

ZTA-22-07 (Ord. 2022-11)
Exhibit "A"
Date: April 11, 2022

Revised:



DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2022-11: ZTA-22-07 – Plats

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

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

Originating Department:

Planning & Engineering

Project Manager

Kara Ferris

Reviewed By:

Director of Planning & Engineering

Kara L. Irwin-Ferris, AICP

Approved By:

City Manager

Andrea McCue

Public Notice:

☐ Required

☒ Not Required

PC Dates: 6/30/22

Papers LWH

Mailing:

☐ Required

☒ Not Required

Notice Distance: _____

Attachments:

- Ordinance 2022-11

City Council Action:

☐ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: _____

I. Executive Summary

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

II. Background

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

Overall, Plats are used for the following reasons:

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

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

III. Proposed Zoning Code Amendments:

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

Proposed Change #1

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

DIVISION 1. GENERALLY

Sec. 12-21. Plat submission.

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

Sec. 12-22. Prior to construction.

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

Sec. 12-23. City acceptance.

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

Sec. 12-24. Required legal access.

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

Sec. 12-25. Permits.

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

Sec. 12-26. Layout and inspection.

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

Sec. 12-27. Certification.

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

Sec. 12-28. Completion.

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

Sec. 12-29. Maintenance guarantee.

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

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

DIVISION 2. APPLICATION PROCEDURE

Sec. 12-41. General procedure.

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

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

Sec. 12-42. Site plan.

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

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

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

(a) A Pre-Application Meeting Request Form along with ~~The~~ sketch plan shall be accompanied by the legal description and a land survey of the area being subdivided.

~~(b) The sketch plan shall~~ and shall contain the following information, which shall be filed with the development and neighborhood services department:

(1) A scaled map with subdivision name, north point, graphic scale, and date. The map shall not be smaller than two hundred (200) feet to the inch.

(2) The name of the owner and all adjoining property owners.

(3) The boundaries of the area which are to be subdivided and the distance to the nearest existing street intersection.

(4) All roads, utilities, and watercourses on and within one hundred (100) feet of the proposed subdivision.

(5) All significant land features, existing structures, and wooded areas.

(6) Low, swampy areas and areas subject to flooding within the proposed subdivision.

(7) All existing restrictions on the use of the land, including easements and zoning district lines.

(8) Proposed layout of streets, blocks, and lots.

(9) Number of lots, proposed lot width and depth, building type, indication of utilities to be provided, and any proposed easements or deed restrictions.

(10) Location and size of proposed water, sewer, and drainage facilities, fire hydrants, and other utilities on the land to be subdivided and on land within one hundred (100) feet. This information is to be prepared by an engineer and/ or surveyor registered in the State of Florida.

(11) Proposed parks, playgrounds, and other common areas.

(b) Once, the pre-application meeting has been held, an application for preliminary plat may be submitted to the development and neighborhood services department along with the required documentation and fees.

(c) ~~Twenty (20) days prior to presubmission conference, the subdivider shall submit to the planning and engineering department seven (7) copies of the sketch plan for review of streets, drainage, and utilities consideration planning and engineering department will coordinate the review process with other city departments as applicable and schedule the presubmission conference. After the presubmission conference the subdivider may proceed to prepare a final plat in accordance with the requirements hereinafter contained. If it has been determined that the preliminary plat application meets the submittal requirements and requirements of F.S. Ch. 177, the application shall be reviewed by the Development Review Committee (DRC) at its next available meeting. After review and approval by the DRC and the development and neighborhood services director or designee, the application for preliminary plat approval shall be forwarded to city council.~~

(d) The city council shall either approve, approve with modifications or conditions, or deny the preliminary subdivision plat after considering the recommendation of city staff and all aspects of the plat necessary to meet all applicable requirements of applicable law, the City Code, and the City's Comprehensive Plan. The city council may also defer or table its decision to a time certain if the city council needs further information to render a decision. The preliminary plat submitted for city council review and approval shall have incorporated all changes or modifications, as required by the development and neighborhood services director or designee and the DRC, to make the preliminary plat conform to the requirements of applicable law, the City Code, the City's Comprehensive Plan, and to the conditions of final plat approval.

(e) If approved by the city council, the approved preliminary plat is a preliminary development order. It shall not constitute acceptance of a final plat but shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat. The preliminary development order and the associated preliminary plat shall expire and be of no further effect twelve (12) months from the date of approval unless either a timely final plat is approved or a timely request to extend the twelve (12) months is submitted to the development and neighborhood services director or designee prior to expiration of the twelve (12) months. The twelve (12) months timeframe may be extended by development and neighborhood services director or designee for good cause shown. The development and neighborhood services director or designee may only extend the twelve (12) months for a maximum period of one hundred eighty (180) days; thereafter, the preliminary plat approval shall expire unless the final plat is approved within the extended timeframe. If the preliminary plat approval expires, the subdivider shall reapply for preliminary plat approval in accordance with the provisions of this chapter (as may be amended from time to time). This provision regarding the effect of approval and expiration of a preliminary plat shall not be subject to a variance. Further, the approval of the preliminary plat in no way reserves capacity for purposes of concurrency and approval of the final plat. Subdividers are highly encouraged to pursue final plat approval as soon as possible to avoid substantial revisions to the final plat necessary to comply with changes in the law and local conditions which may arise between preliminary plat approval and final plat approval.

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

~~(a) Qualification of person preparing plat: Every subdivision of lands made through these provisions shall be made under the responsible direction and supervision of a land surveyor, registered in the State of Florida, who shall certify on the plat that the plat is a true and correct representation of the lands surveyed, that the survey was made under his responsible direction and supervision, and that the survey data complies with all of the requirements of these regulations. The certification shall bear the signature, registration number and the official seal of the land surveyor.~~General procedure: If the preliminary plat application is approved by the city council, a final plat application shall be submitted to the development and neighborhood services department along with all fees as are prescribed in a resolution adopted by the city council (as amended from time to time). The original final plat application shall be submitted with one (1) copy of the application and three (3) full-size copies and fifteen (15) reduced-sized copies of the final plat, or as may be otherwise required in the development and neighborhood services department's application submittal checklist.

~~(b) General requirements:~~Bonds: Prior to the time the final plat of a subdivision is executed on behalf of the city, the subdivider shall post surety as follows:

~~(1) A contract, executed in three (3) copies, between the city and the subdivider for construction of required improvements. The contract shall be for a term of two (2) years, shall provide that the city may use the surety to complete the required improvements in the event of the developer's default, and shall be in a form approved by the city attorney. The city council, on recommendation of the planning and engineering department, may extend the period of performance for additional one (1) year periods. Said extension shall not be unreasonably withheld and construction is to be completed within five (5) years.~~

~~(2) Guarantees of one hundred ten (110) percent of the cost of the grading, drainage, paving and sidewalk components of the required improvements as defined in Article III of this chapter shall be given to the city. Said guarantee may be in the form of a performance bond issued by a recognized surety company licensed to do business in Florida, in cash, or as a bank letter of credit approved by the city.~~

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

(1) The final plat shall conform with F.S. ch. 177, and shall be clearly and legibly drawn, on mylar, to a scale no smaller than one hundred (100) feet to the inch provided, however; that a scale of two hundred (200) feet to the inch may be used for large areas upon written approval of the city engineer. Individual sheets, their size, marginal lines, and other drafting considerations shall comply with accepted standards for the recording of plats. Where the final plat of a proposed subdivision requires more than one (1) sheet, each sheet shall be keyed to a master map with appropriate marks of identification.

(2) A construction cost estimate shall be submitted providing the estimated cost of installing all improvements. Such estimates shall be prepared by the project engineer and shall be based upon recent bid information. As an alternative, bids of two (2) licensed contractors or a copy of an executed contract for the installation of the improvements may be submitted.

(3) Land dedication or acceptable payment in lieu in accordance with Article IV of this chapter shall be executed or collected in a form acceptable to the city prior to the scheduled city council hearing.

(4) When the final plat is approved ~~by the city council~~, it shall be signed in the spaces provided by the city engineer, the city manager, and the mayor and be attested to by the city clerk and affixed with the city's seal.

(5) The subdivider shall file a true copy of the plat, as approved, with the Clerk of the Circuit Court of Palm Beach County, Florida. One copy of the recorded final plat shall be provided to the City of Greenacres on mylar and shall be maintained as permanent record.

(6) Any change in a recorded plat shall be made in accordance with F.S. ch. 177.

(7) The vacation of any recorded plat shall be made in accordance with F.S. ch. 177.

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

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

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

(16) Parcels, if any, for multiple-family dwelling, shopping center, house of worship, industry, or other nonpublic use exclusive of single-family residential uses, with dimensions.

(17) Parcel data, in tabular form, including total area of the plat, number/letter designations and areas of residential lots, parcels, areas in parks, right-of-way dedications and other uses. These areas will be depicted in square feet (rounded to the nearest foot) and acreage (rounded to the nearest thousandth of an acre).

(18) Dedications. The purpose of all reserved areas shown on the plat shall be defined in the dedication on the plat. All areas reserved for use by the residents of the subdivision shall be so dedicated and all areas reserved for public use, such as parks, rights-of-way for roads, streets, or alleys, however the same may be designated shall be dedicated to a particular public agency. Easements for utilities, rights-of-way and easements for drainage purposes and any other area, however designated, shall be dedicated by the owner of the land at the time the plat is recorded.

(19) Mortgagee's consent and approval. All mortgages along with the mortgagee's consent and approval of the dedication shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged. In case the mortgagee is a corporation, the consent and approval shall be signed on behalf of the corporation by the president or vice president and the secretary or an assistant secretary, respectively, by and with the authority of the board of directors as evidenced by a resolution adopted thereby.

