

## ORDINANCE NO. 2025-01

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA AMENDING THE CODE OF ORDINANCES AT ARTICLE II, ADMINISTRATION, OF CHAPTER 16, ZONING REGULATIONS, TO REVISE FILING PROCEDURES, STANDARDS, CRITERIA FOR APPROVAL, AND REVIEW PROCESSES FOR DEVELOPMENT APPLICATIONS; TO REVISE NOTICE REQUIREMENTS FOR DEVELOPMENT-RELATED APPLICATIONS AND ORDINANCES; TO REVISE PROVISIONS RELATED TO THE EXPIRATION OF DEVELOPMENT APPROVALS; TO UPDATE DEPARTMENT AND ADVISORY BOARD NAMES; TO UPDATE THE PROCEDURES AND DUTIES OF THE DEVELOPMENT REVIEW COMMITTEE; AND FOR OTHER PURPOSES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the Department of Development & Neighborhood Services has submitted a request for a Code Text Amendment to amend Chapter 16, Article II, Administration; to revise filing procedures, standards, criteria for approval, and review processes for development applications; to revise notice requirements for development-related applications and ordinances; to update provisions related to the expiration of development approvals; to update department and advisory board names; and to clarify the procedures and duties of the Development Review Committee; and

**WHEREAS**, it has been determined, in accordance with the Development & Neighborhood Services Staff Report and Recommendation, “Exhibit A” (attached), that the proposed amendments to the City’s Code of Ordinances are appropriate; and

**WHEREAS**, the Development Review Committee provided its recommendation regarding the proposed amendment to the Code of Ordinances; and

**WHEREAS**, the Planning and Zoning Board of Appeals, after notice and public hearing, has considered the proposed amendment to the Code of Ordinances, more specifically described herein, and submitted its recommendation to the City Council; and

**WHEREAS**, the City Council, after notice and public hearing, has considered the proposed amendment to the Code of Ordinances, the recommendations of the Planning and Zoning Board of Appeals, and all public comments; and

**WHEREAS**, the City Council finds that the proposed amendment to the Code of Ordinances is consistent with the City of Greenacres Comprehensive Plan; and

**WHEREAS**, the City Council desires to amend the Code of Ordinances in order to incorporate the above-described amendment; 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 II, Administration is hereby amended as follows (Deletions are marked with a strikethrough, and additions are marked with an underline):

**ARTICLE II. ADMINISTRATION**

**DIVISION 1. GENERALLY**

**Sec. 16-29. Enforcement officer.**

The provisions of this chapter shall be administered and enforced by the ~~planning and engineering~~ development and neighborhood services director or their designee in conjunction with the code enforcement procedures of section 2-72.

### **Sec. 16-30. Development order consistency.**

Pursuant to Chapter 163 Florida Statutes, the city may not approve any development order which is not consistent with the adopted 1989 Comprehensive Plan, as amended, of the City of Greenacres. All development orders shall also be consistent with the Zoning Code.

### **Sec. 16-31. Concurrency management.**

The development of residential and commercial land shall be timed and staged in conjunction with the provision of supporting community facilities such as streets, water, sewer, stormwater drainage outfall, public safety service, public schools, and recreation facilities. Future land use amendments, zoning changes, site and development plans ~~approvals~~, building permits, and other development orders as defined in Florida Statutes, shall only be approved if public facilities necessary to meet the level of service standards established in the Comprehensive Plan are available concurrent with the impacts of development.

### **Sec. 16-32. Building permits.**

- (a) No building permit shall be issued by the building official without written certification by the ~~planning and engineering~~ development and neighborhood services department that plans submitted conform with applicable zoning regulations and with the approved site and development plans or other development order for the property.
- (b) Each application for a building permit pertaining to a principal structure or addition shall be accompanied by a survey bearing an original seal prepared within the last one (1) year and ~~copies of a site and development set of plans demonstrating compliance with the applicable zoning and land development regulations~~. For all other building permits, a survey bearing a seal prepared in excess of one (1) year prior to the permit request is acceptable, provided that such survey accurately depicts the property and is acceptable to the ~~planning and engineering~~ development and neighborhood services director or their designee. The ~~set of site and development plans~~ shall be drawn to scale showing the actual dimensions of the lot or lots to be built upon, height, setbacks, the size of the building or structure to be erected or site altered and the location of the building or structure on the lot or lots. Additionally, such other information which the ~~planning and engineering~~ development and neighborhood services director or their designee shall deem necessary for the enforcement of this chapter shall be provided. The application and copies of all surveys and ~~site and development~~ associated plans shall be kept as a permanent record in the building division of the development and neighborhood services department.

### **Sec. 16-33. Public hearing.**

Public hearings required or called under the provisions of this chapter shall be conducted in accordance with this section.

- (~~1a~~) In accordance with F.S. § 166.041, requirements for advertisement, the city clerk shall publish notice of hearing in a newspaper of general circulation or electronically pursuant to F.S. § 50.0311, shall post such notice in a prominent location at the city hall, and shall give notice by mail to the developer, property owner and/or applicant of the subject property; and
- (~~2b~~) At least ten (10) days in advance of a hearing or as otherwise required by Florida Statutes, the city shall notify all owners of property within a three-hundred-foot radius of the boundary lines of the subject property of the hearing by mail. The list of property owners within the stated radius shall be provided by the applicant from the most recent tax roll information as provided by the county property appraiser's office and the applicant must furnish an affidavit signed by the person responsible for providing the aforementioned list. Notwithstanding any other provision herein contained, failure to provide written

notice to any adjacent property owners shall not constitute a procedural defect provided that proper legal notice has been published.

(~~2c~~) The public notice shall:

(~~1a~~) Give the time and place of the hearing;

(~~2b~~) Contain a statement identifying the specific request of the applicant, the type of change requested, and the section of this chapter to be changed;

(~~3e~~) Location description of the subject property and, if available, the street address; and

(~~4d~~) Specify the official or employee of the city from whom additional information can be obtained.

(d) Community meetings are highly encouraged, a community meeting may be required at the discretion of the Development and Neighborhood Services Director or their designee based on the nature, size, or location of a proposed development. When required, the community meeting is recommended to be held prior to Development Review Committee (DRC) review. If such meeting is required, the applicant shall mail notices with proper postage at least 14 days prior to the community meeting to all property owners and/or to the official neighborhood organizations whose boundaries fall within 300 feet of the boundary lines of the subject property. The notice shall include the date, time, and location of the meeting; the application name and number; a description of the proposed development; and the location of the project.

The applicant shall submit the following to the City, at least 21 days prior to the first scheduled public hearing:

(1) A meeting sign in sheet and summary of materials presented;

(2) Issues raised by attendees and the applicant's responses;

(3) A copy of the meeting notice; and

(4) A copy of mailed notices, including the mailing list and proof of mailing.

(~~5e~~) The development application approvals and notice requirements for each development application are as listed below in Table 16-33.:

**TABLE 16-33: SUMMARY TABLE OF DEVELOPMENT APPLICATION APPROVALS AND NOTICE REQUIREMENTS**  
 (D—Decision | R—Recommendation | S—Staff Review | #—Mandatory Pre-application Meeting Conference | PBC Website— Publicly accessible Palm Beach County website established in accordance with F.S. § 50.0311.)

Review Procedure	City Council	Planning and Zoning Board <del>of Appeals (PZAB)</del> (PZB)	DNS Director	DRC	NOTICE REQUIREMENTS
<b><u>PetiApplications</u></b>					
Abandonment of Easement or ROW-# (Cross Access, Drainage and LAE do not require newspaper notice and only require first class mail)	D			S	Newspaper <u>or</u> PBC <u>Website</u> Mail Posting City Hall
Annexation, voluntary and involuntary - #	D 2 meetings	R		S	Newspaper <u>or</u> <u>PBC Website</u>

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

Variance (residential but single family) - #		<del>D</del>		<del>S</del>	Newspaper Mail Posting City Hall
Variance (non-residential) - #		<del>D</del>		<del>S</del>	Newspaper Mail Posting City Hall
Zoning Map Amendment - #	D 2 meetings	R		S	Newspaper or PBC Website Mail Posting City Hall
Zoning Text Amendment (general <u>No change to the actual list of permitted, conditional, or prohibited uses within a zoning category</u> ) - #	D 2 meetings	R		S	Newspaper or PBC Website, in accordance with F.S. § 166.041(3)(a) Posting City Hall
Zoning Text Amendment (Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category) - #	<u>D</u> <u>2</u> <u>meetings</u>	R		<u>S</u>	Newspaper or PBC Website, in accordance with F.S. § 166.041(3)(c) Posting City Hall

**Sec. 16-34. Filing Application procedures and fees.**

- (a) The development and neighborhood services department shall maintain a review schedule and submittal checklists for all application types. The filing deadline for filing all applications shall be at noon on the fifteenth of the month or the previous regular business day. All applications filed with the department shall be reviewed to determine whether the application is complete, and in compliance with the filing procedures, submittal checklists, and applicable code requirements. Completeness or a complete application means that the application package includes all information, documents, and analyses as required by the Comprehensive Plan, the Zoning Code, and any implementing regulations necessary for staff to properly review the application. Applicants will be notified in writing whether the application is complete or of any deficiencies, with such notification provided in accordance with the timeframes set forth in F.S. § 166.033, as amended.
- (b) Once an application is deemed complete, it shall proceed into the applicable review process. All other applications submitted after the filing deadline shall be placed on the next month's agenda. All applications shall be in compliance with filing the procedures and code requirements set forth herein. Any additional information required to complete the application shall be submitted by the twentieth of the month or the next succeeding business day. In the event that the application does not meet the filing requirements by the timeframe set forth above, the application shall be considered incomplete and shall not be submitted to the staff for consideration. Detailed procedures regarding application review, responses to deficiencies and comments, timeframes for resubmittals, requests for time extensions, and decision-making processes are outlined in the policies of the development and neighborhood services department.
- (c) A project that requires the filing of more than one application type pursuant to the City's Code of Ordinances shall file all related applications concurrently, unless these requirements are waived by the Director. If a project requires more than one (1) development application type, the applications shall be combined and reviewed in accordance with the procedures for the highest level of required review.
- (d) Burden of proof. The applicant shall have the burden of demonstrating that all standards, requirements, and criteria set forth in the Code of Ordinances have been met.

**Sec. 16-35. Filing fees.**

(ea) *Fees.* The ~~planning and development and neighborhood services director~~ department, planning and zoning board of appeals or the city council shall not consider any matter ~~pertaining to this chapter~~ until there is first paid a nonrefundable fee as required below, except that such fee shall not be required where the city or any official body thereof is the initiating party. ~~(b)~~ The amount of required fees shall be adopted through a resolution of the city council and shall be kept on file ~~in the office of~~ with the planning and development and neighborhood services department.

**Secs. 16-356—16-50. Reserved.**

***DIVISION 2. DEVELOPMENT REVIEW COMMITTEE***

**Sec. 16-51. Creation.**

- (a) *Established.* The development review committee (DRC) shall be established and is an administrative and technical committee that provides input on technical issues raised by a development project for consistency with policies established by the city council, specifically the Zoning Code and the City Code.
- (b) *Members.* The DRC is composed of representatives from the following disciplines: planning and zoning, building, fire, police, recreation, public works, and other departments as determined by the development and neighborhood services department.
- (c) Other city, county, state, or federal agencies may be consulted by the DRC for advice or recommendations on any matter or application being considered by the DRC. The development and neighborhood services department shall have the authority to add or delete members of the DRC as may be deemed necessary.

**Sec. 16-52. Rules of procedure.**

- (a) The development review committee shall be chaired by a representative of the planning division of development and neighborhood services department and the meetings shall be recorded but minutes need not be drafted. Although the development review committee meetings are open to the public, no decision is made at the meeting and public comment is not intended to be solicited.
- (b) The development and neighborhood services department shall be responsible for intake, agenda preparation, public notice, distribution of plans and specifications, collection of fees, audio recording of meetings, notification to applicants of the meetings and written notification to applicant of the outcome of the development review committee review.
- (c) Regular meetings of the Development Review Committee shall be held at least once per month, unless there is no business to conduct, to perform technical reviews and provide recommendations on applications following a determination of completeness. Meetings shall follow a schedule established by the Development and Neighborhood Services Department. Special meetings may be called by the Chair when the need arises or, if appropriate, the application may be distributed to DRC members for technical review comments in lieu of holding a technical review meeting. Technical review means the evaluation of an application to verify its compliance and consistency with the intent, standards, and minimum technical requirements set forth in the Comprehensive Plan, Zoning Code, and any applicable implementing regulations. Applications which have been found to be sufficient for processing by the city shall be scheduled for presentation by the applicant on the second Thursday of the month following a determination of sufficiency. Technical review by the development review committee shall take place on the third Thursday of the month if deemed necessary. These dates may be modified in the event of a city holiday falling on the scheduled meeting date or if a special meeting is required due to time constraints.
- (d) Review comments and questions by the development review committee, ~~as well as~~ city consultants, and any other agency reviewing the proposal shall be consolidated and sent ~~in writing~~ to the applicant by the development and neighborhood services department within two (2) weeks of the technical review meeting.

- (e) The development review committee shall have the right to require additional reviews of the application as necessary to ensure all comments have been addressed or resolved prior to further processing. An application that has already been reviewed through two (2) technical review meetings by the development review committee will not be scheduled for a third technical review meeting, unless conditions have changed substantially to warrant another meeting.
- (f) The application and proposed development plans, if any, shall to the extent possible incorporate all changes mutually agreed upon by the development review committee and the applicant prior to further processing.
- (g) ~~An application or/and development plans that have already been reviewed two (2) times by the development review committee will not be scheduled for a third meeting, unless conditions have changed substantially to warrant another meeting.~~ Failure of the development review committee to identify any required permits or procedures shall not relieve the applicant of any such requirements, nor constitute a waiver of the requirement by the decision-making body.
- (h) The development review committee shall recommend the application to the planning and zoning board ~~of appeals~~, local planning agency, and/or city council, as appropriate, for approval, approval with conditions, or denial. The development and neighborhood services department shall prepare a staff report and recommendation which shall include an explanation of the application, analysis in comparison to relevant Code standards, the recommendation of the development review committee, and any proposed conditions of approval and provide such report to the planning and zoning board ~~of appeals~~, local planning agency, and/or city council.

**Sec. 16-53. Functions, powers, and duties.**

The development review committee shall have the following functions, powers, and duties:

- (a) To review and make recommendations to approve, approve with conditions, or deny applications for:
  - (1) Annexation.
  - (2) Comprehensive Plan amendment.
  - (3) Zoning changes.
  - (4) Special exceptions.
  - (5) Site and development plans.
  - (6) Special exception and site and development plans amendments.
  - (7) Variances.
  - (8) Text amendments to the Zoning Code.
  - (9) Temporary Use and Live Entertainment permits in accordance with section 16-718.
  - (10) Preliminary and Final Plats.
  - (11) Master Sign Plans.
  - (12) Perform such additional duties as the development and neighborhood services department may from time-to-time assign.
- (b) To conduct review and recommendation based on all relevant requirements of the Comprehensive Plan, City Code, policies of the city, and information received from the city's consultants and other reviewing agencies.
- (c) To prepare a staff report and recommendation which explains the application, references relevant Comprehensive Plan policies and Code requirements, summarizes the recommendation of the development review committee and the comments of other reviewing agencies, proposes necessary conditions of approval, and summarizes the approval or denial action of each successive reviewing body. The report shall contain exhibits such as plans and maps as necessary to adequately explain and detail the application.



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**Secs. 16-54—16-80. Reserved.**

***DIVISION 3. PLANNING AND ZONING BOARD (PZB)-OF APPEALS/LOCAL PLANNING AGENCY***

**Sec. 16-81. Creation.**

(a) There is hereby established a planning and zoning, board of appeals (~~PZAB~~)(PZB) which shall consist of five (5) members, all of whom shall be appointed by the mayor upon advice and consent of the city council. ~~During the month of January 2022, five (5) members shall be appointed to the following terms:~~

- (1) One (1) member to a one-year term.
- (2) Two (2) members to a two-year term.
- (3) Two (2) members to a three-year term.

Thereafter, as each term shall expire, all appointments or reappointments shall be for a term of three (3) years. Members can be reappointed to the ~~PZAB-PZB~~ for an indefinite number of terms; the reappointments shall be by the mayor upon advice and consent of the city council. Vacancies that arise during the term shall be filled by the mayor upon advice and consent of the city council for the unexpired term of any member whose seat has become vacant. In the case of vacancies, the mayor may elect to fill such vacancies with the designated alternates and appoint new alternates upon the advice and consent of city council. All members of the ~~PZAB-PZB~~ shall be residents of the city except as authorized by Article VIII Section 5 of the City Charter in order to obtain members with technical and professional expertise from within Palm Beach County to serve on the ~~PZAB-PZB~~. All members of the ~~PZAB-PZB~~ shall serve without compensation except for reimbursement of out-of-pocket expenses, if any.

- (b) In addition to the regular ~~PZAB-PZB~~ members, the mayor shall appoint upon the advice and consent of city council two (2) alternate members designated as ~~PZAB-PZB~~ alternate #1 and alternate #2. The alternate members shall serve in that order for succession and voting purposes at meetings of the ~~PZAB-PZB~~ when such alternate member is substituting for an absent regular ~~PZAB-PZB~~ member. In the event that all five (5) regular members and the two (2) alternate members are present at a meeting, the alternate members may take part in the discussion, but shall not cast a vote
- (c) The absence of a member for three (3) consecutive meetings, without an excuse approved by the chair of the ~~PZAB-PZB~~, and noted in the minutes, shall be deemed cause for removal by the city council. In the event of a vacancy on the ~~PZAB-PZB~~ such vacancy shall be filled within a period of thirty (30) days from the occurrence of such vacancy in the manner provided herein.
- (d) No member of the ~~PZBA-PZB~~ shall be an elected official of the state, county, or city, or a state, county or municipal officer, or an employee of the city.
- (e) Pursuant to, and in accordance with F.S. § 163.3174 (and the Community Planning Act), the ~~PZAB-PZB~~ is hereby designated and established as the local planning agency for the incorporated territory of the city.

**Sec. 16-82. Conflict of interest.**

- (a) Members of all of the ~~PZAB-PZB~~ shall be subject to removal from office by the city council for nonfeasance, malfeasance, misfeasance, or for other good cause shown to the city council.
- (b) No member shall have any interest, financial or otherwise, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of the member's duties in the public interest. To implement such policy and strengthen the faith and confidence of the citizens of the city, the members of the ~~PZAB-PZB~~ are directed as follows:
- (1) Not to accept any gift, favor, or service that might reasonably tend to improperly influence the member in the discharge of official duties.

- (2) To make known by written disclosure any interests which such members shall have in pending application or other matters prior to a hearing thereof. In the event the member is not aware of the member's interest or a conflict becomes known during a hearing thereof, the member shall immediately disclose the member's interest and shall abstain from voting on such matter.
- (3) To refrain from disclosing confidential information gained by reason of official position and to refrain from using such information for personal gain or benefit.
- (4) To refrain from accepting or receiving any compensation from any source which might impair his independence of judgment in the performance of his public duties.
- (5) To refrain from participation in any matter in which such member shall have a personal investment which will create a substantial conflict between the member's private interests and the public interests.
- (6) Willful violation of this provision shall constitute malfeasance in office and shall render the action voidable by the city council.

**Sec. 16-83. Officers, rules of procedures.**

- (a) The ~~PZAB-PZB~~ shall elect annually a chair and vice-chair from among its regular members, and the chair and vice-chair shall have the same voting rights as any other regular member.
- (b) The ~~PZAB-PZB~~ shall be governed by Roberts' Rules of Order, latest edition, in all of its procedural matters. The presence of at least three (3) ~~PZAB-PZB~~ members (inclusive of alternate members) shall constitute a quorum.
- (c) Meetings of the ~~PZAB-PZB~~ shall be regularly scheduled on a monthly basis on a consistent day as determined by the ~~PZAB-PZB~~ and at such other times as the ~~PZAB-PZB~~ chair or majority of the members may determine to be necessary. The chair, or in the chair's absence, the vice-chair, or in the vice-chair's absence the longest serving regular member, shall conduct the meeting. All meetings shall be open to the public. The ~~PZAB-PZB~~ shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions, all of which shall be a public record and be filed in the office of the city clerk.

**Sec. 16-84. Authority, functions, powers and duties.**

The ~~PZAB-PZB~~ shall have the authority and duty to:

- (a) Hear, consider, and make recommendations to the city council to approve, approve with conditions, or deny applications for:
  - (1) Annexations.
  - (2) Rezoning.
  - (3) Special exceptions.
  - (4) Site and development plans.
  - (5) Zoning text amendments.
- (b) Serve as the local planning agency for the city to hear, consider and make recommendations to the city council for text amendments to the Comprehensive Plan and site-specific future land use amendments to the future land use map of the Comprehensive Plan.
- (c) Serve as a design review body to hear, consider, and make recommendations to the city council with regard to community appearance as part of site and development plans ~~petition~~ applications to:
  - (1) Balance carefully the natural environment with manmade systems which preserve, protect and conserve the natural environment;

- (2) Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of a desirable urban environment;
  - (3) Minimize incompatible surroundings and visual blight which prevent orderly community development and reduce property values;
  - (4) Encourage and promote development which features amenities and excellence in the form of variations of siting, types of structures and adaptation to and conservation of native vegetation and other environmental design features;
  - (5) Foster civic pride and community spirit by maximizing the positive impact of developments;
  - (6) Inspire creative approaches to the use of land and related physical developments;
  - (7) Encourage the realization and conservation of a desirable aesthetic urban environment through simple and cost-effective design elements;
  - (8) Foster the development of a positive visual character for the city by promoting a high degree of compatibility between land uses;
  - (9) Promote orderly growth, development and placement of all land uses so as to encourage a balanced natural, physical, and economic environment and advance the quality of life for city residents.
- (d) Hear, consider and make recommendations to the city council with regard to the principles of Crime Prevention Through Environmental Design (CPTED) as part of site and development plans petition applications.
  - (e) Consider amendments to previously approved special exceptions and site and development plans.
  - (f) Conduct public hearings as may be required to gather information necessary for the maintenance of the Comprehensive Plan and such additional public hearings as required to perform their duties.
  - (g) Formulate and propose general recommendations to the city council regarding matters within the realm of community appearance and the scope of this chapter.
  - (h) Establish principles and policies for guiding action in the development of the area.
  - (i) Acquire and maintain information and materials as necessary to gain an understanding of past trends, present conditions and forces at work to cause changes in these conditions.
  - (j) Perform such other duties and assignments as are authorized by the city council.
  - (k) Hear and decide appeals in accordance with section 16-85 where it is alleged there is an error in any interpretation or administration of Chapter 12 and 16 of the City Code by the administrative official.
  - (l) In accordance with Section 16-103, grant, grant with conditions or deny variances from the provisions of Chapter 12 and Chapter 16 of the City Code.

### **Sec. 16-85. Appeals.**

- (a) Appeals to the ~~PZAB~~ PZB concerning interpretation or administration of Chapter 12 and Chapter 16 of the City Code may be made by any person aggrieved or by any officer or department of the City affected by any decision of the administrative official. Such appeal shall be made within a reasonable time, not to exceed fifteen (15) days from the date of the decision being rendered by filing a notice of appeal with the development and neighborhood services department. The notice of appeal shall be made by filing a written application on forms provided by the development and neighborhood services department and paying the applicable fee. The notice of appeal must contain the following information:
  - (1) A written description of the decision by the administrative official that is being appealed;

- (2) A brief statement of facts and issues involved in the appeal;
  - (3) A brief statement of the alleged error(s) made by the administrative official in rendering the administrative official's decision;
  - (4) Any exhibits or materials relevant to the issues forming the basis of the appeal, such as vegetative surveys, environmental assessments and relevant permits issued by other governmental agencies;
  - (5) The name, address and telephone number of the property owner;
  - (6) A legal description of the property;
  - (7) A boundary survey of the property, completed within twelve (12) months of the appeal; and
  - (8) Such other information as may reasonably be requested by the development and neighborhood services department.
- (b) The development and neighborhood services department shall transmit to the ~~PZAB-PZB~~ the applicant's notice of appeal as well as all documents constituting the record upon which the administrative official's decision was based.
  - (c) No notice of appeal shall be considered or construed to be filed until the required fee has been paid.
  - (d) The development and neighborhood services department shall fix a reasonable time for hearing the appeal which shall not to exceed forty-five (45) days from the date the notice of appeal is deemed as filed. The development and neighborhood services department shall give public notice of the appeal hearing following the procedures set forth in section 16-33 for public hearings.
  - (e) At the hearing, the party filing the appeal may appear in person, by an attorney-at-law authorized to practice in the state, or by an agent who received written authorization from the party filing the appeal which is submitted to the ~~PZAB-PZB~~ no later than the commencement of the hear.
  - (f) When an appeal is made to the ~~PZAB-PZB~~, all work and proceedings shall stop on the project, premises and/or property in question unless the administrative official whose decision is under appeal certifies in writing that a stay would cause imminent peril to life or property. In such case, work and proceedings shall not stop unless a court of competent jurisdiction issues a temporary restraining order.
  - (g) In exercising its powers, the ~~PZAB-PZB~~, in conformity with the provisions of Chapter 12 and Chapter 16, reverse or affirm, wholly or partly, or may modify the order requirements, decision or determination made by the administrative official and make such order, recommendation, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official from whom the appeal is taken.

**Secs. 16-86—16-100. Reserved.**

***DIVISION 4. VARIANCE***

**Sec. 16-101. Purpose.**

- (a) The purpose of this section is to provide for relief from certain provisions in Chapter 12 and Chapter 16 of the City's Code when the strict administration of such regulations prevents an important need and the reasonable use of the property for which a variance is sought. In so doing, the following rules apply:
  - (1) Use variances are not permitted.
  - (2) All variances run with the land.
  - (3) All variance requests to the requirements of the Florida Americans with Disabilities Accessibility Implementation Act must be preceded through the procedures required under such act.
- (b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Practical difficulty* means use of all or a portion of the property at issue cannot occur with reasonable physical accommodation that is economically reasonable.

*Unnecessary hardship* means a practical difficulty which exists due to an unintended effect of the land development regulation.

*Use variance* means an exception to the uses permitted in a particular zoning district by right, special exception or conditional use.

### **Sec. 16-102. Application requirements.**

- (a) Application by a property owner for a variance shall include the following:
  - (1) Completed application form signed by the property owner including reasons identifying why a variance is warranted. (Note The burden of proof is the obligation of the applicant. Justification for compliance with the criteria for a variance must be fully documented and proven by the applicant. Each variance must stand on its own merits. Past variances will not be grounds for approval of future variances.).
  - (2) Agent's authorization or power of attorney if the applicant is other than the property owner.
  - (3) Warranty deed.
  - (4) Survey including a legal description of the property and all easements of record, referenced by Official Records Book and page, prepared by a surveyor registered in the State of Florida.
  - (5) List of property owners within a three-hundred-foot radius and mailing envelopes as necessary to meet the requirements of section 16-33 for two (2) public hearings.
  - (6) One set of stamped plain envelopes with the typed names of owners within a three hundred-foot radius of the boundary lines of the subject property. No return address.
  - (7) Dimensioned plans showing the improvements that are the subject of the variance request.
- (b) All requests for variances shall be made by filing an application on forms provided by the neighborhood and development services department by noon on the fifteenth of the month or previous regular business day.
- (c) No application shall be considered or construed to be filed until the required fee has been paid.

### **Sec. 16-103. Standards of review.**

- (a) The ~~PZAB-PZB~~ shall have the power to authorize upon appeal such variance from the terms of Chapter 12 and Chapter 16 as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of Chapter 12 and Chapter 16 will result in unnecessary and undue hardship. In order to authorize any variance in the terms of Chapter 12 and Chapter 16, ~~PZAB-PZB~~ must and shall find:
  - (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - (2) That the special conditions and circumstances do not result from the actions of the applicant.
  - (3) That granting the variance request will not confer on the applicant any special privilege that is denied by this chapter to the other lands, buildings, or structures in the same zoning district.
  - (4) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
  - (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

- (6) No nonconforming use of neighboring lands, structures or buildings in the same or other districts and no permitted use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (b) In granting any variance, the ~~PZAB-PZB~~ shall prescribe appropriate conditions and safeguards in conformity with Chapter 12 and Chapter 16 and as the ~~PZAB-PZB~~ determines are reasonably necessary in keeping with the above stated six (6) criteria. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of City's Code. The ~~PZAB-PZB~~ may also prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. If no such limit is stated, section 16-105 shall apply.
- (c) Financial hardship is not to be considered alone as sufficient evidence of a hardship in the granting of a variance.
- (d) Requested variances shall be reviewed by the development and neighborhood services department and a development and neighborhood services department staff report and recommendation shall be prepared and forwarded to the ~~PZBA-PZB~~ at least four (4) days prior to the scheduled hearing.
- (e) The development and neighborhood services department shall fix a reasonable time for the hearing of the variance request not to exceed forty-five (45) days from the date the application is deemed filed and the applicant has satisfied all comments and questions of the development and neighborhood services department staff. The development and neighborhood services department shall give public notice of the variance following the procedures set forth in section 16-33 for public hearings.
- (f) At the hearing, the applicant may appear in person, by an attorney-at-law authorized to practice in the state, or by an agent who has received written authorization from the applicant which is submitted to the ~~PZAB-PZB~~ no later than the commencement of the hearing.

**Sec. 16-104. Review of decisions; venue.**

- (a) No person aggrieved by any decision of the ~~PZAB-PZB~~ may apply to the court for relief unless the person aggrieved has first exhausted the remedies provided for herein and has taken all available steps provided by the City Code. A decision of the ~~PZAB-PZB~~ may be reviewed by filing a ~~petition~~application for a writ of certiorari in the circuit court for the fifteenth judicial circuit in and for the county, within thirty (30) days from the date of the decision sought to be reviewed.
- (b) Costs shall not be allowed against the ~~PZAB-PZB~~.

**Sec. 16-105. Timeframe.**

- (a) Expiration of Variances. A variance granted by the PZB shall become null and void one (1) year from the date of the final decision granting the variance, unless otherwise provided in the final decision, under the following conditions:
  - (1) A variance approval shall become null and void if a building permit, where required by law, has not been issued in accordance with the approved plans and conditions of the variance. It shall be the obligation of the owner to file written notice with the development and neighborhood services department that the proposed work has begun; and
  - (2) A variance approval shall become null and void if a building permit issued in accordance with the plans and conditions upon which the variance was granted expires and is not renewed pursuant to the applicable provisions regarding renewal of building permits.

~~Variances granted by the PZAB shall become void if not exercised within six (6) months of the date granted. It shall be the obligation of the owner to file written notice with the neighborhood and development services department that the proposed work has begun. Prior to the expiration of such six month period, the applicant may make a written request to the development and neighborhood services department for a six month~~

~~extension. Further extensions of time shall require a new application to be processed in the manner described herein.~~

- (b) Variance requests which have been denied may not be resubmitted for a period of one (1) year. An application for reconsideration will be filed with the ~~neighborhood development and development neighborhood~~ services department along with the appropriate documentation and fees. The city council shall consider the following in granting a waiver of the one-year waiting period:
- (1) Whether conditions affecting such property materially changed.
  - (2) Whether there has been an error in substantive or procedural law before the planning and zoning board ~~of appeals~~.
  - (3) Whether competent and substantial new evidence is available which was not presented to the planning and zoning board ~~of appeals~~.
  - (4) Whether a modified plan is presented.
  - (5) Whether the particular facts and circumstances otherwise warrant another hearing before the planning and zoning board ~~of appeals~~.

### **Sec. 16-106. Administrative Variances**

- (a) Administrative variances may be approved by the city manager or designee pursuant to this section. An administrative variance may be considered only for:
- (1) An adjustment up to ten (10) percent for non-residential development.
  - (2) An adjustment of a lot(s) within an area where at least fifty (50) percent of the lots within approximately three hundred (300) feet, have already been developed or platted.
  - (3) An adjustment of no more than ninety (90) percent of a setback required by the underlying district regulations.
  - (4) An adjustment of no more than ten (10) percent of the lot coverage for a principal and/or accessory structure as required by the underlying district regulations.
  - (5) An adjustment of spacing between structures on the same lot may be reduced; provided, however, in no event shall such spacing be less than five (5) feet.
  - (6) An adjustment for shared parking when minimum is not met; provided, however, in no event shall such adjustment be less than ten (10) percent of the required parking.
  - (7) An adjustment to screening, type/mixing of materials, reduced landscape heights due to availability.
  - (8) An adjustment for non-residential properties to provide fences and landscaping in lieu of walls.
  - (9) An adjustment for the construction of an addition or an accessory structure within a single-family or two-family residential lot, where the minimum yard requirements were made more restrictive since the principal residence was lawfully constructed.
- (b) At any time prior to the final decision, the city manager or designee shall have the authority to refer the decision to the PZAB-PZB.
- (c) ~~In addition to any other application requirements of this section, an application for administrative variance shall include letters of no objection from all abutting property owners and the governing homeowners' association, if applicable. If such letters of no objection cannot be obtained, then the applicant may apply for a variance to the PZAB.~~

- (~~cd~~) In consultation with the development and neighborhood services department staff, the city manager or designee shall consider applications for administrative variance according to the criteria set forth above and the following standards:
- (1) The variance is necessary because of practical difficulty peculiar to the land, structure or building involved and which is not applicable to other lands, structures and buildings in the same zoning district.
  - (2) The variance is the minimum variance necessary to alleviate the practical difficulty.
  - (3) The variance will be in harmony with the general intent and purpose of the zoning code and will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (~~de~~) The city manager or designee shall set forth his or her findings and conclusions on the application in a "notice of intent to approve" or a "notice of intent to deny" and provide such notice to the applicant in writing. A "notice of intent to approve" may include conditions necessary for the mitigation of any external impacts of the administrative variance and/or are necessary to accomplish the goals, objectives and policies of the Comprehensive Plan and this chapter, including, but not limited to, limitations on size, bulk, location, requirements for lighting and provision of adequate ingress and egress.
- (~~ef~~) Any "notice of intent to approve" shall be provided to the city council and mailed to surrounding property owners within three hundred (300) feet of the subject property.
- (f) Protest procedure. Any property owner who wishes to protest the notice of intent to approve the administrative variance shall submit a written protest (by mail or hand-delivery) to the Planning, Engineering and GIS Division no later than the fifteenth day following the date postmarked on the mailed notice. The fifteen-day period shall be referred to as the "protest period." It is the responsibility of the protestor to ensure and confirm that the Planning, Engineering and GIS Division receives the protest notice within the protest period. The written protest shall not be valid unless the protestor's name, address, telephone number, and email address (if available) are included on the written protest. If the Planning, Engineering and GIS Division receives a written protest within the protest period, the protest shall operate to preclude the use of the administrative variance approval process, the application shall then be processed as a non-administrative variance.
- (g) No sooner than ~~ten (10) but no later than~~ twenty (20) days after the mailing of the "notice of intent to approve," the city manager or designee shall consider any public comments or additional information submitted in relation to the application and render a final decision, setting out in writing the reasons for such approval or denial, and any conditions of approval. If any applicant is aggrieved by a final decision rendered by the city manager or designee, such applicant may appeal such decision to the ~~PZAB-PZB~~ as authorized by this chapter.
- (h) Expiration of Administrative Variances. An administrative variance shall become null and void one (1) year from the date of the final decision granting the variance, unless otherwise provided in the final decision, under the following conditions:
- (1) An administrative variance approval shall become null and void if a development application for the development contemplated in the administrative variance application is not issued within one (1) year of the final decision or if a building permit, where required by law, has not been issued or the building permit has expired in accordance with the approved plans and conditions upon which the administrative variance was granted; and
  - (2) An administrative variance shall become null and void if a building permit issued in accordance with the plans and conditions upon which the administrative variance was granted expires and is not renewed pursuant to the applicable provisions regarding renewal of building permits.

**Secs. 16-107—16-115. Reserved.**

## *DIVISION 5. ANNEXATION*



### **Sec. 16-116. Florida Statutes.**

The annexation of any lands into the municipal boundaries of the city shall be in accordance with the Florida Statutes in effect at the time of the ~~petition~~application for annexation.

### **Sec. 16-117. Comprehensive Plan.**

The annexation of any lands into the municipal boundaries of the city shall be in accordance with the annexation element of the City's Comprehensive Plan, including satisfaction of the criteria of Objective 41.3, Policy 1.3.1(a) and, for proposals ten (10) acres or larger in size, completion of the feasibility study requirements of Objective 41.3, Policy 1.3.1(b).

### **Sec. 16-118. Application requirements.**

- (a) Application by a property owner for voluntary annexation into the city shall include the following:
  - (1) Completed application form signed by the property owner and the applicant.
  - (2) Agent's authorization or power of attorney if the applicant is other than the property owner.
  - (3) Warranty deed.
  - (4) Survey including a legal description of the property and all easements of record, referenced by Official Records Book and page, prepared by a surveyor registered in the State of Florida.
  - (5) List of property owners within a three-hundred-foot radius and mailing envelopes as necessary to meet the requirements of section 16-33 for two (2) public hearings.
  - (6) Vicinity map depicting the proposed annexation in relation to the existing city boundary.
- (b) City initiated annexations, including annexations by referendum and through interlocal agreement, shall follow the requirements of Chapter 171 of the Florida Statutes.

### **Sec. 16-119. Processing requirements.**

- (a) Annexation ~~petition~~applications may be initiated by either the city or the property owner. No individual may submit an annexation application for property which they do not own except as an authorized agent for the owner.
- (b) Application by the property owner shall be submitted by noon on the fifteenth of the month or previous regular business day on forms provided by the ~~planning and engineering~~ development and neighborhood services department and shall include the documents in section 16-118(a) above as well as any other information necessary for review to ensure compliance with Florida Statutes and the annexation element of the Comprehensive Plan.
- (c) Proposed annexations shall be reviewed by the development review committee and a development ~~review committee~~ and neighborhood services department staff report and recommendation prepared and forwarded to the planning and zoning board ~~of appeals~~ at least four (4) days prior to the scheduled hearing.
- (d) The planning and zoning board ~~of appeals~~ shall hold an advertised public hearing in accordance with section 16-33, shall review the proposal, shall provide a nonbinding recommendation to the city council, and shall have the recommendation incorporated into the development ~~review committee and neighborhood services~~ department staff report and recommendation and forwarded to the city council. Annexations proposed through an interlocal agreement may omit the planning and zoning board ~~of appeals~~ hearing.
- (e) Upon determination that the necessary criteria have been met, the city council shall adopt the annexation through an ordinance, unless otherwise provided by Florida Statutes, after an advertised public hearing in accordance with section 16-33.

- (f) Unless otherwise provided through the adopting ordinance or resolution, annexations shall be effective upon adoption and the city's official boundary legal description shall be considered amended to include the annexed area.

**Secs. 16-120—16-125. Reserved.**

***DIVISION 6. COMPREHENSIVE PLAN AMENDMENTS***

**Sec. 16-126. Purpose.**

In accordance with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act in Florida Statutes Chapter 163, the City of Greenacres has adopted a Comprehensive Plan. The provisions of this division 6 are intended to provide a means of amending the adopted Comprehensive Plan. These amendments may consist of either site-specific amendments to future land use designations or text changes to elements of the plan.

**Sec. 16-127. Application requirements.**

- (a) Site-specific future land use amendments applications shall include the following:
- (1) Completed application form signed by the property owner and the applicant, along with the appropriate fees as established by the city council.
  - (2) Agent's authorization or power of attorney if the applicant is other than the property owner.
  - (3) Warranty deed.
  - (4) Survey including a legal description of the property and all easements of record, referenced by Official Record Book and Page, prepared by a surveyor registered in the State of Florida.
  - (5) List of property owners within a three hundred-foot radius and mailing envelopes as necessary to meet the requirements of section 16-33 for public hearing(s) as required by Florida Statutes.
  - (6) Documentation establishing the proposal's satisfaction of and effect on the concurrency requirements of section 16-31.
  - (7) Traffic impact analysis addressing the impact of the proposed future land use designation on the Metropolitan Planning Organization's current (at the time of the application) adopted Long Range Transportation Plan in comparison to the existing future land use designation.
- (b) Other than site-specific future land use amendments, amendments to the Comprehensive Plan shall only be initiated by the ~~planning and engineering~~ development and neighborhood services department if necessary to comply with Florida Statutes, if necessary to maintain consistency between the Comprehensive Plan and the Zoning Code, as recommended in the periodic evaluation and appraisal report, or as directed by the local planning agency or city council. Application materials shall be as necessary to perform a complete analysis of the proposal and to comply with Florida Statutes.

**Sec. 16-128. Processing requirements.**

- (a) Site-specific future land use amendments may be initiated by either the city or the property owner. No individual may submit a future land use amendment application for property which they do not own except as an authorized agent for the owner.
- (b) Other amendments shall only be initiated by the ~~planning and engineering~~ development and neighborhood services department per section 16-127(b).
- (c) Application by the property owner shall be submitted by noon on the fifteenth of the month or previous regular business day on forms provided by the ~~planning and engineering~~ development and neighborhood

services department and shall include the documents in section 16-127(a) above as well as any other information necessary for review to ensure compliance with Florida Statutes and the Comprehensive Plan.

- (d) Proposed amendments shall be reviewed by the development review committee and a development ~~review committee~~ and neighborhood services department staff report and recommendation prepared and forwarded to the planning and zoning board ~~of appeals~~ at least four (4) days prior to the scheduled hearing.
- (e) The planning and zoning board ~~of appeals~~, sitting as the local planning agency, shall hold an advertised public hearing in accordance with section 16-33 and Florida Statutes, shall review the proposal, shall provide a nonbinding recommendation to the city council, shall have it incorporated into the development ~~review committee~~ and neighborhood services department staff report and recommendation, and forward it to the city council.
- (f) Review by the city council at public hearing(s) and adoption of the amendment by ordinance shall be in accordance with Florida Statutes.

### **Sec. 16-129. Standards of review.**

All proposed future land use amendments to the City's Comprehensive Plan shall be reviewed against the following criteria:

- (a) Compatibility with adjacent and nearby future land use designations.
- (b) Consistency with Chapter 163 of the Florida Statutes, the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan, and the City of Greenacres Comprehensive Plan.
- (c) Maintenance of established levels of service (concurrency).

### **Sec. 16-130. Denial.**

If the city council denies an application for amending the future land use designation of a property, the city shall not accept any future land use amendments for the same property for a period of twelve (12) months from the date of the council action.

### **Secs. 16-131—16-150. Reserved.**

## ***DIVISION 7. ZONING TEXT AMENDMENTS AND REZONING***

### **Sec. 16-151. Zoning amendments.**

These zoning regulations, the official zoning map and schedule of district regulations which are a part of this chapter may from time to time be amended, supplemented, changed or repealed.

### **Sec. 16-152. Initiation of proposals for amendment.**

A zoning amendment may take two (2) forms: as a rezoning of the district designation applied to a parcel of land which accordingly amends the official zoning map; or a text amendment which amends provisions of this chapter and the schedule of district regulations.

- (a) A zoning amendment may be proposed by:
  - (1) City council;
  - (2) Planning and zoning board ~~of appeals~~;
  - (3) Any other department or agency of the city;

- (4) Any person other than those listed in ~~a-(1)-(3)d-~~ above; provided, however that no person shall propose an amendment for the rezoning of property (except as an agent or attorney for an owner) which he does not own. The name of the owner shall appear on each application.
- (b) All proposals for zoning amendment shall be considered first by the development review committee and the planning and zoning board ~~of appeals~~ in the manner herein set out prior to review by the city council.
- (c) All proposals for zoning amendments shall be submitted in writing to the office of ~~planning and engineering~~ development and neighborhood services department, accompanied by all pertinent information required by these zoning regulations and which may be required by the planning and zoning board ~~of appeals~~ or the ~~planning and engineering~~ development and neighborhood services department for proper consideration of the matter, along with payment of such fees and charges as have been established by the city council. No application for zoning amendment shall be heard by the development review committee until such fees and charges have been paid.

**Sec. 16-153. Planning and Zoning Board~~development commission~~ report.**

- (a) The planning and zoning board ~~of appeals~~ shall submit a report to the city council which shows that the commission has studied and considered the proposed amendment for rezoning of property and change to the official zoning map in relation to the following, where applicable:
  - (1) Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the Comprehensive Plan;
  - (2) The existing land use pattern;
  - (3) The possible creation of an isolated district unrelated to adjacent and nearby districts;
  - (4) The population density pattern and possible increase or overtaxing of the land on public facilities such as schools, utilities, streets, etc.;
  - (5) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
  - (6) Whether changed or changing conditions make the passage of the proposed amendment necessary;
  - (7) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety;
  - (8) Whether the proposed change will adversely influence living conditions in the neighborhood;
  - (9) Whether there are substantial reasons why the property cannot be used in accord with existing zoning; and
  - (10) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
- (b) When pertaining to other proposed text amendments of this chapter, the planning and zoning board ~~of appeals~~ shall consider and study:
  - (1) The need and justification for the change; and
  - (2) The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter on other city codes, regulations and actions designed to implement the Comprehensive Plan.

## Sec. 16-154. Restrictions, stipulations and safeguards.

- (a) The planning and zoning board ~~of appeals~~ may recommend that a petition application to amend or supplement a district be approved subject to stipulations limiting the use of the property. The city council, after receiving the recommendation from the planning and zoning board ~~of appeals~~ on a request to amend or supplement a district, may grant such amendment and make the granting conditional upon such restriction, stipulation and safeguard as it may deem necessary to ensure compliance with the intent and purposes of the Comprehensive Plan.
- (b) Restrictions, stipulations and safeguards attached to an amendment may include but are not limited to those necessary to protect adjacent or nearby land owners from any deleterious effects from the full impact of any permitted uses, limitations more restrictive than those generally applying to the district regarding density, height, connection to central water and sewer systems and stipulations requiring that development take place in accordance with the development concept plan submitted. The city council may also stipulate that the development take place within a given period of time after which time public hearings will be indicated and the district returned to the assigned designation or such other designation as determined appropriate by city council in accordance with the Comprehensive Plan. In cases where stipulations, restrictions or safeguards are attached, all representation of the owner or his authorized agents at public hearings shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief. All costs, including reasonable attorney's fees shall be awarded to the governmental unit if it prevails in such suit.

## Sec. 16-155. Zoning amendment process.

- (a) A written ~~petition application~~ for rezoning shall be submitted by noon on the fifteenth of the month or previous regular business day on forms provided by the ~~planning and engineering~~ development and neighborhood services department and shall indicate the sections of this chapter under which the rezoning is sought and stating the grounds on which it is requested with particular reference to the written findings in section 16-153. The ~~petition application~~ shall include all material necessary to meet the requirements listed below and any additional information that will demonstrate the rezoning approval is proper.
  - (1) A signed and sealed survey not more than one (1) year old, including the legal description of the property and any easements, with reference to the Official Record Book and Page, prepared by a surveyor registered in the State of Florida.
  - (2) Development concept plan on one (1) or more sheets of paper measuring not more than twenty-four (24) inches by thirty-six (36) inches and drawn to a scale not smaller than one hundred (100) feet to the inch. The following information shall be provided on the development concept plan:
    - a. Scale, date, north arrow, vicinity sketch, title of the project and total gross acreage.
    - b. The boundaries and dimensions of the property and its relationship to the surrounding road system including the width of the existing travelway.
    - c. The location and dimension of existing manmade features such as existing roads and structures with indication as to which are to be removed, renovated or altered.
    - d. The location of existing easements, watercourses, section lines, water and sewer lines, well and septic tank location, and other existing important physical features in and adjoining the project.
    - e. Identification of surrounding land use and zoning within one hundred (100) feet of the site as well as the land use and zoning of the subject~~petitioned~~ site.
    - f. A layout of the proposed lots and/or building sites including the following site data:
      - 1. Common open areas;
      - 2. Generalized landscaping and buffer areas;

3. Internal circulation patterns including off-street parking and loading facilities;
  4. Total project density;
  5. Percentage of building lot coverage;
  6. Percentage of impervious surface coverage;
  7. Percentage of open space areas;
  8. The shape, size, location and height of all structures.
- (3) A traffic impact analysis as required by the city engineer including the following:
- a. Future right-of-way dedications;
  - b. Intersection improvements;
  - c. Traffic-control devices;
  - d. Traffic generation analysis, including compliance with the Palm Beach County Traffic Performance Standards Ordinance;
  - e. Distribution and assignment of traffic;
  - f. Additional roadway needs (travel lanes and turn lanes).
- (4) The proposed phasing of construction for the project if applicable.
- (5) Commercial, office and uses other than residential shall provide the estimated square footage of the structures, the number of employees, estimated seating, and the estimated number of users of the facility, such as members, students, and patients.
- (6) Proposed hours of operation for commercial uses.
- (7) A drainage statement or drainage plan as required by the city engineer.
- (b) If it has been determined to have met the submittal requirements, the application shall be reviewed by the development review committee within thirty (30) days of the submission deadline. Upon development review committee review and analysis of all submitted materials, the ~~planning and engineering~~ development and neighborhood services department shall forward the development ~~review committee and neighborhood services department staff~~ report and recommendation to the planning and zoning board ~~of appeals~~ at least four (4) days prior to the scheduled public hearing.
- (c) A public hearing shall be held by the planning and zoning board ~~of appeals~~. The property owner may appear personally or by agent or attorney.
- (1) Notice of public hearing shall be advertised following the procedures set forth in section 16-33 for public hearings.
  - (2) The recommendation of the planning and zoning board ~~of appeals~~ shall be advisory only and shall not be binding upon the city council.
  - (3) The written recommendation and conditions, if any, of the planning and zoning board ~~of appeals~~ shall be incorporated into the development ~~review committee and neighborhood services department staff~~ report and recommendation and transmitted to city council in accordance with adopted city council agenda procedures.
- (d) Upon receipt of the planning and zoning board ~~of appeals~~'s recommendation, the city council shall hold a public hearing at second reading of the ordinance relating to the rezoning request and take appropriate action with the application as set out in sections 16-153 and 16-154.

### **Sec. 16-156. Limitations on the rezoning of property.**

- (a) Whenever city council has denied an application for the rezoning of property, the city shall not thereafter accept any further zoning change application for the same property for a period of twelve (12) months from the date of such action.
- (b) The city council shall have the authority to establish a period of time of not less than two (2) years in duration commencing on the effective date of any rezoning of property within which such property shall not be the subject of another rezoning ~~petition~~ application to a more intense zoning classification.
- (c) The time limits of subsections (a) and (b) above may be waived by a two-thirds (⅔) majority vote of the city council when such action is deemed necessary to prevent injustice or to facilitate the proper development of the city.

### **Secs. 16-157—16-170. Reserved.**

## *DIVISION 8. SPECIAL EXCEPTIONS*

### **Sec. 16-171. Statement of purpose.**

The development and execution of a zoning ordinance is based upon the division of the city into districts, within which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses and features which because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration in each case, of the impact of such uses and features upon neighboring uses and the surrounding area, compared with the public need for them at particular locations. Such uses and features are therefore treated as special exceptions. A special exception is not the automatic right of any applicant.

### **Sec. 16-172. General provisions.**

Certain uses are permissible in designated zoning districts as special exceptions granted by the city council provided such use is specified under the special exception subsection of the appropriate zoning district.

### **Sec. 16-173. Findings.**

Before any special exception is granted, city council shall apply the standards set forth herein and shall determine that satisfactory provision and arrangement of the following factors have been met by the ~~petitioner~~ applicant, where applicable:

- (1) Compliance with all ~~elements~~ goals, objectives, policies and other applicable requirements of the City's Comprehensive Plan and provisions of the City Code;
- (2) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, efficient traffic flow and control, and access in case of fire or catastrophe;
- (3) Off-street parking and loading areas are well-designed to meet operational needs ~~where required with particular attention to the items in (2) above~~;
- (4) Refuse and service areas are appropriately located and designed, with attention to safety, accessibility, and aesthetic compatibility ~~with particular reference to items (2) and (3) above~~;
- (5) The proposed use must not introduce nuisance factors detrimental to adjacent and nearby properties and the city as a whole. Nuisance factors shall include, but not necessarily be limited to, noise, odor, smoke, glare, electrical interference and/or mechanical vibrations;
- (6) Utilities, with reference to location, availability and compatibility;

- (7) Screening and buffering with reference to type, dimensions and character;
- (8) Signs and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
- (9) Required yards and other open space ;
- (10) General compatibility with adjacent properties, the surrounding district, and the overall character of the community, considering architectural style, scale, density, land use, hours of operation, and other factors that may be used to measure compatibility. ~~and other property in the district;~~
- (11) The proposed use will be in the best interests of the city, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity.
- (12~~1~~) Whether the change suggested is out of scale with the needs of the neighborhood or the city;
- (13~~2~~) Any special requirements set out in the schedule of district regulations for the particular use involved.

### **Sec. 16-174. Conditions and safeguards.**

- (a) In addition to the standards listed above and specific conditions listed for each particular special exception listed within the schedule of district regulations, the city council may impose other such conditions and safeguards as it deems appropriate in conformity with this chapter for the protection of the surrounding properties and the neighborhood or general welfare of the public.
- (b) Once established and not expired or voided, the approval of a special exception use shall run with the property unless otherwise stipulated as a condition of approval. If a special exception is granted for a specific location within a property, such as a designated bay within a shopping center, the approval shall be limited to that location and shall not extend to the entire property. Any modification to an approved special exception shall require an amendment pursuant to Division 10 of this chapter. Furthermore, any such modification shall remain subject to the previously imposed conditions of approval unless those conditions are formally amended.

### **Sec. 16-175. Denial.**

Should the city council deny a special exception, it shall state fully for the record the reasons for doing so. Such reasons shall take into account the factors under section 16-173 and all other conditions and particular regulation relating to the specific special exception requested.

### **Sec. 16-176. Limitations on the filing of a special exception.**

- (a) Whenever city council has denied an application for a special exception, the city shall not thereafter accept any further application for special exception on any part or on all of the same property for a period of twelve (12) months from the date of such action.
- (b) The time limits of subsection (a) above may be waived by a two-thirds ( $\frac{2}{3}$ ) majority vote of the city council when such action is deemed necessary to prevent injustice or to facilitate the proper development of the city.

### **Sec. 16-177. Time limits for special exceptions.**

A special exception shall commence within twelve (12) months from the date of grant unless extended by action of city council.

- (1a) Commencement of a special exception occurs upon the filing issuance of an application for all necessary building permits, or if no building permit is required, at the time a Business Tax Receipt and/or Registration is issued ~~preliminary plat or site plan, or upon the initiation of significant action to satisfy requirements for improvements contained in a development order or other regulatory documents~~



~~relating to such special exception. If at any time a master building permit lapses, the special exception, including all phases thereof, shall be considered null, void, and of no further effect.~~

- (2b) Only one (1) extension shall be permitted and shall not exceed six (6) months.
- (2c) Special exceptions granted to any governmental unit shall be exempt from the provisions of this section, unless a time limitation is made a specific condition of the special exception.

### **Sec. 16-178. Special exception application process.**

- (a) A written ~~petition~~ application for special exception shall be submitted by the property owner or authorized agent by noon on the fifteenth of the month or previous regular business day on forms provided by the ~~planning and engineering~~ development and neighborhood services department and indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested, with particular reference to the written findings in section 16-173 and other specific conditions, if applicable which city council shall address. The ~~petition~~ application shall include all material necessary to meet the requirements listed below and any additional information that will demonstrate that the grant of special exception will be in harmony with the general intent and purpose of these zoning regulations. Fees as established by the city council shall be paid at the time of application.
  - (1) A signed and sealed survey not more than one (1) year old, including the legal description of the property and any easements, with reference to the Official Record Book and Page, prepared by a surveyor registered in the State of Florida.
  - (2) A development concept plan meeting the technical requirements for site and development plans as outlined in Section 16-197. ~~on one (1) or more sheets of paper measuring not more than twenty-four (24) inches by thirty-six (36) inches and drawn to a scale not smaller than one hundred (100) feet to the inch. The following information shall be provided on the development concept plan:~~
    - a. ~~Scale, date, north arrow, vicinity sketch, title of the project and total gross acreage.~~
    - b. ~~The boundaries and dimensions of the property and its relationship to the surrounding road system including the width of the existing travelway.~~
    - c. ~~The location and dimension of existing man-made features such as existing roads and structures with indication as to which are to be removed, renovated or altered.~~
    - d. ~~The location of existing easements, water courses, section lines, water and sewer lines, well and septic tank location, and other existing important physical features in and adjoining the project.~~
    - e. ~~Identification of surrounding land use, zoning and existing buildings within one hundred (100) feet of the petitioned site, as well as the land use and zoning of the petitioned site.~~
    - f. ~~A layout of the proposed lots and/or building sites including the following site data:~~
      - 1. ~~Common open areas;~~
      - 2. ~~Generalized landscaping and buffer areas;~~
      - 3. ~~Internal circulation patterns including off-street parking and loading facilities;~~
      - 4. ~~Total project density;~~
      - 5. ~~Percentage of building lot coverage;~~
      - 6. ~~Percentage of impervious surface coverage;~~
      - 7. ~~Percentage of open space areas;~~
      - 8. ~~The shape, size, location and height of all structures.~~
  - (3) A traffic impact analysis as required by the city engineer including the following:
    - a. Future right-of-way dedications.
    - b. Intersection improvements.
    - c. Traffic-control devices.
    - d. Traffic generation analysis, including compliance with the Palm Beach County Traffic Performance Standards Ordinance.
    - e. Distribution and assignment of traffic.
    - f. Additional roadway needs (travel lanes and turn lanes).

- (4) The proposed phasing of construction for the project if applicable.
  - (5) Commercial, office and uses other than residential shall provide the estimated square footage of the structures, the number of employees, estimated seating, and the estimated number of users of the facility, such as members, students, and patients.
  - (6) Proposed hours of operation for commercial uses.
  - (7) A drainage statement or drainage plan as required by the city engineer.
  - (8) Size, location and orientation of signs.
  - (9) Proposed lighting of the premises.
  - (10) Such additional data, maps, plans, surveys or statements as may be required by city officials for the particular use or activity involved or listed on the applicable checklist.
- (b) If it has been determined to have met the submittal requirements, the application shall be reviewed by the development review committee within thirty (30) days of the submission deadline. Upon development review committee review and analysis of all submitted materials, the ~~planning and engineering~~ development and neighborhood services department shall forward the development ~~review committee and neighborhood services department staff~~ report and recommendation to the planning and zoning board ~~of appeals~~ at least four (4) days prior to the scheduled public hearing.
  - (c) A public hearing shall be held by the planning and zoning board ~~of appeals~~. The property owner may appear personally or by agent or attorney.
    - (1) Notice of public hearing shall be advertised following the procedures set forth in section 16-33 for public hearing.
    - (2) The recommendation of the planning and zoning board ~~of appeals~~ shall be advisory only and shall not be binding upon the city council.
    - (3) The written recommendation and conditions, if any, of the planning and zoning board ~~of appeals~~ shall be incorporated into the development ~~review committee and neighborhood services department staff~~ report and recommendation and transmitted to city council in accordance with adopted city council agenda procedures.
  - (d) Upon receipt of the planning and zoning board ~~of appeals~~'s recommendation, the city council shall hold a public hearing relating to the special exception request which has been advertised following the procedures set forth in section 16-33 for public hearings and take appropriate action with the application as set forth in sections 16-173, 16-174 and 16-175. The city council shall, in the form of a resolution, make written findings of fact pertaining to the granting or denial of the special exception request application.

**Secs. 16-179—16-195. Reserved.**

***DIVISION 9. SITE AND DEVELOPMENT PLANS***

**Sec. 16-196. Applicability.**

No person shall commence any use or erect any residential structure, any commercial structure, or parking area without having first received approval of a site and development plans for the property. This requirement excludes the construction of a single-family residential dwelling or duplex, including accessory structures, on a vacant, lawfully established lot. After approval of the site and development plans, no structure shall be changed and no other improvements or construction shall be undertaken unless consistent with the site and development plans or approved on ~~an~~ amended site and development plans.

## Sec. 16-197. Procedure.

- (a) A written ~~petition application~~ for site and development plans approval shall be submitted by the property owner or authorized agent by noon on the fifteenth of the month or previous regular business day on forms provided by the planning and engineering development and neighborhood services department and indicating the uses, structures, and layout to be approved. The ~~petition application~~ shall include all material necessary to meet the requirements listed below and any additional information that will demonstrate that the approval of the site and development plans will be in harmony with the general intent and purpose of these zoning regulations. Fees as established by the city council shall be paid at the time of application.

The ~~planning and engineering~~development and neighborhood services director or their designee may waive items if ~~he determines~~ that one (1) or more of such elements does not apply to the particular development.

- (1) Statements of ownership and control of the proposed development, including the warranty deed.
- (2) Project Description and Justification Statement describing in detail the character and intended use of the development, demonstrating compliance with all relevant zoning regulations and alignment with the goals, objectives, and policies of the Comprehensive Plan. The statement must identify how the project meets the criteria outlined in Section 16-198, include an overview of current site conditions, and provide a summary of the property's history, including any prior approvals.
- (3) General location map, showing relation of the site for which site and development plan approval is sought to major streets, schools, existing utilities, shopping areas, important physical features in and adjoining the project and the like.
- (4) A signed and sealed survey not more than one year old, prepared by a surveyor registered in the State of Florida. The survey shall include the following:
  - a. Legal description.
  - b. All easements including a reference to the Official Record Book and Page.
  - c. Existing topography on the property.
  - d. Existing streets and roadway improvements (medians, landscaping, signage, driveways, etc.) within one hundred (100) feet of the project boundary.
  - e. Existing structures within one hundred (100) feet of the project boundary.
  - f. Existing utilities, including inverts of pipes, rim elevations, wells, and septic tanks, etc. within one hundred (100) feet of the project boundary.
  - g. Existing trees on the property, identified by Caliper and species.
- (5) ~~A~~Site and development plans containing the title of the project, the names of the project planner and developer, date, north arrow, and the additional information below:
  - a. Boundaries of the project, any existing streets, buildings, watercourses, easements and section lines;
  - b. Exact location of all buildings and structures;
  - c. Access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic;
  - d. Off-street parking and off-street loading layout and access, including bicycle racks;
  - e. Location and nature of recreational facilities and common area amenities, if any;
  - f. All landscape details including all trees, shrubs, groundcover ~~with indication as to types, numbers and sizes,~~ all screens and buffers with cross-sectional drawings illustrating the buffers in context with the surrounding features, including adjacent buildings, signs, and roadways, and provision for Indicate the botanical and common names, height, spread, and spacing of all plant materials. Specify whether the plant materials are native, drought-tolerant, Florida-Friendly, and/or flowering. Provide irrigation and maintenance plans;
  - g. Refuse collection areas with details, including sizing, height, screening, gates, and materials;
  - h. Access to utilities and points of utilities hookup;

- i. Project information including the number of users of the facility, employees, seating, and hours of operation;
  - j. ~~Location of lighting and foot candle dispersion~~Photometric Plan for all outdoor lighting, including the location and height of all lighting fixtures, as well as illumination levels measured to all property lines, spill, direction, and shielding. Provide details for lighting, including materials, finishes, colors, and anchoring; and
  - k. Land use and zoning of the site and zoning of adjacent properties.
- (6) Tabulation of total gross acreage in the project and the percentage thereof proposed to be devoted to:
- a. Various permitted uses;
  - b. Ground coverage by structures;
  - c. Impervious surface coverage;
  - d. Derivation of numbers of off-street parking and off-street loading spaces listed in subsection (4) above; and
  - e. Total project density in dwelling units per ~~net~~ acre.
- (7) If common facilities (such as recreation areas, private streets, common open space, etc.) are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, home owners associations, surety arrangements or other legal instruments providing adequate guarantees to the city that such common facilities will not become a future liability of the city.
- (8) Conceptual engineering plans containing the following:
- a. Proposed streets and roadways with dimensions and cross sections.
  - b. Curve radii for all internal and external vehicular use areas.
  - c. Access to the property by means of paved dedicated right-of-way.
  - d. Proposed traffic control signs and striping.
  - e. Proposed water distribution system showing location of all existing and proposed utilities for water. Fire hydrants, water mains, service lines and Fire Department connections, with size of line with location of fire hydrants and point of connection.
  - f. Proposed sanitary sewer collection system and point of connection, or size and location of septic tank and drainfield if applicable.
  - g. ~~Written drainage statement providing a comprehensive description of describing the system design and the applicable design standards utilized~~used.
  - h. Proposed storm water management system with location of inlets, piping and legal positive outfall along with typical section and top surface area of storm water retention/detention pond, including soil types, slope, bottom and top elevations, normal water surface elevation, the max water surface elevations for storm events, and finish floor elevations.
  - i. Existing and proposed fire protection systems.
- (9) Traffic impact analysis addressing at a minimum: Distribution and assignment of traffic, intersection improvements, additional roadway needs (travel lanes and/or turn lanes), traffic control devices, future right-of-way dedications and compliance with the Palm Beach County Traffic Performance Standards Ordinance.
- (10) Architectural floor plans and elevations ~~for buildings~~ from all exposures, including construction materials, finishes, and colors; and the exact number of dwelling unit sizes and types. Provide color-rendered elevations accurately depicting the proposed development and landscaping upon completion, including front, side, and rear views showing concealment of any rooftop mechanical equipment. For multi-level buildings, include dimensions and clear heights for each level.
- (11) ~~Signage Plans including, locations, signage area, height, lighting and type of materials used for signs, if any.~~
- (12) Plans for public art, if any.

- (132) Proposed phasing of construction, if applicable.
- (143) Such additional data, maps, plans, surveys or statements as may be required by city officials for the particular use or activity involved or listed on the applicable checklist.
- (154) Such additional data as the applicant may believe is pertinent to the site and development plans.
- (165) Items (4), (5) (8) and (9) and (10) above shall be prepared by registered surveyor, engineer, landscape architect or architect as may be appropriate to the particular item. All site and development plans shall be submitted on one (1) or more sheets of paper measuring not more than twenty-four (24) inches by thirty-six (36) inches and drawn to a scale not smaller than one hundred (100) feet to the inch.
- (b) If it has been determined to have met the submittal requirements, the application shall be reviewed by the development review committee within thirty (30) days of the submission deadline. Upon development review committee review and analysis of all submitted materials, the ~~planning and engineering~~ development and neighborhood services department shall forward the development ~~review committee and neighborhood services department staff~~ report and recommendation to the planning and zoning board ~~of appeals~~ at least four (4) days prior to the scheduled hearing.
- (c) A hearing shall be held by the planning and zoning board ~~of appeals~~. The property owner may appear personally or by agent or attorney.
- (1) The meeting shall be open to the public (1) and the public shall be allowed reasonable time to address the planning and zoning board ~~of appeals~~ regarding the proposal.
- (2) The written recommendation and conditions, if any, of the planning and zoning board ~~of appeals~~ shall be incorporated into the development ~~review committee and neighborhood services department staff~~ report and recommendation and transmitted to city council in accordance with adopted city council agenda procedures.
- (d) Upon receipt of the planning and zoning board ~~of appeals~~'s recommendation, the city council shall hold a hearing relating to the site and development plans request and take appropriate action with the application as set forth in sections 16-198 and 16-199.

