

ORDINANCE NO. 2021-22

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ARTICLE III DISTRICT REGULATIONS, DIVISION 15 MIXED USE DEVELOPMENT-OFFICE, SECTIONS 16-558 THROUGH 16-563; TO ALIGN THE ALLOWABLE USES WITH THE PURPOSE AND INTENT OF THE MXD-O ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning and Engineering Department has submitted a request for a zoning text amendment to revise Chapter 16, Article III, District Regulations; and

WHEREAS, it has been determined, in accordance with the Land Development Staff Report and Recommendation, "Exhibit A" dated December 8, 2021 (attached), that certain amendments to the City's zoning regulations are appropriate; and

WHEREAS, the Planning Commission on December 15, 2021, held a duly advertised public hearing and recommended approval of ZTA-21-05 and adoption of this Ordinance as presented by staff; and

WHEREAS, the City Council of Greenacres has held two (2) duly advertised public hearings to review this request; and

WHEREAS, the City Council of Greenacres finds that it is in the best interests of the citizens of the City of Greenacres that the provisions of Chapter 16, Article III of the City's Zoning Code be amended; and

WHEREAS, the City Council of Greenacres finds that the amendments contained within this Ordinance will promote the health, safety and welfare of the citizens of Greenacres.

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

SECTION 1. The foregoing recitals are incorporated into this Ordinance as true and correct statements.

SECTION 2. The Zoning Code of the City of Greenacres is hereby amended as follows

(additions are indicated by underscoring and deletions are indicated by ~~strikeout~~ type):

CHAPTER 16, ARTICLE III- DISTRICT REGULATIONS

DIVISION 15. – MIXED USE DEVELOPMENT-OFFICE (MXD-O)

* * * * *

Sec. 16-558. - Purpose and intent.

The mixed use development-office (MXD-O) district is intended to provide opportunities for a mixed use activity district that will accommodate a variety of residential housing types and densities, ~~and professional office uses,~~ and community serving retail and restaurants to be located within close proximity to each other. This district will be located only along major roadways, and will provide a transitional buffer between ~~commercial and~~ residential land uses. This district recognizes that all requested uses will be integrated both vertically and horizontally throughout the entire site.

Sec. 16-559. - Permitted and conditional uses.

The permitted principal uses and structures in the mixed development district MXD-O are as follows:

- (1) —~~[Reserved.]~~ Service establishments including barber shops, beauty shops, shoe repair, pharmacy without drive-thru, dry cleaning pickup stations and laundromats.
- (2) —~~[Reserved.]~~ Retail outlets, including bookstores, card and gift shops, hardware stores, arts and craft stores, television and radio, including repair incidental to sales, jewelry stores, including watch repair but not pawnshop, clothing stores, shoe stores and camera shops and supplies, including repair incidental to sales.
- (3) Townhouse development, subject to the provisions of section 16-856 et seq.
- (4) Cluster development, subject to the provisions of section 16-836 et seq.
- (5) Multi-family dwellings.
- (6) Apartment projects, subject to the provisions of section 16-871 et seq.
- (7) Publicly owned and operated parks and recreation areas.
- (8) Professional offices and services, which include travel agencies.
- (9) Medical and dental offices, subject to the requirements of section 16-764.
- (10) Business offices and services.
- (11) Financial, insurance and real estate offices.

- (12) ~~Travel agencies~~ Antique and florist shops.
- (13) Banks and financial institutions without drive-in facilities.
- (14) ~~—[Reserved.]~~ Food services, including restaurants and carry-out restaurant, delicatessen, ice cream parlors and similar food establishments, but not drive-in restaurants.

Sec. 16-560. - Accessory uses.

The permitted accessory uses and structures in the MXD-O mixed use development district are as follows:

- (1) Uses, buildings and structures which:
 - a. Shall be customarily accessory and clearly incidental and subordinate to permitted or special exception uses and structures.
 - b. Shall be located on the same lot as the permitted or special exception principal use or structure.
 - c. Shall not involve operations or structures not in keeping with the purpose and intent of the zoning district that such use or structure is located in.
 - d. Shall not be rented or used as a separate dwelling unit.
- (2) Private gardens and nurseries, garages, swimming pools, tool houses and garden sheds, children's play areas and play equipment and the like subject to the provisions of (1) above.
- (3) Home occupations subject to the provisions of (1) above and section 16-740 et seq. regarding home occupations.
- (4) [Reserved.]

Sec. 16-561. - Special exceptions.

The special exceptions in the MXD-O mixed use development district which are subject to the provisions of section 16-171 et seq. are as follows:

- (1) Government services, including accessory buildings and structures. The public need for the particular facility in the proposed location must be clearly demonstrated by the applicant to the satisfaction of the city council.
- (2) ~~[Reserved.] Off-street parking lots in association with other permitted uses and special exceptions in this district:~~
 - ~~a. The applicant shall demonstrate that it is not feasible to physically locate all of the required off-street parking on the same parcel of land as the primary use.~~
 - ~~b. Required handicapped parking spaces shall not be located in an off-site parking facility. Off-site parking shall not account for more than thirty (30) percent of the required number of parking spaces when its location is not contiguous to the use it is intended to serve.~~

- ~~c. Off-site parking shall not be located further than two hundred fifty (250) feet from the use it is intended to serve, as measured by the shortest distance between the two (2) closest property lines, and must be located on the same side of the street as the use it is intended to serve.~~
- ~~d. There shall be no parking of recreational vehicles and/or boats for periods longer than twenty-four (24) hours.~~
- ~~e. There shall be no sales, sales displays or other service activities of any kind.~~

Sec. 16-562. - Prohibited uses and structures.

The prohibited uses and structures in the MXD-O mixed use development district are as follows:

- (1) Any use, accessory use or component of use or structure not specifically or by reasonable implication permitted herein or permissible by special exception.
- (2) All outdoor storage and display of commercial goods and materials.
- (3) Mobile homes.
- (4) Adult entertainment establishments.

Sec. 16-563. - Maximum residential density and commercial intensity.

The intent of the MXD-O district is to provide an incremental scale of development options based on acreage. This district recognizes that it is in the best interest of the city and sound planning principles to provide incentives to encourage consolidation of smaller parcels. The maximum residential density and commercial intensity in the MXD-O mixed development district shall be based on the following minimum lot sizes:

Development Area	Residential Density	Nonresidential Lot Coverage/FAR
1—2.99 acres	4 dwelling units/acre	22% lot coverage/0.25 FAR
3—3.99 acres	5 dwelling units/acre	26% lot coverage/0.30 FAR
Greater than 4 acres	6 dwelling units/acre	30% lot coverage/0.35 FAR

All development under the MXD-O district must be exclusively nonresidential (i.e. "commercial only") or must be a combination of residential and nonresidential components (i.e. "mixed use"). For the residential component, a minimum of fifty (50) percent of any residential units proposed as apartments shall be integrated into the commercial structures. Exclusively residential projects are not allowed. Community serving commercial uses are permitted within the non-residential portion of the project, provided restaurant uses are limited to NMT 75% of gross floor area.

[Sections 16-564 and 16-572 to remain unchanged and are omitted for brevity]

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SECTION 3. 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 4. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of the 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 the 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, set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. 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 6. Effective Date. The provisions of this Ordinance shall become effective five (5) days after it is adopted.

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Passed on the first reading this _____ day of FebruaryFebruary, 20222.

PASSED AND ADOPTED on the second reading this _____ day of Marcharch, 20222.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Jonathan Pearce, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney