

TAMARAC, FLORIDA LAND DEVELOPMENT CODE

Effective July 12, 2018

Chapter 10: Land Development Code

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ARTICLE 1. GENERAL PROVISIONS

10-1.1 Title

This document is Chapter 10 of the Tamarac City Code. It shall be officially known as the Land Development Code of the City of Tamarac, Florida, and is referred to throughout this document as “this Land Development Code” or “this Code” or the “LDC.”

10-1.2 Effective Date

This Code shall be effective on July 12, 2018.

10-1.3 Authority

This Code is enacted pursuant to authority granted by the Charter of the City of Tamarac and the laws of the State of Florida—including, but not limited to: Article VIII, Section 2(b) of the Florida Constitution; Chapter 166 of the Florida Statutes (Municipal Home Rules Powers Act); and §166.3161 et seq. of the Florida Statutes (Community Planning Act).

10-1.4 Purpose

The general purpose of this Code is to guide and manage the development of Tamarac in a way that takes into account present and future needs and resources while promoting the health, safety, prosperity, and general welfare of the City’s citizens and property owners. The Code is also intended to implement the goals, objectives, and policies of the City of Tamarac Comprehensive Plan. More specifically, this Code is intended to:

- (A) Encourage the most appropriate use of land, water, and resources;
- (B) Preserve and enhance present advantages and overcome present handicaps that exist in the City;
- (C) Deal effectively with future problems that may result from the use and development of land;
- (D) Facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services;
- (E) Promote orderly growth and development;
- (F) Conserve and protect natural and historic resources;
- (G) Protect and enhance air quality and the quality of surface and ground waters, protect areas subject to flooding, and address flooding problems;
- (H) Maintain and protect the character and stability of the community and its established neighborhoods;
- (I) Encourage a variety of housing opportunities in varying price ranges;
- (J) Encourage compact, mixed-use, pedestrian-oriented, and transit-oriented development;
- (K) Establish an overall sense of place for the City and its activity centers;
- (L) Promote quality development that reflects the highest standards of urban development and community aesthetics;

- (M) Promote sustainable development and reduce greenhouse gas emissions by encouraging less auto-dependent development patterns, renewable energy use, energy conservation, water conservation, vegetation, urban agriculture, recycling and waste reduction, and hazard-resilient development; and
- (N) Establish comprehensive, consistent, effective, efficient, and equitable standards and procedures for the review and approval of land development that recognize and respect the rights of landowners and consider the interests of the City's citizens.

10-1.5 Applicability and Jurisdiction

(A) General Applicability

This Code shall apply to the development of all land located within the corporate boundaries of the City of Tamarac.

(B) Application to Governmental Agencies

To the extent allowed by law, this Code shall apply to development by the City, and any county, state, or federal government agencies, as well as development on land owned or otherwise controlled by such agencies. Where this Code does not legally control such development, such agencies are encouraged to meet the provisions of this Code.

10-1.6 Code Compliance and Plan Consistency Required

(A) Code Compliance

(1) General

Except as otherwise provided in subsection (2) below or as approved through an established process, no development shall occur without full compliance with the provisions of this Code and all other applicable City, county, state, and federal regulations.

(2) Emergency Exemption

Consistent with F.S. §166.041(3)(b), the City Commission may, by resolution and without any otherwise required prior notice or public hearing, authorize City agencies or departments to deviate from the provisions of this Code during an emergency when the need to act quickly to secure the public health, safety, or welfare makes it impossible to submit to the normal procedures and requirements of this Code.

(B) Plan Consistency

(1) Development Consistency

No development permit, proposal, or plan that is inconsistent with the adopted Comprehensive Plan may be issued by the City. Applications for development permits, proposals, or plans that are inconsistent with the adopted Comprehensive Plan will be rejected by the City.

(2) Code/Plan Consistency

To the extent this Code is or becomes inconsistent with the Comprehensive Plan, this Code or the Comprehensive Plan shall be amended so they remain consistent with one another. All amendments to this Code shall be consistent with the Comprehensive Plan.

10-1.7 Relationship to Other Regulations

(A) Conflicts with Other Government Regulations

If provisions of this Code are inconsistent with one another, or with provisions of other adopted codes or ordinances of the City, or with provisions of applicable county, state, and federal laws, the more restrictive provision shall govern to the extent permitted by law unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions, or more stringent controls.

(B) Conflicts with Private Agreements

Nothing in this Code is intended to supersede, annul, or interfere with any easement, covenant, or other agreement between private parties, but such private agreements shall not excuse any failure to comply with this Code. The City shall not be responsible for enforcing private agreements.

10-1.8 Transitional Provisions

The following sections pertain to the relationship of this Code to the prior City development regulations replaced by this Code.

(A) Prior Violations

To the extent a development or activity in violation of the prior development regulations fully complies with this Code, it shall no longer be deemed a violation. Otherwise, it shall continue to be deemed a violation under this Code and subject to the provisions of §10-5.5, *Enforcement*.

(B) Prior Nonconformities

To the extent a legal nonconformity under the prior regulations becomes conforming under this Code, it shall no longer be deemed nonconforming. Otherwise, it shall continue to be deemed a legal nonconformity and subject to the provisions of §10-1.9, *Nonconformities*.

(C) Development Approvals

Any development approved under the prior regulations may be established or carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired and otherwise remains valid, and the approved development complies with the standards of this Code regarding ongoing operations and maintenance activities (such as standards regulating the use of parking spaces or the maintenance of required landscape vegetation). If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.

(D) Pending Applications

A development application accepted as complete under the prior regulations, but still pending a final decision as of the effective date of this Code (see §10-1.2, *Effective Date*), shall be reviewed and decided, at the applicant's option as stated in writing, wholly under the development regulations in effect when the application was accepted, or wholly under this Code (but not under a mix of provisions from both sets of regulations).

10-1.9 Nonconformities

(A) General

(1) Purpose and Scope

- (a) "Nonconformities" are lots, uses of land, structures, signs, exterior lighting, and other site features that lawfully existed before the effective date of this Code, or a subsequent amendment to this Code, but that do not conform to the standards and requirements of this Code or subsequent amendment.
- (b) The purpose of this Section is to regulate nonconformities in a way that recognizes both the interests of property owners in continuing productive use and enjoyment of existing nonconforming development and the public interest in eventually eliminating development that does not conform to this Code. The provisions in this Section, therefore, generally allow nonconformities to continue to exist as is, but tie the reestablishment, reconstruction, expansion, or other substantial alteration of nonconformities, or development containing nonconformities, to reasonably practicable actions that make the nonconformities conforming or reduce the number or extent of nonconformities.

(2) Determination of Nonconformity Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall rest solely on the owner of property containing the nonconformity, not the City.

(3) Violation of Law Not Allowed

Nothing in this Section shall be construed as allowing a lot, use, structure, or feature that is in violation of any law.

(B) Nonconforming Uses

(1) Continuation

A nonconforming use may continue to exist even though it does not conform to current applicable use standards of this Code, subject to the provisions in this Section.

(2) Expansion

Expansion of a use not allowed in the zoning district in which it is located shall not be permitted. However, a nonconforming use may be extended throughout any parts of a structure that were specifically designed and arranged for such use when it became nonconforming.

(3) Change in Use

- (a)** Any change of a nonconforming use, except as incidental to a change of a nonconforming use allowed under subsection(c) below, shall be to a conforming use.
- (b)** In any residential district, a nonconforming use may be changed only to a use permitted in the district.
- (c)** In a nonresidential district, a nonconforming use may be changed to a use permitted in the district, or approved with a Special Exception under §10-5.4(G), *Special Exception*, to another nonconforming use that is permitted in a more restricted district—provided that the City Commission additionally finds that the new use will be less detrimental to the surrounding neighborhood than the old use and allowing it is in accordance with the spirit and purpose this Section.
- (d)** A change in the ownership or management of a nonconforming use shall not be construed as a change in use provided there is no change in the nature of the use itself.

(4) Abandonment of Use

If a nonconforming use of land ceases for more than 60 consecutive days, the nonconforming use may not be re-established except as permitted under §10-5.4(C), *Establishment of Use*.

(5) Structures Used for a Nonconforming Use

- (a)** Except as otherwise provided in subsection (b) below, no structure used for a nonconforming use may be enlarged, extended, reconstructed, or structurally altered unless the nonconforming use is changed to a use permitted by this Code.
- (b)** A structure used for a nonconforming use may be maintained, repaired, or improved provided:
 - (i)** The maintenance, repairs, or improvements do not increase the cubic volume of the structure, the floor area devoted to the nonconforming use, or the number of dwelling units; and
 - (ii)** The cumulative costs of maintenance, repairs, or improvements within any 12-month period do not exceed 25 percent of the current assessed value of the structure.
- (c)** If a structure containing a nonconforming use is damaged by fire, flood, explosion, collapse, wind, war, or other catastrophe to such an extent that the cost of restoring the structure to its before-damaged condition would exceed 50 percent of the structure's replacement cost, as determined by the Chief Building Official, the structure shall not be repaired, reconstructed, or used except in full conformity with this Code.
- (d)** Nothing in this Section shall prevent compliance with applicable laws or resolutions relative to the safety and sanitation of structures used for a nonconforming use.

(6) Illegal Use Not a Nonconforming Use

The illegal establishment of use shall not be sufficient to allow the existence of a nonconforming use or to create any rights in the continuance of such a use as allowed by subsection (1).

(C) Nonconforming Signs

- (1)** A nonconforming sign may continue to exist even though it does not conform to current applicable sign standards of this Code, subject to the provisions in this Section.
- (2)** A nonconforming sign may be maintained and repaired, but shall not be structurally or mechanically enlarged or extended in any manner that increases its nonconformity.
- (3)** If the copy or name of an enterprise or business advertised on a nonconforming sign is changed, the sign shall be brought into conformance with this Code before issuance of a local business license for the new business or enterprise, except that individual tenant panels in a nonconforming multiple tenant monument sign may be changed without bringing the sign into conformance with this Code.
- (4)** If a nonconforming sign is damaged to such an extent that the cost of restoring the sign to its before-damaged condition would be 50 percent or more of its value as identified on the building permit application used to construct the sign, the sign shall not be repaired or reconstructed except in full conformity with this Code.

(D) Nonconforming Structures

(1) Continuation

Where a legal structure exists on or before the effective date of this Code, that could not be built under the provisions of this Code by reason of restrictions on area, lot coverage, height, setbacks, or other characteristics of the structure or its location on the property, such structure may be continued so long as it remains otherwise lawful subject to the provisions of this subsection (D).

(2) Alteration, Repairs or Replacement

(a) External Expansion

An expansion of a nonconforming structure may be allowed only if the expansion can be accomplished in compliance with all applicable regulations of this Code, including, but not limited to, setback, lot coverage, height, and site development standards. No expansion may increase the level of nonconformity.

(b) Movement of Nonconforming Structure

Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the zoning district(s) in which it is located after it is moved.

(c) Interior Remodeling and Alteration

Interior remodeling or alteration within a nonconforming structure is allowed, provided that such alteration does not create any nonconforming use or situations nor increase the intensity of the nonconformance per subsection (a) above, and all applicable regulations of this Article and Code are met.

(d) Building Code

All modifications made to a nonconforming structure shall be made in accordance with the provisions of this Code and all other applicable building codes and ordinances of the City.

(e) Nonconforming Accessory Structures

A nonconforming accessory structure shall not be converted into a primary use in any zoning district unless and until a variance is approved for the nonconforming structure.

(3) Damage or Destruction

- (a)** If a nonconforming structure is damaged or destroyed by any means to an extent greater than 50 percent of its replacement cost at the time of damage or destruction, as determined by the Chief Building Official, then such structure shall not be reestablished unless it conforms to the requirements of this Code and all applicable building codes.
- (b)** Where a nonconforming structure is damaged by 50 percent or less of its replacement cost at the time of damage, as determined by the Chief Building Official, it may be repaired or restored, provided any such repair or restoration is started within 180 days and is completed within 18 months from the date of partial destruction.

(E) Nonconforming Site Features

(1) Applicability

- (a)** For purposes of this §10-1.9, *Nonconformities*, the term “nonconforming site feature” includes any impervious area, off-street parking or loading area, landscaping, exterior trash enclosure, fence, wall, or hedge that lawfully existed before becoming noncompliant with City development regulations, as well as site features required by subsequently enacted City development regulations.
- (b)** A nonconforming site feature may continue to exist even though it does not conform to current applicable standards of this Code, subject to the provisions in this Section.
- (c)** No action shall be taken that increases the degree or extent of a nonconforming site feature unless the site feature is brought into conformance with this Code.

(2) Upgrading of Nonconforming Off-Street Parking and Loading

Nonconforming off-street parking facilities shall be upgraded to achieve full compliance with the off-street parking and loading standards of this Code, including any applicable lighting standards, in conjunction with the following development of the site containing the nonconformity:

- (a)** A separate structural addition or expansion of one or more structures that would increase the total gross floor area of the structures (as shown by building permit applications); or
- (b)** Any increase in the total square footage of the vehicular use area.

(3) Upgrading of Nonconforming Landscaping

Nonconforming landscaping shall be upgraded to achieve full compliance with this Code's landscaping standards if the site containing those nonconforming site features is proposed for any of the following developments:

- (a) Any increase in the total square footage of the vehicular use area; or
- (b) A structural addition that increases the combined total gross floor area of all existing structures by more than 500 square feet or 20 percent, whichever is less; or
- (c) An expansion of outdoor operations, storage, or display areas.

(4) Compliance to the Maximum Extent Practicable

Where full compliance with the requirements of this Section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, or other significant environmental constraints, the applicant shall comply with the requirements of this Section to the maximum extent practicable, as determined by the Director.

10-1.10 Severability

- (A) If any court of competent jurisdiction invalidates any provision of this Code, such judgment shall not affect the validity of any other provision of this Code.
- (B) If any court of competent jurisdiction invalidates the application of any provision of this Code to a development, such judgment shall not affect the application of that provision to any other development not specifically included in the judgment.
- (C) If any court of competent jurisdiction invalidates any condition attached to a development approval granted under this Code, such judgment shall not affect the validity of any other condition attached to the approval that is not specifically included in the judgment.

ARTICLE 2. ZONING DISTRICTS

10-2.1 General Provisions

(A) Zoning Districts Established

Zoning districts are established as shown in Table 10-2.1. They are organized into the categories described below:

(1) Base Zoning Districts

1. Base zoning districts are established by the City's adoption of the official Zoning District Map, and subsequently by approval of rezonings (see §10-5.4(F)). Approval of a zoning district designation authorizes the full range of development allowed by the standards applicable to the base zoning district.
2. Development in the base zoning districts is subject to predetermined standards set out for each district in this chapter in §§10-2.2 through 10-2.4. The sections include district purpose statements and dimensional standards that address minimum lot, setback, and building requirements.

(2) Overlay Zoning Districts

- (a) Overlay zoning districts are established by the City's adoption of the official Zoning District Map and subsequently by approval of rezonings (see §10-5.4(F)). They apply in addition to one or more underlying base zoning districts.
- (b) §10-2.7, *Overlay Zoning Districts*, identifies the overlay zoning districts and sets forth each district's purpose and the standards that modify those of underlying districts.
- (c) In case of a conflict between the provisions of the overlay zone district and an underlying base zoning district, the more restrictive standards shall apply.
- (d) If a property is included in two or more overlay districts, and the standards of one or more overlay districts conflict, the more restrictive overlay district provision shall apply.

(3) Broward County Land Use Plan

This Code is intended to be consistent with and in substantial conformity with the Broward County Land Use Plan. No new development shall be approved unless there is sufficient

Table 10-2.1: Zoning Districts Established	
Base Zoning Districts	
Residential Districts	
RE	Residential Estate
R-1	Single-Family Residential
R-2	Two-Family Residential
R-3	Multi-Family Residential
Mixed Use and Nonresidential Districts	
MUN	Mixed-Use Neighborhood
MUC	Mixed-Use Corridor
MUG	Mixed-Use General
NC	Neighborhood Commercial
BP	Business Park
I-1	Light Industrial
I-2	Industrial
Special Purpose Districts	
RC	Recreation
PF	Public Facilities
SU	Special Utility
PD	Planned Development District
Overlay Districts	
Woodlands Overlay	

capacity available at the prescribed levels of service established in the Broward County Land Use Plan. Residential densities in residential, mixed-use, and nonresidential districts shall conform to the densities allowed under the Broward County Land Use Plan, as amended, including the allocation of flex/redevelopment units.

(B) Official Zoning Map

(1) Incorporation of Map

- (a)** The location and boundaries of the zone districts established by this Code are shown upon the official “Official Zoning Map of the City of Tamarac,” which is incorporated into this Code. The Official Zoning Map, together with all data shown on the map and all amendments to the map, is by reference made a part of this Code.
- (b)** The Official Zoning Map shall be identified by the signature of the City Clerk and shall bear the seal of the City and the date of adoption.
- (c)** The Official Zoning Map shall be kept and preserved by the City Clerk.
- (d)** Official zoning shall be determined by the Director, where the Official Zoning Map does not reflect recent changes.

(2) Changes in District Boundaries

The Director shall enter changes on the Official Zoning Map promptly after a rezoning is approved by the City Commission. Where the ordinance enacting a rezoning contains wording explaining or clarifying the location of zoning district boundaries, the Director may enter on the Official Zoning Map notations reflecting the ordinance wording.

(3) Interpretation of Zoning Map Boundaries

The Director shall be responsible for interpretations of the Official Zoning Map in accordance with the following standards:

- (a)** Where a zoning district boundary divides a lot or parcel, the location of such boundary, unless indicated by legal description with distance and bearing or other dimension, shall be determined by the scale of the zoning district map by the Director.
- (b)** Where a zoning district boundary coincides with a street right-of-way line, the zoning district boundary shall follow the centerline of the street right-of-way.
- (c)** Land that is not indicated on the Official Zoning Map as being in any zoning district shall be considered to be included in the most restrictive adjacent zoning district that complies with the future land use map designation, even when such district is separated from the land in question by a right-of-way.

(C) Zoning of Annexed Lands

All lands annexed to the corporate limits of the city shall retain their existing county zoning classifications. For this purpose, all published material establishing the rules, regulations, and limitations governing and restricting the use of property under such zoning classifications shall be adopted in this chapter by reference. Such zoning classifications shall be presumed to be valid classifications of the lands annexed and shall not be subject to change, except upon initiation of a rezoning pursuant to §10-5.4(F), *Rezoning*, by either the city or the owners of the property annexed.

10-2.2 Residential Districts

(A) General Purposes of All Residential Districts

The residential districts established in this section are intended to:

- (1) Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the Comprehensive Plan;
- (2) Ensure adequate light, air, privacy, recreation areas, and open space for each dwelling, and protect residents from the negative effects of noise, incompatible population density, traffic congestion, flooding, and other significant adverse environmental impacts;
- (3) Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
- (4) Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;
- (5) Provide for safe and efficient vehicular access and circulation and promote bicycle-, pedestrian-, and transit-friendly neighborhoods;
- (6) Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development while protecting residential areas from incompatible nonresidential development; and
- (7) Create neighborhoods and preserve existing community character while accommodating new infill development and redevelopment consistent with the City's goals and objectives.

(B) Residential Districts Established

(1) RE: Residential Estate

This district is intended to provide for primarily large-lot, single-family neighborhoods. The district also allows supporting public and recreational facilities and uses accessory to residential dwellings.

(2) R-1: Single-Family Residential

This district is intended to provide for single-family residential neighborhoods. The principal land use is single-family, detached homes. Municipally owned and operated facilities are also allowed. The district also allows supporting public and recreational facilities and uses accessory to residential dwellings.

(3) R-2: Two-Family Residential

This district is intended to provide for low- to medium-density residential neighborhoods comprised of a balanced mixture of single-family and two-family development. The housing types permitted in this district allow it to serve as a transitional area between the higher-density R-3 district and lower-density residential districts. The district also allows supporting public and recreational facilities and uses accessory to residential dwellings.

(4) R-3: Multi-Family Residential

This district is intended to provide for medium- and higher-density residential neighborhoods. It promotes a well-planned mixture of single-family, two-family, and

higher-density, multi-family residential development adjacent to commercial corridors, business centers, and other community service activity centers. The density and variety of permitted housing types allows it to serve as a transitional area between nonresidential and residential districts. Group living facilities, public and recreational facilities, and uses accessory to residential dwellings are permitted.

(C) Residential Districts Dimensional Standards

Development in the residential districts shall comply with all applicable lot size, setback, and building standards in the following table. Any residential building constructed prior to the adoption of this Code, in conformance with the zoning regulations in effect at the time of issuance of a building permit, shall be considered a legal nonconforming use.

Table 10-2.2: Dimensional Standards for Residential Districts					
		RE	R-1	R-2	R-3
Lot Standards					
Lot Size, min (sq ft)	Single-family	6,000	3,000	3,000	3,000
	Two-family	N/A	N/A	10,000	10,000
	Other residential	N/A	N/A	10,000	22,000
	Nonresidential	10,000	3,000	10,000	22,000
Lot Width, min (ft)	Single-family	60	50	100	200
	Two-family	N/A			
	Other residential	100			
	Nonresidential	100			
Lot Depth, min (ft)		100	60	100	110
Lot Cover, max (%)	Roofed area	40	40	40	70
	Total impervious	70	70	70	
Landscaped pervious area, min (%)		30	30	30	30
Setbacks, Minimum (ft) [1] [2]					
Front	Standard	20	20	20	20
Side	Interior	7.5	5	7.5	7.5
	Corner	10	10	10	20
Rear	Standard	15	8	15	15
	Adjacent to golf course, RC or RR Districts, or water body	8	8	8	15
Zero Lot Line Standards		N/A	N/A	10-2.6(C)(8)	N/A

Table 10-2.2: Dimensional Standards for Residential Districts					
	RE	R-1	R-2	R-3	
Building Standards					
Height, max	2 floors; 30 ft	2 floors; 30 ft	2 floors; 30 ft	3 floors; 40 ft	
Net Floor Area, min per unit (sq ft)	860	750	860	Efficiency	500
				1 bdrm	600
				2 bdrm	800
				3 bdrm	950
Building Length, max (ft)	N/A	N/A	N/A	350 = straight line 600 = three wings	
NOTES					
[1]: Multi-story buildings directly adjacent to single- or two-family residential buildings shall “step down” in height on the abutting edge to match the height of the adjacent structure.					
[2]: Nonresidential uses shall have a 10-foot greater setback on all sides of the building in all zoning districts.					
[3]: The minimum rear setback may be decreased to 10 feet when the rear wall of the living area of the structure, excluding patios, is more than 15 degrees from being parallel to the rear property line.					

10-2.3 Mixed-Use and Nonresidential Districts

(A) General Purposes of Mixed-Use and Nonresidential Districts

- (1) The mixed-use districts established in this section are intended to foster compact, mixed-use development patterns that provide people with the opportunity to live, work, recreate, and shop in pedestrian-friendly environments. More specifically, they are intended to:
 - (a) Provide strong multi-modal connections between diverse uses to create a busier, safer, and more exciting environment for residents, employees, and visitors throughout the day, in evenings, and during weekends;
 - (b) Encourage efficient land use by facilitating compact, higher-density development and minimizing the amount of land that is needed for surface parking while reducing vehicle trips;
 - (c) Encourage both a vertical and horizontal mix of land uses;
 - (d) Provide for an interesting and walkable environment through tailored building design and streetscape standards;
 - (e) Accommodate development intensities appropriate to the scale of the area served by the activity center (e.g., neighborhood, corridor, region); and
 - (f) Facilitate efficient vehicular traffic flow by allowing only land uses developed with comprehensively planned access, egress, and internal circulation systems.
- (2) The nonresidential districts established in this section are intended to provide a range of office, retail, service, institutional, industrial, and related uses to meet household and business needs, and more specifically to:
 - (a) Provide appropriately located lands for the full range of commercial and industrial uses needed by the city’s residents, businesses, and workers, consistent with the goals, objectives, and policies of the Comprehensive Plan;
 - (b) Strengthen the city’s economic base, and provide employment opportunities close to home for residents of the city and surrounding communities; and
 - (c) Minimize the impact of commercial and industrial development on residential uses.

(B) Mixed-Use Districts and Nonresidential Established

(1) MU-N: Mixed-Use Neighborhood

This district is intended to provide for small, compact mixed-use activity centers that serve as convenient, walkable service and retail destinations for surrounding neighborhoods, compatible in scale and character with surrounding residential uses. It is intended to support a mix of residential, retail, cultural, entertainment, and office opportunities, with street-level uses that generate pedestrian activity and upper-story residential and office uses that help maintain an active street presence. Continuous commercial frontages, largely uninterrupted by driveways and parking, are encouraged.

(2) MU-C: Mixed-Use Corridor

This district is intended to encourage the development of mixed-use activity centers along the City's primary transportation corridors and gateways. The district is distinguished from the MU-N district by its location, and should adjoin at least one arterial roadway. The district accommodates a mix of retail, office, and service, institutional, cultural/public, and entertainment developments that meet local and regional needs and are sensitively designed to reflect a positive image of the City. The district also accommodates higher-density residential and live/work uses. District regulations encourage pedestrian-scale retail development and provide opportunities for residents to walk to meet some of their daily service, entertainment, and open space needs.

(3) MU-G: Mixed-Use General

This district is intended to encourage the creation of community-serving mixed commercial and residential development at a higher scale than is appropriate for the MU-N or MU-C districts. The district is intended for use at important nodes in the City on larger sites. The district is intended to include commercial, institutional, recreational, and service facilities needed to support surrounding neighborhoods and the community at-large. Medium- to higher-density housing should be incorporated within or located around the district.

(4) NC: Neighborhood Commercial

This district is intended to provide primarily small-scale retail and personal service and low-intensity office and institutional uses to meet the neighborhood shopping and service needs of surrounding residential areas. Limited residential uses are permitted.

(5) BP: Business Park

This district is intended to provide for a mixture of light industrial, office, manufacturing, and limited retail uses in a business park, industrial park, or campus setting with high-quality site and building design. Limited residential uses are permitted.

(6) I-1: Light Industrial

This district is intended to provide for light manufacturing, warehousing, processing, service, storage, wholesale, distribution operations, and research and development uses, with all operations contained within enclosed buildings. Limited residential uses are permitted.

(7) I-2: Industrial

This district is intended to provide for heavy industrial development that has some, any, or all of the following: (a) potentially noxious impacts, or (b) heavy truck traffic for supplies, storage, or shipping, or (c) outdoor storage and operations. Examples include heavy manufacturing, storage, major freight terminals, waste and salvage, distribution centers, processing, and other related uses.

(C) Mixed-Use and Nonresidential Districts Dimensional Standards

Development in the mixed-use and nonresidential districts shall comply with all applicable lot size, setback, and building standards in the following table.

Table 10-2.3: Dimensional Standards for Mixed-Use and Nonresidential Districts								
		MU-N	MU-C	MU-G	NC	BP	I-1	I-2
Lot Standards, Min								
Lot Area (sq ft)		20,000	30,000	30,000	20,000		5,000	10,000
Width (ft)		100	150	150	100	100	-	-
Lot Cover, max (%)	Roofed area	40	40	40	40	60	60	60
	Total impervious	70	70	70	70	70	80	80
Landscaped pervious area, min (%)		30	30	30	30	30	20	20
Setbacks, Min (ft)								
Front [1]		25	25	0	25	50	10	10
Side	Interior	10	10	10	10	35	0	0
	Corner	15	15	15	15	35		
Rear		10	10	10	10	35	0 (35 if adjacent to residential)	50
Adjacent to Residential District		25	25	25	25	50	50 [2]	50 [2]
Building Standards								
Height, max (ft)		40	50	70	40	50; if adjacent to residential then 35	30	30
Net Floor Area, max (%)		40	40	-	35	-	-	-
Density Standards								
Determination through allocation process that the total residential uses do not exceed 10 % of the land area of the City.								
NOTES								
[1]: Street setbacks along University Drive shall be 125 feet from centerline of roadway.								
[2]: Along said lot line an 8-foot concrete wall shall be constructed.								

10-2.4 Special Purpose Districts

(A) Special Purpose Districts Established

(1) RC: Recreation

This district is intended to provide for active and passive recreational activities. Such activities are normally and primarily conducted in the open air, while related accessory uses may be in the open air or in a building or structure. The district also allows both public and

private schools. The functional characteristics of the district may require its location within or near residential areas, schools, public recreational areas or scenic areas. Because of the nature of uses involved and the variety of arrangement of uses and facilities on the site plan of development, broad general regulations for plot size, yards, setbacks and height must be adequate for any location at which the RC district may be established.

(2) PF: Public Facilities

This district is intended to provide for educational institutions, municipal governmental facilities, and other related activities.

(3) SU: Special Utility

This district is intended to provide for public and private utility sites in the city.

(B) Special Purpose Districts Dimensional Standards

Development in the special purpose districts shall comply with all applicable lot size, setback, and building standards in the following table.

Table 10-2.4: Dimensional Standards for Special Purpose Districts				
		RC	PF	SU
Lot Standards (feet, unless otherwise noted)				
Lot Area, min		5,000 SF	1 acre	1 acre [3]
Lot Area, max		-	-	
Lot Width, min		50	-	
Street Frontage, min		-	-	
Lot Coverage, max	Impervious Area	-	-	70%
	Building coverage	-	-	35%
Setbacks, Minimum (feet, unless otherwise noted)				
Front		25	25 [2]	From residential: 60 All other: 25 [4]
Side, interior		25		
Side, corner				
Rear		25		
Building Standards (in feet, unless otherwise noted)				
Height		60 [1]	60	30 [6]
Floor Area, min		-	-	-
NOTES				
[1]: The 60-foot height limit shall not include wireless or light poles and antennas installed by the city for government use or a city-related purpose.				
[2]: Any part of building or structure greater than 25 feet in height shall be located at least one foot additional for each foot of height above 25 feet.				
[3]: When the applicant can demonstrate that a site of less than one acre is in the public interest and that a workable site of one acre or more is not available, the city commission may permit a site of less than one acre, provided all performance standards are met.				
[4]: On any special utility site, three utility poles or towers for electric utilities may be placed within the setback. No setback requirements as to utility poles or towers for electric utilities shall apply to any property which carries a designation of "Utility" on the Broward County Land Use Plan Map as of July 1, 1990.				
[5]: In the SU district, utility and communication towers shall not exceed 80 feet in height, where, at the time the parcel becomes zoned "special utility," the parcel is contiguous to lands in the City of Tamarac designated residential on the applicable [map] in the land use plan. In all other cases, utility and communication towers shall not exceed 130 feet in height. Lightning rods shall be permitted over and above these height limits.				

10-2.5 Planned Development District

(A) Purpose, Applicability and Creation of PD District

(1) Purpose

The Planned Development (PD) district is established and intended to permit large tracts of land that are part of a master development plan to be planned and developed as a whole with a greater amount of flexibility by removing some of the detailed restrictions of conventional zoning. Planned developments encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development environmental sensitivity, energy efficiency, and other City goals and objectives by:

- (a) Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
- (b) Allowing -greater freedom in selecting the means of providing access open space, and design amenities;
- (c) Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development including a mix of housing types, lot sizes, and densities;
- (d) Allowing more efficient use of land, with smaller networks of streets and utilities, and thereby lowering development and housing costs; and
- (e) Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees wetlands floodplains, and historic features.
- (f) Promoting "low impact design," also known as "LID," which seeks to minimize the hydrologic and water quality changes that result as part of site development.

(2) Applicability

- (a) Planned developments are planned and developed under unified control and in accordance with flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented and otherwise higher-quality development, as well as community benefits and amenities, than could be achieved through base zoning district regulations.
- (b) The purpose of this subsection is to provide a uniform means for amending the Official Zoning Map to reclassify land to the Planned Development (PD) zoning district established in §10-2.5(A)(3) below.

(3) Creation of PD District

The PD district is intended to encourage high-quality, mixed-use development that features innovative and creative design, yet is compatible with both surrounding existing development and available public infrastructure. The PD district is supported by an underlying Local Activity Center (LAC) land use designation.

(B) General Standards for the Planned Development District

Before approving a PD zoning district classification, the City Commission shall find that the application for the PD zoning district, as well as the PD Plan/Agreement included as part of the application, comply with the standards below.

(1) PD Plan/Agreement

The PD Plan/Agreement shall:

- (a)** Include a statement of planning objectives for the district;
- (b)** Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;
- (c)** Identify for the entire PD district and each development area the land area, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- (d)** Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;
- (e)** Identify the location of environmentally sensitive lands, wildlife habitat, wetlands, and floodplains;
- (f)** Identify the onsite transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned city systems as supported by an applicant-provided traffic study;
- (g)** Identify the general location of onsite potable water and wastewater facilities, and how they will connect to City systems;
- (h)** Identify the general location of onsite stormwater management facilities, and how they will connect to City systems;
- (i)** Identify the general location of all other onsite public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management.
- (j)** Include conditions related to approval of the application for the PD zoning district classification;
- (k)** Identify the community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district; and
- (l)** Include any other provisions the City Commission determines are relevant and necessary to the development of the planned development in accordance with applicable standards and regulations.

(2) Consistency with City Plans

The PD zoning district designation and the PD Plan/Agreement shall be consistent with the purpose and standards of this section in addition to the comprehensive plan of the City of Tamarac and all applicable regulations for PD zoning designations.

(3) Compatibility with Surrounding Areas

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PD Plan/Agreement shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.

(4) Development Phasing Plan

If development in the PD district is proposed to be phased, the PD Plan/Agreement shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the City's capital improvements program.

(5) Conversion Schedule

The PD Plan/Agreement may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use, such as multi-family dwellings to single-family dwellings, and one type of nonresidential use may be converted to another type of nonresidential use, such as office use to retail sales use. Such conversions may occur within development areas and between development areas as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

(6) Onsite Public Facilities

(a) Design and Construction

The PD Plan/Agreement shall establish the responsibility of the developer/landowner to design and construct or install required and proposed onsite public facilities in compliance with applicable City, state, and federal regulations.

(b) Dedication

The PD Plan/Agreement shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations.

(c) Modifications to Street Standards

In approving a PD Plan/Agreement, the City Commission may approve modifications or reductions of City street design standards, including those for right-of-way widths, pavement widths, required materials, and turning radii. Such modifications shall be reviewed and approved by the Fire and Public Service departments during PD Plan/Agreement approval, on finding that:

- (i) The PD Plan/Agreement provides for separation of vehicular, pedestrian, and bicycle traffic as supported by an applicant-provided traffic study;
- (ii) Access for emergency service vehicles is not substantially impaired;
- (iii) Adequate off-street parking is provided for the uses proposed and as supported by an applicant-provided parking study; and
- (iv) Adequate space for public utilities is provided within the street right-of-way.

(7) Uses

Allowed principal, accessory, and temporary uses in a particular PD district shall be established in the PD Plan/Agreement, subject to conversion in accordance with a schedule incorporated in the PD Plan/Agreement in accordance with §10-2.5(B)(5), *Conversion Schedule*. Allowed uses shall be consistent with the City's Comprehensive Plan, Local Activity Center (LAC) designation, and the purpose of this section. The nonresidential uses in the PD district are restricted to the uses permitted in the City's mixed-use districts.

(8) Densities/Intensities

The total number of dwelling units permitted in a planned development shall not exceed 35 dwelling units/acre and shall not exceed the total density/intensity permitted by the Land Use Element of the Tamarac Comprehensive Plan. The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the PD Plan/Agreement and shall be consistent with the comprehensive plan Local Activity Center (LAC) land use designation other adopted special area and City plans, and with the purpose of the PD district.

(9) Dimensional Standards

- (a) All planned developments shall contain a minimum of ten acres of contiguous land unless the Community Development Department finds that a tract that contains less than ten acres is suitable as a planned development by virtue of:
 - (i) Its location within a quarter mile of access to mass transit; or
 - (ii) Provision of mass transit access in the proposed PD.
- (b) This minimum may be waived by the City Commission upon the recommendation of the Community Development Director.
- (c) The dimensional standards applicable in each development area of a PD district shall be as established in the PD Plan/Agreement and shall be consistent with the Comprehensive Plan, other adopted special area and City plans and with the purpose of the PD district.
- (d) The PD Plan/Agreement shall include at least the following types of dimensional standards, unless the PD Plan/Agreement expressly states otherwise:
 - (i) Maximum dwelling units per acre (residential development) and/or maximum floor area ratio (nonresidential development);
 - (ii) Minimum net lot area;
 - (iii) Minimum lot width;
 - (iv) Maximum impervious surface area;

- (v) Maximum structure height;
- (vi) Maximum individual building size;
- (vii) Minimum and maximum setbacks; and
- (viii) Minimum setbacks from adjoining residential development or residential zoning districts.

(10) Site Development Standards/Features

All development in a PD district shall comply with the development standards established in the PD Plan Agreement as consistent with City plans, the objective of the particular type of development standard, and the purpose of the PD district.

(a) Off Street Parking

- (i) Because of the unique land uses and design characteristics of projects zoned PD, the minimum parking space requirement and design shall be determined on a project-by-project-basis.
- (ii) The applicant may propose parking that does not meet minimum Code requirements, in which case the applicant shall submit a parking study prepared by a registered traffic engineer.
- (iii) At a minimum, the parking study shall include the number of proposed parking spaces, public transit ridership statistics, and justification for any deviations from the requirements of this Code for off-street parking and loading.
- (iv) The study shall be reviewed and approved by the Director of Community Development or his/her designee.
- (v) Parking and traffic studies shall be required to be submitted as part of a complete application package demonstrating required parking to support the planned development.

(b) Underground Utilities

- (i) All onsite utilities shall be installed underground.
- (ii) Large transformers shall be placed on the ground within pad mounts, enclosures, or vaults.
- (iii) The developer shall provide adequate landscaping to screen all above ground facilities in a manner not inconsistent with the requirements of the applicable utility provider.

(c) Landscaping, Buffering and Building Design

- (i) Landscaping shall meet all the requirements of §10-4.4, *Landscaping and Tree Preservation*. Modification of §10-4.4 may be requested in the PD Plan/Agreement and must be explicitly listed in the PD Agreement and PD Plan.
- (ii) The applicant shall be responsible for all architectural review costs incurred by the City in association with the review of the building's design.

(d) PD Plan/Agreement Development Standards

The Plan/Agreement shall include at least the following types of development standards, unless the PD Plan/Agreement expressly states otherwise:

- (i) Total onsite parking spaces;
- (ii) Landscaping to included total trees and shrubs;
- (iii) Minimum and maximum open space; and
- (iv) Percentage pervious and non-pervious area.

(e) Stormwater Management Standards

All development in a PD district shall comply with the standards of §10-4.5(E), *Stormwater Management*, that are in place at the time of Site Plan Approval application acceptance (see §10-6.4.6, *Site Plan Approval*).

10-2.6 Measurements and Exceptions

(A) Density

(1) Density, Gross

Means the number of dwelling units allowed for each gross acre of land, and is determined by dividing the number of dwelling units on a site by the gross acreage of the site, including dedicated half rights-of-way, half private streets, and open space set asides permitted in residential areas by the Future Land Use Plan Map. In the determination of the number of residential units to be allowed on a specific parcel of land, a fractional unit equal to or greater than one-half of a unit shall be rounded down to equal a full unit.

(2) Dwelling Units Allowed

The number of dwelling units allowed on a site is based on the presumption that all other applicable standards of this Code shall be met. The maximum density established for a zoning district is not a guarantee that such densities may be obtained, nor a valid justification for varying or modifying other dimensional or development standards.

(B) Lot Standards

(1) Minimum Lot Dimensions

Any lot that is created shall meet the minimum lot size and frontage requirements established in §§10-2.2 through 10-2.4 for the zoning district in which it is located, except as otherwise established in this Code in §10-1.9, *Nonconformities*, or for particular uses.

(2) Number of Principal Buildings or Uses Per Lot

- (a) Only one main building for single-family or two-family use with permitted accessory buildings may be located upon a lot or unplatted tract.
- (b) Where a lot or tract of land is used for mixed use, commercial, or industrial purposes, more than one main building may be located upon the lot but only when such buildings conform to all requirements of this Code applicable to the uses and district.

(3) Net Lot Area

Net lot area shall be determined by measuring the total horizontal land area (in acres or square feet) within the lot lines of the lot—excluding any area containing the rights-of-way.

(4) Lot Coverage

Lot coverage shall be the portion of a lot covered by principal and accessory buildings and structures, as measured from the outside of the building or structure at ground level, and expressed as a percentage of total lot area.

- (a) Calculation of lot coverage shall exclude garages, covered patios, carports, pools, uncovered patios, and open mesh-screened patios.
- (b) Calculation of lot coverage shall exclude any roof area from which stormwater runoff is captured and used onsite for purposes other than irrigation. Lot coverage shall include all other roofed areas, excluding roof overhangs not supported by columns.

(5) Pervious Area

- (a) For purposes of the minimum pervious area requirement in this article, landscaped pervious area shall include, but not be limited to, turf grass, groundcover, trees, shrubs, and other plant material.
- (b) The pervious area not covered by buildings, vehicular use areas, waterways, and walkways shall be landscaped.
- (c) The use of pervious pavers or turf blocks is strongly encouraged. Should pervious pavers or turf blocks be utilized instead of a portion or majority of impervious surface, the Director may credit this towards achieving the minimum landscape requirements.

(C) Setbacks, Minimum

(1) Setbacks, Generally

Front, corner side, side, and rear setbacks on a lot shall be determined by measuring the horizontal distance along a straight line extending at a right angle from the lot's front, corner side, side, or rear lot line (as appropriate) to the vertical wall or column of the nearest structure on the lot. The area defined by a minimum setback and the lot line from which it measured is a required front, corner side, side, or rear yard (as appropriate). Allowable encroachments into required yards as stated in §10-2.6(C)(6), *Allowed Projections into Required Setbacks*, shall be ignored when measuring setbacks.

(2) Double-Frontage Lots

In the case of double-frontage lots, front setbacks shall be provided on all frontages.

(3) Contextual Front Setbacks

The following exceptions to the front setback requirements for dwellings fronting local streets, not collector or arterial streets, are authorized for a lot in any district.

- (a) If there are dwellings on both abutting lots with front setbacks of less than the required depth for the district, the front setback of the lot need not exceed the average front setback of the abutting dwellings.

- (b) If there is a dwelling on one abutting lot with a front setback of less than the required depth for the district, the front setback for the lot need not exceed the average of the required setback and the front setback of the abutting dwelling.

(4) Setbacks from Private Roads

Whenever a private road serves more than three lots/dwelling units or serves any non-residential use tending to generate traffic equivalent to more than three dwelling units, all setbacks shall be provided in conformance with those setbacks required for lots served by public streets.

(5) Setbacks for Walkways and Driveways

Whenever a walkway or driveway is to be located on a lot, it shall be a minimum of three feet from the rear and side property line, except for double-frontage lots.

(6) Allowed Projections into Required Setbacks

Setbacks shall be unoccupied and unobstructed by any structure or portion of a structure from 30 inches above grade upward, except that certain structures may project into required front, side, or rear setbacks as specified in this subsection.

- (a) On the zero side of a zero lot line, no projections of any kind shall encroach into the adjacent lot. The following structures included in this subsection shall be placed within the line of the house on the zero side of the lot line.

- (b) With the exception of structures allowed below, projections shall not be considered in determining lot coverage:

- (i) **Patios and Terraces, Unroofed**

- Unroofed, patios and terraces may project into any required setback, provided that no structures placed there shall violate other requirements of this Code and are at least five feet from the lot line.

- (ii) **Unroofed Landings, Decks, Stairs and Balconies**

- Unroofed landings, decks, and stairs may project into required setbacks, provided that no portion other than a handrail shall extend higher than 30 inches above the finished grade level. Unroofed balconies may project up to 36 inches into a required side or rear yard.

- (iii) **Incidental Architectural Features**

- Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, headers, sills, pilasters, lintels, ornamental features, awnings, bay windows, and other similar architectural features may project not more than three feet into any required setback.

- (iv) **Pergolas and Trellises**

- Pergolas, trellises and other freestanding structures shall be setback five feet from all side and rear lot lines and are prohibited in the front yard.

(v) Handicap Ramps

Handicap access ramps may be located within required front, side, and rear setbacks.

(vi) Swimming Pools

Swimming pools shall measure setbacks five feet from the edge of the pool.

(vii) Fences, Walls, and Hedges

Fences, walls, and hedges not exceeding six feet in height as measured from the natural contour of the premises may be maintained along any side or rear lot line or elsewhere within the side yard setback area between the required street front setback and the rear building line.

(viii) Freestanding Ornamental Features

Ornamental features that are freestanding such as bird baths, sculptures, and fountains may exceed the 30 inches height maximum but not exceed 6 feet in height.

(ix) Mechanical Equipment

A/C units, swimming pool equipment, irrigation pumps, propane tank generators, and backflow devices shall be prohibited in the front yard, and shall comply with the setback provisions in Article 2: *Zoning Districts*.

(7) Projections Into Easements and Rights of Ways Prohibited

Projections shall not extend or encroach into any easement(s) or right(s)-of-way.

(8) Zero Lot Line Side Yards

(a) R2 District

In the R2 district, the minimum lot width for a zero lot line option shall be no less than 35 feet, the side yard setback may be built with a zero setback from any side property line; provided, however, the setback from the opposite property line shall not be less than ten feet, subject to the following standards:

- (i)** Roof overhangs shall not be permitted over property line where the zero lot line is utilized as setback on one side.
- (ii)** No openings of any kind shall be permitted on the zero lot property line. The zero lot property line shall be of fire wall construction as defined in the Florida Building Code, Broward County Amendments, and other regulatory codes of the State of Florida.
- (iii)** A recorded reciprocal easement of five feet shall be required on the adjoining lot adjacent to the zero property line, and in no case shall landscaping be placed so as to prevent reasonable access for maintenance purposes.
- (iv)** The zero lot line option shall apply provided that the entire block or the entire subdivision has been designated as such on the final site development plan.

(D) Building Standards

(1) Building Height Measurement

- (a)** The height of a structure shall be determined by measuring the vertical distance from the average elevation of the finished lot grade at the front of the building to the top of a parapet or to the top of a flat roof, or to the mid-height of an angular roof, whichever is the tallest.
- (b)** All references to a height of a specified number of stories or a specified number of feet shall mean a maximum of that number of stories, and within that number of stories the number of feet enumerated may not be exceeded. For example, a maximum height of three stories or 40 feet means that the maximum number of stories shall be three and that the maximum height of the building, including any walls necessary to hide air-conditioning equipment and all other equipment except elevator housing and stairwells shall be 40 feet.

(2) Height Exceptions for Appurtenances

Except as specifically provided elsewhere in this Code, the height limitations contained in this Code do not apply to cupolas, flagpoles, chimneys, antennas, heating and ventilation equipment, elevator housings, stairwell towers or similar appurtenances; provided, however, the following:

- (a)** The appurtenance does not interfere with Federal Aviation Administration regulations;
- (b)** The appurtenance does not extend more than 10 feet above the maximum permitted building height, except for flagpoles, church belfries, and antennas that must be of greater height in order to function;
- (c)** The appurtenance is not constructed for the purpose of providing additional floor area in the building;
- (d)** The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in §10-4.8, *Fences, Walls, and Screening*.

(3) Height Exceptions for Structures

The height regulations of this Code shall not apply to monuments, public art, or water tanks provided the structure does not exceed 75 feet in height from ground level.

(4) Height Exceptions for Steeples

A steeple on a religious building may exceed the height regulations of this Code to a maximum of 50 feet.

10-2.7 Overlay Zoning Districts

(A) General Purpose of Overlay Districts

Overlay zoning districts are superimposed over portions of one or more underlying base zoning districts in order to supplement generally applicable regulations with additional standards that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying districts. Some overlay districts include standards that modify or supersede standards applied by the underlying district.

(B) Establishment of Districts

- (1) Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in § 10-5.4(F), *Rezoning*, and this section.
- (2) The boundaries of an overlay district shall be established by special studies related to the purpose of the district. Such study shall include, at a minimum:

- (a) **Incorporation of an Overlay Map**

- A map shall be created and incorporated into this ordinance that shall identify the limits of the overlay district.

- (b) **Specific Regulations**

- Specific regulations that apply within the boundaries of the overlay district shall be created to guide development within the district. Such regulations shall be incorporated into this Code after public hearings as an amendment to this Code and shall be used to review and regulate the development of all land uses in any zoning district within the boundaries of the overlay district.

(C) Woodlands Overlay District

- (1) General Purpose of Woodlands Overlay District**

The purpose and intent of the Woodlands Overlay District is to create and establish specific regulations in addition to those requirements contained within the City Code of Ordinances that will serve to preserve the neighborhood character, promote its high quality and appearance, maintain property values and protect the public health, safety and welfare. The overlay district is not only intended to provide guidelines to ensure the preservation of the Woodlands community's visual integrity, but to also ensure that every property is maintained in accordance with the community standards.

- (2) Woodlands Overlay (WO) District Established**

The WO district is intended to protect the existing aesthetics of the Woodlands community to ensure high-quality development compatible with the surrounding existing development.

- (3) Sunset and Termination of Overlay District**

This section shall sunset and the Woodlands Overlay District shall be terminated one year after the effective date of this Code, unless, prior to the sunset date, the City Commission shall pass legislation to extend the district.

- (4) General Maintenance Standards**

Residential properties shall be protected from the negative impacts of noise, illumination, unsightliness, odors, dust, dirt, smoke, and other objectionable influences. Maintenance of premises shall be subject to the City's Code. Minimum standards to ensure maintenance of premises are as follows, along with the following conditions:

- (a) All properties shall be kept in a clean and sanitary condition free of rubbish, trash, garbage, ground surface hazards, including but not limited to broken glass, dangerous projections and objects.

- (b) No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot. Dogs, cats, or other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purposes.
- (c) Fences are permitted only when the fence will be used as a safety barrier to enclose a pool. Fences shall be constructed out of a non-porous material (specifically metal, aluminum, or plastic) and shall be painted black, dark green, white, or bronze in color and hidden from view with a continuous hedge. The property owner shall receive all required permits from the City prior to the installation.
- (d) Hedges are permitted and shall be maintained uniformly at a height not to exceed six feet and so as not to obstruct a neighboring property owner's view of the golf course or water bodies.
- (e) Refuse containers shall be maintained in good condition and completely screened from view from the adjacent right-of-way. The only exception to this regulation is when the refuse containers are placed for pickup which shall be no earlier than 7:00 pm the evening before on the day of actual pickup and removed no later than 11:00 pm the evening of pickup.
- (f) All gas and oil tanks must be placed and maintained below ground level or in walled-in areas so as not to be visible from adjacent properties.
- (g) Air conditioning or other mechanical equipment placed in any front, side or rear yard shall be screened or walled in so as not to be visible from the public rights-of-way and shall not be placed on the roof of any building or structure unless such air conditioning or mechanical equipment is completely screened or walled in so as not to be visible from the public rights-of-way or adjoining properties.
- (h) Any telecommunications tower and/or antenna located within the Woodlands community shall comply with all federal, state, and local laws, ordinances and regulations.
- (i) Permanent and/or temporary signs shall not be erected or displayed upon any properties within the Woodlands. Exceptions:
 - (i) Political signs, which shall conform to §10-4.10, *Signs*.
 - (ii) Security/protective agency signs, which shall be located within five feet of the residence.
 - (iii) Warning or hazard signs, which will be permitted to be located where the hazard may exist.
 - (iv) Real estate signs, provided the signs are placed a minimum of 10 feet from the property line. Only one sign shall be permitted per property. The size of the sign shall be no larger than 15 inches in height, 24 inches in width. The top of the sign when measured from the ground (where the sign is installed) shall not exceed 36 inches in height.
 - (v) Open house signs, which shall be permitted on weekends only when the subject property is staffed by a realtor or the homeowner. The size of the sign shall be no larger than 15 inches in height, 24 inches in width. The top of the sign when measured from the ground (where the sign is installed) shall not exceed 36 inches in height.

(vi) House identification signs, which shall be attached to the residence, be no larger than 12 inches by 15 inches and include no more than the homeowner's name and/or address.

- (j) Exterior surfaces of all buildings and structures including but not limited to roofs, walls, soffits, siding, fascia, and vehicular use areas shall be kept free of dirt, grime, mold, and mildew. Such surfaces shall also be kept free of faded or chipped paint and shall be maintained in good repair and condition. Such surfaces shall be repainted, recovered, or cleaned when 10 percent or more of the exposed surface area does not meet the standards set forth herein.

(5) Carports, Garages, Parking, and Storage

- (a) The parking, storage, or movement of motor vehicles except in approved vehicle use areas is prohibited. Exceptions include golf carts which shall be permitted to move over pervious areas to get to and from the golf course or vehicle use areas.
- (b) Only private use vehicles are permitted to be parked or stored overnight where visible from the public rights-of-way or abutting property. All other types of vehicles including but not limited to heavy trucks and commercial vehicles are prohibited from being parked or stored overnight where it is visible from the public rights-of-way or abutting property.
- (c) Vehicle use areas shall be constructed of asphalt pavement, brick pavers, concrete, stamp concrete, cast in place stone or of a similar material which provides equivalent durability, aesthetic appearance, and maintainability. Any modification to an existing vehicular use area shall receive all required permits from the city prior to construction.
- (d) Carports are for the purpose of storing private use vehicles and trucks only. General storage of personal belongings and other commodities within the confines of the carport visible from the abutting rights-of-way are prohibited. Carports shall be maintained so that there is no accumulation of junk, trash, and debris.
- (e) Garage doors shall be kept in the down position at all times when the garage is not in use by the resident.

(6) Buildings, Additions, and Modifications

In order to assure that the quality of development within the community is maintained at a high standard, the following requirements shall apply to construction of new residences and additions or changes to existing residences or properties:

- (a) No residence shall be constructed containing a living area of less than 1,500 square feet.
- (b) No docks, seawalls, boat landings, mooring posts or boathouses may be constructed without the property owner obtaining all permits.

(7) Exterior Colors for Single-Family Dwellings

In order to preserve the neighborhood appearance of the community, an established color scheme shall be approved and modified by resolution of the City Commission referred to as the "Woodlands Color Palette." Exterior colors for single-family dwellings are expressed in three categories: base building colors, accent colors and trim colors.

- (a) The Director or designee shall keep the official "Woodlands Color Palette" on file for reference and enforcement.

- (b) Should any exterior surface of a single-family dwelling within the community require painting, the property owner shall refer to the "Woodlands Color Palette" for the list of approved colors.
- (c) The property shall then apply to the building and code compliance department for a no cost paint permit that will be reviewed for consistency with the "Woodlands Color Palette."
- (d) The paint permit shall be valid for 60 calendar days from the date of issuance.
- (e) Roof surfaces are not subject to these regulations unless the roofing material is painted. Roof surfaces comprised of shingles, tile, or aggregate with a factory-installed color finish are not subject to these regulations. In the event that a roof surface is to be painted or repainted, only one color listed as a building base color or accent color shall be permitted, shall match a color used on the elevations of the structure, and shall not be subject to the percentage limitations within the City Code.
- (f) The installation of gutters, downspouts, screen enclosures, hurricane shutters, lawn and patio furniture, children's play equipment, utility provider equipment and fences with factory-installed color finishes shall not be subject to these regulations. In the event that any of these items are to be repainted, then only one color listed as a building base color, accent color or trim color shall be permitted. The color shall be either white or a color used on the elevations of the principal structure on the property and shall not be subject to the percentage limitations within the City Code.
- (g) Exterior surfaces consisting of natural stone, wood or brick shall not be subject to these regulations unless such surface is painted.

(8) Landscaping and Screening

In order to assure that the aesthetic appearance of the community is maintained, the following requirements shall apply with regard to maintenance of shrubbery and landscape materials:

- (a) Homeowners must maintain healthy landscaping, to include spraying, watering, weeding, trimming, and fertilizing.
- (b) All lot areas not covered by driveways, or other paved areas or structures shall be planted with lawn grass, ground cover or other appropriate landscape materials, free of weeds. Lawns shall be neatly maintained at a height of four inches or less.
- (c) Modifications to existing landscape material (as defined herein) shall be of equivalent replacement.
- (d) Landscape material shall not create pedestrian and/or motor vehicle hazards.
- (e) The installation, removal and pruning of all trees and palms within the community shall be in accordance with the standards of §10-4.4, *Landscaping and Tree Preservation*. All other elements of landscaping shall be installed and maintained so as to meet all other applicable City Code requirements.

ARTICLE 3. USE REGULATIONS

10-3.1 Purpose and Organization of this Article

The purpose of this article is to identify the land uses allowed in Tamarac's zoning districts and to establish standards that apply to certain uses with unique characteristics or impacts.

- (1) §10-3.2, *Table of Allowed Uses*, includes Table 10-3.1: Allowed Uses, which lists uses allowed by district.
- (2) §10-3.3, *Use-Specific Standards*, includes use-specific standards applicable to certain land uses.
- (3) §10-3.4, *Accessory Uses and Structures*, establishes standards applicable to accessory uses and structures.
- (4) §10-3.5, *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.

10-3.2 Table of Allowed Uses

Table 10-3.1: Allowed Uses, lists the uses allowed within all base zoning districts. Each listed use is defined in Article 10-6, *Rules of Interpretation and Definitions*.

(A) Table Abbreviations

(1) Permitted Uses

"P" in a cell in Table 10-3.1: Allowed Uses, indicates that the use is allowed by right. Permitted uses are subject to all other applicable regulations of this Code, including the use-specific standards in §10-3.3, *Use-Specific Standards*, the dimensional standards in Article 2: *Zoning Districts*, and the requirements of Article 4: *Development and Design Standards*. Permitted uses may be approved pursuant to the applicable procedures under Article 5: *Administration*.

(2) Special Exception Uses

"SE" in a cell in Table 10-3.1: Allowed Uses, indicates that the use is allowed in the respective zoning district only if reviewed and approved in accordance with the procedures of §10-5.4(G), *Special Exception*. Special exception uses are subject to all other applicable regulations of this Code, including the use-specific standards in §10-3.3, *Use-Specific Standards*, the dimensional standards in Article 2 *Zoning Districts*, and the requirements of Article 4: *Development and Design Standards*.

(3) Prohibited Uses

A blank cell in Table 10-3.1: Allowed Uses, indicates that the land use is prohibited in that zoning district.

(4) Accessory Uses

"A" in a cell in Table 10-3.1: Allowed Uses, indicates that the land use is allowed in that zoning district only if it is incidental and subordinate to a permitted primary use of the land in that district (i.e., a P or SE use that has been approved for the site), and subject to compliance with the applicable standards in §10-3.4, *Accessory Uses and Structures*.

(5) Temporary Uses

“T” in a cell in Table 10-3.1: Allowed Uses, indicates that the use is permitted in that zoning district for a temporary amount of time and only after approval of a Temporary Use Permit (§10-5.4(K)) and subject to compliance with the applicable standards in §10-3.5, *Temporary Uses and Structures*.

(B) Use Categorization

In Table 10-3.1: Allowed Uses, land uses and activities are classified into general “use categories” and specific “use types” based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

(C) Use-Specific Standards

Regardless of whether a use is allowed by right or as a special exception, additional standards may be applicable to the use. Use-specific standards are noted through a cross-reference in the last column of the table. Cross-references refer to §10-3.3, *Use-Specific Standards*. These standards apply in all districts unless otherwise specified.

(D) Use for Other Purposes Prohibited

Approval of a use listed in Table 10-3.1: Allowed Uses, and compliance with the applicable use-specific standards for that use authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 10-3.1: Allowed Uses, and approved under the appropriate process is prohibited.

(E) Classification of New and Unlisted Uses

When application is made for a use category or use type that is not specifically listed in Table 10-3.1, the following procedure shall be followed:

- (1) The Director shall provide an interpretation as to the use category and/or use type into which such use should be placed. In making such interpretation, the Director shall consider its potential impacts, including but not limited to: the nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer. When considering an unlisted use in any zoning district as part of an interpretation, the Director shall also determine whether additional use-specific standards are necessary in addition to the standards in this Code.
- (2) Any such interpretation shall be made available to the public and shall be binding on future decisions of the City until the Director makes a different interpretation or this Development Code is amended to treat the use differently.

- (3) On interpreting an unlisted use as allowed in a zoning district, and finding that the use is likely to be common or would lead to confusion if it remains unlisted, the Director may initiate an application for a text amendment to this Code in accordance with §10-5.4(D), *Amendment to Text of Development Code*, to list the use in Table 10-3.1: Allowed Uses, as a permitted use or special exception use, as appropriate. Until final action is taken on the amendment application, the interpretation of the Director shall be binding.

(F) Multiple Principal Uses

- (1) A development may include a single principal use with one or more accessory uses that are customarily incidental and subordinate to the principal use (e.g., home occupation as accessory to a dwelling, or administrative offices as accessory to a school or manufacturing use).
- (2) A development may also include multiple principal uses, none of which is necessarily customarily incidental or subordinate to another principal use (e.g., a place of worship combined with a school, a gas station combined with a convenience store, restaurant, or automotive repair use, or a flex building housing retail, industrial service, and warehousing tenants).
- (3) A development with multiple principal uses shall include only those principal uses designated in the use tables as allowed in the applicable zoning district, and each principal use shall be subject to any use-specific standards applicable to the use.

(G) Licenses and Permits Required

All uses required by the State of Florida or the federal government to have an approval, license, or permit to operate issued by the State or by another public, quasi-public, or regulatory agency are required by the City of Tamarac to obtain and maintain such approval, license, or permit at all times.

(H) Table of Allowed Uses

Table 10-3.1: Allowed Uses																	
P = Permitted SE Special Exception Blank cell Prohibited A Accessory T Temporary																	
Use Category	Use Type	Residential				Mixed-Use and Nonresidential								Special Purpose			Use Stds
		R E	R 1	R 2	R 3	M U N	M U C	M U G	N C	B P	I 1	I 2	P F	R C	S U		
RESIDENTIAL																	
Household Living	Dwelling, live/work					P	P	P	P		P					10-3.3(B)(4)	
	Dwelling, manufactured home		P	P	P											10-3.3(B)(5)	
	Dwelling, multi-family				P	P	P	P								10-3.3(B)(5)(h)	
	Dwelling, single-family	P	P	P	P												
	Dwelling, two-family			P	P											10-3.3(B)(7)	

Table 10-3.1: Allowed Uses

P = Permitted SE Special Exception Blank cell Prohibited
A Accessory T Temporary

Use Category	Use Type	Residential				Mixed-Use and Nonresidential								Special Purpose			Use Stds
		R E	R 1	R 2	R 3	M U N	M U C	M U G	N C	B P	I 1	I 2	P F	R C	S U		
Group Living	Assisted living facility, nursing home, convalescent facility				P	P	P	P	P				P				
	Community residential home, Type I	P	P	P	P											10-3.3(B)(1)	
	Community residential home, Type II				P											10-3.3(B)(2)	
	Continuing care retirement community				P								P			10-3.3(B)(3)	
PUBLIC, INSTITUTIONAL, AND CIVIC																	
Community and Cultural Facilities	Club or lodge, private					P	P	P	P				P	P			
	Country club													SE		10-3.3(C)(7)	
	Hall for hire					SE	SE	SE									
	Library, art gallery, or museum					P	P	P	P				P	P		10-3.3(C)(9)	
	Municipal facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10-3.3(C)(10)	
	Religious assembly				P	P	P	P					P			10-3.3(C)(3)	
	Stadium or arena						SE						SE	SE			
Day Care Facilities	Adult day care center				P	P	P	P	P							10-3.3(C)(1)	
	Child care facility				SE	SE	SE	SE	SE							10-3.3(C)(4)	
Education- al Facilities	Business, trade, or vocational schools, Heavy									P	P	P				10-3.3(C)(8)	
	Business, trade, or vocational schools, Light						P	P	P	P						10-3.3(C)(8)	
	College or university						SE						SE			10-3.3(C)(8)	
	Parochial school, incidental				SE	SE	SE	SE	SE				SE			10-3.3(C)(3); 10-3.3(C)(8)	
	School				SE	SE	SE	SE	SE				P	SE		10-3.3(C)(8)	
Health Care Facilities	Clinic, medical, urgent care, or dental				P	P	P	P	P	P						10-3.3(C)(5)	
	Detoxification facility												P				
	Hospital, public or private												P				
Parks and Open Space	Botanical garden																
	Golf course													P			

Table 10-3.1: Allowed Uses

P = Permitted SE Special Exception Blank cell Prohibited
A Accessory T Temporary

Use Category	Use Type	Residential				Mixed-Use and Nonresidential								Special Purpose			Use Stds
		R E	R 1	R 2	R 3	M U N	M U C	M U G	N C	B P	I 1	I 2	P F	R C	S U		
	Community garden	P	P	P	A	A	A	A					A	A		10-3.3(C)(6)	
	Park and playground	P	P	P	P				P				P	P			
COMMERCIAL																	
Agriculture and Animal-Related Services	Agriculture, general															10-3.3(D)(3)	
	Animal boarding kennel						SE			P	P						
	Pet care daily					P	P			P	P	P					10-3.3(D)(13)
	Stable																
	Veterinary office/clinic					P	P	P	P	P							
Food and Beverage Services	Bar, lounge, or tavern					SE	SE	SE	SE					A		10-3.3(D)(5)	
	Bottle club																
	Brewery						P	P			P	P	P				
	Nightclub						SE	SE						A			10-3.3(D)(10)
	Restaurant					P	P	P	P	P				A			10-3.3(D)(14)
	Restaurant with microbrewery						P	P									10-3.3(D)(14)
	Restaurant, fast casual (with or w/o drive-through)					SE	SE	SE	SE								10-3.3(D)(14)
	Restaurant, fast food (with or w/o drive-through)					SE	SE	SE									10-3.3(D)(14)
Funeral and Internment Services	Cemetery or mausoleum												P			10-3.3(D)(8)	
	Crematorium											P					
	Funeral home					P	P			P			P				
Lodging	Bed and breakfast					P	P	P								10-3.3(D)(8)	
	Hotel						P	P						SE			
Offices, Business, & Prof. Services	Bank/financial institution				P	P	P	P	P							10-3.3(D)(4)	
	Office, professional and business				P	P	P	P	P	P	P					10-3.3(D)(11)	
	Telephone call center									P							
Personal Services	Coin laundry and dry cleaning (no chemical processing onsite)					P	P	P	P							10-3.3(D)(7)	
	Day spa					P	P	P	P								

Table 10-3.1: Allowed Uses

P = Permitted SE Special Exception Blank cell Prohibited
A Accessory T Temporary

Use Category	Use Type	Residential				Mixed-Use and Nonresidential								Special Purpose			Use Stds
		R E	R 1	R 2	R 3	M U N	M U C	M U G	N C	B P	I 1	I 2	P F	R C	S U		
	Dry cleaning (chemical processing onsite)										P	P					
	Massage establishment						SE		SE							10-3.3(D)(9)	
	Stylist/salon					P	P	P	P	P							
	Tailor/shoe repair					P	P	P	P	P							
	Tattoo or body-piercing establishment						P										
Recreation and Entertainment	Adult entertainment						SE									10-3.3(D)(1)	
	Amusement arcade						P									10-3.3(D)(2)	
	Fitness and recreational sports center					P	P	P	P					A			
	Indoor recreation, general commercial						P	P		P							
	Movie theater, indoor						SE	P									
	Outdoor recreation, general commercial									P				P			
	Shooting range									SE							
	Retail Sales	Bulk pool chemical sales										P	P				10-3.3(D)(6)
		Equipment sales and repair, heavy										P	P				
		Farmer's market, outdoor					P	P	P	P					T		
Medical Marijuana Dispensary																	
Nursery																	
	Pawn shop																
	Personal and household goods repair					P	P		P	P	P					10-3.3(D)(12)	
	Print shop					P	P	P	P								
	Retail sales, general: < 10,000 sq. ft.				P	P	P	P	P	A				A		10-3.3(D)(15)	
	Retail sales, general: ≥10,000 sq. ft.						P	P		P	P					10-3.3(D)(15)	

Table 10-3.1: Allowed Uses

P = Permitted SE Special Exception Blank cell Prohibited
A Accessory T Temporary

Use Category	Use Type	Residential				Mixed-Use and Nonresidential								Special Purpose			Use Stds
		R E	R 1	R 2	R 3	M U N	M U C	M U G	N C	B P	I 1	I 2	P F	R C	S U		
	Thrift, consignment, and used merchandise					A	P	P	A								
Vehicles and Equipment	Boat and marine sales									P							
	Vehicle fuel sales						SE									10-3.3(D)(16)	
	Vehicle rental						SE			P	P					10-3.3(D)(17)	
	Vehicle sales, new						SE			P	P						
	Vehicle sales, used						SE			SE	SE					10-3.3(D)(19)	
	Vehicle service and repair, major									A	P	P				10-3.3(D)(18)	
	Vehicle service and repair, minor						SE			A	P	P				10-3.3(D)(18)	
INDUSTRIAL																	
Communi-cations	Broadcast studio						SE			P			P		P		
	Communication facility									P					P		
	Motion picture studio						SE			P							
Industrial Services	Building material sales, indoor retail						P			P							
	Building material sales, outdoor or wholesale										P	P					
	Industrial service, general										P	P					
	Laboratory, research									P							
Mfg. and Production	Assembly, light									P	P	P					
	Food processing										P	P					
	Manufacturing, artisan						P			P	P	P					
	Manufacturing, heavy											P					
	Manufacturing, light									P	P	P					
Utilities	Utility facility, major										SE	SE	P		P		
	Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Wind energy conversion system	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	10-3.3(E)(4)	
Ware-house, Wholesale.	Contractor's storage yard and supply										P	P					

Table 10-3.1: Allowed Uses

P = Permitted SE Special Exception Blank cell Prohibited
A Accessory T Temporary

Use Category	Use Type	Residential				Mixed-Use and Nonresidential								Special Purpose			Use Stds
		R E	R 1	R 2	R 3	M U N	M U C	M U G	N C	B P	I 1	I 2	P F	R C	S U		
and Freight Movement	Distribution center									P							
	Food and other products, wholesale						P				P	P					
	Parcel delivery service								P	P							
	Personal hobby activity										P						
	Self- storage, indoor					P				P	P					10-3.3(E)(3)	
	Self- storage, outdoor																
	Storage buildings									P	P	P					
	Wholesale establishment									P	P	P					
Waste and Salvage (See Broward County's M-3 Intense Manufacturing and Industrial District for additional uses permitted under SE in I-2.)	Auto towing											SE					
	Auto wrecking and salvage yard											SE				10-3.3(E)(1)	
	Recycling facilities											SE				10-3.3(E)(2)	
Wireless communication facilities	Alternative tower structure in right-of-way	P	p	p	p	p	p	p	p	p	p	p	p	p	p	10-3.3(E)(4)	
	Alternative tower structure not in right-of-way	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	10-3.3(E)(4)	
	Base station in right-of-way	P	p	p	p	p	p	p	p	p	p	p	p	p	p	10-3.3(E)(4)	
	Base station not in right-of-way	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	10-3.3(E)(4)	
	Eligible facilities request	P	p	p	p	p	p	p	p	p	p	p	p	p	p	10-3.3(E)(4)	
	Small cell facility	P	p	p	p	p	p	p	p	p	p	p	p	p	p	10-3.3(E)(4)	
	Tower	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	10-3.3(E)(4)	
ACCESSORY USES																	
	Accessory dwelling unit	A	A	A	A											10-3.4(D)(1)	
	Assembly hall				A	A	A	A	A					A	A	10-3.3(C)(3)	

Table 10-3.1: Allowed Uses

P = Permitted SE Special Exception Blank cell Prohibited
A Accessory T Temporary

Use Category	Use Type	Residential				Mixed-Use and Nonresidential								Special Purpose			Use Stds
		R E	R 1	R 2	R 3	M U N	M U C	M U G	N C	B P	I 1	I 2	P F	R C	S U		
	Bingo game						A		A					A		10-3.4(D)(2)	
	Building-mounted or rooftop antenna				A	A	A	A	A	A	A	A	A		A		
	Car wash and auto detailing, Automatic						A				A					10-3.4(D)(3)	
	Car wash and auto detailing, Non-automatic						A				A					10-3.4(D)(3)	
	Dormitory or residence hall				A		A						A				
	Drive-through service facility					A			A	A						10-3.4(D)(4)	
	Dwelling, caretaker					A	A	A	A	A	A	A				10-3.4(D)(5)	
	Garage or carport	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
	Home occupation	A	A	A	A	A	A	A	A							10-3.4(D)(5)	
	Outdoor courts, fields, playgrounds and pools	A	A	A	A	A	A	A	A				A	A		10-3.4(D)(8)	
	Outdoor seating, commercial					A	A	A	A	A				A		10-3.4(D)(8)	
	Outdoor storage non-sales, accessory										A	A	A		A	10-3.4(D)(10)	
	Outdoor vehicle storage, accessory					A	A	A	A	A	A	A				10-3.4(D)(11)	
	Satellite dish	A	A	A	A	A	A	A	A	A	A	A	A	A	A	10-3.4(D)(12)	
	Small wind energy system, accessory	A	A	A	A	A	A	A	A	A	A	A	A	A	A	10-3.4(D)(13)	
	Solar energy collection system, accessory use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	10-3.4(D)(14)	
	Utility shed	A	A	A	A						A	A	A	A	A	10-3.4(D)(16)	
	Other accessory uses that comply with Code standards	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
TEMPORARY USES																	
	Construction-related structure or facility	T	T	T	T	T	T	T	T	T	T	T	T	T	T	10-3.5(G)(2)	
	Food truck					T	T	T	T	T	T	T		T		10-3.5(G)(3)	
	Garage or yard sale	T	T	T	T											10-3.5(E)(2)	

Table 10-3.1: Allowed Uses																
P = Permitted SE Special Exception Blank cell Prohibited A Accessory T Temporary																
Use Category	Use Type	Residential				Mixed-Use and Nonresidential							Special Purpose			Use Stds
		R E	R 1	R 2	R 3	M U N	M U C	M U G	N C	B P	I 1	I 2	P F	R C	S U	
	Mobile classroom, temporary				T	T	T	T					T	T		10-3.5(G)(4)
	Model home	T	T	T	T	T	T	T								10-3.5(G)(5)
	Office space/ equipment storage, temporary					T	T	T	T	T	T					
	Outdoor sales, seasonal					T	T	T	T							10-3.5(E)(3)
	Portable storage unit, temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	10-3.5(G)(6)
	Real estate sales office	T	T	T	T	T	T	T								
	Special event	T	T	T	T	T	T	T	T	T	T	T	T	T	T	10-3.5(E)(4)

10-3.3 Use-Specific Standards

(A) General - All Uses

(1) Cross-References in Table of Allowed Uses

All uses associated with a use-specific standard as indicated in the right-hand column of Table 10-3.1: Allowed Uses, shall comply with the applicable standards in this section. All development shall also comply with applicable provisions of Article 4: *Development and Design Standards*.

(2) Resolution of Conflicting Standards

In case of a conflict between these use-specific standards and the requirements in Article 4: *Development and Design Standards*, these use-specific standards shall apply, unless otherwise noted.

(3) Conformance with Broward County Land Use Plan

All land uses shall conform to the standards and regulations of the Broward County Land Use Plan. The County's flex/redevelopment units may be applied to a different arrangement of commercial and residential acreage than that shown on the Broward Land Use Plan, if consistent with the Administrative Rules Document: BrowardNext. See §10-5.4(S), *Flex and Redevelopment Units*.

(4) Required Spacing Does Not Create Nonconforming Uses

Where these use-specific standards require spacing between uses, no existing use that complied with applicable spacing requirements when it was created shall be made nonconforming because of the later location of any facility closer than the required spacing, or because of an amendment to this LDC changing any applicable spacing distance.

(5) On-site Dispensing of Controlled Substances

Unless otherwise expressly permitted by statutory or general law, on-site dispensing of controlled substances that are identified in Schedule II, III or IV in F.S. §§ 893.03, 893.035 or 893.0356, is prohibited, regardless of zoning district. The following are exempt from this prohibition:

- (a) A health care practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is adequate to treat the patient during that particular treatment session;
- (b) A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care as a patient at a hospital, nursing home, ambulatory surgical center, hospice or intermediate care facility for the developmentally disabled which is licensed in this state;
- (c) A health care practitioner when administering a controlled substance in the emergency room of a licensed hospital;
- (d) A health care practitioner when administering or dispensing a controlled substance to a person under the age of 16; and

- (e) A health care practitioner when dispensing a onetime, 72-hour emergency resupply of a controlled substance to a patient.

Any request for reasonable accommodation to the prohibition of on-site dispensing of controlled substances, as listed above, shall be submitted in accordance with §10-5.4(P), *Administrative Adjustment*.

(6) Performance Standards

No use shall be permitted within the city that does not conform to the minimum standards of use and operation set forth in this section.

(a) Emissions

Any emission of particulate matter from any type of process or equipment that creates a public nuisance or violates the standards adopted by the applicable regulatory agency, when measured at adjacent residential property lines and at property lines of any nonutility district within 200 feet, are prohibited.

(b) Noise

(i) General Prohibition

A. No person shall make, continue, or cause to be made or continued:

1. Any loud or raucous noise; or
2. Any noise that is plainly audible and disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the city; or
3. Any noise that is plainly audible; that is so harsh, prolonged, unnatural, or unusual in time or place as to occasion discomfort to any persons within the neighborhood from which said noises emanate, or as to interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

B. Factors for determining whether a sound is loud and raucous include, but are not limited to, the following:

1. The proximity of the sound to sleeping facilities, whether residential or commercial;
2. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
3. The time of day or night the sound occurs;
4. The duration of the sound; and
5. Whether the sound is recurrent, intermittent, or constant.

(ii) Prohibited Acts Enumerated

The following acts, among others, are declared to be unlawful noises and shall constitute a per se violation of this section, but this enumeration shall not be

deemed to be exclusive. No sound level measurement is needed to prove the existence of the following unlawful noises:

- A.** The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, for more than 10 consecutive seconds that is plainly audible from the property of another, except as a danger signal if another vehicle is approaching apparently out of control, or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended;
- B.** The playing, using, operating or permitting to be played, used or operated, any radio, phonograph or musical instrument, or other machine or device for the producing or reproducing of sound in such a manner or with such volume, that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and is plainly audible from a public street, the adjacent lot nearest to the source, or at a distance of 25 feet or more, particularly during the hours between 11:00 p.m. and 7:00 a.m.;
- C.** Yelling, shouting, hooting, whistling, singing, and other vocal sounds in excess of a normal conversational level, any of which occurs between the hours of 11:00 p.m. and 7:00 a.m., so as to create a plainly audible sound across a residential real property line or on a public right-of-way or public property, or that is plainly audible to an occupant of a dwelling unit within a building other than an occupant of the unit from which the sound emanates, that can be heard from a distance of 25 feet or more from the source, particularly in noise sensitive areas. This section is to be applied only to those situations where the disturbance is not a result of the content of the communication but due to the volume, duration, location, timing or other factors not based on content;
- D.** The owning, possessing or harboring of any animal, bird or fowl which persistently barks, bays, cries, howls, meows, squawks or makes other noise so as to disturb the sleep, peace or quietude of any inhabitant of the city so that the noise emitted by such animal, bird or fowl is plainly audible from a public street, and/or from a distance of 25 feet and/or from the adjacent lot nearest to the building, structure, or yard in which the animal or bird is located. A person is responsible for an animal if the person owns, controls, or otherwise cares for the animal or bird. It shall be an affirmative defense to any charge hereunder that such animal, bird or fowl was emitting such noise in response to an intrusion upon the premises by any person;
- E.** The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to cause loud grating, grinding, rattling or other noise that is plainly audible from a distance of 25 feet or more;
- F.** The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of proper city officials;
- G.** The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or motorboat engine, except

through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

- H. Operating or permitting the operation of powered model vehicles, either airborne, waterborne, or landborne, which are designed not to carry persons or property, such as, but not limited to, model airplanes, boats, cars, rockets, and which are being propelled by mechanical means, within a public recreation area or park other than those areas specifically designated for such purpose by the city commission.
- I. Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used, or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound between the hours of 11:00 p.m. and 7:00 a.m. in the following areas:
 - 1. Within or adjacent to residential or noise-sensitive areas;
 - 2. Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, or is plainly audible at a distance of 25 feet or more from the source.

This shall not apply to any public performance, gathering, or parade for which a permit has been obtained from the city.

- J. Schools, courts, religious assemblies, hospitals. The creation of any noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which is plainly audible within such school, court, public building, place of worship or hospital, from a distance of 25 feet from the noise, and interferes with the operation of the institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(iii) Exemptions

None of the terms of prohibition of subsections (i) and (ii) above shall be applied to or enforced against the following:

- A. Any vehicle of the City while engaged in necessary public business;
- B. Excavations or repairs of bridges, streets or highways by or on behalf of the city, county or the state during the night, when the public welfare and convenience render it impossible to perform such work during the day;
- C. An electrically amplified siren system for use as a warning to golfers of danger from nearby lightning activity, when located on the grounds of a golf course, and when the following guidelines are utilized:
 - 1. The siren shall be a system approved by Underwriters' Laboratories, Inc., and installed by a trained and licensed electrician, after appropriate permits are obtained.
 - 2. The loudspeakers for such system shall not be located within 200 feet of any hospital or private residence.

3. The siren's signal shall be manually activated only at the direction of the golf course manager or his designee and only when an imminent or early threat of lightning activity is indicated by atmospheric conditions or broadcasted meteorological reports.
 4. The following United States Golf Association recommended signals shall be used:
 - a. Discontinue play—Three short consecutive notes of siren, repeated for a period not to exceed 30 seconds in any fifteen-minute period.
 - b. Resume play—One prolonged note of siren, repeated for a period not to exceed 15 seconds in any 15 minute period.
 - c. These standardized signals and their meanings shall be prominently displayed in the clubhouse and at the first tee to inform all golf players.
 5. Prior to the installation of a lightning warning siren, a permit from the building department shall be obtained. A permit fee shall be set by resolution of the city commission. The fee shall cover the initial and subsequent yearly inspections by the building department to ensure the proper functioning of the siren system.
 6. Any operation of the siren system without a valid permit or in contravention of the standards enumerated in this subsection shall constitute a violation. Each violation shall subject the owner of the property on which the siren system is located to a fine as established by the City. The third violation within a calendar year shall be grounds for revocation of a permit unless the permit holder can demonstrate in a hearing before the City Commission that measures are being taken to eliminate the incidents of unwarranted operation of the siren system.
- D. Noises of authorized safety signals and warning devices;
 - E. The generation of sound for the purpose of alerting persons to the existence of an emergency;
 - F. Noises resulting from any authorized emergency vehicle;
 - G. Noises resulting from emergency work, which is to be construed as work made necessary to restore property and/or utilities to a safe condition following a public emergency, or work required to protect persons or property from any imminent exposure to danger. This exemption will include noises from emergency communications and utility work following a public calamity and in connection with restoration of service operations.
 - H. Noises resulting from community events such as fairs, sporting events, school activities, community festivals, etc., provided that the event has been approved by the City Commission as a special event.
 - I. Noises relating to the use of lawn mowers or other machinery for landscaping purposes at golf courses shall be permitted between the hours of 6:00 a.m. and 6:00 p.m.

(iv) Radios, Other Devices Casting Sounds Upon Public Places

It shall be unlawful for any person to maintain and operate in any place or on any premises in the city any radio or other mechanical musical instrument or device of any kind, whereby the sounds therefrom are cast directly upon public streets and places.

(v) Hours of Operation—Outdoor Amusements

It shall be unlawful for the owner of, or any person employed at, any place where an outdoor amusement is operated, to operate or conduct such business between the hours from 10:00 p.m. to 6:00 a.m. of each day, whereby noise emitting therefrom shall be plainly audible from a distance of 25 feet, or the property of another.

(vi) Noisy Businesses, Work, etc., Generally

It shall be unlawful for any person to perform labor or work or to operate or conduct any business or enterprise in the city on any day, except between the hours of 8:00 a.m. and 6:00 p.m., in a noise sensitive area, which creates noise that is plainly audible from a distance of 25 feet, or from the property of another. If any emergency exists, or conditions with reference to the operation of any business are such that it would be unjust and inequitable for the same not to be operated during the prohibited hours, upon application made to the city manager and after an investigation has been made, the city manager may issue a temporary permit authorizing any business to operate during specified extended hours and under specific conditions, if any, for a period no longer than 45 days. Only the city commission may issue a permit for any limited time period that exceeds 45 days through a resolution of the city commission. The city commission may attach specific conditions to any permit that it approves pursuant to this section.

(vii) Vehicle Fuel

It shall be unlawful for the owner of or any person employed at any gasoline filling station located within 300 feet of a noise sensitive area in the city to carry on or conduct any business thereat from 11:00 p.m. to 6:00 a.m. of each day, whereby loud noises that are plainly audible from a distance of 25 feet, or from the property of another, are caused thereby.

(viii) Tennis or Basketball Playing

A. Restriction

It shall be unlawful for any person to engage in or permit the playing or practice of tennis or basketball on a court that is located in this city and close to dwellings or apartments, so that the noise emitted from such games disturbs or is detrimental to the health, peace and quiet of any occupants thereof, during the night hours after 9:30 p.m.; and the lights illuminating such tennis or basketball courts shall be extinguished not later than 9:30 p.m., local time.

B. Exemption

Any tennis or basketball court that is owned or operated by a condominium association, a homeowner's association, a golf club, or a tennis club is exempted from this section.

C. Special Exception

If any owner or operator of a tennis or basketball court furnishes proof to the city commission that all neighbors within a radius of 300 feet from the tennis court approve the operation of the tennis or basketball court for the evening hours after 9:30 p.m., local time, then upon such proof the commission shall exempt by a special exception such tennis or basketball court.

(ix) Measurement of Noise

In determining whether a violation of this section has occurred, the complaint of noise shall be measured by the code enforcement division or police department according to the following plainly audible standard:

- A.** The primary means of measurement shall be by ordinary, auditory senses of a reasonable person with normal sensitivities, so long as any mechanical device does not enhance their hearing, such as a microphone or hearing aid.
- B.** The measurement shall be taken on, or as near as possible to the real property line of the property upon which the sound source is located, and in any event from a location not less than 25 feet from the source measured in a straight line.

(x) Enforcement

- A.** Any citizen wishing to register a complaint of alleged noise disturbance violations shall be required to sign a sworn statement including the details of the complaint in order for a law enforcement or code enforcement officer to investigate and cite the alleged offender. When a noise disturbance complaint is received by the city, the code enforcement division or police department shall investigate the complaint to verify whether a noise disturbance violation has occurred.
- B.** This requirement shall not preclude a law enforcement or code enforcement officer from citing any alleged offender based on his or her own observations whether or not a complaint has been made.
- C.** If a complaint is verified by the code enforcement division or police department, or a noise disturbance violation is independently observed by the code enforcement division or police department, a police report or written report from the code enforcement officer will be generated documenting the date and time of the incident and the officer's observations.
- D.** An alleged violation of this article shall be presented to the special magistrate in accordance with 10-5.5(C), *Enforcement Responsibility and Procedures*.
- E.** Any person found violating this article shall be subject to a fine, in accordance with 10-5.5(D), *Remedies and Penalties*.

- F.** Each occurrence shall constitute a separate violation and shall be adjudicated before the code enforcement board or special magistrate.
- G.** Any violation of this section shall constitute a nuisance. The office of the city attorney may bring suit on behalf of the city, or any affected citizen may bring suit in his/her name against the person or persons causing or maintaining the nuisance, or against the owner/agent of the building or property on which the nuisance exists. Relief may be granted according to the terms and conditions of Chapter 60, Florida Statutes, as amended from time to time.

(B) Residential Uses

(1) Community Residential Home: Type I (Six or Fewer Residents)

A community residential home Type I with six or fewer residents shall not be located within a radius of 1,000 feet of another existing such community residential home type I with six or fewer residents, per F.S. §419.001(2), as amended.

(2) Community Residential Home: Type II (Seven to 14 Residents)

- (a)** A community residential home Type II with seven to 14 residents shall not be located within a radius of 1,200 feet of another existing community residential home Type I with six or fewer residents or another existing community residential home type II with seven to 14 residents, per F.S. §419.001(3)(c), as amended.
- (b)** A community residential home Type II with seven to 14 residents shall not be located within a radius of 500 feet of a single-family zoning district, per F.S. §419.001(3)(c), as amended.

(3) Continuing Care Retirement Community

The major component parts of a continuing care retirement community shall each comply with the standards applicable to the principal use most closely representing the component, as determined by the Director. All continuing care retirement communities shall comply with the performance and density standards as described in the Broward County Land Use Plan. For example, nursing home facility standards shall apply to the skilled nursing services components; assisted living facility standards for assisted living services component; and single-family, two-family, and/or multifamily dwelling standards, as appropriate, for the independent living component.

(4) Dwelling, Live/Work

- (a)** Residential units within the same structure as commercial uses for the owner or manager of the commercial use may be located in areas designated commercial without the application of flex or redevelopment units.
- (b)** The residential portion of the use shall occupy at no more than 50 percent of the total gross floor area.
- (c)** The nonresidential portion of the building shall be located on the ground floor.
- (d)** Drive-through service is prohibited as an accessory use.
- (e)** The unit shall include a complete kitchen space and sanitary facilities.

- (f) The working space shall be reserved for and regularly used by one or more occupant of the unit.

(5) Dwelling, Manufactured Home

- (a) The dwelling's length shall be no more than four times its width.
- (b) The roof shall have a minimum pitch of five feet or rise to 12 feet of horizontal run, and shall be finished with a type of shingle or other roofing material commonly used in the construction of single-family detached dwellings.
- (c) Exterior siding shall consist predominantly of vinyl or aluminum horizontal lap siding (with reflectivity no greater than gloss white paint), wood, or hardboard that is comparable in composition, appearance, and durability to the exterior siding commonly used in the construction of single-family detached dwellings.
- (d) The home shall have a permanent masonry foundation around the entire exterior perimeter of the structure.
- (e) The front door of the manufactured home shall face a street.
- (f) Any moving hitch, tongue, wheels, axles, and transporting lights shall be removed before occupancy of the dwelling.
- (g) The design shall be in keeping with the character of the surrounding neighborhood.
- (h) A manufactured home that is less than 18 feet in width is only permitted in a mobile home park or manufactured home park existing on the effective date of this Code.

(6) Dwelling, Multiple-Family

All multi-family development shall comply with the site design and performance standards in §10-4.6, *Multi-family Residential Site and Building Design*.

(7) Dwelling, Two-Family

- (a) At least one habitable room or garage in each unit shall adjoin for a distance not less than ten feet in length.
- (b) Private outdoor areas shall be provided for each unit visually screened from the adjoining dwelling unit.
- (c) Each unit of a duplex building may have separate ownership.

(C) Public, Institutional, and Civic Uses

(1) General Standards for Non-Business Community Facilities

For all non-business community facilities as defined in §10-6.3, the following location requirements shall apply:

- (a) No more than a total of two non-business community facility uses may be located within one shopping center regardless of the amount of total building gross floor area occupied;
- (b) The area used by non-business community facility uses shall not exceed 20 percent of the total building gross floor area; and

- (c) Properties that exceed the maximum number of two non-business community facility uses, regardless of the amount of total building gross floor area occupied as of July 12, 2018, must amortize out non-business community facility uses that exceed the maximum of two non-business community facility uses per property within 10 years from the effective date of this code. As spaces that are currently occupied by non-business community facility uses and that exceed the maximum of two uses become vacant, only business uses may occupy the space, as listed in *Table 10-3.1: Allowed Uses* for that particular zoning district.

(2) Adult Day Care Center

An adult day care center shall comply with all applicable state licensing requirements.

(3) Assembly Hall; Religious Assembly (including Incidental Parochial School)

Any assembly hall or religious assembly use, including any parochial school allowed incidental to such an institution on the same premises located within a freestanding structure shall comply with the following:

(a) Site Characteristics

- (i) The use shall be located on a plot having at least 25,000 square feet of lot area and having at least 100 feet of street frontage.
- (ii) The coverage of all roofed structures shall not exceed 50 percent of the plot area.
- (iii) No building or roofed structure shall be located within 40 feet of any other residentially zoned property.
- (iv) No parking area shall be located within ten feet of any lot line.

(b) Location

The use shall be located in a freestanding single-use structure(s), unless the use is accessory to a community service, museum, performing arts, theater, cinema, Florida college system institution, or college or university facilities; or unless the use meets the criteria in §10-3.3(C)(1).

(4) Child Care Facility

(a) County Regulations

The facility shall comply with all applicable regulations, including licensing requirements, in the Broward County Child Care Ordinance (Chapter 7 of the Broward County Code of Ordinances), as amended.

(b) Physical Facilities

- (i) No setback or yard area required by this Code shall be used as usable area of outdoor space per child, as defined in the county regulations, nor shall the yard or setback area be calculated to arrive at the necessary usable area of the outdoor space per child as required by county regulations.
- (ii) Outdoor play areas in the facility shall be:

- A.** Safely segregated from accessways and parking, loading, or service areas;
and
- B.** Not operated for outdoor play activities after 8:00 p.m.

(c) Vehicular Access and Circulation

Vehicular access and circulation shall:

- (i)** Be designed to enhance the safety of children as they arrive and leave the facility;
and
- (ii)** Provide a designated passenger pick-up and delivery area that includes at least one loading/unloading space the size of a standard parking space per 20 children and is located adjacent to the child care facility in such a way that children do not have to cross vehicular accessways to enter or exit the facility. If a designated pick-up area is not feasible directly adjacent to the entry of the facility, the drive aisle that must be traversed to enter the facility shall be clearly marked as a crosswalk and signage posted to identify this crosswalk and alert drivers that the crosswalk is utilized by children.

(d) Adjacent Establishments Emitting Noxious or Offensive Odors

No child care center shall be established in any area of the city where it would be immediately contiguous to a business that would from time to time emit noxious or offensive odors, or from which would be emitted fumes that could be detrimental to the health, safety or welfare of minor children.

(e) Family Child Care Facility

A family child care home is a licensed residence in which child care is regularly provided for compensation (e.g., payment, fee, or grant)—whether or not operated for profit—for children that come from at least two unrelated families.

- (i)** It may provide care for one of the following:
 - A.** Up to four children, where all are under 12 months old;
 - B.** Up to six children, where no more than three are under 12 months old;
 - C.** Up to six children, where all are preschool age (from 13 months to 5 years old);
or
 - D.** Up to ten children, where no more than two are under 12 months old and no more than five are preschool age.
- (ii)** The numerical limits above apply throughout the year, and the children counted include those children under 13 years old who are related to the caregiver.
- (iii)** A family child care home does not include use of a private residence for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children (with or without compensation).

(5) Clinic, Medical, Urgent Care, or Dental

The use may be allowed in the R3 district subject to compliance with the Broward County Land Use Plan.

(6) Community Garden

- (a) This use shall be limited to the propagation and cultivation of plants.
- (b) Accessory structures such as hoop houses, shade structures, and storage sheds are allowed, but no such structure shall be more than eight feet in height or located closer than 10 feet to a property line, and the total area covered by structures shall not exceed 25 percent of the site area.
- (c) If accessory to a residential use, the community garden shall be located in a common area, not in private property for a single residential unit.
- (d) Operation of power equipment or generators shall not occur between the hours of 10:00 P.M. and 7:00 A.M.
- (e) The site drainage and maintenance shall prevent water and fertilizer from draining onto adjacent property that is not part of the contiguous land in urban agricultural use.

(7) Country Club

A bar may be operated at a public or private country club through special exception approval of the city commission. Such special exception approval shall be consistent with the provisions governing special exceptions as set out in this Code. If a restaurant is operated on site, it shall comply with the regulations concerning restaurants in §10-3.3(D)(14), *Restaurant, With or Without Microbrewery*.

(8) Educational Facilities

Educational facilities located in shopping centers shall meet the criteria in §10-3.3(C)(1).

(9) Library, Art Gallery, or Museum

Libraries, art galleries, or museums located in shopping centers shall meet the criteria in §10-3.3(C)(1).

(10) Municipal Facilities

Municipal facilities located in shopping centers shall meet the criteria in §10-3.3(C)(1).

(11) School

(a) General

A proposed school pursuing a Special Exception shall comply with the following criteria:

- (i) The proposed use is compatible with the existing natural environment and community character of the properties within the immediate neighborhood.
- (ii) The proposed use is deemed desirable for public convenience, and not injurious or otherwise detrimental to the public health, safety, comfort, and welfare.
- (iii) The design of the proposed use shall minimize adverse effects, including noise, light, dust or other potential nuisances, of the proposed use on adjacent property through

the use of building orientation, setbacks, buffers, landscaping and other design criteria consistent with the city regulations to the greatest extent possible. Entire site shall be void of any pre-existing code violations

- (iv) There are adequate parking areas and off street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and vehicular use areas is convenient and conducive to safe operation consistent with the city standards to the greatest extent possible.
- (v) That there will be adequate provisions for traffic movement, both vehicular and pedestrian internal to the use and adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrian, in a manner that minimizes traffic congestion in the public streets, and the use may not result in a significantly greater amount of traffic on local streets than would result from a development permitted by right.
- (vi) That the land area is sufficient, appropriate and adequate for the use and for any reasonably anticipated expansion thereof.
- (vii) Provide freestanding single use structure(s) unless the school is accessory to a library, community service, museum, performing arts, theater, cinema, church, Florida college system institution, college or university facilities.
- (viii) Provide a minimum lot size of three acres.
- (ix) Provide a student drop off area for motorists that is dedicated to drop off activities and will not interfere with onsite parking. The appropriate length and dimensions of the drop off area shall be identified in the traffic study.

(b) RC District

In the RC district, public and private elementary, middle, or high schools may be allowed on lots greater than 6.5 acres in size with a land use designation of "Recreation," subject to the special exception procedures in §10-5.4(G), *Special Exception*. Private schools shall offer curricula substantially equivalent to public schools of comparable grades and shall meet the academic requirements of the state department of education.

(D) Commercial Uses

(1) Adult Entertainment

(a) Zoning Districts and Distance Limitations

- (i) No adult entertainment business, where permitted, shall be located within 1,000 feet of any other adult entertainment business, or within 1,000 feet of a church or other place of religious worship or a school; or a residentially zoned district; or a publicly owned or operated park, playground, library or other recreational facility within or without the city's boundaries.
- (ii) Measurement shall be from the entrance of the adult entertainment business to the nearest point of entrance of the church or other place of religious worship, school, nearest point of any residentially zoned district within or without the city's boundaries, or nearest point of a publicly owned or operated park, playground, library or other recreational facility within or without the city's boundaries.

(b) Requirements for Premises, Off-street Parking

- (i) All building openings, entries, windows, doors or other apertures for adult business shall be located, covered or screened in such a manner as to prevent a view into the interior from any public area; however, such openings shall not be painted out, blacked out or otherwise obscured in a garish manner.
- (ii) If separate booths, rooms, cubicles or other similar areas are provided for use by clients of the adult entertainment business, such areas may not have doors or other solid enclosures, but may only have a thin, opaque cloth curtain which may be opened from the exterior at all times and which does not extend any closer than three (3) feet to the surface of the floor.

(c) Waiver or Modification of Restrictions

- (i) The city commission, after proper application and public hearing, may waive or modify any of the restrictions of this section upon a finding that:
 - A. The specific proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this article will be observed;
 - B. The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation, redevelopment or improvement, either residential or nonresidential;
 - C. All other applicable regulations of this article and any other ordinance or law will be observed.
- (ii) In granting any such waiver or modification, the city commission may prescribe any conditions that it deems necessary in the public interest. All such waivers or modifications shall be applicable only to the person receiving them, and shall not run with the land.

(2) Amusement Arcade

(a) State Law

All amusement arcades shall comply with Florida state licensing and regulations per Florida Statutes.

(b) Gambling Devices

Nothing in this Code shall in any way be construed to authorize, license or permit any gambling or gambling devices not permitted by state law.

(c) License Required

- (i) A license shall be required for all amusement arcades pursuant §12-148 of the City Code.
- (ii) In addition to the licensing requirements contained in §12-148 of the City Code, the application for an amusement arcade license shall include a statement committing the applicant to require children under the age of 16 years to be accompanied by a parent or other adult while in the amusement center.

(d) Hours of Operation; Security

The operation of amusement devices in primary or accessory amusement arcades shall not be conducted before 10:00 a.m. nor later than 11:00 p.m. except Friday and Saturday nights, when they shall be permitted two additional hours until 1:00 a.m. of the following morning. If an amusement arcade has a liquor license for consumption of alcoholic beverages on its premises, issued by the state, then the lawful hours of operation of the amusement games shall be expanded to coincide with the hours that are established by law, regulation or ordinance for the consumption of alcoholic beverages on the premises.

(3) Animal Boarding Kennel

Boarding or breeding kennels shall not be permitted on any plot that is contiguous to any residentially-zoned district, or which is separated only by a street, alley, canal, or railroad right-of-way from a residential district.

(4) Bank/Financial Institution

(a) A drive-through facility shall only be allowed as an accessory use to a bank/financial institution in compliance with the standards in §10-3.4(D)(4), *Drive-Through Service Facility*.

(b) A bank/financial institution shall be allowed in the R3 district subject to compliance with the Broward County Land Use Plan.

(5) Brewery

(a) Alcoholic beverages sold on the premises shall be limited to those produced on-site.

(b) Off-site or wholesale distribution of products manufactured on the premises is allowed, as long as it is done from a designated loading area that does not interfere with the public use of any public right-of-way.

(c) Fermentation and disposal of ingredients used in manufacturing shall be managed so as to prevent any nuisance effects on surrounding properties.

(d) Outdoor storage is prohibited, except when located in an Industrial district.

(6) Bulk Pool Chemical Sales

(a) Wholesale or bulk non-packaged storage or sale of calcium hypochlorite or muriatic acid shall not be permitted. Muriatic acid may be sold only if pre-packaged.

(b) The sale and storage of all swimming pool related chemicals and other such supplies shall be regulated by the standards set forth in the Florida Building Code, Broward Edition, the provisions of the National Fire Protection Association relating to storage of liquid and solid oxidizing materials and storage of gaseous oxidizing materials, and applicable regulations established by Broward County, as amended.

(7) Day Spa

(a) The facility shall offer more than one type of health, beauty, or relaxation service and shall not be solely a single-use massage establishment.

(b) No services shall be offered or performed between the hours of 9:00 p.m. and 7:00 a.m.

(8) Hotel

- (a)** All guest rooms shall be accessed from the interior of the structure.
- (b)** Guest rooms within the hotel shall not be under separate ownership and shall not be assigned by lease agreement or similar instrument.
- (c)** A hotel shall, at a minimum, have a central switch board; provide daily room cleaning service; have a regular staff concierge service; porter service and valet parking.
- (d)** The hotel structure shall provide elevator service to all floors above grade.
- (e)** The following accessory uses shall be located within the structure of the primary use: bar; full-service restaurant; meeting, conference and banquet facilities; office center; and sundry or gift shop.

(9) Massage Establishment

(a) Massage Therapy Services Certificate Required

No establishment shall offer or provide massage services within the city without a massage therapy services certificate issued pursuant to this section. All persons providing massage services at the establishment shall be duly licensed under F.S. §480.041 et seq.; approved as a massage therapy apprentice as defined in F.S. §480.033, or possess another valid health care practitioner license duly issued by the Florida Department of Health pursuant to F.S. Ch. 456.

(i) Application for Businesses

All businesses providing massage services as defined within this Code shall apply for a massage therapy services certificate from the city. Any operator applying for a massage therapy services certificate shall include the following information on a form provided by the city:

- A.** Proof of valid Florida Board of Massage Therapy license issued to the establishment in accordance with F.S. §480.043 et seq.; and
- B.** Proof of valid Florida Board of Massage Therapy or other state health care practitioner license for all personnel providing massage services at the establishment, in accordance with F.S. §480.041 et seq. or F.S. Ch. 456; or proof of Florida Board of Massage apprenticeship approval as defined in F.S. §480.033, if applicable; and
- C.** Proof of valid Florida driver's license or other government-issued identification for every person and massage therapist working at the establishment.

(ii) Term of Massage Therapy Services Certificate for Businesses

Once issued, a massage therapy services certificate shall remain valid for a period of one year, or until there is a change of the use, ownership, name, location of the establishment from that specified on the approved certificate, or until such time that the City-issued Business Tax Receipt (BTR) expires.

- A. The operator of any massage establishment that holds a certificate shall submit an application to renew the certificate within 30 days prior to the expiration date of the current certificate in order to continue operating.
- B. When there is a change of the use, ownership, business name, or establishment name, or establishment location from that specified on the approved certificate, a new certificate shall be required.

(iii) Requirement to Supply Updated Information

In the first week of each quarter during the term of a massage services certificate, each establishment holding a certificate shall supply the city with the following information on a form and in the manner prescribed by the city:

- A. Revocation, expiration, or change to the status of the state licenses described in subsection (ii) above; and
- B. Updated state driver's license or other government-issued identification information for all personnel providing massage services at the establishment, including new staff members.
- C. Proof of valid licensure of any new employees, pursuant to §10-3.3(D)(9)(a)(i), within seven days of employment, regardless of monthly report due date.

(iv) Display of Certificate

Establishments shall display the valid certificate in a place easily visible to any person entering the establishment and shall maintain proof of valid licenses and identification of each staff member on the premises of the establishment at all times during operation.

(v) Revocation

A. Grounds for Revocation

The following shall be nonexclusive grounds for revocation of a massage therapy services certificate:

1. Noncompliance with any provision in §10-3.3(D)(9)(a), *Massage Therapy Services Certificate Required*; or
2. Noncompliance with Chapter 480 of the Florida Statutes; or
3. Failure to update information as required by subsection (iii) above of this section; or
4. The city's determination that issuance of a certificate was granted based upon false information, misrepresentation of fact, or mistake of fact by the representative of the establishment holding the certificate, or his or her agent.

B. Revocation Procedure

The procedure for revocation of a massage therapy services certificate shall be in accordance with §12.7 of the City Code, by clear and convincing evidence.

(vi) Exemptions

Massage services in state-licensed hospitals and hospices, or those massages provided by a massage therapist acting under the direction of a licensed medical provider or practitioner, shall be exempt from the certificate requirements of this section.

(b) Prohibited Activities

Any massage establishment operating in the city shall abide by the following conditions:

- (i) No establishment shall be permitted to provide massage services within the city without a massage services certificate issued pursuant to 10-3.3(D)(9)(a)(ii)(b), *Term of Massage Therapy Services Certificate for Businesses*.
- (ii) It shall be unlawful for any person in a massage establishment to engage in sexual activity, as defined in this section.
- (iii) It shall be unlawful for any person owning, operating, or managing a massage establishment, knowingly to cause, allow, or permit in or about such massage establishment, any agent, employee, or any other person under his or her control or supervision to engage in sexual activity.
- (iv) No massage services shall be offered or performed between the hours of 9:00 p.m. and 7:00 a.m. This subsection does not apply to massage services that are exempt pursuant to F.S. §480.0475(1)(a)-(c), which includes:
 - A. Massage establishments located on the premises of a health care facility or hotel
 - B. Massage services performed under the prescription of a duly licensed medical practitioner; and
 - C. Massage services performed during special events with the express approval of the city. Each establishment shall apply in advance for special events permission on a form and in the manner prescribed by the city.
 - D. No persons are permitted to utilize the massage establishment as a principle domicile unless otherwise permitted as a home occupation under §10-3.4(D)(7), *Home Occupations*.
 - E. No massage establishment shall be permitted to provide massage services within this city in violation of the zoning limitations as provided in this §10-3.3(D)(9), *Massage Establishment*.
- (v) Tinted windows are not allowed.

(c) Penalties

- (i) A person violating the provisions of F.S. §480.0475 may face criminal charges up to a third-degree felony, pursuant to subsection (3) of that section.
- (ii) Pursuant to F.S. §§60.05 and 823.05, the operation of any massage establishment in violation of F.S. §480.0475, is a declared nuisance and may result in an injunction and costs ordered against that establishment, the operator of that establishment, or owner or agent of the building or ground on which that establishment exists.

- (iii) Violations of subsections (a), *Massage Therapy Services Certificate Required*, or (b), *Prohibited Activities*, of this section shall additionally be punishable in a manner to be prescribed by the city and may result in the revocation of a massage services certificate, the imposition of fines, or the pursuit of criminal charges against the massage establishment and/or person(s) in violation of these ordinances.

(d) Posting Notice of Prohibited Acts Statement

Every person owning, operating, or managing a massage parlor shall post a copy of the following statement in every massage room:

"It shall be unlawful for any person in a massage establishment to place his or her hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital part of any other person, or for such other person to request or permit such placing, touching, fondling or massaging.

It shall be unlawful for any person owning, operating, or managing a massage establishment, knowingly to cause, allow, or permit in or about such massage establishment, any agent, employee, or any other person under his or her control or supervision to perform such acts prohibited above.

Any person violating these provisions shall be punished by fine not exceeding \$500, or imprisonment for a term not exceeding 60 days, or both, in the discretion of the court."

The statement shall be posted in a conspicuous place in the massage establishment, so that it may be readily seen by persons entering the premises.

(e) "Disqualifying Conduct" Defined

For purposes of these Massage Establishment regulations, any of the following within the five-year period preceding the date of inquiry shall constitute "disqualifying conduct": (except for conduct involving violations of Florida Statutes Chapters 794, 800, or 847):

- (i) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction, which relates to the practice of massage or to the ability to practice massage. Any plea of nolo contendere shall be considered a conviction for purposes of this section.
- (ii) The occurrence of sexual activity by any person or persons in any Massage Establishment.
- (iii) Engaging in or permitting any person or persons to engage in sexual activity in such Owner's Massage Establishment, or to use such Establishment to make arrangements to engage in sexual activity with any client.
- (iv) Using the therapist-client relationship to engage in sexual activity with any client.
- (v) Delegating professional responsibilities to a person when the licensee delegating such responsibilities, knows or has reason to know that such person is not qualified by training, experience, or licensure to perform such professional responsibilities.
- (vi) Aiding, assisting, procuring, or advising any unlicensed person to practice massage contrary to State law, or the Rules of the Department of Health or Board of Massage Therapy.

- (vii) Refusing to permit the Department of Health or the City to inspect the business premises of the licensee during normal business hours.
- (viii) Refusing to produce immediately, a Valid Government Identification for each Massage Therapist upon the City's request (meaning, a failure of each Massage Therapist to carry a Valid Governmental Identification on his or her person and produce same for inspection upon the City's request).
- (ix) Practicing massage at a site, location, or place which is not duly licensed as a Massage Establishment.
- (x) Presenting the license of another as his or her own.
- (xi) Allowing another to utilize his or her license.
- (xii) Using, or attempting to use, a license that has been revoked.
- (xiii) Falsely impersonating any other license holder of a like or different name.
- (xiv) Providing false or forged evidence to the City in connection with an application for a massage therapy services certificate.
- (xv) Committing any infraction specified in Rule 64B7-30.002, F.A.C. as same may be amended from time to time; or
- (xvi) Committing any misdemeanor or felony offense which relates directly to the operation of a Massage Establishment, whether as a Massage Establishment Owner or operator or employee thereof; or
- (xvii) Failure of the Owner or Massage Therapist to register under the provisions of Florida Statutes Chapter 775; or,
- (xviii) The applicant having been convicted in a court of competent jurisdiction of:
 - A. Any violation of Florida Statutes Chapters 456, 794, 796, 800, 847, or 893; or
 - B. Conspiracy or attempt to commit any such offense.

(f) "In Good Standing" Defined

For purposes of these Massage Establishment regulations, the term "in good standing" means:

- (i) That the applicant's state license is current;
- (ii) That the applicant's state license will not expire during the fiscal year for which the massage therapy services certificate is issued (or if such the case, that a renewal for the state license has been filed);
- (iii) That there are no pending Department of Health Administrative complaints against the applicant which seek permanent revocation or suspension of the applicant's state license;
- (iv) That there are no pending Department of Health Administration complaints against the applicant's state license seeking a restriction of practice or placement on probation (the city may disregard this evidence if it receives a resolution from the Board of Massage Therapy, or a letter from the Executive Director of the Department

of Health indicating that the remedy sought will not preclude the applicant from pursuing the massage therapy services certificate; and

- (v) That the applicant is not being prosecuted, or has criminal charges pending at the state or federal prosecutor, at the time the city must approve or deny the application for the massage therapy services certificate, or where the applicant has within the five years preceding the date of the application pled guilty or nolo contendere to crimes involving the disqualifying conduct as within this section.

(10) Nightclub

No nightclub shall be located within 300 feet of any residentially zoned property. The city may establish an alternative minimum distance as part of the special exception approval process.

(11) Office, Business/Professional

The use may be allowed in the R3 district subject to compliance with the Broward County Land Use Plan.

(12) Personal and Household Goods Repair

The use may be allowed in the BP and I1 districts subject to compliance with the Broward County Land Use Plan and through the use of flex units.

(13) Pet Care Daily

Exercise runs or pens shall comply with the following distance requirements:

- (a) From property line abutting a residential district and/or educational facilities use:

Outdoor runs, animal exercise areas or pens shall not be located within 50 feet of the property line. Except that outdoor runs, animal exercise areas, or pens that are entirely surrounded by a solid wall a minimum of six feet in height may be located 25 feet from the property line.

- (b) From property line abutting a non-residential district (except educational facilities use):

Outdoor runs, animal exercise areas or pens shall not be located within 25 feet of the property line. Except that outdoor runs, animal exercise areas or pens that are entirely surrounded by a solid wall a minimum of six feet in height may be located ten feet from the property line.

- (c) From property line abutting a roadway:

Outdoor runs, animal exercise areas or pens shall not be located within 15 feet from the property line.

(14) Restaurant, With or Without Microbrewery

- (a) **Drive-through**

A drive-through facility shall only be allowed as an accessory use to a restaurant in compliance with the standards in §10-3.4(B), *Accessory Uses and Structures Allowed*.

- (b) **Industrial Districts**

- (i) Restaurants shall be for the primary use of the employees in the industrial area.

- (ii) Restaurants shall only be permitted as an accessory use to an industrial complex and shall be located within the principal building on the premises occupying not more than 10 percent of the gross floor area.
- (iii) Outside play areas for children are not permitted.

(c) Restaurant with Microbrewery

The minimum area of the eating, drinking, and entertainment area of a restaurant with microbrewery shall be 45 percent of the total square footage for the establishment, or a minimum of 1,500 square feet, whichever is greater.

(15) Retail

(a) Adaptive Reuse/Abandonment Agreement

Prior to receiving final approval, large-scale retail uses that are 50,000 square feet or more, either in one building or in contiguous shopping center, excluding any garden center, shall require that the owner of the property execute and have recorded an adaptive reuse/abandonment agreement acceptable to the City Attorney. The agreement shall be recorded with the county clerk and recorder's office. The agreement may contain, but is not limited to, terms and conditions regarding:

- (i) A requirement that no covenants, conditions, or restrictions be recorded against or run with the property that in any way impede or prevent the re-use, redevelopment, or re-tenanting of the building in the event of vacancy;
- (ii) The owner's obligations to reuse, re-tenant, or pay for removal of the building in the event of vacancy within an agreed-upon time frame with the City;
- (iii) Property maintenance responsibilities in the event of vacancy; and
- (iv) Enforcement of the agreement and remedies available to the city in the event of breach or other noncompliance.

(b) I-1 District

In the I-1 district, retail is limited to:

- (i) Ancillary commercial uses within buildings devoted to primary industrial uses; and
- (ii) Other commercial and retail business uses and hotel or similar lodgings under the conditions specified in the Broward County Land Use Plan and the certified city land use plan.

(c) R3 District

The use shall be allowed in the R3 district subject to compliance with the Broward County Land Use Plan.

(16) Vehicle Fuel Sales

A vehicle fuel sales station shall comply with the following standards:

(a) Location

- (i) A lot containing a vehicle fuel sales station shall be located at least 1,500 feet from a lot containing another vehicle fuel sales station, as measured from property lines.
- (ii) Vehicle fuel sales stations are prohibited if adjacent to or directly across a street right-of-way from residentially zoned land.

(b) Access

- (i) The station shall have no more than two vehicular access points excluding fuel sales uses within an outparcel or other unified property.
- (ii) The station shall be designed to ensure safe and adequate vehicle stacking, circulation, and turning movements.

(c) Canopy Height

Gasoline pump canopies shall have a maximum clearance height of 14 feet above grade, except where state or federal law requires higher clearances.

(17) Vehicle Rental

In commercially zoned districts:

- (a)** Except as hereinafter provided, no owner or person having the use of a commercial vehicle, recreational vehicle, boat, or boat trailer shall park, store, or keep the vehicle, boat, or boat trailer for any period of time within the property lines of any commercially zoned district.
- (b)** This section shall not apply to the following:
 - (i) Vehicles parked in city storage facilities;
 - (ii) Vehicles parked in duly authorized and properly licensed commercial establishments that engage in the sale or lease of motor vehicles;
 - (iii) Vehicles that have an active commercial or business purpose for which the owner or person having the use of said vehicle(s) holds a current and valid local business license for a business location within the commercially zoned district; provided, however, that such vehicle shall be parked, stored, or kept within ten feet of the business location or at the rear of the commercial facility or structure. If parked at the rear of the structure in cases where the structure abuts a public street, or any residential or recreation zoning district, the vehicle shall be provided with an opaque screen that, when seen from an abutting residential or recreational property, public street, or from the second floor or higher of a residential structure, totally obstructs the view of the vehicle.

(18) Vehicle Repair, Major or Minor

- (a)** Any building or outside area used for automobile repair, including paint and body shops, and any storage area for vehicles being or to be repaired, shall be located at least 50 feet from any residentially zoned property and shall be screened from the residentially zoned property by a wall, fence, or hedge as specified in §10-4.8, *Fences, Walls, and Hedges*. Any outside areas used for repairs shall be considered additional work bays and

shall be delineated on the approved site plan and shall require the appropriate amount of off-street parking.

- (b) In the BP district, the use is allowed as an accessory use only if associated with a vehicle dealership.

(19) Vehicle Sales, Used

Used vehicle sales may be accessory to new vehicle sales without requiring a Special Exception.

(E) Industrial Uses

(1) Auto Wrecking and Salvage Yard

- (a) The minimum plot size for any salvage or wrecking yard shall be one net acre.
- (b) All operations, activities, display and storage, with the exception of an office building or other enclosed building, shall be completely surrounded by an opaque wall at least six feet in height, with openings only for ingress and egress of pedestrians and vehicles. Such openings shall be equipped with opaque or translucent gates the same height as the wall.
- (c) No salvaged vehicles or parts, or any other scrap or salvaged materials shall be stored in such a manner that exceeds the height of the enclosing wall.
- (d) Required off-street parking shall be maintained on the exterior of any area used for salvage operations, display or storage of parts, vehicles or scrap or salvaged materials and shall comply with all requirements of §10-4.3, *Off-Street Parking and Loading*, of this Code.
- (e) No salvage or wrecking yard shall be located within 300 feet of any residentially-zoned district.

