

ORDINANCE NO. 2016-11

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ARTICLE II ADMINISTRATION, DIVISION 9 SITE AND DEVELOPMENT PLANS, SECTION 16-201 TO AMEND THE EFFECTIVE DATE PROVISIONS OF A PREVIOUSLY APPROVED INCREASE TO THE COMMERCIAL IMPACT FEE; 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 II Administration, Division 9 Site and Development Plans; and

WHEREAS, it has been determined, in accordance with the Land Development Staff Report and Recommendation, "Exhibit A" dated February 12, 2016 (attached), that certain amendments to the City's zoning regulations are appropriate; and

WHEREAS, the Planning Commission on February 17, 2016, held a duly advertised public hearing and recommended approval of ZTA-16-01 and adoption of Ordinance 2016-11 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 II of the City's Zoning Code be amended; and

WHEREAS, the City Council of Greenacres finds that the amendment 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 GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. Chapter 16, Article II, Division 9 is hereby amended as follows:

* * * * *

Sec. 16-201. Site and Development Plans.

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 ~~received~~ 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.

[Sections 16-196 through 16-200 and 16-202 to remain unchanged and are omitted for brevity]

* * * * *

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 upon adoption.

Passed on the first reading this 7th day of March, 2016.

PASSED AND ADOPTED on the second reading this ___ day of ___, 2016.

Voted

Samuel J. Ferreri
Mayor

()
Jonathan G. Pearce
Deputy Mayor

Attest:

Denise McGrew
City Clerk

()
Lisa Rivera
Councilwoman, District I

()
Peter Noble
Councilman, District II

()
Judith Dugo
Councilwoman, District III

()
Paula Bousquet
Councilwoman, District V

Approved as to Form and Legal Sufficiency:

James D. Stokes
City Attorney