(20) Certification of surveyor. The plat shall contain the signature, registration number and official seal of the land surveyor, certifying that the plat is a true and correct representation of the land surveyed under his responsible direction and supervision and that the survey data compiled and shown on the plat complies with all the requirements of F.S. ch. 177, as amended, and this chapter. The certification shall also state that Permanent Reference Monuments (PRMs) have been set in compliance with F.S. ch. 177, as amended, and this chapter, and the Permanent Control Points (PCPs) will be set under the direction and supervision of the surveyor within one year from the date the plat was recorded. When plats are recorded and improvements are to be accomplished under surety posted as provided for by this chapter, the required improvements and surety shall include PCPs.

(21) Certification of title. Title certification shall be contained on the face or first page of the plat. The title certificate shall state:

a. That the lands as described and shown on the plat are in the name, and apparent record-title is held by the person, persons, or organizations executing the dedication;

b. That all taxes and city special assessments, fees, fines, and liens have been paid on said lands ~~as required by F.S. § 197.051, as amended;~~ and,

c. All mortgages on the land and their official record book and page number. The title certification must be an opinion of an attorney-at-law licensed in Florida, or the certification of an abstractor or a title insurance company licensed in Florida.

(22) Instrument prepared by. The name and address of the natural person who prepared the plat shall be contained on the plat ~~as required by F.S. § 695.24, as amended~~. The name and address shall be in statement form consisting of the words,

"This instrument was prepared by

_____ Name

_____ Address"

(23) Survey submittal. F.S. § 177.041(1), requires a boundary survey to accompany the plat at time of submittal. In addition to the boundary, this survey shall depict the following:

a. All existing watercourses, drainage ditches, canals, and bodies of water on or adjacent to the proposed subdivision.

b. All existing improvements on the proposed subdivision and all existing sewers, water mains, culverts, fire hydrants, underground or aboveground utilities on or adjacent to the proposed subdivision.

c. All easements and rights-of-way within the site as shown in the title documentation and all adjacent improvements.

(24) Plat review. In accordance with F.S. § 177.081(1), the plat will be reviewed for conformity with said Chapter 177 by a professional surveyor or mapper either employed by or under contract to the City of Greenacres. The following certification shall be placed on the first page of the plat:

It is hereby certified that the undersigned Professional Surveyor for the City of Greenacres and duly licensed in the State of Florida has reviewed the Plat for conformity with the requirements of Chapter 177, Florida Statutes.

Date: _____

By: _____

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

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

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

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

(e) Qualification of person preparing plat: Every subdivision of lands made through these provisions shall be made under the responsible direction and supervision of a land surveyor, registered in the State of Florida, who shall certify on the plat that the plat is a true and correct representation of the lands surveyed, that the survey was made under his responsible direction and supervision, and that the survey data complies with all of the requirements of these regulations. The certification shall bear the signature, registration number and the official seal of the land surveyor.

(f) ~~Bonds~~Irrevocable Letter of Credit: Prior to the time the final plat of a subdivision is executed on behalf of the city, the subdivider shall provide the development and neighborhood services department with an executed subdivision contract and irrevocable letter of credit as follows:

(1) A subdivision contract, executed in three (3) copies, between the city and the subdivider for construction of required improvements. The contract shall be for a term of two (2) years, shall provide that the city may use the irrevocable letter of credit ~~surety~~ to complete the required improvements in the event of the developer's default, and shall be in a form approved by the city attorney. The contract shall also provide that the city has a right to place a lien on the property for the cost of any repairs which are not covered by the letter of credit. The city council, on the recommendation of the development and neighborhood services ~~planning and engineering~~ director or designee, may extend the period of construction ~~performance~~ for up to an additional two ~~one~~(1)(2) year period for good cause shown along with extensions of the subdivision contract and irrevocable letter of credit which cover the extension timeframe plus six (6) months. Said extension shall not be unreasonably withheld and construction is to be completed within four ~~five (5)~~(4) years. If construction is not completed within four (4) years, the city without notice and any obligation to the subdivider may use the letter of credit to pay for the removal of any and all improvements and lien the property if additional costs are incurred by the city in removing any and all improvements.

(2) An irrevocable letter of credit ~~Guarantees~~ of one hundred ten (110) percent of the cost of the grading, drainage, paving and sidewalk components of the required improvements as defined in Article III of this chapter shall be given to the city. Said ~~guarantee~~ letter of credit must be in the

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

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

Proposed Change #2

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

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

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

Zoning Text Amendment (general) - #	D 2 meetings	R		S	Newspaper Posting City Hall
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III. Staff Analysis:

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

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

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

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

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

Land Development Staff Comments:

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

Planning and Engineering Department:	Incorporated into the staff report
Building Department:	None
Recreation and Parks	None
Fire Department:	Incorporated into the staff report
PBSO District #16	None
Public Works Department:	Incorporated into the staff report

IV. Zoning Text Amendment Criteria:

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

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

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

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

V. Staff Recommendation:

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

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

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

CITY COUNCIL ACTION First Reading – July 18, 2022

CITY COUNCIL ACTION Second Reading –
