

ORDINANCE NO. 2021-19

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING GREENACRES CITY CODE, CHAPTER 16, ZONING REGULATIONS, ARTICLE II, ADMINISTRATION, DIVISION 2, LAND DEVELOPMENT STAFF BY RENAMING LAND DEVELOPMENT STAFF TO DEVELOPMENT REVIEW COMMITTEE, REPLACING OUTDATED NAMES OF CITY DEPARTMENTS OR COMMITTEES/BOARDS, AND UPDATING PROCEDURES AND RENAMING LAND DEVELOPMENT STAFF TO DEVELOPMENT REVIEW COMMITTEE IN OTHER SECTIONS OF THE CODE; 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, Division 3, Section 16-81- 84 and Division 4, Section 16-101-107 set forth the organization and jurisdiction of the City's Planning Commission and Zoning Board of Appeals; and

WHEREAS, the City formed an inter-department committee consisting of representatives of the development and neighborhood services department (planning and building), police department, fire department, public works department and community and recreation department in order to review and provide their respective disciplines' input and recommendations regarding development applications; and

WHEREAS, the name Land Development Staff does not accurately describe the functions of the committee and causing confusion to the public whether they are dealing with the committee or a particular City department; and

WHEREAS, it is the desire of the City Commission of the City of Greenacres to avoid this confusion and;

WHEREAS, with passage of the recent budget, the planning and engineering department name has changed to development and neighborhood services; and

WHEREAS, it is further the desire of the City Council of the City of Greenacres to ensure that all City department names are accurate within the City's Zoning Code; and

WHEREAS, the City Council of the City of Greenacres has conducted duly advertised public hearings to receive comments on the Zoning Text Amendments proposed by ZTA 21-03 and has considered all comments received concerning the proposed amendments to the Plan as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed Zoning Text Amendments is consistent with the City's Comprehensive Plan; and is in the best interest of the citizens of the City of Greenacres.

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

SECTION 1. 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 II- ADMINISTRATION

DIVISION 2. – DEVELOPMENT REVIEW COMMITTEE ~~LAND DEVELOPMENT STAFF~~^{2}

Sec. 16-51. - Creation.

~~There is hereby established a land development staff which shall consist of representatives of the planning and engineering department, building department, public safety department (one (1) each from police and fire), public works department, and any other department representative necessary to effectively evaluate a particular proposal.~~

(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.

(Ord. No. 2011-07, § 3, 6-6-11)

Sec. 16-52. - Rules of procedure.

(a) ~~Land development staff~~ The Development Review Committee shall be chaired by a representative of the planning and engineering department 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) 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 ~~land development~~ staff 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.

(c) Review comments and questions by the Development Review Committee ~~land development~~ staff as well as city consultants and any other agency reviewing the proposal shall be consolidated and sent in writing to the applicant by the ~~planning and engineering department~~ development and neighborhood services department within two (2) weeks of the technical review meeting.

(d) The Development Review Committee ~~land development staff~~ shall have the right to require additional reviews of the application as necessary to ensure all comments have been resolved prior to further processing.

(e) The application and proposed development plans, if any, shall to the extent possible incorporate all changes mutually agreed upon by the Development Review Committee ~~land development~~ staff and the applicant prior to further processing.

(f) An application or/and development plans that have already been reviewed two times by the Development Review Committee will not be scheduled for a third meeting, unless conditions have changed substantially to warrant another meeting.

(g) The ~~Development Review Committee land development staff~~ shall recommend the application to the planning and zoning board of appeals ~~commission~~, local planning agency, ~~zoning board of adjustments and appeals~~, and/or city council, as appropriate, for approval, approval with conditions, or denial. The ~~development and neighborhood services department planning and engineering department~~ shall prepare a ~~land development~~ 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 land development staff~~, and any proposed conditions of approval and provide such report to the planning and zoning board of appeals ~~commission~~, local planning agency, ~~zoning board of adjustment and appeals~~, and/or city council.

(Ord. No. 2011-07, § 3, 6-6-11)

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

The ~~Development Review Committee land development staff~~ 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 plan amendments.
- (7) Variances.
- (8) Text amendments to the Zoning Code.
- (9) Temporary use permits in accordance with [section 16-718](#).
- (10) 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 ~~land development~~ staff report and recommendation which explains the application, references relevant Comprehensive Plan policies and Code requirements, summarizes the recommendation of the ~~Development Review Committee land development staff~~ 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.

(Ord. No. 2011-07, § 3, 6-6-11)

Secs. 16-54—16-80. - Reserved.

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

Any reference to Land Development Staff in the following Code Sections will be changed to Development Review Committee:

1. Section 16-653
2. Section 16-128
3. Section 16-119
4. Section 16-720
5. Section 16-214
6. Section 16-152
7. Section 16-106
8. Section 16-155
9. Section 16-178
10. Section 16-719
11. Section 16-197
12. Section 16-202

Section 3. Changes in the Law.

To the extent the provisions of this Ordinance or § 381.986, Florida Statutes, are declared unconstitutional or are superseded, the City would adhere to its current regulations, including continuing to adhere to the federal prohibition on marijuana. Should the federal law on marijuana change, this Ordinance shall be reviewed and amended as appropriate.

Section 4. Repeal of Conflicting Ordinances

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

Section 5. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or 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 five (5) days after it is adopted.

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Passed on the first reading this 13th day of December, 2021.

PASSED AND ADOPTED on the second reading this 3rd day of January, 2022..

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

John Tharp, Deputy Mayor

Voted:

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*

Voted:

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney