

ORDINANCE NO. 2024-12

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ZONING REGULATIONS, ARTICLE IV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 6, TEMPORARY USES, SECTION 16-718, PERMIT REQUIRED, AND SECTION 16-719, PROCEDURES IN SECURING PERMIT; CREATING SECTION 16-722; REPLACING OUTDATED NAMES OF CITY DEPARTMENTS AND COMMITTEES; REVISING THE APPLICATION PROCESS FOR THE RENTAL OF PARK PAVILIONS AND FIELDS; REDUCING THE MAXIMUM OCCUPANCY FOR CERTAIN EVENTS ON CITY PROPERTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body of the City, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (Zoning Code); and

WHEREAS, in general, sections 16-718 and 16-719 define and prescribe the permitting process and allowed uses for temporary events; and

WHEREAS, it is the desire of the City Council to amend such process; and

WHEREAS, it is the desire of the City Council to amend such allowed uses, with respect to City property; and

WHEREAS, from time to time, the City receives requests for the rental of pavilions or fields within City parks; and

WHEREAS, it is the desire of the City Council to simplify the application process for the rental of pavilions and fields within City parks, by exempting them from the requirement to obtain a temporary use permit and creating a new application process; and

WHEREAS, the City Council has determined that reducing the maximum occupancy for events associated with such rentals is necessary to ensure safe usage; and

WHEREAS, sections 16-718 and 16-719 also contain outdated committee and

department names and it is the desire of the City Council to amend those sections to reflect current committee and department names; and

WHEREAS, the Planning and Zoning Board of Appeals reviewed this Ordinance and recommended approval of the same; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Greenacres and the public at large.

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

Section 1. Chapter 16, Article IV, Section 16-718, is hereby amended as follows:

Sec. 16-718. Permit required.

Certain other temporary uses shall require permits as shown in Table 16-718:

Table 16-718						
Temporary Event and Use Permit Matrix		Permit	<u>LDS Development Review Committee (DRC) Review</u>	Review Dept.	Duration ¹	Permits/Year ²
Temporary Events:						
Private Property	Temp. Retail Sales (fireworks, X-mas trees, pumpkins, furniture, rugs, hot dogs, etc.) ³	Y	Y	<u>LDS DRC</u>	30 Days	2/year/use
	Special events, Carnivals, Fairs	Y	Y	<u>LDS DRC</u>	7 Days ⁴	2/year/use
City Property	Private Party/Picnic ^{5,6,7}	N	N	<u>Leisure Services Community & Recreation Services Dept.</u>	1-Day	N/A

	Parades, Privately Sponsored	Y	Y	<u>LDS DRC</u>	1-Day	N/A
	City- sponsored Events ⁶	Y	Y	<u>LDS</u>	3-Days	N/A
Temporary Facilities: (Outdoor Storage, Construction, and Sales Trailers)		Y	Y	<u>LDS DRC</u>	30 Days ⁸	1 extension
Temporary Signs/Banners/Balloons⁹		Y	N	<u>Planning Development and Neighborhood Services Dept.</u>	See Note 9	See Note 9
Notes:						
1. Duration is defined as consecutive calendar days.						
2. Each permit or extension requires a separate payment.						
3. Does not include car sales. Permanent, continuing vehicle sales are allowed only on properties possessing valid zoning and site plan approval. This activity is contrary to the requirements of section 16-716 which state that temporary uses shall not create impacts, incompatibilities, excessive traffic, or nuisances. Vehicle sales would create traffic impacts caused by the test driving of vehicles by prospective buyers. Incompatibilities of permanent vehicle sales operations are minimized and buffered through the site plan approval process.						
4. Special events for approved tourist attractions may have a duration determined by the scale of the event.						
5. Bounce houses and similar devices may be permitted as part of a birthday party/picnic so long as the applicant rents the pavilion for that day, and provides Leisure Services <u>CRS</u> with proof of insurance (\$1,000,000 minimum) prior to event. Maximum occupancy for these events is limited to no more than two hundred one hundred twenty five (200 125) <u>one hundred twenty five (125)</u> people)						
6. No alcohol shall be allowed within any city park without the express permission of the city council through the city manager. No vehicles shall be allowed on grassed areas and no animals are allowed within any city park unless part of a city co -sponsored event.						
7. Pavilion rental for events accommodating more than two hundred (200) people is not permitted unless co-sponsored by the city. Rentals of park pavilions or fields do not require a temporary use permit but are subject to the application process in Section 16-722. Maximum occupancy of the rented pavilion or field shall not exceed one hundred twenty five (125) people.						
8. Construction and sales trailers may be permitted for the duration of construction activities. Seasonal outdoor storage in enclosed containers located in appropriately designated areas may be approved for a duration of no more than one hundred twenty (120) days with no extensions.						
9. Temporary Signs as defined in the Code of Ordinances are regulated by Section 16-994 <u>Chapter 16, Article VI, Sign Regulations.</u>						

Section 2. Chapter 16, Article IV, Section 16-719, is hereby amended as follows:

Sec. 16-719. Procedures in securing permit.

Temporary use permit applications for uses set out in sections 16-717 and 16-718, except for pavilion and field rentals, ~~above~~ shall be submitted to the building development and neighborhood services department. The ~~planning and engineering~~ director of development and neighborhood services or designee may grant a temporary use permit subject to suitable conditions, safeguards and stipulations, upon the advice and consent of the development review committee.

- (1) Prior to granting a temporary use permit, the ~~planning and engineering~~ director of development and neighborhood services or designee shall ensure that:
 - a. Any nuisance or hazardous feature involved is suitably separated from adjacent uses;
 - b. Excessive vehicular traffic will not be generated on minor residential streets; and
 - c. A vehicular parking problem will not be created.
- (2) All applications for temporary use permits shall contain a site plan indicating the precise area where the temporary use is to be conducted, the nature of the activities that will occur and the period of time for which the temporary use permit is requested.

Section 3. Chapter 16, Article IV, Section 16-722, is hereby created as follows:

Sec. 16-722. Rental of pavilions or fields within city parks.

Applications for the rental of park pavilions or fields shall be submitted to and processed by the community and recreation services department. In approving an application under this section, the director of community and recreation services or designee may require any conditions reasonably necessary to ensure the safe use of the city's property.

Section 4. Repeal of Conflicting Ordinances

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

Section 5. Severability

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

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

Section 6. Inclusion in Code

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

Section 7. Effective Date

The provisions of this Ordinance shall become effective immediately upon its adoption.

[The remainder of this page intentionally left blank.]

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

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

Voted:

Chuck Shaw, Mayor

Judith Dugo, Deputy Mayor, *District III*

Attest:

Voted:

Quintella Moorer, City Clerk

John Tharp, Council Member, *District I*

Voted:

Peter Noble, Council Member, *District II*

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