## **Sec. 16-198. Site and building design.**

- (a) The ~~goal purpose~~ of this section is to ensure that all proposals for new or amended site and development plan ~~proposals~~ have the highest possible aesthetic and functional appearance qualities through cost effective and sustainable design by concentrating on the interrelationship between structures and their surroundings. The recognition of the South Florida climate, including its influence on building shape and orientation, roof design, overhangs, and window placement, is integral to achieving these objectives. New or amended developments should incorporate high-quality site design to enhance the community image and foster pedestrian-oriented spaces with a distinctive sense of place.
- (b) The ~~establishment of the following four (4) general principles is intended~~ Design and Performance Standards are established to stimulate ensure creative design and planning solutions, ~~which would directly result in~~ enhancing the visual appearance within the city, and promoting the public health, safety, and welfare of its residents through high-quality design and the integration of architectural, landscape, urban design elements, and pedestrian and streetscape connections, by incorporating the following in each application, to the extent they are applicable and feasible:
- (1) *Site development relationships:*
- a. *Transition.* The site should be planned to accomplish a smooth transition from adjacent properties that differ in land use and/or design philosophy by the use of site breaks such as landscaping, berms, fences, and walls for aesthetic purposes.

- b. Engineering Design treatment. The design of drainage systems, water management areas, wetlands, and utility placements must seamlessly integrate functionality with visual appeal, adhering to sound engineering practices. Utilities should be installed underground to prevent conflicts with landscape growth and enhance aesthetic quality, with utility hardware discreetly located and effectively screened. Low Impact Development practices, such as bioswales, permeable pavements, and rain gardens, are to be incorporated to promote environmental sustainability and resilience. The site should be planned so that the drainage, ponds, wetlands, and placement of utilities on and off the site are designed in an aesthetic manner subject to sound engineering practices and principles by, for example, installing all utilities underground so as not to conflict with landscape growth and discreetly locating and screening utility hardware.
- c. Control of effects of lights from automobiles or other sources. Where the site plan indicates potential adverse effects of parking or of other sources on the lot on which the nonresidential use is to be located, such effects shall be eliminated or at a minimum prevented so that lights do not illuminate adjacent residential property below a height of five (5) feet at the residential lot line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.

In addition to the above, outdoor lighting is subject to the provisions of Section 16-767 and if in conflict with the provisions of this section, the more restrictive provisions shall apply.

(2) *Building and site design relationships:*

- a. *Buildings.* Buildings should demonstrate compatibility in materials and consistency in style throughout all exterior elevations by:
1. Being compatible with adjacent land uses in terms of scale and lot coverage.
  2. Using color schemes that blend with those of neighboring developments ~~while~~ and using accent colors chosen to enhance architectural details.
  3. Using building wall extensions to connect structures and other site elements.
  4. Incorporating canopies or awnings to enhance building character and shelter pedestrians from the elements.
  5. Designing building signs as integral architectural elements with their proportions ~~relat~~aligned to the surfaces to which they are attached.
  6. Rooftops. Screening rooftop equipment from the public right-of-way and residential areas in such a manner as to present an integrated appearance relative to overall design. Parapets, pediments, and other traditional design should be used to articulate the roofline and conceal flat roofs and rooftop equipment.  
Roof finishes should be light in color to encourage maximum reflection/minimum transmission of heat loadings.
  7. Defining building entrances through the use of massing, design elements, architectural features, and logical location. Primary building facades and entries should face public rights-of-way and provide a clear destination point for approaching pedestrians.
  8. Ensuring that the building proportions, ~~and the proportions of the~~ along with its component elements, incorporates materials of durable quality to promote longevity, are is harmonious and ~~are~~ compatible with the architectural style of the building and its surroundings. Harmony does not require buildings to look identical or be of the same style. Harmony can be achieved by proper consideration of combining various factors such as setbacks, floor and overall heights, scale, massing, bulk, proportions, orientation, landscaping, materials, and architectural components, including but not limited to balconies, porches, roof types, fenestration, entrances, and stylistic expressions.

9. Ground-floor transparency should be prioritized, particularly at building corners, entries, corridors, and public spaces, to enhance engagement and connectivity with the public realm.
  10. Applying principles of Crime Prevention Through Environmental Design (CPTED) by ensuring open sightlines, utilizing effective territorial reinforcement, lighting, and landscaping to encourage natural surveillance.
- b. *Site design.* Sites should enhance the streetscape and provide for variety in relationships between buildings and site design by:
1. Defining entrances through lighting and design mechanisms, such as elevated landscape areas, back lighting of signs, ~~and/or~~ landscaping elements, and architectural focal points.
  2. Encouraging ~~yard~~ setbacks in excess of zoning requirements to provide diversity in site appearance contributing to aesthetic variety and usability.
  3. Locating loading, service, and refuse facilities and areas ~~and refuse containers~~ to the rear of buildings for screening from public view. These facilities must be of sufficient size, design, and location to accommodate access by large vehicles servicing such facilities.
  4. Adding pedestrian-focused elements such as public art, exterior lighting fixtures, street furniture, street trees, bike racks, and other exterior features ~~so as~~ to be compatible with and complementary to site and building design.
  5. Designing free-standing signs as integral parts of the development theme, including the use of colors, materials, and features that reflect and complement the architectural character of the principal building or buildings.
  6. Installing ~~building~~ foundation landscaping to soften building edges and enhance the site's aesthetic appeal.
- (3) *Parking and circulation relationships:*
- a. *Parking.* ~~Site parking areas lots should be designed to indicate separation through landscaping to avoid minimize~~ impervious surface ~~areas masses~~ and enhance usability and aesthetics by:
1. Including curbed landscape islands to break up large impervious surface areas and also reduce heat island effects.
  2. Incorporating pedestrian crosswalks and pathways through landscape areas.
  3. Installing wheel stops to avoid trees, poles, or interruption of sidewalks by overhanging vehicles.
  4. Structured parking garages must minimize the appearance of expansive blank walls along the ground floor by employing thoughtful exterior design, architectural features, and landscaping to blend with the surrounding context.
- b. *Circulation.* The site should have defined vehicular and pedestrian access and circulation elements by:
1. Differentiate ~~fin~~ing walkways and circulation patterns through variations of pavement textures, ~~and materials~~ through sign placement.
  2. Using landscaping ~~element~~ features that define walkways and circulation patterns, such as flower beds, hedges, and landscaped embankments to define walkways and circulation patterns.
  3. Providing clear wayfinding signage for vehicles and pedestrians for ease of navigation.

4. Providing cross-access connections where appropriate between adjacent properties and within developments to reduce reliance on collector and arterial streets and enhance overall connectivity.
- (4) *Open space relationships:*
- a. Landscaped and usable open spaces should be designed as integral ~~parts~~components of the site and building design. Open spaces shall provide opportunities for respite, community interaction, engagement, and recreation by:
    1. Incorporating public art installations, fountains, or other focal points to create unique and engaging spaces.
    2. Ensuring open spaces are accessible to all users, including individuals with disabilities.
    3. Designing open spaces to accommodate a diverse range of activities, from passive relaxation to active recreation.
  - b. The location and configuration of usable open space should be so designed as to encourage social interaction, recreation, maximize its utility and facilitate maintenance by:
    1. Selecting plant materials with consideration for building design, growth patterns, colors, texture, spacing, shade, maintenance needs, and compatibility with site activity.
    2. Preserving and incorporating existing natural features including topography, watercourses, and vegetation into the site design.
    3. Designing planting areas to avoid injury to pedestrians and vehicular traffic through the use of curbing, terracing, and other such elements.
    4. Creating pedestrian-friendly spaces with walkways, bike paths, and seating arrangements within open space areas that encourage social interaction and activity. Include street furnishings that complement the architectural style and surrounding context to create a cohesive public realm.
    5. Incorporating buffers and berms for topographical diversity, separation, and noise control.

## **Sec. 16-199. Standards for review.**

The following standards of review shall be applied when considering a request for site and development plans approval:

- (a) Compliance with all ~~elements~~goals, objectives, policies of the City's Comprehensive Plan and applicable provisions of the Zoning City's Code of Ordinances;
- (b) Satisfaction of the concurrency requirements of section 16-31;
- (c) Ingress and egress to the property and proposed structures thereon with particular attention to automotive and pedestrian safety and convenience, efficient traffic flow and control, and access in case of fire or emergency;
- (d) Off-street parking, loading, and circulation are well-designed to meet operational needs;
- (e) Refuse and service areas are appropriately located and designed, with attention to safety, accessibility, and aesthetic compatibility;
- (f) Utilities with reference to service location and compatibility;
- (g) Screening and buffering with reference to type, dimension, and character;
- (h) Setbacks and open space are designed to promote walkability, social interaction, and environmental preservation, with a focus on connecting to adjacent public amenities or pathways;



- (i) Signs and exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjacent properties and the rest of the district;
- (j) The proposed use must not introduce nNuisance factors detrimental to adjacent and nearby properties and the city as a whole. Nuisance factors include but are not limited to noise, odor, smoke, glare, electrical interference, and mechanical vibrations;
- (k) Compliance with the site and building design standards of section 16-198 and any standards specific to applicable zoning districts and overlay areas as authorized by the Code; and
- (l) General compatibility with adjacent properties, the surrounding district, and the overall character of the community, considering architectural style, scale, density, and land use and other property in the district.

**Sec. 16-200. Limitation of authority.**

- (a) ~~A~~Site and development plans authorizes only the use arrangement and construction set forth in such approved plans and applications. Changes different from that authorized that were not permitted via amendment shall be deemed a violation of this chapter.
- (b) Statements made by the applicant in conjunction with the submitted site and development plans shall be deemed official statements. Approval of the site and development plans shall in no way exempt the applicant from strict observation of applicable provisions of this chapter and all other applicable regulations, ordinances, codes and laws.
- (c) ~~A~~Site and development plans approved in error shall not confer any rights or privileges to the applicant to proceed with development, and the city shall have the power to revoke such approval.

**Sec. 16-201. Required impact fees.**

The following impact fees are applicable:

- (1) New residential development shall be required to dedicate land for parks and recreation and for general government services pursuant to the subdivision regulations, or provide payment in lieu of land dedication payable at the time of plat approval or issuance of a building permit, whichever occurs first.
- (2) All new commercial structures, and additions to existing commercial structures, shall be required to dedicate to the city's capital improvement fund two dollars and eighty cents (\$2.80) per square foot of gross floor area. Such dedication is required in order that the capital needs of police, fire, public works and administrative services of the city can be supplemented due to increased activity which can burden existing services and facilities. Payment shall be required prior to issuance of the building permit.
- (3) The provision of section 16-201 shall be effective: for all approved projects which have not submitted a complete and sufficient application for a building permit as of January 21, 2016; for all approvals pending as of that date; and for all projects submitted for approval after January 21, 2016. For all other projects, the prior rate of two dollars and twenty-five cents (\$2.25) per square foot of gross floor area shall apply.

