

ORDINANCE NO. 2022-05

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING GREENACRES CODE OF ORDINANCE AT CHAPTER 16 ZONING REGULATIONS, ARTICLE II ADMINISTRATION, SECTION 33 PUBLIC HEARINGS TO INCLUDE A DEVELOPMENT APPLICATION APPROVAL AND NOTICE REQUIREMENT CHART; 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, Chapter 16, Article II, Section 16-33 discusses public hearing notice requirements; and

WHEREAS, zoning Codes are often based upon amounts of data that can be summarized and easily read through tables and graphs; and

WHEREAS, visual elements such as graphs, charts, tables, photographs, diagrams, and maps capture a reader’s attention and helps them to understand a Zoning Code requirement more fully; and

WHEREAS, City staff is proposing to add a chart that supplements existing language within the Zoning Code to provide approvals and notice requirements for development applications in a visually appealing and easy format to understand; and

WHEREAS, the City Council finds that this Ordinance is in the best interest of the citizens of the City of Greenacres and serves a valid public purpose.

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

SECTION 1. Chapter 16 of the City of Greenacres Code of Ordinance is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by strikeout type):

CHAPTER 16, ZONING REGULATIONS

ARTICLE II- ADMINISTRATION

Sec. 16-33. – PUBLIC HEARING

Sec. 16-33. - Public hearing.

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

(1) In accordance with F.S. § 166.041, requirements for advertisement, the city clerk shall publish notice of hearing in a newspaper of general circulation, 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

(2) 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.

(3) The public notice shall:

- a. Give the time and place of the hearing;
- b. Contain a statement identifying the specific request of the applicant, the type of change requested, and the section of this chapter to be changed;
- c. Location description of the subject property and, if available, the street address; and
- d. Specify the official or employee of the city from whom additional information can be obtained.

(4) The city clerk shall make a record of the hearing. Such record shall be made available to any person upon reasonable notice to the clerk.

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(5) 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 Conference					
<u>Review Procedure</u>	<u>City Council</u>	<u>Planning and Zoning Board of Appeals (PZAB)</u>	<u>DNS Director</u>	<u>DRC</u>	<u>NOTICE REQUIREMENTS</u>
Petitions					
<u>Abandonment of Easement or ROW-# (Cross Access, Drainage and LAE do not require newspaper notice and only require first class mail)</u>	<u>D</u>			<u>S</u>	<u>Newspaper Mail</u> <u>Posting City Hall</u>
<u>Annexation, voluntary and involuntary - #</u>	<u>D</u> <u>2 meetings</u>	<u>R</u>		<u>S</u>	<u>Newspaper Mail</u> <u>Posting City Hall</u>
<u>Comprehensive Plan Amendment (text) - #</u>	<u>D</u> <u>2 meetings</u>	<u>R</u>		<u>S</u>	<u>Newspaper Mail</u> <u>Posting City Hall</u>
<u>Comprehensive Plan Amendment small scale - #</u>	<u>D</u> <u>2 meetings</u>	<u>R</u>		<u>S</u>	<u>Newspaper Mail</u> <u>Posting City Hall</u>
<u>Comprehensive Plan Amendment large scale - #</u>	<u>D</u> <u>2 meetings</u>	<u>R</u>		<u>S</u>	<u>Newspaper Mail</u> <u>Posting City Hall</u>
<u>Master Plan - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Posting City Hall</u>
<u>Master Plan Amendment - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Posting City Hall</u>
<u>Master Sign Plan Program - #</u>				<u>S</u>	<u>Posting City Hall</u>
<u>Plat – Preliminary- #</u>				<u>S</u>	
<u>Plat -Final- #</u>	<u>D</u>			<u>S</u>	<u>Newspaper Mail</u> <u>Posting City Hall</u>
<u>Site and Development Plan - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Posting City Hall</u>
<u>Site and Development Plan Amendment (Minor) - #</u>			<u>D</u>	<u>S</u>	
<u>Site and Development Plan Amendment (Major) - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Posting City Hall</u>
<u>Special Exception (Developed) - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Newspaper Mail</u> <u>Posting City Hall</u>
<u>Special Exception (Undeveloped) - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Newspaper Mail</u> <u>Posting City Hall</u>
<u>Special Exception Amendment (Minor) - #</u>			<u>D</u>	<u>S</u>	
<u>Special Exception Amendment (Major) - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Newspaper Mail</u> <u>Posting City Hall</u>
<u>Unity of Title - #</u>				<u>S</u>	
<u>Variance (Administrative) - #</u>			<u>D</u>	<u>S</u>	

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<u>Variance (single family) - #</u>		<u>D</u>		<u>S</u>	<u>Newspaper</u> <u>Mail</u> <u>Posting City Hall</u>
<u>Variance (residential but single family) - #</u>		<u>D</u>		<u>S</u>	<u>Newspaper</u> <u>Mail</u> <u>Posting City Hall</u>
<u>Variance (non-residential) - #</u>		<u>D</u>		<u>S</u>	<u>Newspaper</u> <u>Mail</u> <u>Posting City Hall</u>
<u>Zoning Map Amendment - #</u>	<u>D</u> <u>2 meetings</u>	<u>R</u>		<u>S</u>	<u>Newspaper</u> <u>Mail</u> <u>Posting City Hall</u>
<u>Zoning Text Amendment (general) - #</u>	<u>D</u> <u>2 meetings</u>	<u>R</u>		<u>S</u>	<u>Newspaper</u> <u>Mail</u> <u>Posting City Hall</u>

Section 2. Repeal of Conflicting Ordinances.

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

Section 3. Severability.

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

Section 4. Inclusion in Code

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

Section 5. Effective Date.

The provisions of this Ordinance shall become effective five (5) days after it is adopted.

(Remaining page is intentionally left blank)

Passed on the first reading this 21st day of March 2022.

PASSED AND ADOPTED on the second reading this 4th day of April 2022.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney