or extension cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

Sec. 7-435. – Elevators, escalators, and dumbwaiters.

- (a) **General.** Elevators, dumbwaiters, and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards and follow all local, state and federal laws, rules and regulations.
- (b) **Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing and servicing.

Sec. 7-436. – Duct systems. Duct systems shall be maintained free from obstructions and shall be capable of performing the required function.

Sec. 7-437. – Means of egress.

- (a) **General.** All required exits shall be maintained to provide a safe, continuous, and unobstructed path of travel from any point in a building or structure to the public way.
- (b) **Aisles.** The required width of aisles in accordance with all applicable law or code shall be unobstructed.
- (c) **Locked Doors.** All means of egress doors shall be readily openable from the side from which egress is to be made, without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by applicable law or code.
- (d) **Emergency Escape Openings.** Required emergency escape openings shall be maintained in accordance with the Florida Building Code and the following: required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools; bars, grills, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Florida Building Code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

Sec. 7-438.-Holiday Lights and Decorations.

Holiday lights and decorations shall only be erected during the appropriate respective holiday season and shall comply with all building and electrical codes. Holiday lights and decorations may be erected no earlier than six (6) weeks prior to the subject holiday. All holiday lights and decorations must be removed within three (3) weeks following the holiday.

* * *

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

SECTION 5. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be

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

SECTION 6. Codification. It is the intention of the City Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “Ordinance” may be changed to “Article”, “Division”, or “Section” or another word.

SECTION 7. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this _____ day of _____ 2023.

PASSED AND ADOPTED on the second reading this _____ day of _____, 2023.

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: February 06, 2023

FROM: Andrea McCue, City Manager

SUBJECT: Planning and Zoning Board of Appeals Re-Appointment – Emily Jacobs-Robarts

BACKGROUND

Pursuant to Ordinance 2021-16 which established a Planning and Zoning Board of Appeals (PZBA) to review and make recommendations to City Council for annexations, rezoning, special exceptions, site plans, site plan amendments, and zoning text amendments. The PZBA has seven (7) members appointed and approved by the City Council. The membership is comprised of five (5) regular members and two (2) alternate members. Each member serves a three (3) year terms.

ANALYSIS

There is currently one (1) expired Regular Member on the Planning and Zoning Board of Appeals as of January 2023. Ms. Robarts is a resident of Greenacres and has expressed an interest in serving another three (3) year term.

FINANCIAL INFORMATION

N/A

LEGAL

The appointment procedure is in compliance with City Codes.

STAFF RECOMMENDATION

Staff recommends re-appointing Ms. Robarts to serve a three-year term as a Regular Member of the Planning and Zoning Board of Appeals.