**Sec. 16-202. Duration of approval.**

Approval of ~~the an~~ an application for ~~a~~ a site and development plans by the city council shall be effective for a period of two (2) years from the date of such approval. Commencement of development of ~~an~~ an approved site and development plans must occur within the two-year time frame and is considered to start upon ~~city council approval of the plat, the issuance of all necessary building permits, or upon the initiation of significant action to satisfy requirements for all improvements set forth on the approved site and development plans and those contained in the site and development review committee and neighborhood services department staff report and recommendation. Such building permits shall remain valid, and in effect until a Certificate of Occupancy (CO), or equivalent approval is granted. Should no plat, building permit, or further development action occur, if no building~~ city council approval of the plat, the issuance of all necessary building permits, or upon the initiation of significant action to satisfy requirements for all improvements set forth on the approved site and development plans and those contained in the site and development review committee and neighborhood services department staff report and recommendation. Such building permits shall remain valid, and in effect until a Certificate of Occupancy (CO), or equivalent approval is granted.

permits are issued within the two (2)-year time frame, the approval of the site and development plans shall expire be considered null, void, and of no further effect, unless an extension is granted in accordance with the provisions below. If at any time a master building permit lapses, the site and development plans, including all undeveloped phases thereof, shall be considered null, void, and of no further effect.

- (1) In the event that expiration of ~~this two-year period~~ has occurred without any of the actions above being commenced, the granting of up to two (2) additional one-year time extensions may be approved subject to the following requirements:
  - a. The first one-year time extension shall be requested by the ~~petitioner applicant~~ prior to the expiration of the original time approval ~~[two (2) years from the date of final approval by city council]~~, and the second one-year time extension shall be requested by the ~~petitioner applicant~~ prior to the expiration of the first-time extension. Such requests to be made to the ~~planning and engineering development and neighborhood services~~ department.
  - b. The ~~planning and engineering development and neighborhood services~~ department shall review the proposed extension of time to determine if any modifications have been made to the previously approved site and development plans, and if changes have occurred to this chapter, concurrency approvals, or other development regulations which would affect the original approval.
  - c. Substantial modifications shall necessitate a completely new review of the site and development plans by the planning and zoning board of ~~appeals~~ and city council. Conditions which shall require a new review are as follows:
    1. A change to approved site and development plans ~~approval change~~ which involves an increase in floor area.
    2. ~~A~~ The site and development plans ~~which~~ would be affected by any changes in this chapter or other development regulations which have occurred subsequent to the time of the original approval.
    3. Any other proposed change which is deemed by the ~~planning and engineering development and neighborhood services~~ director or their designee to be a substantial deviation to the original approval.
    - d. The ~~planning and engineering development and neighborhood services~~ director or their designee will also review the time extension request with the development review committee and provide a recommendation to the city council in writing. If no member of the city council objects to the proposed time extension within seven (7) working days, the proposed modification will be approved by the ~~planning and engineering development and neighborhood services~~ director or their designee.
- (2) ~~The provisions of section 16-202 shall be effective: for all approved projects which have not yet expired as of May 19, 2008; for all approvals pending as of that date; and for all projects submitted for approval after May 19, 2008. For requests submitted on or after March 18, 2025, any period of extension authorized under state law or by executive action shall reduce the available time for any extension under this section on a one-day-for-one-day basis.~~
- (3) Extensions granted under state law do not preclude or limit the city's authority to review applications for local extensions in accordance with this section.

**Secs. 16-203—16-210. Reserved.**

## **DIVISION 10. AMENDMENTS TO APPROVED SPECIAL EXCEPTIONS AND SITE AND DEVELOPMENT PLANS**

### **Sec. 16-211. Purpose.**

From time to time, in response to changing market conditions, social and economic circumstances, fashion, and changing desires of the property owner, it is necessary to change the materials, physical appearance, layout, intensity, and/or uses called for in approved special exceptions and site and development plans. The purpose of this division ~~10~~ is to establish procedures for modifying these previous approvals, including planned commercial developments and/or special exceptions which have been used at times as the functional equivalent of site and development plans, and providing an appropriate level of review and input by the bodies which provided the original approval.

### **Sec. 16-212. Minor special exception and site and development plans amendment process**

- (a) The following types of changes shall be categorized as a minor site and development plans and special exception amendment:
- (1) Modification to signage and lighting plans when such changes are consistent with the intent of the approved master sign plan or lighting plan.
  - (2) Additional landscape species and structure screening.
  - (3) Outdoor coolers.
  - (4) Exterior modification to approved residential models or addition of new models.
  - (5) Addition or relocation of refuse areas.
  - (6) Protection of existing vegetation.
  - (7) A one-time or cumulative decrease in non-residential floor area of less than ten (10) percent.
  - (8) A one-time or cumulative decrease in residential dwelling units of less than ten (10) percent.
  - (9) A one-time or cumulative increase or decrease in non-residential parking or open space of less than ten (10) percent.
  - (10) Exterior residential or non-residential appearance modifications, including color.
  - (11) Shared parking agreement for mixed use zoning districts.
  - (12) Alteration of the location of road, walkway, or structure by not more than five (5) feet.
  - (13) Decrease in the height or number of stories of a structure.
  - (14) Relocation of parking/signage/landscaping due to loss of site area to accommodate widening of public rights-of-ways or intersections.
  - (15) Particular amendments may not meet the criteria for minor site and development plans or special exception amendments but due to their uniqueness or meeting goals of the city, the following amendments will be processed as a minor site and development plans or special exception amendment:
    - (i) Amendment makes a significant positive impact on the city's employment;
    - (ii) Amendment is a significant financial generator;
    - (iii) Amendment involved innovative and high-quality design, architecture, site layout or sustainability features or;
    - (iv) Amendment significantly furthers establishment of a city council approved plan;
    - (v) Modifications to any conditions of approval.
  - (~~16~~5) Any other proposed amendment which is deemed by the development and neighborhood director or ~~his/her~~ their designee to be a minor amendment.

- (b) The following process shall apply to all minor site and development plans and special exception amendments:
- (1) A pre-application meeting shall be scheduled and conducted with the development and neighborhood services department prior to the submission of a minor site plan or special exception amendment.
  - (2) A written application for an amendment shall be submitted when ready on forms provided by the development and neighborhood services department, shall indicate what changes are desired, and shall include all documents, of a nature similar to that called for if it was an application for a new approval, necessary to evaluate the proposal. Such information shall include, but not be limited to, as applicable, a site plan, landscape and buffer plan, proposed hours of operations, parking standards and proposed use limitations. The application shall be signed by the owner and the applicant, shall include agent authorization for the applicant to represent the owner, and shall include the application fee as established by the city council. It shall be the applicant's burden of proof to satisfy all applicable requirements for the proposed request.
  - (3) The development and neighborhood services department shall review the proposed changes in comparison to the original approval, original conditions of approval, and current Zoning Code requirements.
  - (4) Once the development and neighborhood services department shall schedule the application for the next available development review committee (DRC) meetings. The DRC shall consider each application, shall complete a technical evaluation of the application, shall identify any deficiencies or discrepancies, and for each comment shall either indicate that the comment involves a code, safety, or engineering requirement or that the comment is advisory. Comments shall consist of the draft comments and items discussed at the DRC meeting. Complete and final comments on all applications considered at the DRC meeting shall be assembled and forwarded to the applicant. At the discretion of the DRC, applications with substantial deficiencies may, upon post-DRC re-submittal, be scheduled for re-review at another DRC meeting.
  - (5) Resubmission. The applicant's response to the DRC comments shall include an itemized letter that recites each staff comment, details how each comment has been adequately addressed, and states where any corresponding plan revision can be located. Once all comments have been adequately addressed, all technical and informational requirements met, and the commenting members of the DRC have recommended approval or approval with conditions on the application, the application shall be sent to the development and neighborhood director or his/her designee for review.
  - (6) If the application is to be approved, a memorandum shall be prepared explaining the request and containing any conditions of approval. It shall be signed by the development and neighborhood services director or his/her designee to indicate official approval and the memorandum and supporting documents placed into the property's file.
  - (7) In the event the applicant does not agree with the conditions of approval or if the application is denied, the development and neighborhood services director or his/her designee shall provide written notice of denial which shall be served to the applicant by certified registered mail. Said notice shall notify the applicant of the city's action and specify the reasons for denial, including applicable Code citations. The applicant may appeal to the city manager within thirty (30) days of the date of the written notice of denial. The city manager's decision will be final.

**Sec. 16-213. Major site and development plans and special exception amendments review.**

Any deviation from a site and development plans or a special exception that does not meet the criteria for a minor site and development plans or special exception amendment, as defined above, or is not deemed by the Development and Neighborhood Services Director or their designee to be a minor amendment, shall be considered a major amendment. Major amendments shall follow the original site and development plans or special exception application process pursuant to this Code.

- (a) Any proposed amendment may be deemed a major amendment by the Development and Neighborhood Services Director or their designee if it is determined to:
  - (1) Have a significant impact on the surrounding area; or
  - (2) Represent a substantial deviation from the originally approved plan; or
  - (3) Raise public interest concerns that warrant further review.

**Sec. 16-214. Exemptions and duration.**

- (a) The following types of changes shall be exempt from the need to modify the approved special exception or site and development plans using these procedures:
  - (1) Floorplan layout changes to the interior of approved residential models or to non-residential buildings provided that the changes have no impact on the exterior appearance, density, or floor area ratio.
  - (2) Minor species substitution and minor location adjustments of landscaping.
  - (3) Items covered under the scope of the temporary use permit provisions of section 16-718.
  - (4) Any other proposed change which is deemed by the development and neighborhood services department director or their designee to be exempt.
- (b) Amendments made through the approval process of this division 10 shall be valid for the life of the underlying original special exception or site and development plan approval. Amendments made by filing for a new review shall have the duration of a new approval.

**~~Sec. 16-215. Fees.~~**

~~Application fees shall be as established by the city council and shall be paid at the time of application. No review or processing is to be conducted until the necessary fees have been paid.~~

**Secs. 16-2156—16-220. Reserved.**

{DIVISION 11. *ADULT ENTERTAINMENT ESTABLISHMENTS* has been omitted for brevity.}

**Section 2. Amending Related Code Sections.**

The Code of Ordinances is hereby amended to update all references to the “Planning and Zoning Board of Appeals” to “Planning and Zoning Board” and all references to the “PZBA” or “PZAB” to the “PZB” throughout the Code to ensure consistency with the renaming of the Planning and Zoning Board of Appeals to Planning and Zoning Board through this ordinance.

**Section 3. Amending Related Code Sections.**

The Code of Ordinances is hereby amended to update all references to "Site and Development Plan" to "Site and Development Plans" to ensure consistency with the approved naming convention and to standardize terminology throughout the Code.

**Section 4. Repeal of Conflicting Ordinances**

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

**Section 5. Severability**

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 Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance"

may be changed to “Section”, “Article” or another word.

**Section 7. Effective Date**

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this \_\_ day of March 2025.

**PASSED AND ADOPTED** on the second reading this \_\_ day of March 2025.

\_\_\_\_\_  
**Chuck Shaw**, Mayor

\_\_\_\_\_  
*Voted:*  
**Judith Dugo**, Deputy Mayor

**Attest:**

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
*Voted:*  
**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