(2) Recycling Facilities

Recycling facilities, except auto salvage yards, shall be located at least 500 feet from any residentially-zoned district and at least 200 feet from any mixed use and non-residential zoned district. All materials stored, handled, or repackaged on the premises shall either be in containers or stored within a building.

(3) Self-storage Facility, Indoor or Outdoor

(a) Site Design and Performance Standards

All facilities are subject to the following site design and performance standards:

- (i) The maximum size of any individual rental space for storage of household items and equipment shall be 400 square feet.
- (ii) Controlled access shall be provided to the complex and an adequate security/surveillance system shall be installed whether electronic or otherwise, so that security personnel may keep vigilance over the facility and can be easily contacted in emergency or distress situations.

- (iii) Access to all storage spaces will be from the interior of the structure and each storage space shall have independent and exclusive access through a secured door or gate.
- (iv) Public storage facilities shall be subject to architecture review and designed or remodeled so as to agree in character and scale with the prevalent scale and character of the surrounding area. Careful consideration shall be given to the treatment of the blank walls generally associated with this use and to the way the ground floor addresses the street.
- (v) Loading and unloading areas shall be evaluated on an individual basis for compliance with the following criteria:
 - A. Loading and unloading activities shall be limited to locations which are not visible from adjacent public rights-of-way;
 - B. The area set aside for such activities shall be arranged so as not to obstruct the smooth flow of traffic on the site;
 - C. Loading and unloading spaces shall be a minimum of 12 feet in width, by 25 feet in length; and
 - D. The number of loading and unloading spaces shall be provided at the rate of three loading/unloading spaces for the first 50,000 sq. ft. and one loading/unloading space for each additional 50,000 sq. ft. over 60,000 sq. ft.
- (vi) Parking shall be provided at the rate indicated in Table 10-4.1: Minimum Number of Off-Street Parking Spaces.
- (vii) Hours of operation shall be established in response to the perceived demand for services but shall not exceed 15 continuous hours and shall not extend beyond 10:00 p.m. nor commence before 6:00 a.m.
- (viii) In addition to these restrictions, upon individual evaluation of each proposed self-storage facility, appropriate measures may be required to minimize any potential adverse effects brought about by the implementation of the use with regards to the above or other pertinent concerns.

(b) Distance Limitations

In order to mitigate potential adverse impacts associated with a concentration of such facilities throughout the city, such facilities shall be located no closer than 2,500 feet from one another. Such distance shall be measured from the nearest point of the existing facility's site to the nearest point of the proposed facility's site.

(4) Wind Energy Conversion System

(a) Generally

Wind energy conversion systems shall be mounted in a manner that preserves the character-defining features of the structure and property and are subject to the height limits and setbacks of the appropriate zoning district.

(b) Maximum Height Exception

Vertical wind energy conversion systems less than five feet in diameter may extend above the maximum height in any zoning district up to a maximum of five feet.

(F) Wireless Communication Facilities

(1) Purpose

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare, the Tamarac City Commission finds that these regulations are necessary to:

- (a)** Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in the city with the goal of having the fewest number of wireless communication facilities ("WCFs") required to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs;
- (b)** Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through planning, engineering, and design techniques including but not limited to camouflage design, and authorized screening of WCFs and the equipment associated therewith;
- (c)** Encourage the deployment of smaller, less-intrusive WCFs to supplement existing larger WCFs;
- (d)** Encourage the use of wall-mounted panel antennas;
- (e)** Encourage roof-mounted antennas only when wall-mounted antennas will not provide adequate service or are not otherwise feasible;
- (f)** Encourage the location of towers in non-residential areas, in a manner that minimizes the total number of towers needed throughout the community;
- (g)** Encourage strongly the collocation of WCFs on new and existing sites;
- (h)** Encourage owners and users of antennas and towers to locate them, to the extent possible, in areas where the adverse impact on the community is minimized;
- (i)** Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently;
- (j)** Effectively manage WCFs in the right-of-way; and
- (k)** Manage amateur radio facilities and over-the-air receiving devices in the city.

(2) Definitions

For purposes of this Section, the following terms shall be defined herein. For definitions associated with small or micro wireless facilities located in the right-of-way, please refer to §10-3.3(F)(9).

(a) Alternative Tower Structure

Man-made trees, clock or water towers, bell steeples, light poles, unipoles, buildings, and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflage or conceals the presence of antennas or towers so as to make them architecturally compatible with the surrounding area.

(b) Antenna

Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations. Exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

(c) Antenna, Dish

Dish (parabolic or cylindrical) antennas used for microwave and satellite transmission and reception for commercial purposes. This definition shall not apply to wireless cable satellite dish antennas or dish antennas less than one meter measured diagonally.

(d) Base Station

- (i)** A structure or equipment at a fixed location that enables Federal Communications Commission ("FCC") licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein. Base station includes, without limitation:
 - A.** Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City pursuant to this Article has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
 - B.** Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks) that, at the time the relevant application is filed with the City has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- (ii)** The definition of "base station" does not include any structure that, at the time the application is filed with the City, does not support or house equipment described herein in sub-paragraphs A and B of this definition.

(e) Camouflage, Concealment, or Camouflage Design Techniques

A Wireless Communications Facility (“WCF”) which is camouflaged or utilizes camouflage design techniques when any measures are used in the design and siting of WCF’s with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes camouflage design techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture, or (iii) uses a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree) or is incorporated into or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

(f) Collocation

The situation when an initial antenna is installed with the intent to accommodate additional wireless providers, or when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antennae. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennae.

(g) Eligible Facilities Request

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving: (i) collocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment.

(h) Existing Structure

Any tower or base station as defined in this Code, provided that it is existing at the time the relevant application is filed with the City.

(i) OTARD

An over-the-air receiving device.

(j) OTARD Antenna

- (i) An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter; or
- (ii) An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or (iii)
- (iii) An antenna that is designed to receive television broadcast signals.

(k) OTARD Antenna Structure

Any pole, tower, or other structure designed and intended to support an OTARD antenna.

(l) Site

The current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. For a Site located within a right-of-way, the Site is defined as the area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

(m) Substantial Change

A modification that substantially changes the physical dimensions of an existing structure, which meets any of the following criteria:

- (i) For towers, other than alternative tower structures in the right-of-way, a substantial change, is a change that increases the height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other existing structures, a substantial change is a change that increases the height of the structure by more than ten percent, or more than 10 feet, whichever is greater;
- (ii) For towers, other than towers in the right-of-way, a substantial change is a change which involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for existing structures, a substantial change involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- (iii) For any existing structure, a substantial change involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or for towers in the right-of-way and base stations, a substantial change involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- (iv) For any existing structure, a substantial change entails any excavation or deployment outside the current site; or any alteration that would impair the concealment elements of the existing support structure; or
- (v) For any existing structure, the substantial change does not comply with conditions associated with the siting approval of the construction or modification of the existing structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (i), (ii), and (iii) of this definition; and
- (vi) For any existing structure, the change does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or it does not comply with any relevant federal requirements.

(n) Tower

Any structure that is designed and constructed primarily built for the sole or primary purpose of supporting one or more any Federal Communications Commission ("FCC") - licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guy towers or monopole towers. The term also includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and such other similar structures.

(o) Transmission Equipment

Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(p) Wireless Communications Facility, or "WCF"

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directions, omni-directional and parabolic antennas, base stations, support equipment, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this §10-3.3(F), *Wireless Communication Facilities*.

(3) Applicability

(a) Base Stations, Alternative Tower Structures, and Towers

The requirements in this Section shall apply to all WCF applications for base stations, alternative tower structures, and towers as defined herein.

(b) Exemptions

The requirements set forth in this subsection shall not apply to:

(i) Amateur Radio Antennas

Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided that the height be no more than the distance from the base of the antenna to the property line is met.

(ii) Pre-Existing WCFs

Any WCF for which a permit has been properly issued prior to the effective date of this Code shall not be required to meet the requirements of this subsection, other than the operational standards set forth in this subsection. An existing tower, including a nonconforming tower, may be structurally modified in order to permit collocation or may be replaced through no more than administrative review and building permit review, and is not subject to public hearing review, if the overall height of the tower is not increased and, if a replacement, the replacement tower is a monopole tower or, if the existing tower is a camouflaged tower, the replacement tower is a like-camouflaged tower.

(iii) Emergency Services

- A.** Emergency wireless telecommunications facilities owned by the City or other public agency and used wholly or in part for public safety or emergency communication purposes; and
- B.** Portable wireless telecommunications facilities temporarily used for emergency purposes for not more than 180 days after declaration of an emergency or disaster by a responsible official of the city, county, state, or federal government.

(iv) Miscellaneous Antennas

Antennas used for reception of television, multi-channel video programming, and radio such as over-the-air-reception devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas, provided that any requirements related to special uses of this Code and the requirement that the height be no more than the distance from the base to the property line are met. The Director has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the Director's reasonable discretion, modifications are necessary to comply with federal law.

(v) Satellite Dish Antennas

Satellite dish antennas, which are allowed as accessory uses subject to §10-3.4(D)(12).

(vi) Eligible Facility Requests

Eligible Facility Requests that comply with the requirements of Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, as may be amended from time to time, shall be subject to building permit review only.

(vii) Collocations

Collocations that comply with the requirements of Section 365.172(13)(a)1.a and b, Florida Statutes, as may be amended from time to time, shall be subject to building permit review only. Collocations that comply with the limitations set forth in Section 365.172(13)(a)1.d, Fla.Stat., as may be amended from time to time, shall be subject to administrative review only.

(viii) Small and Micro Wireless Facilities

Small and Micro Wireless Facilities installed in public rights-of-way shall be subject to the provisions of §10-3.3(F)(9).

(4) Review Procedures and Requirements

No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the Director in accordance with this subsection, unless meeting an exemption provided in this Section. All non-exempt WCFs shall be reviewed pursuant to the procedures set forth in this subsection:

(a) Submittal Requirements

In addition to an application form, signal interference letter, and payment of all application and review fees, as established by resolution of City Commission, each applicant shall submit a scaled site plan, photo simulation, scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate qualified professionals, showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, tower height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the Director to be necessary to assess compliance with this section.

(b) Special Exception Required

- (i) In all zoning districts, applications for base stations, alternative tower structures not within the right-of-way, and towers may be permitted only upon approval of a special exception in accordance with §10-5.4(G), *Special Exception*.
- (ii) All applications for towers shall demonstrate that other alternative design options such as base stations or alternative tower structures are not viable options as determined by the City.

(c) Applications for Base Stations and Alternative Tower Structures within Right-of-Way

In all zoning districts, each application for a base station or alternative tower structure within the right-of-way, excluding applications for small and micro wireless facilities, shall be reviewed and considered for approval by the Director for conformance with this subsection. Applications for small and micro wireless facilities shall meet the requirements as provided in subsection 10-3.3(F)(9).

(i) Appeal of Director Decision

Applicants may appeal the Director's decision by submitting a written notice of appeal to the City Manager within 10 calendar days of the date of the Director's

decision. The notice of appeal must specifically set forth the grounds for appeal and include all documentation the applicant deems relevant. The City Manager shall within 10 days of receipt of the notice of appeal and after review of all documentation submitted by the applicant and the Director's decision issue a final decision which may affirm, overturn or modify the Director's decision.

(ii) Referral to Planning Board

Except for WCF's in the right-of-way that meet all requirements of this subsection, the Director may refer the application to Planning Board for special exception approval if the Director finds the proposed WCF to have a significant visual impact (e.g., proximity to historic or designated view corridors, or on significant community features), or otherwise is substantially incompatible with the structure on which the WCF will be installed, or it does not meet the clear intent of this subsection.

(d) Review Procedures for Eligible Facilities Requests

(i) Application

In all zoning districts, eligible facilities requests shall be considered a use by right subject to building permit review. The City shall prepare, and make publicly available, an application form which shall be limited to the information necessary for the City to consider whether a building permit application is an eligible facilities request. Such information may include, without limitation, whether the request:

- A.** Would result in a substantial change; or
- B.** Would violate a generally applicable law, regulation, or other rule reasonably related to public health and safety.

The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation.

(ii) Type of Review

Upon receipt of an application for an eligible facilities request pursuant to this section, the Building Department shall review such application to determine whether the application so qualifies.

(iii) Timeframe for Review

Subject to the tolling provisions of (iv) below, *Tolling of the Timeframe for Review*, within 60 days of the date on which an applicant submits an application seeking approval under this section, the City shall approve the application unless it determines that the application is not covered by this subsection. Any timeframes for review are further subject to the requirements of any applicable federal and state laws and regulations, including, but not limited to Section 365.172(13), Fla.Stat., as may be amended from time to time.

(iv) Tolling of the Timeframe for Review

The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the director determines that the application is incomplete:

- A.** To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application;
- B.** The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
- C.** Following a supplemental submission, the City shall notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph A above. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(v) Failure to Act

In the event the City fails to act on a request seeking approval for an eligible facilities request under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The application deemed granted becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(vi) Interaction with Telecommunications Act Section 332(c)(7)

If the City determines that the applicant's request is not an eligible facilities requests set forth in this subsection, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, as may be amended from time to time, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under Section 332(c)(7) reviews.

(e) Abandonment and Removal

Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned for a period of six months, or more.

(f) Decision

Any decision to approve, approve with conditions, or deny an application for a WCF shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

(5) General Operational Standards for All Wireless Communication Facilities

The standards in this section shall apply to all WCFs in all districts, regardless of whether such facility is allowed as a principal or accessory use:

(a) City Registration

Providers of all WCFs, whether or not granted an exemption from this section, shall comply with the applicable registration and other requirements of Chapter 5.6, *Telecommunications*, of the City's Code of Ordinances.

(b) Compliance with Applicable Law

All work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in the Code and any other applicable regulations. In addition, all WCF applications shall comply with the following:

- (i) Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
- (ii) Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
- (iii) Be maintained in good working condition and to the standards established at the time of application approval; and
- (iv) Remain free from trash, debris, litter, noxious weeds, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 10 calendar days from the time of notification by the City or after discovery by the owner or operator of the site.

(c) Federal Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Authority ("FAA"), the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are amended, then the owners of the WCF governed by this subsection shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.

(d) Radio Frequency Standards

All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the City, the City may request that the owner or operator of the WCF provide information demonstrating compliance with applicable federal or state regulations related to radio frequency standards. If such information suggests, in the reasonable discretion of the City, that the WCF may not be in compliance, the City may request and the owner or operator of the WCF shall then submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to this section. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner or operator.

(e) Signal Interference

All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the City to monitor interference levels with public safety communications during this process.

(f) Legal Access

In all applications for the installation, maintenance, or modification of any WCF located on property other than a right-of-way, an applicant must warrant and represent that it has the written agreement of the owner of the property which is the subject of the application for legal access to and from the WCF and the applicant must also warrant and represent that it will have legal access to the utilities to operate and maintain the WCF.

(g) Operation and Maintenance

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the City concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then the City may take any appropriate legal action, including enforcement through the City's Code Compliance Process. In addition, upon written notice being provided to the owner of the WCF, that the WCF fails to comply with the City's codes and constitutes a danger to persons or property the owner shall have 30 days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the City's building official may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense.

(h) Aircraft Hazard

Prior to the issuance of a building permit by the building department, the applicant shall provide evidence that the WCFs are in compliance with Federal Aviation Administration (FAA) regulations. Where an antenna will not exceed the highest point of the existing structure upon which it is to be mounted, such evidence shall not be required.

(i) Signs and Advertising

The use of any portion of a tower or antenna for signs or advertising purposes, including company name, banners, streamers, etc., is prohibited.

(j) Abandonment and Removal

If a WCF has not been in use for a period of three months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any WCF that is not operated for a continuous period of six months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within 30

days of receipt of written notice from the City. If the WCF is not removed within said 30 days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired.

(k) Approval Required from Other Governmental Agencies

Each application for a WCF may be required to include written approval or a statement of no objection from other federal or state agencies that may regulate tower siting, design, and construction.

(l) Lease Agreement Required on City-Owned Property

The issuance of a permit is not a lease and no municipally owned property may be used without a lease agreement with the city. The city may, as appropriate, to protect its property and the public interest, establish additional requirements beyond the minimum requirements of a permit for municipally owned property. This provision further does not preclude the city from issuing a letter of interest for the purposes of leasing sites on designated city property for the construction and installation of personal wireless service facilities. For designated neighborhood parks, the city will encourage the installation of facilities which have a minimal impact on the surrounding areas and are consistent with the development of the neighborhood park.

(6) General Design Standards for Wireless Communication Facilities

(a) Camouflage/Concealment

Unless otherwise exempt from these requirements, all WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF to the surrounding natural setting and built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on the same parcel and adjacent parcels.

- (i) Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views, and/or community features). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., screened, buffered, depressed, or located behind earth berms) to minimize their profile.
- (ii) The camouflage design may include the use of alternative tower structures should the Director determine that such design meets the intent of the Code and the community is better served thereby.
- (iii) All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only).

(b) Lighting

WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure

primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

(c) Landscaping and Fencing

- (i) WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel, below Code standards.
- (ii) WCFs shall be landscaped with a buffer of plant materials that effectively mitigate the impact of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
- (iii) In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived altogether by the Director.
- (iv) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be a sufficient buffer.

(d) Colors

Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over telecommunications towers, WCFs shall be painted or constructed in neutral colors, designed to blend into the surrounding environment such as non-contrasting gray.

(e) Cooperative Determination

With respect to the placement of WCFs in residential districts, in the event an applicant demonstrates, in writing, to the satisfaction of the Director, or his or her designee, that the operation of this section produces a result which is either (i) a burdensome hardship on the applicant, and is inconsistent with the general public welfare; or (ii) inconsistent with the intent of the particular provisions of this section, and inconsistent with the general public welfare, the applicant and the Director, or his or her designee, shall cooperate to determine an appropriate location and aesthetic design for the proposed facility. In any such cooperative determination there shall be a preference for collocation with existing personal wireless service facilities or other utility facilities, or for use of unused capacity on existing personal wireless service facilities. Where facilities cannot be collocated and no such unused capacity exists, there shall be a preference for the use of free-standing concealed or camouflaged type structures which are consistent, to the extent possible, with this section.

(f) Actual or Effective Prohibition; Cooperative Determination

In the event an applicant demonstrates to the satisfaction of the Director that operation of this section results in an actual or effective prohibition of WCFs or the provision of communications services, the applicant and the Director shall cooperate to determine an appropriate location and aesthetic design for the proposed facility. In any such cooperative determination there shall be a preference for collocation with existing WCFs or other utility facilities, or for use of unused capacity on existing WCFs. Where facilities

cannot be collocated and no such unused capacity exists, there shall be a preference for the use of free standing stealth-type structures which are consistent, to the extent possible, with the purposes of the Code as defined in §10-1.4. The Director may require a statement certifying that the proposed location is needed by a WCF provider to close a significant gap in its service to the affected area. The applicant shall reimburse the reasonable costs incurred by the city for this cooperative determination.

(7) Additional Design Standards for Specific Types of WCFs

Additional design requirements shall be applicable to the various types of WCFs as specified below:

(a) Base Stations

- (i) If an antenna is installed on a structure other than a tower, such as a base station (including, but not limited to the antennas and accessory equipment) it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible.
- (ii) Such facilities shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached;
- (iii) The maximum protrusion of such facilities from the building or structure face to which they are attached shall be six feet;
- (iv) Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse; and
- (v) Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall-mounted WCF is inadequate to provide service and evaluated for approval based upon the following criteria:
 - A. Roof-mounted whip antennas shall extend no more than 12 feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 - B. Roof-mounted panel antennas shall extend no more than seven feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
 - C. Other roof-mounted transmission equipment shall extend no more than seven feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.

(b) Alternative Tower Structures

Alternative tower structures shall be designed and constructed to look like a building, facility, or structure typically found in the area and shall comply with the following standards:

- (i) The height or size of the proposed alternative tower structure shall be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located;

- (ii) Shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
- (iii) Shall be compatible with the surrounding topography, tree coverage, and foliage; and
- (iv) Visual impacts of the proposed ingress and egress shall be minimized.

(c) Alternative Tower Structures Located in the Right-of-Way

The following requirements apply in addition to those set forth in subsection (b) above:

- (i) Shall be no higher than 35 feet;
- (ii) Shall be no more than 10 feet higher (as measured from the ground to the top of the pole) than any existing utility or traffic signal within 500 feet of the pole or structure;
- (iii) Any new pole for an alternative tower structure shall be separated from any other existing WCF facility by a distance of at least 600 feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Director;
- (iv) Pole-mounted components shall be located on an existing utility pole serving another utility; or be located on a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives;
- (v) Shall, to the extent feasible, be consistent with the size and shape of pole-mounted equipment installed by communications companies on utility poles near the alternative tower structure;
- (vi) Shall, when located near a residential property, be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility, to the extent feasible, must be placed in front of the common side yard property line adjoining residential properties, or on the corner formed by two intersecting streets;
- (vii) Shall be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;
- (viii) Facility antennas, mast arms, equipment, and other facilities shall be sized to minimize visual clutter;
- (ix) Any ground mounted equipment shall be installed in an underground or partially underground equipment vault (projecting not more than 36 inches above grade), or co-located within a traffic cabinet of a design approved by the Director; and
- (x) Shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. Must comply with the federal Americans with Disabilities Act and all applicable local, state, and federal law and regulations. No alternative tower structure may be located or maintained in a manner that causes unreasonable interference.
- (xi) Unreasonable interference means any use of the right-of-way that disrupts or interferes with this use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that

would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

(d) Towers Located Outside the Public Right-of-Way

(i) Generally

- A.** Freestanding towers shall be considered a permitted use only on city-owned property.
- B.** Freestanding towers on all other property located within the city shall be permitted as a special exception in any zoning district, provided the tower is an accessory use, subject to the procedure and requirements of §10-5.4(G), *Special Exception*. This provision does not preclude the use of vacant property in the I-1 zoning district for a freestanding tower; however, in those instances, a monopole-type camouflaged tower, is the preferred tower which should be utilized.
- C.** Any freestanding tower shall be camouflaged in all zoning districts and on city-owned property. Non-stealth or non-camouflaged towers should only be utilized if the owner provides an engineering or technical justification, to the satisfaction of the city that the non-camouflaged tower is needed.

(ii) Site Plan

Prior to the issuance of a building permit by the building department for a tower, a site plan for a minor development shall be presented for approval to the Director. Each application for a proposed tower shall include all requirements for site plan approval as required by §10-5.4(H), *Site Plan Approval*.

(iii) Statement of Engineering Compliance

A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the state. The statement shall, through rational engineering analysis, certify the tower's compliance with applicable standards as set forth in the Florida Building Code, Broward County Amendments, and other regulatory codes of the State of Florida, and any associated regulations; and describe the tower's capacity, including an example of the number and type of antennas it can accommodate.

- A.** No tower shall be permitted to exceed its loading capacity.
- B.** All towers shall have the capacity to permit multiple users; at a minimum, monopole towers shall be able to accommodate two users.

(iv) Statement of Necessity

No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:

- A.** No existing WCFs with a suitable height are located within the geographic area required to meet the applicant's engineering requirements;
- B.** Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
- C.** The applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
- D.** The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.

(v) Height/Setbacks and Related Location Requirements

- A.** The height of a tower shall not exceed 200 feet. Tower height shall be measured from the crown of the road of the nearest public street.
- B.** Towers shall conform to the setbacks established for all underlying zoning districts.
- C.** Towers shall not be permitted within 250 feet of any residential district.
- D.** Antennas located on towers shall not exceed the height of the tower by more than 20 feet.
- E.** All buildings and other structures to be located on the same property as a tower shall conform to the setbacks established for the underlying zoning district.

(vi) Buffering

- A.** Landscaping, consistent with the requirements of §10-4.4 of this Code, shall be installed around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall installed in association with any tower, if deemed necessary to buffer adjacent properties. The city may require landscaping in excess of the requirements of the city's Land Development Code in order to enhance compatibility with adjacent residential and nonresidential land uses.
- B.** Landscaping consistent with perimeter and onsite requirements of §10-4.4 of this Code shall be installed around any accessory buildings or structures.
- C.** All towers, excluding towers in right-of-way, shall be enclosed by security fencing or wall at least six feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material.

(vii) High Voltage and No-Trespassing Warning Signs

- A.** If high voltage is necessary for the operation of a tower or any accessory structures, "HIGH VOLTAGE—DANGER" warnings signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.

- B.** "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.
- C.** The letters for the "HIGH VOLTAGE—DANGER" and "NO TRESPASSING" warning signs shall be at least six inches in height. The two warning signs may be combined into one sign. The warning signs shall be installed at least five feet above the finished grade of the fence.
- D.** The warning signs may be attached to freestanding poles if the content of the signs may be obstructed by landscaping.

(viii) Non-interference

Each application to allow construction of a tower shall include a statement prepared by a registered radio audio frequency (RAF) engineer that the construction and placement of the tower will not unnecessarily interfere with public safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent residential and nonresidential properties. A statement shall be prepared by a registered engineer identifying any interference that may result from the proposed construction and placement.

(ix) Additional Design Standards

- A.** Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;
- B.** Tower structures should use existing land forms, vegetation, and structures to aid in mitigating the impact of the facility from view, or allowing the facility to blend in with the surrounding built and natural environment;
- C.** Monopole support structures are encouraged to taper from the base to the tip;
- D.** Towers should be sited in a manner that that is least obtrusive to residential structures and residential district boundaries where feasible;
- E.** Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;

(x) Inspections

- A.** Tower owners shall submit a report to the city's building department, certifying structural and electrical integrity on the following schedule:
 - 1. *Monopole towers:* At least once every five years;
 - 2. *Self-support/lattice towers:* At least once every two years; and
 - 3. *Guyed towers:* At least once every two years.
- B.** Inspections shall be conducted by an engineer licensed to practice in the state or otherwise exempt per Section 471.003, Florida Statutes. The results of such inspections shall be provided to the building department. Based upon the results of an inspection, the building official may require repair or removal of a tower.

- C.** The building department may conduct periodic non-intrusive inspections of towers to ensure structural and electrical integrity. The owner of the tower may be required by city to have more frequent inspections should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.

(xi) Existing Towers

Notwithstanding the above provisions of this section, antennas, unless exempt as provided in Section (3)(b), may be placed on existing towers with sufficient loading capacity after administrative approval by the Director. The capacity shall be certified by an engineer licensed to practice in the state.

(e) Related Accessory Equipment

Accessory equipment for all WCFs shall meet the following requirements:

- (i)** All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;
- (ii)** No related accessory equipment or accessory structure shall exceed 12 feet in height; and
- (iii)** Accessory equipment, including but not limited to remote radio units, shall be camouflaged, or hidden, whenever possible by locating behind parapet walls or within equipment enclosures or fenced compounds. Where such alternate locations are not available, the accessory equipment shall be camouflaged or concealed.
- (iv)** All accessory buildings or structures shall meet all building design standards as listed in this Code, and in accordance with the provisions of the Florida Building Code, Broward County Amendments, and other regulatory codes of the State of Florida. All accessory buildings or structures shall require a building permit issued by the building department.

(8) Shared Use of Wireless Communication Facilities

(a) Collocation Encouraged

- (i)** Notwithstanding any other provision of this section, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of WCFs on existing structures or new towers shall be encouraged but not required.
- (ii)** No new tower shall be built, constructed, or erected in the city unless such tower is capable of accommodating additional WCFs owned by other persons.

(b) Collocation Information Required in Tower Application

Collocation of communication antennas by more than one provider on existing or new towers shall be preferred over the construction of new single-use towers. Accordingly, each application for a tower shall include the following:

- (i)** A written evaluation of the feasibility of sharing a tower, if an appropriate tower or towers is/are available. The evaluation shall analyze one or more of the following factors:
 - A.** Structural, capacity of the tower or towers;

- B.** Radio frequency interference;
- C.** Geographical service area requirements;
- D.** Mechanical or electrical incompatibility;
- E.** Inability or ability to locate equipment on the tower or towers;
- F.** Availability of towers for co-location;
- G.** Any restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the tower;
- H.** Additional information requested by the city.

- (ii) The city may deny an application if an available co-location is feasible and the application is not for such co-location.

(c) Towers Inappropriate for Sharing

A tower that is determined to be inappropriate for collocation shall be assumed to be inappropriate for sharing the same types of facilities in the future. Such towers will not need to be evaluated in the future regarding sharing with the same type of facility for which it has been determined to be inappropriate. The community development department shall retain a list of such towers, and will provide a copy of the list to all potential applicants. The city may require additional sharing feasibility evaluations if warranted by changes in technology.

(d) Notice of Towers Approved for Shared Use

For any tower approved for collocation, the owner of the tower shall provide notice of the location of the tower and the tower's load capacity to all other providers. The City shall maintain a list of all providers of wireless communication services from towers and other WCFs located within the City for the purpose of providing notice.

(9) Small and Micro WCFs in the Public Rights-of-Way

Small and Micro WCFs in the public rights-of-way shall meet the following minimum standards:

(a) Required Approvals

No application for placement of a WCF in the public rights-of-way or on private property shall be permitted without first receiving any required approval of the building department unless otherwise exempted by this subsection.

(b) Definitions

- (i) This sub-section was adopted pursuant to the authority provided in Chapter 2017-136, Laws of Florida, which enacted Section 337.401(7), Fla.Stat., known as the "Advanced Wireless Infrastructure Deployment Act," as may be amended from time to time. To the extent of any conflict between this sub-section and state law, the applicable provisions of state law shall control.
- (ii) For purposes of this sub-Section, the following definitions shall apply:

- A.** ANTENNA means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.
- B.** APPLICABLE CODES means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, or local codes or ordinances adopted to implement Section 337.401, Fla.Stat., as may be amended from time to time. The term includes objective design standards adopted by ordinance that may require a new Utility Pole that replaces an existing Utility Pole to be of substantially similar design, material, and color or that may require reasonable spacing requirements concerning the location of ground-mounted equipment. The term includes objective design standards adopted by ordinance that may require a Small Wireless Facility to meet reasonable location context, color, stealth, and concealment requirements.
- C.** APPLICANT means a person who submits an Application and is a Wireless Provider.
- D.** APPLICATION means a request submitted by an Applicant to the City for a permit to Collocate Small Wireless Facilities.
- E.** CITY UTILITY POLE means a Utility Pole owned by the City and located in the right-of-way.
- F.** COLLOCATE OR COLLOCATION means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a Wireless Support Structure or Utility Pole. The term does not include the installation of a new Utility Pole or Wireless Support Structure in the Public Rights-of-Way.
- G.** MICRO WIRELESS FACILITY means a Small Wireless Facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior Antenna, if any, no longer than 11 inches.
- H.** SMALL WIRELESS FACILITY means a wireless facility that meets the following qualifications:
 - 1. Each Antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of Antennas that have exposed elements, each Antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and
 - 2. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and Utility Poles or other support structures.

- I.** UTILITY POLE means a pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless the City grants a waiver for such pole.
- J.** WIRELESS PROVIDER means a wireless infrastructure provider or a wireless services provider.
- K.** WIRELESS SUPPORT STRUCTURE means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a Utility Pole.

(c) Location; Alternative Location Procedure

Small Wireless Facilities shall not be subject to the minimum separation distances set forth in this code, except as expressly permitted by law. Within 14 days after the date of filing a complete Application for a Small Wireless Facility, the City may request that the proposed location of a Small Wireless Facility be moved to another location in the right-of-way and placed on an alternative City Utility Pole or support structure or may place a new Utility Pole. The City and the Applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the Applicant, the Applicant must notify the City of such acceptance and the Application shall be deemed granted for any new location for which there is agreement and all other locations in the Application. If an agreement is not reached, the Applicant must notify the City of such non-agreement and the City shall grant or deny the original Application within 90 days after the date the Application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail

(d) Height

The height of a Small Wireless Facility shall not exceed 10 feet above the Utility Pole or structure upon which the Small Wireless Facility is to be collocated. The height for a new Utility Pole is limited to the tallest existing Utility Pole as of July 1, 2017, located in the same right-of-way, other than a Utility Pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the Small Wireless Facility. If there is no Utility Pole within 500 feet, the height of the Utility Pole upon which the Small Wireless Facility is to be collocated shall not exceed 50 feet.

(e) Collocation Application Process

Within 14 days after receiving an Application for a permit to collocate a Small Wireless Facility, the City shall determine and notify the Applicant by electronic mail as to whether the Application is complete. If an Application is deemed incomplete, the City shall specifically identify the missing information. An Application is deemed complete if the

City fails to provide notification to the Applicant within 14 days. Pursuant to Section 337.401(7), Fla.Stat., as may be amended from time to time, a complete Application to collocate a Small Wireless Facility is deemed approved if the City fails to approve or deny the Application within 60 days after receipt of the Application. If the City does not use the 30-day negotiation period provided in subsection (a) above, the parties may mutually agree to extend the 60-day Application review period. The City shall grant or deny the Application at the end of the extended period. A permit issued pursuant to an approved collocation Application shall remain effective for 1 year unless extended by the City.

(f) Written Approval or Denial

The City shall notify the Applicant of approval or denial by electronic mail. The City shall approve a complete Application unless it does not meet the Applicable Codes. If the Application is denied, the City shall specify in writing the basis for denial, including the specific code provision(s) on which the denial was based, and send the documentation to the Applicant by electronic mail on the day the City denies the Application. The Applicant may cure the deficiencies identified by the City and resubmit the Application within 30 days after notice of the denial is sent to the Applicant. The City shall approve or deny the revised Application within 30 days after receipt or the Application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial.

(g) Consolidated Application

An Applicant seeking to collocate Small Wireless Facilities within the City may, at the Applicant's direction, file a consolidated Application and receive a single permit for the collocation of up to 30 Small Wireless Facilities. If the Application includes multiple Small Wireless Facilities, the City may separately address Small Wireless Facility collocations for which incomplete information has been received or which are denied.

(h) Basis for Denial

The City may deny a proposed collocation of a Small Wireless Facility in the Public Rights-of-Way if the proposed collocation:

- (i) Materially interferes with the safe operation of traffic control equipment;
- (ii) Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes;
- (iii) Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;
- (iv) Materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual; or
- (v) Fails to comply with Applicable Codes.

(i) Exemptions

The following shall not require permit approval, fees, or other charges:

- (i) Routine maintenance;
- (ii) Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size; or

- (iii) Installation, placement, maintenance, or replacement of Micro Wireless Facilities that are suspended on cables strung between existing Utility Poles in compliance with Applicable Codes by or for a Communications Services Provider authorized to occupy the Rights-of-Way and who is remitting taxes under Chapter 202, Florida Statutes.

(j) Collocation on City Utility Poles

- (i) The fee to collocate a Small Wireless Facility on a City Utility Pole shall be \$150 per pole annually.
- (ii) The City may reserve space on a City Utility Pole for future public safety uses. However, a reservation of space may not preclude collocation of a Small Wireless Facility. If replacement of the City Utility Pole is necessary to accommodate the collocation of the Small Wireless Facility and the future public safety use, the pole replacement is subject to make-ready provisions and the replaced pole shall accommodate the future public safety use.
- (iii) For a City Utility Pole that supports an aerial facility used to provide communication services or electrical service, the City and Applicant shall comply with the process for make-ready work under 47 U.S.C. s. 224 and implementing regulations. The good faith estimate of the City for any make-ready work necessary to enable the pole to support the requested collocation must include pole replacement, if necessary.
- (iv) For a City Utility Pole that does not support an aerial facility used to provide communications services or electric service, the City shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation, including necessary pole replacement, within 60 days after receipt of a complete Application. Make-ready work, including any pole replacement, shall be completed within 60 days after written acceptance of the good faith estimate by the Applicant. Alternatively, the City may require the Applicant seeking to collocate a Small Wireless Facility to provide a make-ready estimate at the Applicant's expense of the work necessary to support the Small Wireless Facility, including pole replacement, and perform the make-ready work. If pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a Utility Pole that is substantially similar in color and composition. The City may not condition or restrict the manner in which the Applicant obtains, develops, or provides the estimate or conducts the make-ready work subject to usual construction restoration for work in the rights-of-way.
- (v) The make-ready work specified in subsections (iii) and (iv) above shall be subject to the City's usual construction restoration standards for work in the right-of-way. The replaced or altered City Utility Pole shall remain the property of the City.

(k) Design Standards

The City's design standards set forth in the Applicable Codes may be waived by the Director upon a showing that the design standards are not reasonably compatible for the particular location of a Small Wireless Facility or that the design standards impose an excessive expense for a Small Wireless Facility. The waiver shall be granted or denied within 45 days after the date of the request.

(l) Permitting

An Applicant for installation of a Small Wireless Facility shall obtain a right-of-way permit from the City for any work that involves excavation, closure of a sidewalk, or closure of a vehicular lane.

(m) Airport Airspace

A structure granted a permit and installed pursuant to this section shall comply with Chapter 333, Florida Statutes, and federal regulations pertaining to airport airspace protections.

(n) No Authorization to Collocate on City Utility Poles; No Application to Homeowner's Association Restricted Pole

This section does not authorize a person to collocate Small Wireless Facilities or Micro Wireless Facilities on a City Utility Pole, unless otherwise permitted by applicable law, or erect a Wireless Support Structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association.

(o) Equipment

The location in the public rights-of-way of any equipment or equipment cabinets associated with WCFs shall be subject to the approval of the City Engineer. Any such cabinets or equipment must be approved by the City Engineer as to safety, and shall not interfere with the use of the public rights-of-way. No generators utilized in connection with WCFs may be placed in the public rights-of-way, except temporarily in the case of emergency and if approved in advance by the City Engineer.

(p) Antennas

- (i)** Each application, other than for collocation, shall contain a visual depiction, rendering, or photograph of the proposed antenna that depicts its aesthetic features including, but not limited to, the use of colors and screening devices. The application shall be subject to administrative approval determining consistency with the requirements of this Code. The Director may require, to the extent possible, that aesthetic features including but not limited to, the use of colors and screening devices, be used so that antennas blend into the surrounding environment.
- (ii)** No signals, lights, or illumination shall be permitted on an antenna or, except in the case of a light pole or a stealth facility designed to emulate a light pole, on a pole to which such antenna is attached, unless required by applicable state or federal laws or rules.
- (iii)** No exterior antenna in the public rights-of-way shall exceed the height of the pole to which it is attached by 10 feet or more, unless it is attached as a collocation to an existing power, light or other utility pole or on a pole designed to emulate a light pole.
- (iv)** Exterior looping of excess cable length installed on any WCF located in the public right-of-way is prohibited.

(q) Inspections

- (i) Owners or operators of WCFs in the public rights-of-way shall ensure that the city has all information required as provided in Chapter 5.6, *Telecommunications*, of the City's Code of Ordinances related to registration.
- (ii) The building department may conduct non-intrusive periodic inspections of WCFs in the public rights-of-way to ensure structural integrity and electrical safety. The owner or operator of WCFs in the public rights-of-way may be required to have more frequent inspections of a particular facility should there be reason to believe that the structural integrity and electrical safety of said facility has been jeopardized.

(r) Modifications or Replacements

Any collocation of new transmission equipment, removal of transmission equipment or replacement of transmission equipment that substantially changes the physical dimensions of an antenna node site shall be subject to approval of the city's building department.

(s) Statements and Certifications

Any statement or certification submitted by or on behalf of an applicant pursuant to the provisions of this section shall be prepared applying rational analysis by one or more engineers registered and licensed in the state, or by such other person or persons designated by the applicant who are qualified to perform the required analysis. Any person or persons providing such a statement or statements shall also certify as to his or her competence in the discipline or disciplines necessary to perform the analysis and to provide the statement.

(t) Reservation of Rights

- (i) The city does not waive any rights under applicable law with respect to management of its public rights-of-way. The city shall require that owners and users of WCFs in the public rights-of-way pay the maximum compensation to the city that is allowed by law. The city reserves the right to enforce all applicable city code provisions with respect to WCFs in the public rights-of-way.
- (ii) The city does not warrant or make any representations that the public rights-of-way are available, suitable, or appropriate for the construction, placement, maintenance, or use of WCFs.
- (iii) The city's approval of an application for the construction, placement, or modification of WCFs in the public rights-of-way shall not create any rights in such facilities' ability to be maintained or utilized in the public rights-of-way for any particular period of time or any rights that are inconsistent with the city code.
- (iv) The city reserves the right to abandon any public rights-of-way, notwithstanding the presence of any WCFs in the public rights-of-way that have been approved by the city and the city shall have no liability or responsibility to the owner, operator, or users of such WCFs in the public rights-of-way.
- (v) The city reserves the right to require the relocation or removal of any WCFs in the public rights-of-way consistent with its authority under applicable law. The city

shall have no liability or responsibility to the owner, operator, or users of the WCFs in the public rights-of-way.

- (vi) The city shall have no responsibility or liability for damage to or interference with the use or maintenance of WCFs in the public rights-of-way by any third party.

10-3.4 Accessory Uses and Structures

(A) Purpose

The purpose of this section is to authorize the establishment and continuation of land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures, so long as they are listed in the table of allowed uses and comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands.

(B) Accessory Uses and Structures Allowed

- (1) Table 10-3.1: Allowed Uses, lists allowed accessory uses and structures alphabetically. Accessory uses not listed in the table require approval under the procedure in §10-3.2(E), *Classification of New and Unlisted Uses*.
- (2) All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use as described in §10-6.2, *Use Categories and Use Types Defined*, unless specifically prohibited in this Section.

(C) General Standards

All accessory uses and structures shall comply with the following general standards:

(1) Compliance with this Code

- (a) All accessory structures shall be subject to the dimensional requirements in Article 2: *Zoning Districts*. In the case of any conflict between the accessory use/structure standards of this section and any other requirement of this Code, the more restrictive standards shall control.
- (b) All accessory uses shall be subject to the standards in this Section 10-3.4, *Accessory Uses and Structures*, as well as any use-specific standards applicable to the associated principal use as set forth in §10-3.3, *Use-Specific Standards*. Parking requirements shall be met for both the principal use and any accessory use.

(2) Relationship to Principal Use or Structure

- (a) Except as otherwise expressly allowed in this Code, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.
- (b) Accessory uses shall not be permitted as the exclusive use of any property regardless of whether that accessory use was permitted by-right or by special exception.

(3) Location

The accessory use shall be conducted and/or located on the same lot(s) as the principal use and to the rear of the front setback line, unless otherwise approved by the Director. No

accessory structure shall be located within ten feet of the site's principal structure. When located to the rear of the primary structure, accessory buildings need not comply with the side or rear setback lines applicable to the primary structure provided that the accessory building is not located closer than ten feet from any alley and not closer than five feet from any property line.

(4) Size and Height

The maximum size of any accessory building shall be 1,000 square feet unless approved by Special Exception. No accessory building shall exceed the height of the site's principal structure.

(D) Additional Standards for Specific Accessory Uses

(1) Accessory Dwelling Units

An accessory dwelling unit shall be permitted as accessory to, and on the same lot as, a single-family detached dwelling unit, duplex dwelling unit, single-family attached dwelling unit, or a live/work dwelling, subject to the following standards:

(a) Districts Allowed

Accessory dwelling units shall be allowed as accessory uses to principal residential uses in the districts identified in Table 10-3.1: Allowed Uses. Accessory dwelling units shall not count towards the maximum net density standards.

(b) Where Permitted on Lot

- (i)** A permitted accessory dwelling unit shall comply with all applicable site and building design, access, and other standards for principal dwelling units in the zoning district in which the accessory dwelling unit will be located.
- (ii)** An accessory dwelling unit may be within or attached to the principal dwelling (e.g., a downstairs or upstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse).
- (iii)** No detached accessory dwelling unit may be located within 10 feet of the principal structure or occupy more than 50 percent of the required rear setback.
- (iv)** Mobile homes, manufactured housing, industrialized housing, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.

(c) Size of Accessory Dwelling Unit

No accessory dwelling unit shall exceed 33 percent of the size of the habitable floor area of the principal unit. An accessory dwelling unit shall contain private sanitary facilities with hot and cold running water and cooking and food storage facilities.

(d) Number of Bedrooms

Accessory dwelling units shall be limited to one bedroom.

(e) Limit on Number

There shall be no more than one accessory dwelling unit on a lot in addition to the principal single-family dwelling. Only one kitchen is allowed per accessory unit.

(f) Off-Street Parking

At least one off-street parking space shall be provided for each accessory dwelling unit.

(g) Ownership; Leasing

An accessory dwelling unit shall not be sold apart from the principal dwelling on the same lot.

(2) Bingo Game

(a) Compliance with State Law

No business license or special exception shall be granted for any facility that does not fully meet the requirements of F.S. §849.0931, as amended.

(b) Compliance with this Code

All charitable, civic, community, benevolent, religious, scholastic, fraternal and veterans organizations, together with condominium associations or planned community associations, shall comply with the city's zoning laws (this Code) applicable to the conduct of bingo games.

(c) Districts Allowed

(i) In any RC district and in religious assembly uses only, except as otherwise set forth herein, bingo games shall be permitted subject to the following restrictions:

- A.** No person conducting or assisting in the operation of any bingo games shall receive any compensation;
- B.** The sponsor may not contract with any firm, corporation, or individual to operate or manage the games for it.

(ii) Bingo games shall be permitted in MUC and NC zoning districts subject to the same restrictions as if the game was conducted in a RC zoning district or a religious assembly use, if the nonprofit organization that applies for the permit has been housed in and operating in the city for not less than three years.

(d) Required Permit and Fee

All charitable, civic, community, benevolent, religious, scholastic, fraternal and veterans organizations, together with condominium associations or planned community associations, that desire to perform, conduct, operate, maintain or supervise a bingo game must first obtain an annual permit from the city and shall remit to the supervisor of local business licenses an annual permit fee to the city in an amount established by the city commission, to defray administrative and investigative expenses.

(e) Bingo Permit Suspension

A bingo permit may be suspended at any time the police chief has reason to believe that:

- (i) The grounds for issuing the permit no longer exist;
- (ii) The permittee is operating in violation of this article;
- (iii) The permit was secured by fraud or misrepresentation;
- (iv) Any proceeds derived from such games are shared with anyone other than the permittee and the proceeds from such games are used for any purpose other than the furtherance of legitimate charitable or other lawful purpose.

(3) Car Wash, Accessory

In all zone districts, where permitted:

- (a) A car wash bay is permitted as accessory to a Convenience Store or an Automobile Services use only. The car wash bay shall be limited in capacity to one vehicle and may be operated with either manual or automatic equipment;
- (b) If the lot containing the car wash bay abuts a residential use or residential zoning district, the hours of operation of the car wash bay shall be limited to the time period between 8:00 a.m. and 9:00 p.m.;
- (c) The drive-through service facilities shall be designed in accordance with §10-4.3(I), *Drive-Through Vehicle Stacking Standards*; and
- (d) The car wash shall comply with all local and county water quality and other environmental standards.

(4) Drive-Through Service Facility

- (a) The drive-through service facilities shall be designed in accordance with §10-4.3(I), *Drive-Through Vehicle Stacking Standards*.
- (b) The drive-through service facility shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking spaces and building entrances.
- (c) The design of any roof or awning over the drive-through service facilities and lanes, including any supporting columns and brackets, shall match or be complimentary to the design and exterior building materials of the principal building and meet the required principal building setbacks for the zoning district.

(5) Dwelling, Caretaker

Caretaker dwellings within the same structure as a nonresidential use may be located in areas designated commercial without the application of flex or redevelopment units. Except as specified for self-service storage in §10-3.3(E)(3), *Self-storage Facility, Indoor or Outdoor*, each dwelling unit shall not exceed 1,500 square feet in gross floor area, shall not be less than 400 square feet in gross floor area, and shall not exceed 50 percent of the gross floor area of the building where the unit is located, whichever is less. Such dwelling units shall be located within the building to which the dwelling is accessory.

(6) Flags and Flagpoles

(a) General Standards

Flags and flagpoles are allowed in all zoning districts generally, subject to the following standards:

- (i) Flags of nations, states, counties, municipalities, civic organizations and/or corporations shall be exhibited in the proper manner.
- (ii) All flagpoles, whether freestanding or attached to a building, require a building permit pursuant to §10-5.4(N), *Building Permit*.
- (iii) For properties containing governmental institutions in freestanding buildings, including public or private schools:
 - A. A maximum of three flagpoles per property may be erected containing a maximum of three flags per pole;
 - B. A maximum of two flagpoles may be attached to the freestanding building;
 - C. Flag poles attached to a building shall contain one flag per pole;
 - D. The maximum size of any one flag is 60 square feet; and
 - E. Flags attached to a pole attached to a building shall not exceed 15 square feet.
 - 1. The minimum required setback for flagpoles from all property lines shall be equal to the overall height of the flagpole.
 - 2. Flagpoles shall not exceed the maximum height permitted by the zoning district.
 - 3. Flagpoles attached to a building shall not extend beyond the existing building height including parapets.
 - 4. The flagpoles attached to a building shall be located no higher than the top of the first floor.

(b) Flags and Flagpoles in Residential Districts

In addition to the standards set forth in (a) above, the following shall apply to all flags and flagpoles within residential districts:

- (i) Only one flagpole per property may be erected containing no more than two flags;
- (ii) Flagpoles attached to a building shall contain one flag per flagpole;
- (iii) The maximum area of any flag is 24 square feet;
- (iv) Flags attached to a pole attached to a building shall not exceed 15 square feet; and
- (v) No flags of any commercial nature may be displayed within any residential districts.

(c) Flags and Flagpoles in Nonresidential, Mixed-Use, and Special Purpose Districts

In addition to the standards set forth in (a) above, the following shall apply to all flags and flagpoles within nonresidential, mixed-use, and special purpose districts:

- (i) Two flagpoles per property may be erected containing one flag per flagpole or one flagpole per property containing two flags;
- (ii) Flagpoles attached to a building shall contain one flag per flagpole;
- (iii) The maximum area of any one flag is 60 square feet;
- (iv) Flags attached to a pole attached to a building shall not exceed 15 square feet;
- (v) Only one corporate flag is permitted which may contain the logo of the corporation located on the property containing the flag pole; and
- (vi) The building on the property shall contain a minimum gross floor area of 20,000 square feet dedicated to a single business and the corporate flag must represent this business.

(7) Home Occupations

A home occupation may be permitted as an accessory use to a principal dwelling unit in any of the residential or mixed-use districts, provided that:

(a) Size/Area

The business or service is located within the dwelling or an associated permitted accessory building, and does not exceed 20 percent of the combined floor area of the structures or 500 square feet, whichever is less.

(b) Employees and Residency

The principal person or persons providing the business or service shall reside in the dwelling on the premises.

(c) Neighborhood Compatibility

- (i) All vehicles used in connection with the home occupation shall be of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there shall be no more than two vehicles used in connection with any home occupation.
- (ii) No more than one off-street parking space may be provided for the home occupation, in addition to those off-street parking spaces required for the dwelling itself pursuant to this Code.
- (iii) No additional parking areas other than driveways shall be located in the required front setback.
- (iv) There shall be no advertising devices on the property, or other signs of the home occupation, that are visible from outside the dwelling or accessory building.
- (v) The property shall contain no storage of goods or services that are associated with the home occupation outside of the area approved for a home occupation.
- (vi) Wholesale or retail sales of goods shall not occur on the premises.
- (vii) The home occupation shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible

interference with radio or television reception. No heavy machinery shall be operated in connection with the home occupation. No home occupation shall use chemicals, materials, or equipment that are not normally found in a residential area. No pickup or deliveries shall be made by anyone other than the licensee.

(d) Prohibited Home Occupations

The following uses, because of their impacts on the surrounding residential area, shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other types of instruction (if more than four students are being instructed at one time); dental offices; medical offices; the painting of vehicles, trailers or boats; private schools with organized classes; motor vehicle towing operation; gun or ammunition sales; auto sales brokers (if any vehicles for sale are brought to the residence); barber shops having more than one chair, beauty shops having more than one chair; welding shops; nursing homes.

(8) Outdoor Courts, Fields, Playgrounds and Pools

- (a)** All basketball hoops and backboards in street yard areas shall be permitted on the front of the building or on a pole on or adjacent to the driveway only.
- (b)** Fixed basketball poles shall be located no closer than five feet to any property line or edge of pavement.
- (c)** Portable basketball poles shall not be placed in a right-of-way or outside a property line. When not in use, any portable basketball pole shall be stored at least five feet from the property line.
- (d)** A swimming pool, spa, or hot tub may be located in a required interior side yard setback or required rear yard setback.
- (e)** A swimming pool, spa, or hot tub shall be located at least five feet from any interior side or rear lot line.
- (f)** The measurements shall be taken from the inner edge or water line of the pool.
- (g)** Portable pools which are less than 24 inches in depth may be allowed in any required yard setback.

(9) Outdoor Seating, Commercial

Outdoor seating is allowed as an accessory use to any eating or drinking establishment, subject to the following standards:

- (a)** No sound production or reproduction machine or device (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be used, operated, or played in the outdoor seating area at a volume that is any louder than necessary for the convenient hearing of persons within the outdoor seating area, and that would disturb the peace, quiet, or comfort of adjoining properties.
- (b)** Hours of operation of the outdoor seating area shall be the same as those for the eating or drinking establishment.
- (c)** Food preparation shall occur only within the enclosed principal building containing the eating or drinking establishment.

- (d) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- (e) No tables, chairs, umbrellas, or other furnishings or equipment associated with the outdoor seating area shall be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture within the outdoor seating area.
- (f) The outdoor seating area may be permitted on a public sidewalk abutting or adjacent to the front of the property containing an eating or drinking establishment subject to the following requirements:
 - (i) The outdoor seating area shall be limited to that part of the sidewalk directly in front of the property containing the eating or drinking establishment unless the owner of adjoining property agrees in writing to an extension of the outdoor seating area to that part of the sidewalk in front of the adjoining property.
 - (ii) The operator of the establishment shall enter into a revocable license agreement with the city that has been approved as to form by the City Attorney and:
 - A. Ensures that the operator is adequately insured against and indemnifies and holds the City harmless for any claims for damages or injury arising from sidewalk dining operations, and will maintain the sidewalk seating area and facilities in good repair and in a neat and clean condition;
 - B. Authorizes the City to suspend authorization of the outdoor seating use, and to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the owner's expense, as necessary to accommodate repair work being done to the sidewalk or other areas within the right-of-way containing or near the outdoor seating area; and
 - C. Authorizes the City to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the operator's expense, if the operator fails to comply with a City order to do so within a reasonable time period.
 - (iii) A clear pathway at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.
 - (iv) A clear separation of at least five feet shall be maintained from any alley, crosswalk, fire hydrant, or similar public or emergency access feature in or near the sidewalk. A greater clear distance may be required where necessary to ensure use of the public or emergency access feature.
 - (v) No objects shall be placed along the perimeter of the outdoor sidewalk seating area that would have the effect of forming a physical or visual barrier discouraging the use of the sidewalk by the general public.
 - (vi) Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating area shall be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses.

(10) Outdoor Storage

Outdoor storage is a permitted accessory use in the I-1 and I-2 zoning districts without restriction. In the PF and SU zoning districts, outdoor storage is permitted through the site plan review process and subject to compliance with the following requirements:

- (a)** Except for outdoor storage associated with industrial or agricultural uses, each outdoor storage area shall be incorporated into the overall design of the primary structure on the site and shall be located at the rear of the primary structure.
- (b)** Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height that incorporates at least one of the predominant materials and one of the predominant colors used in the primary structure. The fence may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence necessary to effectively screen the area. Materials may not be stored higher than the height of the primary structure. The perimeter of the fence or wall must be landscaped with a seven-foot wide strip containing a minimum of one tree for every 150 square feet of lot area.
- (c)** A landscaped earthen berm may be used instead of or in combination with a required fence or wall.
- (d)** If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.
- (e)** No materials may be stored in areas intended for vehicular or pedestrian circulation.
- (f)** No storage of any items may occur within the front setback area or within the one-half of the each side setback nearest the street.

(11) Outdoor Storage (Vehicles)

- (a)** The standards below shall not apply to:
 - (i)** Vehicles parked in City storage facilities;
 - (ii)** Vehicles parked in duly authorized and properly licensed commercial establishments that engaged in the sale or lease of motor vehicles; and
 - (iii)** Vehicles which have an active commercial or business purpose for which the owner or person having the use of said vehicle(s) holds a current and valid local business license for a business location within the commercially zoned district; provided, however, that such vehicle shall be parked, stored or kept within 10 feet of the business location or at the rear of the commercial facility or structure. If parked at the rear of the structure in cases where the structure abuts a public street, or any residential or recreation/open space zoning district, the vehicle shall be provided with an opaque screen, which screen when seen from the abutting residential property, recreation property, public street or from the second floor or higher of a residential structure, totally obstructs the view of the vehicle.
- (b)** Outdoor storage of vehicles and recreational vehicles may be allowed as an accessory use in any non-residential zoning district only through the site plan review process and subject to compliance with the following requirements:

- (i) Except on sites undergoing construction activity, mobile or manufactured homes are allowed to be stored only in conjunction with a principal industrial use and shall be placed in the rear half of the lot.
- (ii) Recreational vehicles shall be parked to the rear of the front setback line.
- (iii) Construction equipment, trucks, or recreational vehicles exceeding a two-ton gross weight, or similar sized vehicles, shall not be parked on any site with a principal residential use.
- (iv) Inoperable vehicles shall be stored only in conjunction with an industrial use completely screened from view of a public street.
- (v) There shall not be any type of vehicle stored on a vacant parcel of land.
- (vi) No recreational vehicle shall be occupied or used for human habitation, including, but not limited to sleeping, eating, or entertaining.
- (vii) No commercial or recreational vehicle, boat, or boat trailer shall obstruct the sidewalk.
- (viii) Visible outside lettering, licensure information, decals, logos, vehicle wraps, or other commercial information may be concealed by an aesthetically appropriate and secured weatherproof cover. Examples of aesthetically appropriate and secured weatherproof covers include but are not limited to a plain magnetic cover similar to the color of the vehicle, or a properly secured vehicle cover. The Director's determination on the appropriateness of a particular cover shall be final.

(12) Satellite Dish

- (a) A satellite dish is allowed as an accessory use or structure to any principal use or structure. A satellite dish greater than one meter in diameter in a residential zoning district, or a satellite dish greater than two meters in diameter in a nonresidential zoning district, shall comply with the following standards to the extent such compliance does not unreasonably delay, prevent, or increase the cost of installation, maintenance, or use of the dish, or preclude reception of an acceptable quality signal. These standards shall not be interpreted or enforced in any manner contrary to federal or state law.
- (b) In a residential zoning district, a satellite dish may be located within a required interior side yard or rear yard setback, but shall not:
 - (i) Be located within five feet of any lot line; and
 - (ii) Exceed a height of 15 feet above ground level, where mounted on a mast.
- (c) In a mixed-use or nonresidential zoning district, a satellite dish may be located within a required rear yard setback, but shall not:
 - (i) Be located within ten feet of any lot line; and
 - (ii) Exceed a height of 15 feet above ground level, where mounted on a mast.
- (d) A satellite dish may be located on the roof of a principal structure, provided it shall not extend more than 15 feet above the roof surface.

(13) Small Wind Energy System

(a) Location and Setback

- (i) Tower-mounted wind energy systems shall not be located within a front yard setback.
- (ii) A small wind energy system shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.

(b) Height

The maximum height of a small wind energy system (including the tower and extended blades) shall be the maximum height allowed in the zoning district plus 30 feet.

(c) Sound

Sound produced by the wind turbine under normal operating conditions, as measured at the property line abutting an existing residential use, shall not exceed 55 dBA at any time. The 55dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.

(d) Appearance

The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors, as determined by the Director, are prohibited.

(e) Blade Clearance

The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.

(f) Lighting

No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).

(g) Access to Tower

On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

(h) Signage Prohibited

No wind generator, tower, building, or other structure associated with a small wind energy system shall include any signage visible from any public street other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

(i) Utility Notification

No small wind energy system intended to connect to the electric utility shall be installed until evidence has been submitted to the city that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.

(j) Abandonment

On determining that a wind turbine has been inoperable for six consecutive months, the Director shall send the property owner a notice and order requiring restoration of the system to operating order within three months after receiving the notice. If the owner fails to restore the system to operating condition within the three-month time frame, the owner shall be required, at the owner's expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the city may pursue legal action to have the wind turbine removed at the owner's expense, in accordance with Section 10-5.5, *Enforcement*.

(14) Solar Energy Collection System (accessory)

(a) Location

The system may be located on the roof of a principal or accessory structure, on the side of such structures, or on the ground in accordance with the standards in Section 10-3.4(C)(3), *Location*. The City shall not be responsible for establishing an easement.

(b) Height

- (i)** The system shall comply with the maximum height standards for the zoning district in which it is located, provided that a roof-mounted system shall not extend more than 15 feet above the roofline of the structure on which it is mounted.
- (ii)** Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.

(c) Generally

Solar energy devices shall be mounted in a manner that minimizes their appearance from the street and are subject to the setbacks of the appropriate zoning district. Ground-mounted solar energy devices less than five feet in height may extend into the setbacks provided that no solar energy device shall ever be closer than five feet from any property line.

(15) Swimming Pool

(a) Safety Barriers

Subject to subsection (b) below, no swimming pool final inspection or approval shall be given by the building inspector unless there has been erected a safety barrier in accordance with the Florida Building Code.

(b) Setback Requirements

- (i) Pools or patios without structural roofs covered only with open mesh screening may be placed in a required side or rear setback area subject to the limitations set forth below. In no case shall a pool or covered patio be placed in a required street front yard or street side yard setback.
- (ii) Pools or patios which are covered by a structural roof or enclosed by side walls shall be subject to the same limitations on location as the primary building and shall not be placed in any setback area.
- (iii) All parts of a pool without a structural roof, including a structural deck, cap and/or mechanical equipment covered with only open mesh screening, may be placed within the required side or rear setback area but shall be no closer than five feet from a property line. In no case shall there be encroachment into a utility or drainage easement of record unless waivers are granted by the appropriate authorities. The height of the open mesh screening shall not extend more than 15 feet above the slab of the building.
- (iv) In multifamily zoning districts, single-story residential buildings and two-story townhouses shall be permitted a single-story patio without solid walls in the rear setback when adjacent to RC-zoned property with a minimum rear yard setback of eight feet if the patio has a structured roof, or five feet if the patio has a screened roof.
- (v) The owner of any property refused or denied a building permit by an officer of the city may apply to the Planning Board for a variance in any case where it can be demonstrated that the enforcement of this section would create an undue hardship.

(c) Pumped Water Sediment Removal

- (i) During construction of a swimming pool, any water that is pumped from the excavation shall be carried by means of a hose to the nearest catch basin or to another structure or area where the sediment contained in the water can be trapped and physically removed to a landfill area. Water may not be pumped or spilled into a yard or a grassed swale or street right-of-way by a swimming pool contractor or other individual without provisions being made to trap the sediment in a confined area and for the sediment to be removed daily. Further, the water must be carried to a drain in a manner approved by the plumbing inspector.
- (ii) As a prerequisite to the issuance of any permit for a swimming pool, the contractor or owner must post with the city a two-hundred-dollar cash bond. This bond is in addition to all other fees applicable to the construction of a swimming pool. This bond will ensure that the areas where the water is pumped, whether it is to yards, grass swales or city catch basins, is left clear of all sediment. The bond will be released when the city engineer certifies cleanup is satisfactory. This final inspection by the city engineer of the cleanup of the pumped water will be a necessary prerequisite to the issuance of a certificate of occupancy for the pool.

(16) Utility Sheds

(a) Permit Required

Utility sheds may be permitted providing that they meet the standards set forth in the Florida Building Code as amended from time to time. A building permit shall be required in any residential district of the city.

(b) General

- (i) Utility sheds shall not be permitted past the front line of the principal building.
- (ii) For a corner lot, utility sheds shall be restricted to the primary building setbacks on the street-side portion of the lot.
- (iii) A utility shed may be placed no closer than five feet from a rear or side property line.
- (iv) Height may not exceed the first floor height of the principal structure.
- (v) Only one utility shed is allowed per property in residential districts.

10-3.5 Temporary Uses and Structures

(A) Purpose

The purpose of this section is to authorize the establishment of certain uses (including special events) and structures of a limited duration. This section also sets out general standards applicable to all temporary uses and structures, and special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses or structure do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

(B) Temporary Uses and Structures Allowed

Table 10-3.1: Allowed Uses, lists allowed temporary uses and structures alphabetically. Temporary uses and structures not listed in the table require approval under the procedure in §10-3.2(E), *Classification of New and Unlisted Uses*.

(C) Approval Process; Temporary Use/Structure Permits

Prior to establishing any temporary use or structure, an applicant shall file an application for a temporary use permit with the Director unless otherwise exempted in this code. A Temporary Use/Structure Permit, if required, is required before the establishment, construction, or installation of any temporary use or structure designated in Table 10-3.1: Allowed Uses.

(D) General Standards for All Temporary Uses

- (1) All accessory uses are subject to the dimensional standards for the applicable zoning district set forth in Article 2, *Zoning Districts*, as well as the general development and design standards in Article 4: *Development and Design Standards*. In the case of any conflict, the more restrictive standards, as determined by the Director, shall apply.
- (2) Unless otherwise specified in this Code, any temporary use shall:

- (a) Obtain any other applicable city, county, state, or federal permits, including building permits and health department permits;
- (b) Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of an authorized not-for-profit, special, or city-recognized or authorized event;
- (c) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (d) Comply with any applicable conditions of approval that apply to a principal use on the site;
- (e) Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
- (f) Not include permanent alterations to the site;
- (g) Comply with temporary signage standards in §10-4.10(H), *Temporary Signs*.
- (h) Shall remove temporary signs associated with the temporary use or structure after the activity ends;
- (i) Not interfere with the normal operations of any permanent use located on the property; and
- (j) Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, traffic movement without disturbing environmentally sensitive lands.

(3) Duration

A temporary use may be approved for a period of 30 days, renewable upon specific application for additional six-month periods.

(E) Additional Standards for Specific Temporary Uses

(1) General

In addition to the standards in §10-3.5(D), *General Standards for All Temporary Uses*, standards for some specific temporary uses shall apply regardless of the zoning district or the review procedure by which it is approved. This section sets forth and consolidates the standards for all temporary uses for which a reference to this section is provided in the "Use-Specific Standards" column of Table 10-3.1: Allowed Uses, and in the same order as they are listed in the table. These standards may be modified by other applicable standards or requirements in this Code.

(2) Garage or Yard Sale

- (a) A garage or yard sale shall not require a temporary use permit but shall require an Administrative No-Cost Permit.
- (b) No garage or yard sale shall occur more than three times per year on the same lot.
- (c) Garage or yard sales in the R-3 District may only be allowed for the association or management company, not for individual dwellers.

(3) Outdoor Sales, Seasonal

It shall be unlawful in the city for any person, firm, corporation, business or enterprise to sell, dispense, offer for sale, or distribute any item or items from other than within an enclosed building except as permitted in mixed-use and nonresidential zoning districts and as follows:

- (a)** A license for the sale of retail merchandise out-of-doors will be issued only for items sold in connection with the following:
 - (i)** Valentine's Day (February 14);
 - (ii)** Easter (date varies);
 - (iii)** Mother's Day (date varies);
 - (iv)** Memorial Day (date varies);
 - (v)** Father's Day (date varies);
 - (vi)** Independence Day (July 4);
 - (vii)** Halloween (October 31);
 - (viii)** Thanksgiving (date varies); and
 - (ix)** Christmas (December 25).
- (b)** Any license issued for sales permitted under this section shall be valid only for a temporary period of time, after having obtained a permit from the city and paying a permit fee of \$250.00 and complying with the following minimum requirements:
 - (i)** A maximum of seven days preceding Valentine's Day, Easter, Mother's Day, Memorial Day, Father's Day, the Fourth of July, and Thanksgiving;
 - (ii)** A maximum of 30 days preceding Halloween;
 - (iii)** From Thanksgiving Day through December 26th.
- (c)** Prior to receipt of a license, an applicant shall comply with all of the following:
 - (i)** The applicant for a license allowing temporary holiday sales shall provide the city with an indemnification agreement holding the city harmless for all activities of the applicant and shall submit proof of public liability insurance in a coverage amount of no less than \$500,000.00, at each sales location, which names the city as a named insured and is issued by an insurance company authorized by the state department of insurance to do business in the state. The policy must be approved by the city, risk management division; and
 - (ii)** A written, sworn application, signed by the applicant, shall be filed with the occupational licensing section at least 30 days prior to the commencement of the appropriate holiday period, as provided in subsection (b) above showing:
 - A.** The name or names of the person or persons responsible for the management or supervision of the applicant's business during the time that the activities will be conducted in the city; the local address of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the

- person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated and the name and address of its registered agent in the State of Florida; and
- B.** The proposed place or places in the city where applicant's business will be conducted and length of time the business will be conducted; and
 - C.** A statement of the nature, character and quality of the goods to be sold or offered for sale by the applicant in the city; and
 - D.** Proof of a State of Florida sales tax number; and
 - E.** For vendors of sparklers who are required to register with the division of the state fire marshal of the department of insurance under chapter 791, Florida Statutes, proof of a completed registration form. Proof of actual registration shall be submitted prior to issuance of the license; and
 - F.** A written notarized statement from the owner of the property, or an authorized agent of the owner, authorizing the location of the temporary holiday sales vendor on the property; and
 - G.** A sketch showing the exact location of the vendor.
 - H.** The license issued under this article shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for such license shall desire to do business in more than one location within the city, separate licenses shall be issued for each location of business, and shall be posted conspicuously in each place of business.
- (d)** No licensee shall be issued more than 10 licenses. For the purpose of this subsection, licensees shall be deemed the same if any one principal in the legal entity under which the licensee is operating is identical, regardless of the structure of the legal entity.
- (e)** No license shall be transferred without written consent from the director of community development of the city, as evidenced by an endorsement on the face of the license by the director of community development showing to whom the license is transferred and the date of transfer. The transferee of a license shall meet and be subject to all requirements set forth herein for the original licensee.
- (f)** No license for the sale of sparklers may be issued unless such items may be lawfully sold under Chapter 791, Florida Statutes.
- (g)** Locations for sales of merchandise licensed under this section are subject to the following restrictions:
- (i)** Sparklers may only be sold at locations within a commercial zoning district. Such sales shall not be permitted to be made from areas located within 50 feet from:
 - A.** Any fuel storage facility of any kind; and
 - B.** Any area required to provide parking in connection with a restaurant or lounge.
 - (ii)** Christmas trees and sparklers may be sold only if each sales location has been approved by the city fire department.

- (iii) Halloween and Christmas items may only be sold at locations within any commercial zoning district or from areas immediately adjacent and utilized in conjunction with the commercially zoned property, as well as from any property owned by a nonprofit organization or institution.
- (iv) A maximum of one four-foot-by-eight-foot sign for each location may be displayed in connection with such sales.
- (v) There shall be a minimum 1,500 feet between any two locations licensed under this section; however, retail stores with over 20,000 square feet of floor area are exempt from this requirement; nor shall a temporary holiday sales vendor be required to locate at least 1,500 feet from such an establishment. For purposes of determining which license application of two or more applications proposing sites within 1,500 feet of one another shall be approved, the date and time that each completed application is received by the city shall determine the priority, with the earliest completed application receiving the highest priority. For the purposes of this section, a site duly licensed for the previous year and which complied with all applicable regulations shall be considered to be the earliest completed application.
- (vi) At any given location licensed under this section, there shall be a maximum of one temporary holiday sales vendor.
- (h) The sale of any merchandise by any holiday sales vendor as specified in this section without a license as provided in Chapter 12 of the Code of the City of Tamarac is unlawful.
- (i) Violation of this section shall be punishable as provided in §10-5.5, *Enforcement*, or by any other means authorized by law.

(4) Special Event

- (a) The Director shall forward the application for temporary use permit for a special event to the city commission for review and decision only if a waiver of fees is requested or for proposed outside alcohol consumption.
- (b) No Special Event shall last for more than four consecutive days, or occur more than four times a calendar year.
- (c) There shall be adequate off-street parking and accessibility.
- (d) The Fire Department and Police Department shall have determined that the site is accessible for public safety vehicles and equipment.
- (e) The Licensing Department shall have determined that any existing or proposed permanent or temporary structures comply with applicable regulation of the Building Code. Temporary structures associated with the event require appropriate building permits and shall meet required setbacks.
- (f) Adequate restroom facilities shall be provided per Florida Building Code as amended from time to time.
- (g) No premise shall be the site of a special event exceeding a collective total of 20 days or four times within any calendar year, except where the site is publicly-owned property and used for events sponsored by the city for the enjoyment or enrichment of its citizens.

- (h) Any applicant applying for a local business license for a Special Event in the city hall, at the time of securing such license, be required to file with the Business Tax Division the following:
 - (i) An affidavit that permission has been secured from the owner of the land upon which the Special Event is intended to be held;
 - (ii) A bond, collateral agreement or other security conditioned to clean the premise within 24 hours of all rubbish, debris, portable restroom facilities, and all equipment after use by the applicant;
 - (iii) A written statement from the building department of the city that the site upon which the Special event is intended to be held is not within any prohibited area;
 - (iv) A written statement of the fire department serving the city that the tents or temporary buildings or structures under which the operations are to be held are fireproof material and will not constitute a fire hazard.

(F) General Standards for All Temporary Structures

- (1) All temporary structures are subject to the dimensional standards for the applicable zoning district set forth in Article 2: *Zoning Districts*, as well as the general development and design standards in Article 4: *Development and Design Standards*.
- (2) In the case of any conflict, the more restrictive standards, as determined by the Director, shall apply.
- (3) Unless otherwise specified in this Code, any temporary structure shall:
 - (a) Obtain any other applicable city, county, state, or federal permits, including building permits and health department permits;
 - (b) Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of an authorized not-for-profit, special, or city-recognized or authorized event;
 - (c) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
 - (d) Comply with any applicable conditions of approval that apply to a principal use on the site;
 - (e) Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
 - (f) Not include permanent alterations to the site;
 - (g) Comply with temporary signage standards in §10-4.10(H), *Temporary Signs*.
 - (h) Shall remove temporary signs associated with the temporary use or structure after the activity ends;
 - (i) Not interfere with the normal operations of any permanent use located on the property; and

- (j) Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, traffic movement without disturbing environmentally sensitive lands.

(4) Duration

A temporary structure may be approved for a period of 30 days, renewable upon specific application for additional six-month periods.

(G) Additional Standards for Specific Temporary Structures

(1) General

In addition to the standards in §10-3.5(D), *General Standards for All Temporary Uses*, standards for some specific temporary structures shall apply regardless of the zoning district or the review procedure by which it is approved. This section sets forth and consolidates the standards for all temporary structures for which a reference to this section is provided in the “Use-Specific Standards” column of Table 10-3.1: Allowed Uses, and in the same order as they are listed in the table. These standards may be modified by other applicable standards or requirements in this Code.

(2) Construction-Related Structure or Facility, Temporary

- (a) A construction-related structure or facility shall be used only as office space for construction management and security uses during authorized construction of development, and shall not be used as a residence.
- (b) A construction-related structure or facility shall be assigned a street address before issuance of a Building Permit for the development being constructed.
- (c) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained before placement of temporary construction-related structures and facilities on the site.
- (d) No construction-related structure or facility shall be placed within the right-of-way of a street.
- (e) All temporary construction-related structures and facilities shall be removed from the construction site within 30 days after issuance of the final Certificate of Compliance/Occupancy for the constructed development.
- (f) All temporary construction-related structures and facilities shall meet the setback requirements of the zoning district.
- (g) A building permit for the principal structure must be approved prior to the approval of a permit for temporary construction-related structures and facilities.
- (h) A temporary construction-related structure or facilities may be placed on a property adjacent to the construction site if site constraints make it infeasible to locate the structures or facilities on the construction site, provided the adjacent site is restored to its previous condition within 60 days after issuance of the final Certificate of Compliance/Occupancy for the constructed development. Property owner approval is required in writing.

(3) Food Truck

- (a) Food trucks shall be required to obtain any and all licenses or permits required by the state, Broward County, or the City of Tamarac.
- (b) Food trucks shall be associated with a special event.
- (c) The food truck operator shall have the written consent of the property owner to conduct the activity.
- (d) A food truck shall not operate from a single private property for a period in excess of four days.
- (e) Waste receptacles shall be provided and waste shall be removed daily from the site by the food truck operator.

(4) Mobile Classroom, Temporary

Mobile classrooms are allowed on the site of an existing standalone school not within a shopping center, subject to the following standards:

- (a) Mobile classrooms shall be used only as temporary expansion of classroom space pending implementation of definite plans for the permanent expansion of classroom space or alternative means of meeting growing classroom needs. The temporary use of the mobile classroom shall only be valid for two years, after which the applicant must demonstrate efforts made to secure permanent space. A one year extension may be granted per the Director's discretion.
- (b) Mobile classrooms shall meet all required setbacks and bufferyards, and shall not be placed within existing required landscaping or perimeter or streetyard buffer areas, or areas designated on approved development plans for future landscaping, perimeter and streetyard buffers, open space, or vehicular access.
- (c) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained before placement of the mobile classroom on the site.

(5) Model Home, Temporary

A model home or other building or unit thereof located on the site of new development is allowed to be temporarily used for sales or leasing associated with the development, subject to the following standards:

(a) Application

A Temporary Use Permit is required. Each permit application shall contain proof or documentation as to the following:

(i) A plan showing:

- A.** The layout of a paved parked area (with appropriate landscaping) having a minimum of ten spaces plus two additional spaces for each additional model after the first model unit in a single-family residential development; or ten spaces plus three additional spaces for each model after the first model unit for multiple-family residential units; or two parking spaces plus one additional parking space for each 100 square feet of commercial project; and one layer of coarse asphalt over all parking surfaces;

B. Traffic circulation in and around the parking area;

- (ii) A landscape plan showing all items on the originally approved landscape plans plus any other landscaping proposed to be installed with the model complex or the temporary use. A separate drawing showing the required site plan information for the model units' surrounding area in larger scale may be requested by the city planner to assist in review of the application.

(b) Site Development Standards

- (i) There shall be no more than one such model home per builder in the development.
- (ii) The model home shall be located on a lot or building site approved as part of the development, or within a building approved as part of the development. It shall be located at a place where there will be minimal disruption or inconvenience to the public.
- (iii) The structure used as or containing a sales office if located onsite shall comply with all building setbacks and other development requirements.
- (iv) If a standalone office, separate from the model home is constructed, at least one parking space shall be provided for every 300 square feet of gross floor area devoted to the sales office use. Accessible parking for persons with physical disabilities is required.

(c) Upon Termination

On termination of the temporary real estate sales/leasing use, the model shall be converted to a permanent permitted use or removed within 30 days after issuance of the final certificate of occupancy for the constructed development. If the building is converted to a permanent use, all necessary changes to conform to the original approved site plan of the project shall be made before the certificate of occupancy is issued.

(d) Termination for Noncompliance

The commission shall have sole discretion by motion or resolution to terminate such temporary use 30 days after written notification to the applicant, provided the commission has made any of the following determinations:

- (i) There has been a cessation of continuous construction of the project, or failure to commence construction of the models, administrative office, sales office, accessory structures or any other commercial structure within six months of the date of commission approval;
- (ii) The temporary use or the operation of an approved temporary commercial enterprise was not solely in furtherance of expediting the construction and completion of the subject project;
- (iii) The applicant for such temporary use has not complied with the terms and conditions specified by the commission;
- (iv) There is more than minimal disruption or inconvenience to the existing community when models are used at one project for another project as permitted in subsection (a) above; or

- (v) The structure or grounds around the temporary use are not being maintained in an aesthetically acceptable manner.

(6) Portable Storage Unit, Temporary

Temporary storage in a portable storage unit may be permitted to serve an existing use on the same lot, subject to the following standards:

- (a) No more than one unit shall be located on a lot, at one time, and no larger than 130 square feet in total area.
- (b) No unit shall be placed on a lot for more than 21 days within any calendar year. If more than one portable storage unit is to be used on a lot, these time regulations shall begin from the date at which the first unit was placed on the lot.
- (c) Notwithstanding the time limitations stated above, all portable storage units shall be removed from the City immediately upon the issuance of a hurricane warning by a recognized governmental agency. The removal of a portable storage unit during a hurricane warning is the responsibility of the owner/operator of the lot.
- (d) The owner and operator of the lot containing a portable storage unit shall ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks. The unit shall be kept locked when not being loaded or unloaded.
- (e) The owner and operator of the lot containing a portable storage unit shall ensure that no hazardous substances are stored within the unit.
- (f) The owner and operator of the lot proposed to contain a portable storage unit shall obtain a Temporary Use/Structure Permit per §10-5.4(K) for any unit in any zone district. The Temporary Use/Structure Permit shall be valid for a maximum of seven consecutive days.
- (g) In residential zone districts, a portable storage unit shall only be placed in a driveway or other paved surface, unless the rear of the lot is readily available. The unit shall be setback a minimum of five feet from side property lines, and three feet from the front property lines. In the event that the Director, or designee, determines that there is no driveway, or other paved surface, and the rear of the site is not accessible for placement of a portable storage unit, the Director, or designee, may approve placement of a portable storage unit in the front yard providing that the placement of such portable storage unit does not obstruct the free, convenient, and normal use of the public right-of-way or access to any dwellings.
- (h) In non-residential zone districts, a portable storage unit shall only be placed in the rear or side portion of a site. Under no circumstances shall a portable storage unit be placed in an area fronting a street or road, or in the front parking lot. All portable storage units shall comply with all applicable zoning requirements as it relates to setback and use requirements. The placement of a portable storage unit in fire lanes, passenger loading zones, commercial loading zones or public rights-of-way shall be strictly prohibited.

ARTICLE 4. DEVELOPMENT AND DESIGN STANDARDS

10-4.1 General Provisions

(A) Purpose

This article includes standards that regulate the physical layout and design of all development within the City of Tamarac to ensure the protection of the health, welfare, safety, and quality of life for all citizens, businesses, and visitors. These provisions address the physical relationship between development and adjacent properties, public rights-of-way, neighborhoods, and the natural environment, in order to implement the comprehensive plan's vision for the community.

(B) Applicability

(1) New Development

The requirements of this article shall apply to all new development and land uses established subject to this Code under §10-1.5, *Applicability and Jurisdiction*, other than temporary uses and structures.

(2) Existing Development

Except where expressly provided otherwise in this Code, this article shall apply to all existing development in accordance with the following:

(a) Change in Use

Changes in use of an existing development to a more intensive use shall be subject to these standards to the maximum extent practicable as determined by the Director. For purposes of this provision, such changes in use include one or more of the following:

- (i) Any change in use that would require additional parking under this Code;
- (ii) Any change from a residential use to any public, institutional, or civic; commercial; or industrial use;
- (iii) Any change from any public, institutional, or civic use to a commercial or industrial use; or
- (iv) Any change from any commercial use to an industrial use.

(b) Upgrading of Nonconforming Off-Street Parking and Loading

A modification of an existing development may be required to upgrade off-street parking and loading and/or landscaping pursuant to §10-1.9(E), *Nonconforming Site Features*.

10-4.2 Transportation and Connectivity

(A) Purpose

This section ensures that development is served by a coordinated, multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians. This multimodal transportation system intends to:

- (1) Provide transportation options and alternatives for drivers, bicyclists, and pedestrians including facilitating and encouraging the use of public transportation, walking, and bicycling;
- (2) Increase the effectiveness of local service delivery and reduce emergency response times;
- (3) Contribute to the attractiveness of the development and community, connect neighborhoods, and increase opportunities for interaction between neighbors;
- (4) Improve air quality and reduce greenhouse gas emissions while reducing vehicle miles of travel, travel times, congestion, and traffic conflicts; and
- (5) Connect development and neighborhoods to each other and local destinations such as employment, schools, parks, and shopping centers.

(B) Streets and Vehicular Circulation

(1) Purpose

Street and block patterns should include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoid traffic congestion on principal routes. Within each development, the access and circulation system and a grid of street blocks should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, transit users, and pedestrians through the development and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses.

(2) Street Standards

All streets shall meet the standards in §10-4.11, *Subdivision Design and Development Standards*, and the City's Engineering Specifications, as determined by the City Engineer.

(3) Street Connectivity**(a) Purpose**

Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping. These connections should knit separate developments together, rather than forming barriers between them.

(b) Vehicular Access to Public Streets and Adjacent Land

- (i) All development shall provide public street connections to all existing, adjacent public streets.
- (ii) If there are no adjacent public streets, subdivisions, and/or site plans shall provide for connections along each boundary abutting adjacent vacant land for future connections. These connections shall be spaced at intervals not to exceed 1,000 feet for arterials, or 660 feet for other street types, or as otherwise approved by the City Engineer.
- (iii) When connections to surrounding streets are proposed or required by the City, public right-of-way shall be dedicated and streets developed to existing paved rights-of-way. The City may also require temporary turnarounds to be constructed for temporary cul-de-sacs between development phases.

(c) Vehicular Interconnections to Similar or Compatible Adjacent Uses

Every proposed public or private street system shall be designed to provide vehicular interconnections to all similar or compatible adjacent uses (existing and future) when such interconnections would facilitate internal and external traffic movements in the area.

- (i) Such connections shall be provided during the initial phase of the project approximately every 1,250 to 1,500 linear feet for each direction (north, south, east, west) in which the subject property abuts similar or compatible uses.
- (ii) If the common property boundary in any direction is less than 1,250 linear feet, the subject property shall provide an interconnection if the Director determines that the interconnection in that direction can best be accomplished through the subject property.
- (iii) When the City Engineer deems a vehicular connection impractical, he or she can increase the length requirement and/or require pedestrian connections. The City Engineer may delay the interconnection if such interconnection requires state approval or will result in significant hardship to the property owner.

(d) Cul-de-Sacs and Dead-End Streets Discouraged

The general design of the City's street system shall use through-streets. Permanent cul-de-sacs and dead-end streets shall only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical.

(e) Residential Streets

- (i) Traffic-calming techniques such as diverters, neck-downs, street gardens, and curvilinear alignments are encouraged to reduce speeds and cut-through collector or arterial traffic.
- (ii) Should topography or other constraints require the use of straight local streets that extend more than 660 feet without interruption, an oblong median, traffic-calming device, or similar feature shall be used to slow traffic. In addition, traffic-calming devices may be required to address public safety concerns.
- (iii) To the maximum extent practicable, residential streets shall be arranged to follow the natural contours of the site.

(4) Driveways and Access**(a) General**

- (i) Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles, as well as for those needing access to the property in its intended use.
- (ii) All driveway entrances and other openings onto streets shall be constructed so that:
 - A.** Vehicles may safely enter and exit from the lot in question;

- B.** Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and
- C.** Joint driveways are desirable whenever possible in order to minimize the number of access points to streets and access easements.

(b) Single-Family Residential

In addition to the above general requirements, all residential development shall be subject to the following:

- (i)** All single-family residential properties shall be limited to one driveway per lot (non-circular).
- (ii)** Alleys adjacent to a single-family use may not be used for loading or parking.
- (iii)** A three-foot side yard setback is required for driveways; however, the City Engineer may authorize exceptions to this standard for irregularly shaped lots.
- (iv)** No circular driveway in a single-family zoning district may be constructed on property with less than 50 linear feet of road frontage. All circular driveways must maintain a minimum of 15 feet between interior driveway opening points, with a minimum 7.5-foot radius.
- (v)** No drive shall be located closer than 25 feet to the right-of-way of a street intersection. At signalized intersections, the City Engineer will specify distances from right-of-way or pavement edge to allow for sufficient stacking of vehicles in the street prior to the driveway location.
- (vi)** Double drives shall be separated by a minimum of 20 feet or as required so that the driveway return radii do not overlap.
- (vii)** There shall be no direct driveway access (ingress or egress) from any single-family residential lots to any arterial street or highway unless no other legal access alternative is available.
- (viii)** The driveway shall not be less than 18 feet in length and nine feet in width per space required and shall be completely contained within the property line for the required driveway.
- (ix)** Each residential driveway at its widest point shall be not more than 24 feet in width and shall not exceed 50 percent of the lot width, measured at right angles to the center line of the driveway, except as that distance may be increased by permissible curb return radii. The City Engineer may authorize exceptions on lots of one acre or more to allow wider driveways.
- (x)** Cul-de-sacs, permanently designed as such, shall not exceed 600 feet in length, as measured along the centerline from the intersection to the centerline termination which is also the centerline of the cul-de-sac. Cul-de-sacs shall be provided at the

(c) Multi-Family Residential

In addition to the above general requirements, all multi-family residential development shall be subject to the following:

- (i) All multi-family buildings, structures, parking, and loading areas shall be physically separated from all non-arterial or collector streets by vertical curbs and other suitable barriers and landscaping to prevent unchanneled motor vehicle access.
- (ii) Each property shall not have more than two access ways to any one street unless unusual circumstances demonstrate the need for additional access points.
- (iii) Multi-family development sites greater than five acres shall include a minimum of two through-access drives. An exception may be made where a site is landlocked by existing development or other physical constraints, or where existing natural features on the site require the use of protective measures that would otherwise make a second access drive infeasible.

(d) Mixed-Use and Nonresidential

- (i) All mixed-use and nonresidential buildings, structures, parking, and loading areas shall be physically separated from all non-arterial or collector streets by vertical curbs and other suitable barriers and landscaping to prevent unchanneled motor vehicle access. Each property shall not have more than two access ways to any one street unless unusual circumstances demonstrate the need for additional access points.
- (ii) In addition, each access way shall comply with the following:
 - A. Unless no other practicable alternative is available, all driveways and other openings shall be located a minimum of:
 - 1. 75 feet from a street intersection;
 - 2. 40 feet from another access driveway; and
 - 3. 20 feet from an interior property line.
 - B. For any development of one acre or more, the width of any access way leading to the full access of an arterial street shall be divided by a median of at least four feet in width to provide separation from incoming and outgoing traffic. Construction and maintenance of such onsite medians shall be the responsibility of the property owner/developer.

(e) Visibility at Intersections

On all lots or parcels of land on which a front setback is required, no obstruction that will obscure the view of motor vehicle drivers shall be placed within the triangular area per §10-4.4(D)(6), *Sight Distance*, except that trees may be permitted within said triangular area provided that those trees are placed in the street planter strip and the limbs are pruned to at least six feet above the grade level of the adjacent street.

(f) Guardhouses

- (i) Guardhouses may be installed within required setbacks.
- (ii) Maintenance of each guardhouse must be specifically provided in homeowners association documents.

(C) Pedestrian Circulation

(1) Purpose

Street and block patterns should include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoid traffic congestion on principal routes. Within each development, the access and circulation system and a grid of street blocks should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, transit users, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses.

(2) Sidewalks Required

- (i) Sidewalks shall be installed on all arterials, collector streets, and local streets (including loop streets and cul-de-sacs), and within and along the frontage of all new development or redevelopment.
- (ii) This requirement shall not apply to local streets in steep-slope areas where sidewalks on one side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems.
- (iii) The City Engineer may determine that sidewalks are not required due to unique site features and/or engineering constraints.

(3) Onsite Connections

- (i) All mixed use, non-residential, and multi-family development shall provide a network of onsite pedestrian walkways with a minimum width of five feet to and between the following areas:
 - A.** Entrances to each building on the site;
 - B.** Public sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development; and
 - C.** Adjacent to public transit station areas, transit stops, park and ride facilities, or other transit facilities; and
 - D.** Onsite recreational areas, mail kiosks, and other similar property features.
- (ii) Onsite pedestrian walkways and crosswalks shall be identified to motorists and pedestrians through the use of one or more of the following methods:
 - A.** Changing paving material, patterns, or paving color (this shall not include the painting of the paving material);
 - B.** Changing paving height;
 - C.** Decorative bollards;
 - D.** Raised median walkways with landscaped buffers; or
 - E.** Stamped or stained concrete.
- (iii) Sidewalks through the right-of-way shall be provided to:

- A. Any adjacent public park, greenway, open space, trails, or other civic use such as schools, places of worship, public recreational facilities, or government offices; and
- B. Adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants.

(4) Stormwater Runoff

All paved walkways and bicycle paths provided pursuant to this Section shall be designed to minimize stormwater runoff. Pervious and permeable pavement shall be designed in accordance with the City's Engineering Specifications.

(5) Trails and Multi-Use Paths

All new development shall construct onsite portions of trails and multi-use paths that are identified in adopted plans, provided that any such improvements are directly related to the impacts of the proposed use or development and are roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development.

10-4.3 Off-Street Parking and Loading

(A) Purpose

This section ensures that off-street parking and loading facilities are provided in rough proportion to the general transportation demands of different land uses. By requiring such facilities, it is the intent of this Code to help avoid the negative impacts associated with spillover parking into adjacent neighborhoods while avoiding the negative environmental and urban design impacts that can result from vehicular use areas. The provisions of this section are intended to help protect the public health, safety, and general welfare by:

- (1) Encouraging multi-modal transportation options and enhancing pedestrian safety;
- (2) Mitigating and helping to avoid traffic congestion;
- (3) Providing methods to reduce stormwater runoff and the heat island effect of large paved areas; and
- (4) Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the City.

(B) Applicability

Every building, use, or structure instituted or erected after the effective date of this Code shall be provided with off-street parking and loading facilities in accordance with the provisions of this section for the use of occupants, employees, visitors, and patrons.

(C) General Standards for Off-Street Parking and Loading Areas

(1) Use of Parking and Loading Areas

Off-street parking areas required by this section shall be used solely for the parking of licensed motorized vehicles in operating condition.

(a) Residential Districts

Except as otherwise provided in §14-30, *Parking or Storage of Commercial or Recreational Vehicles, Boats, and Boat Trailers*, required off-street parking areas in residential districts are to be used solely for the parking of licensed motor vehicles in operating condition.

(b) Mixed-Use and Nonresidential Districts

Required off-street parking and loading spaces for nonresidential districts and uses shall not be used for the display of goods for sale, or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.

(2) Surfacing**(a) General**

Except as provided in subsection (b) below, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials such as glass, rubber, used asphalt, brick, block, and concrete is encouraged. Surfaces shall be maintained in a smooth, well-graded, well-drained, clean, orderly, and dust-free condition.



Figure 10-4.4.3-1:
Example of Pervious Pavers

(b) Pervious or Semipervious Surfacing

The use of pervious or semipervious surfacing materials including, but not limited to, pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids may be approved for off-street parking and loading areas, provided such surfacing is subject to an on-going maintenance program (e.g., sweeping, annual vacuuming). Any pervious or semipervious surfacing used for aisles within or driveways to parking and loading areas shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts. Where possible, such materials should be used in areas proximate to and in combination with onsite stormwater control devices.

(3) Location and Arrangement**(a) Safe and Convenient Access**

- (i) Off-street parking and loading areas shall be arranged for convenient access from adjacent streets to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading area shall have adequate, unobstructed means for the ingress and egress of vehicles and pedestrians.
- (ii) Except for parking areas serving residential uses, off-street parking areas shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.

- (iii) Except for parking areas serving residential uses, off-street parking areas shall be arranged so a vehicle may be parked or unparked without moving another vehicle, unless within an automated or mechanical parking deck or garage, or part of valet or tandem parking in accordance with §10-4.3(F)(4) and §10-4.3(E)(1)(b), *Valet and Tandem Parking*.
- (iv) Off-street loading areas shall be arranged so no loading area extends into the required aisle of a parking lot or required fire access lane.

(b) Markings

- (i) Off-street parking areas shall be marked with individual parking stalls clearly defined with directional arrows and traffic signs provided as necessary for traffic control.
- (ii) Except for driveways serving as off-street parking areas for residential uses, each required off-street parking area and space, and each off-street loading area and space, shall be identified by surface markings.
- (iii) Markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas, and distinguishing such spaces or areas from aisles. Posted signs and markers shall ensure sufficient traffic control and shall be maintained to be readily visible and legible at all times.

(c) Slope

All off-street parking and loading areas shall be constructed on a lateral incline of not more than three percent and a longitudinal incline of not more than ten percent beyond the adjacent street or sidewalk level.

(d) Drainage

All off-street parking and loading areas shall be properly drained so as to eliminate standing water and prevent damage to abutting property and/or public streets and alleys.

(e) Exterior Lighting

Lighted off-street parking and loading areas shall comply with the standards of §10-4.9, *Exterior Lighting*.

(f) Landscaping

Except for off-street parking areas serving single- and two-family dwellings, all off-street parking and loading areas shall comply with the standards set forth in §10-4.4(D)(5), *Vehicular Use Area Landscaping*.

(g) Curbing

- (i) Except for off-street parking areas serving single- and two-family dwellings, each off-street parking space shall be bounded by a continuous curb unless the City Engineer determines otherwise due to unique engineering circumstances. Curbs shall be provided with openings to accommodate surface collection of stormwater runoff in vegetated swales and detention facilities.
- (ii) In place of continuous curbs, wheel stops may be provided when required for compliance with accessibility guidelines promulgated under the Americans with Disabilities Act (ADA).

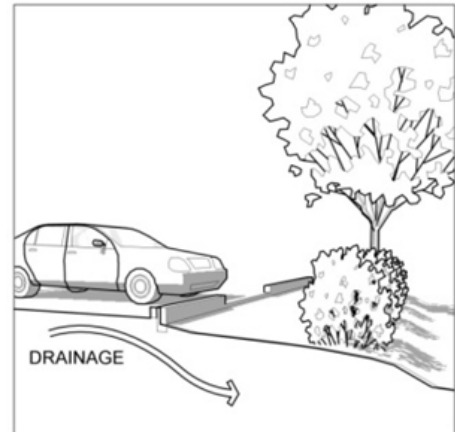


Figure 10-4.4.3-2: Curb Stops and Drainage

(h) Maintained in Good Repair

All off-street parking and loading areas shall be periodically painted or otherwise restored to maintain a clear identification of separate parking spaces or loading berths. Off-street parking and loading areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.

(i) Completion

All off-street parking and loading areas shall be completed prior to the issuance of a Certificate of Occupancy for the development they serve. In the case of phased construction, off-street parking and loading areas should only be provided for the phase being constructed.

(D) Off-Street Parking Requirements

(1) Calculation of Off-Street Parking Requirement for Per-Bed and Per-Seat Uses

For uses with a per-bed requirement, bassinets shall not count as beds. For uses with a per-seat requirement, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.

(2) Schedule A- Minimum Number of Off-Street Parking Spaces

Unless otherwise provided in this Section, off-street parking spaces shall be provided in accordance with Table 10-4.1.

Table 10-4.1: Minimum Number of Off-Street Parking Spaces

All calculations in square feet (SF) shall be based on net floor area

Use Category	Use Type	Minimum Parking Required	
RESIDENTIAL			
Household Living	Dwelling, live/work	1 per DU, plus the applicable requirement for commercial space	
	Dwelling, manufactured home	Same as single-family dwelling	
	Dwelling, multi-family	Efficiency and 1 Bedroom	1 per DU, plus guest spaces equal to 10 percent of required
		2-3 Bedrooms	2 per DU, plus guest spaces equal to 10 percent of required
		4+ Bedrooms	2.5 per DU, plus guest spaces equal to 10 percent of required
	Dwelling, single-family	Efficiency & 1-2 Bedrooms	1 per DU
		3 Bedrooms	2 per DU external spaces
		4+ Bedrooms	4 spaces including garage
	Dwelling, two-family	Same as single-family dwelling	
Group Living	Assisted living facility, nursing home, convalescent facility	1 per 400 SF	
	Community residential home, Type I	1 per 3 beds	
	Community residential home, Type II	1 per 3 beds	
	Continuing care retirement community	Sum of minimum for component parts	
	Dormitory or residence hall	1 per 10 beds	
	Rooming or boarding house	1 per guestroom plus 1 per each employee at a given period of time	
PUBLIC, INSTITUTIONAL, AND CIVIC			
Community and Cultural Facilities	Club or lodge, private	1 per 200 SF	
	Country club	1 per 200 SF of indoor space + 1 per 100 SF of banquet area + additional spaces as required by this table for golf course	
	Hall for hire	1 per 200 SF	
	Library, art gallery, or museum	1 per 500 SF	
	Municipal facilities	1 per 300 SF + 1 per 5 seats in auditoriums or places of public assembly; 25 percent may be grassed	
	Religious assembly	1 per 250 SF; 25 percent can be grassed	
	Stadium or arena	1 per 4 seats	
Day Care Facilities	Adult day care center	1 per 500 SF	
	Child care facility	1 per 325 SF of licensed primary indoor space	

Table 10-4.1: Minimum Number of Off-Street Parking Spaces

All calculations in square feet (SF) shall be based on net floor area

Use Category	Use Type	Minimum Parking Required
Educational Facilities	Business, trade, or vocational school, heavy	1 per 150 SF
	Business, trade, or vocational school, light	1 per 150 SF
	College or university	1 per 1,000 SF, except areas used for public assembly, which shall be calculated separately. + 1 per classroom
	Parochial school, incidental	1 per 2,000 SF GFA, except areas used for public assembly, which shall be calculated separately. + 1 per classroom
	School	1 per 2,000 SF, except areas used for public assembly, which shall be calculated separately. + 1 per classroom
Health Care Facilities	Clinic, medical, urgent care, or dental	1 per 200 SF
	Detoxification facility	1 per 200 SF
	Hospital, public or private	2 per patient bed
Parks and Open Space	Botanical garden	1 per 10,000 SF
	Golf course	75 spaces per course + sum of additional component uses; 25 percent may be grassed
	Community garden	2 spaces
	Park and playground	See Schedule C
	Recreation buildings and facilities	1 per 200 SF
COMMERCIAL		
Agriculture and Animal-Related Services	Agriculture, general	See Schedule C
	Animal boarding kennel	1 per 300 SF (excluding exercise areas)
	Pet care daily	1 per 300 SF used (excluding exercise areas)
	Stable	1 per 5 stalls
	Veterinary office/clinic	1 per 300 SF
Food and Beverage Services	Bar, lounge, or tavern	1 per 100 SF
	Brewery	1 per 100 SF of retail sales, restaurant, or tasting room + 1 per 1,000 SF of other space
	Nightclub	1 per 100 SF
	Restaurant	1 per 100 SF (if within shopping center >10,000 SF GCFA, then 1/125 SF)
	Restaurant with microbrewery	
	Restaurant, fast casual (with or w/o drive-through)	
	Restaurant, fast food (with or w/o drive-through)	
Funeral and Internment Services	Cemetery or mausoleum	1 per 500 SF of non-assembly area + 1 per 50 SF GF of assembly area
	Crematorium	1 per 500 SF of non-assembly area + 1 per 50 SF of assembly area
	Funeral home	1 per 500 SF of non-assembly area + 1 per 50 SF of assembly area

Table 10-4.1: Minimum Number of Off-Street Parking Spaces

All calculations in square feet (SF) shall be based on net floor area

Use Category	Use Type	Minimum Parking Required
Lodging	Bed and breakfast	2 spaces + 1 per guest bedroom
	Hotel	1 per sleeping unit, DU or suite; plus all component uses not used by guests exclusively
Offices, Business & Prof.	Bank/financial institution	1 per 200 SF
	Office, professional and business	1 per 400 SF
	Telephone call center	1 per 100 SF
Personal Services	Coin laundry and dry cleaning (no chemical processing onsite)	1 per 300 SF
	Dry cleaning (chemical processing onsite)	1 per 300 SF
	Massage establishment	1 per 300 SF
	Stylist/salon	1 per 300 SF
	Tailor/shoe repair	1 per 300 SF
	Tattoo or body-piercing establishment	1 per 300 SF
	Adult entertainment	1 per 100 SF
	Amusement arcade	1 per 300 SF
Recreation and Entertainment	Bottle club	1 per 300 SF
	Fitness and recreational sports center	1 per 200 SF
	Indoor recreation, general commercial	1 per 200 SF or sum of all component uses, whichever is greater
	Movie theater, indoor	1 per 4 seats or 1 per 200 SF, whichever is greater
	Outdoor recreation, general commercial	1 per 200 SF or sum of all component uses, whichever is greater
	Shooting range	1 per shooting lane, plus 1 per 400 SF for all other areas
	Bulk pool chemical sales	See Schedule B
	Equipment sales and repair, heavy	See Schedule B
Retail Sales	Farmer's market, outdoor	1 per 500 SF of sales area; 25 percent may be grassed
	Nursery	1 per 10,000 SF of lot area; minimum of three spaces
	Pawn shop	1 per 300 SF
	Personal and household goods repair	1 per 1,000 SF
	Print shop	1 per 300 SF
	Retail sales, general: <10,000 sq. ft.	1 per 300 SF
	Retail sales, general: ≥10,000 sq. ft.	1 per 500 SF
	Thrift, consignment, and used merchandise	1 per 300 SF
	Boat and marine sales	See Schedule B
	Vehicle fuel sales	1 per 300 SF
Vehicles and Equipment		

Table 10-4.1: Minimum Number of Off-Street Parking Spaces

All calculations in square feet (SF) shall be based on net floor area

Use Category	Use Type	Minimum Parking Required
	Vehicle rental	See Schedule B
	Vehicle sales, new	See Schedule B
	Vehicle sales, used	See Schedule B
	Vehicle service and repair, major	1 per 500 SF
	Vehicle service and repair, minor	1 per 500 SF
INDUSTRIAL		
Communications	Broadcast studio	1 per 1,000 SF
	Communication facility	See Schedule C
	Motion picture studio	1 per 500 SF
	Telecom. tower (city-owned property)	See Schedule C
	Telecom. (all other property)	See Schedule C
Industrial Services	Building material sales, indoor retail	1 per 400 SF
	Building material sales, outdoor or wholesale	1 per 500 SF
	Industrial service, general	1 per 500 SF
	Laboratory, research	1 per 500 SF
Mfg. and Production	Assembly, light	1 per 1,000 SF
	Food processing	1 per 1,000 SF
	Manufacturing, artisan	See Schedule B
	Manufacturing, heavy	1 per 1,500 SF
	Manufacturing, light	1 per 1,000 SF
Utilities	Utility facility, major	See Schedule C
	Utility facility, minor	See Schedule C
Warehouse, Wholesale, and Freight Movement	Contractor's storage yard and supply	See Schedule B
	Distribution center	See Schedule B
	Food products, wholesale	See Schedule B
	Parcel delivery service	See Schedule B
	Self storage, indoor	1 per 5,000 first 20,000 SF plus 1 per 10,000 SF thereafter
	Self storage, outdoor	1 per 5,000 first 20,000 SF plus 1 per 10,000 SF thereafter
	Storage buildings	1 per 2,000 SF
	Wholesale establishment	1 per 1,000 SF
Waste and Salvage	Auto towing	1 per 400 SF plus 1 per 5,000 SF outside storage area
	Auto wrecking and salvage yard	1 per 400 SF plus 1 per 5,000 SF outside storage area
	Recycling facilities	See Schedule B
ACCESSORY		
	Assembly hall	1 per 250 SF; 25 percent can be grassed

Table 10-4.1: Minimum Number of Off-Street Parking Spaces

All calculations in square feet (SF) shall be based on net floor area

Use Category	Use Type	Minimum Parking Required
	Accessory dwelling unit	1 per DU
	Bingo game	1 per 200 SF
	Building-mounted or rooftop antenna	N/A
	Car wash and auto detailing, automatic	1 per 500 SF
	Dormitory or residence hall	1 per 10 beds
	Drive-through service facility	See 10-4.3(I)
	Dwelling, caretaker	1 per DU
	Garage or carport	N/A; Spaces may be counted as required parking spaces
	Home occupation	N/A
	Outdoor courts, fields, playgrounds, and pools	See Schedule C
	Outdoor seating, commercial	See Schedule C
	Outdoor storage non-sales, accessory	See Schedule B
	Outdoor vehicle storage, accessory	See Schedule B
	Satellite dish	N/A
	Small wind energy system	See Schedule C
	Solar energy collection system, accessory use	N/A
	Utility shed	N/A
	Other accessory uses that comply with Code standards	N/A
TEMPORARY		
	Construction-related structure or facility	N/A
	Food truck	See Schedule C
	Garage or yard sale	N/A
	Mobile classroom, temporary	N/A
	Model home	See Schedule B
	Office space/equipment storage, temporary	See Schedule B
	Outdoor sales, seasonal	N/A
	Real estate sales office	See Schedule B
	Special event	See Schedule C

(3) Schedule B

Uses that reference “Schedule B” in Table 10-4.1, shall provide the minimum number of off-street parking spaces listed in Table 10-4.2: *Off-Street Parking Schedule B*, below. Unless otherwise approved, lots containing more than one use shall provide parking and loading in an amount equal to the total number of requirements for all uses.

Table 10-4.2: Off-Street Parking Schedule B	
Principal Use Category	Minimum Number of Spaces Required
Office or Administrative Area	1 per 300 SF
Indoor Sales Area	1 per 300 SF
Outdoor Sales/Display/Storage/Waste (3,000 SF or less)	1 per 750 SF
Outdoor Sales/Display/Storage/Waste (more than 3,000 SF)	
Motor Vehicle/Boat/Equipment Sales	1 per 2,000 SF
Other Sales/Display/Storage/Waste	1 per 1,000 SF
Indoor Storage/Warehousing/Vehicle Services/Manufacturing Area	
1 – 3,000 SF	1 per 250 SF
3,001 – 5,000 SF	1 per 500 SF
5,001 – 10,000 SF	1 per 750 SF
10,001 and greater	1 per 1,250 SF
NOTES: SF = square feet	

(4) Schedule C: Uses with Variable Vehicle Parking Demand Characteristics and Unlisted Uses

Table 10-4.1 refers to this subsection for some uses that have widely varying vehicle parking and loading demand characteristics, making it difficult to establish a single appropriate standard. Upon receiving an application proposing such a use, or proposing a use not expressly listed in Table 10-4.1, the Director is authorized to:

- (a) Establish the minimum off-street parking space requirement by referencing parking standard resources published by the National Parking Association or the American Planning Association; or
- (b) Establish the minimum off-street parking space requirement based on local or national best practices.

(5) Maximum Parking Spaces Allowed

No commercial or industrial use shall provide off-street parking spaces in an amount that is more than 125 percent of the minimum requirements established in Table 10-4.1.

(a) Calculating Maximum Spaces

- (i) For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement:
 - A. Accessible parking;
 - B. Vanpool and carpool parking;
 - C. On-street parking adjacent to the lot or lots on which the parking located; and
 - D. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

(b) Exceptions to Maximum Parking Requirement

Exceptions to the maximum parking requirement may be allowed by the Director in situations that meet the following criteria:

- (i) The proposed development has unique or unusual characteristics such as high sales volume per floor area or low turnover, that create a parking demand that exceeds the maximum ratio and that typically does not apply to comparable uses;
- (ii) The parking demand cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio;
- (iii) The request is the minimum necessary variation from the standards; or
- (iv) If application of the maximum parking standard would result in fewer than six parking spaces, the development shall be allowed six parking spaces.

(E) Dimensional Standards for Parking Spaces and Aisles

(1) General

- (a) Except as otherwise provided in subsection (3)(b) below, standard vehicle parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 10-4.3: *Dimensional Standards for Parking Spaces and Aisles* below.

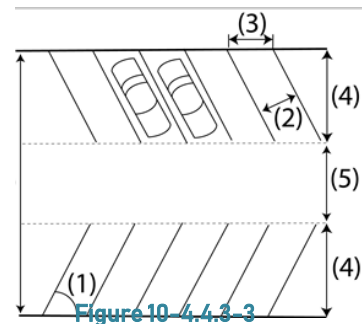


Table 10-4.3: Dimensional Standards for Parking Spaces and Aisles					
Parking Angle (Degrees)	Stall Width (feet)	Stall Depth Perpendicular to Curb (feet)	Stall Length Along Curb (feet)	Aisle Width (feet)	Double Row + Aisle, Curb to Curb (feet)
1	2	3	4	5	6
Residential, Institutional, and Commercial Uses					
0	10	10	23	14	34
45	10	21.2	14.1	14	56.4
60	10	22.3	11.5	16	60.6
90	9	18	10	24	63
Industrial Uses					
0	9	9	23	14	32
45	9	19.1	12.7	14	52.2
60	9	20.1	10.4	16	56.2
90	9	18	9	24	59
NOTES: SF = square feet GFA = gross floor area					

(b) Overhang Protection

Curbs shall be installed at a minimum of two feet from the face of walls, fences, buildings, and other structures adjacent to the boundaries of parking areas.

(2) Motorcycle Parking Spaces

- (a) Up to five percent of the total required parking spaces may be used for motorcycle parking.
- (b) Motorcycle parking spaces shall be a minimum of four feet wide by six feet long for 90-degree parking, or the equivalent dimensions required for an angle space to maintain the four-by-six foot rectangle.
- (c) Motorcycle spaces shall be clearly signed and marked "Motorcycle Only."

(3) Smaller Parking Spaces for Tandem Parking and Certain Uses and Districts

The dimensions of off-street parking stalls may be reduced to a width of nine feet and a depth/length of 18 feet where the parking stalls are:

- (a) Used for tandem parking as described in Section 10-4.3(F)(4), *Valet and Tandem Parking*,
- (b) Located within a development containing industrial services uses, manufacturing and production uses, or warehouse, wholesale, and freight movement uses; or
- (c) Located within Tamarac Village, or the Mixed-Use Districts.
- (d) Vertical Clearance

All off-street parking spaces shall have a minimum overhead clearance of seven feet.

(F) Off-Street Parking Alternatives

The Director may approve alternatives to providing the number of off-street parking spaces required by this Code in accordance with the following standards.

(1) Alternative Parking Plan

The Director may approve an alternative parking plan that proposes another course of action to achieve the goals of the minimum off-street parking requirements in Table 10-4.1, in accordance with the standards listed below. The alternative parking plan shall be submitted with an application for Site Plan Approval or Business Revenue License, as appropriate. Additional fees shall be assessed to defray the additional processing costs in reviewing alternative parking plans and any subsequent agreements as detailed in the Administrative Manual.

(2) Shared and/or Off-Site Parking

The Director may approve shared parking facilities for developed properties with extenuating circumstances or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards.

(a) Location

- (i) Shared parking spaces shall be located within 500 feet walking distance of the primary pedestrian entrances to the uses served by the parking.
- (ii) Shared parking spaces shall not be separated from the use they serve by a major or minor thoroughfare unless pedestrian access across the thoroughfare is provided by a grade-separated pedestrian walkway or appropriate traffic controls (e.g., signalized crosswalk).

(iii) Adequate and safe pedestrian access shall be provided between the shared parking areas and the primary pedestrian entrances to the uses served by the parking.

(iv) Required parking spaces for persons with disabilities shall not be located off-site.

(b) Signage Directing Public to Parking Spaces

Signage complying with the standards of §10-4.10, *Signs*, shall be provided to direct the public to the shared parking spaces.

(c) Shared Parking Study

Applicants proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the Director that demonstrates the feasibility of shared parking. The applicant(s) shall demonstrate that any parking reduction requested as part of the shared parking study will not result in a reduction to an amount less than that required for any use by itself. Furthermore, the applicant shall demonstrate that shared parking will not result in the spillover of parking onto other properties or the public right-of-way.

(d) Shared Parking Agreement

(i) An approved shared parking arrangement shall be established in a written agreement among all of the owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces. The agreement shall provide all parties the right to joint use of the shared parking area for at least 20 years or other date as specified by the City, to ensure the shared parking spaces comply with this Code and shall be binding on subsequent owners or long-term lessees. The agreement shall be submitted to the Director for review and approval. An attested copy of an approved and executed agreement shall be recorded with the Broward County Records Division before issuance of a Building Permit or Certificate of Occupancy for any use to be served by the shared parking area.

(ii) Any termination of the agreement does not negate the parties' obligations to comply with parking requirements and thus may constitute a violation of this Code. No use served by the shared parking may be continued if the shared parking becomes unavailable to the use unless substitute off-street parking spaces are provided in accordance with this Section. Notice of the termination shall be provided within 30 days.

(3) Deferred Parking

An alternative parking plan may propose to defer construction of up to 20 percent of the required off-street parking spaces per Table 10-4.1, in accordance with the standards below:

(a) Justification

The alternative parking plan shall include a study demonstrating that, because of the location, nature, or mix of uses, there is a reasonable probability that the number of parking spaces actually needed to serve the development is less than the minimum required in Table 10-4.1.

(b) Reserve Parking Plan

The alternative parking plan shall include a reserve parking plan identifying the amount of off-street parking being deferred and the location of the area to be reserved for future parking, if future parking is needed.

(c) Parking Demand Study

- (i) The alternative parking plan shall provide assurance that, within 18 months after the initial Certificate of Occupancy is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the development will be submitted to the Director.
- (ii) If the Director determines that the study indicates the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the Director determines that the study indicates additional parking is needed, such parking shall be provided consistent with the reserve parking plan, the standards of this Section, and shall be provided within 12 months of the Director's determination.
- (iii) The Director shall have the authority to review the parking demand study and request a revised parking demand study with a change in use or other circumstances resulting in adverse impacts to adjacent properties.

(d) Limitations on Reserve Areas

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes.

(e) Landscaping of Reserve Areas Required

Areas reserved for future off-street parking shall be landscaped with an appropriate ground cover in compliance with Chapter 9, *Health, Sanitation, and Nuisances*. If ultimately developed for off-street parking, the reserve areas shall be landscaped in accordance with §10-4.4, *Landscaping and Tree Preservation*.

(4) Valet and Tandem Parking

An alternative parking plan may propose to use valet and tandem parking to meet a portion of the off-street parking spaces required in Table 10-4.1, in accordance with the standards below.

(a) Maximum Valet or Tandem Spaces

- (i) No more than 20 percent of the total number of parking spaces provided shall be designated for valet or tandem spaces except for hotels, where up to 50 percent of parking spaces may be designated for valet parking.
- (ii) Tandem and valet spaces shall be designed to accommodate not more than two vehicles per tandem/valet parking space.

(b) Drop-Off and Pick-Up Areas

Should an owner or their agent elect to use valet or tandem parking, the development shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building served, but may not be located in a fire lane, where its

use would impede vehicular and/or pedestrian circulation, or where it could cause queuing in a public right-of-way or internal drive aisle serving the development.

(c) Valet Parking Agreement

An approved valet parking plan shall be established in conjunction with a written agreement. The agreement shall include provisions ensuring that a valet parking attendant will be on duty during the hours of operation of the uses served by the valet parking. The agreement shall be submitted to the Director for review and approval.

(5) Payment of Fee in Lieu of Providing Required Parking

In non-residential zoning districts, an alternative fee payment may be considered in lieu of meeting minimum parking space requirements in conjunction with a Variance application in accordance with the standards below.

- (a)** The Planning Board may authorize applicable off-street parking requirements for a nonresidential use to be satisfied, in whole or in part, by the applicant's payment of a proportionate share in lieu fee established by the City Commission that is consistent with, but does not exceed, costs the City will incur to provide the equivalent number of public parking spaces that can serve the use.
- (b)** A request to pay an in lieu fee shall be submitted in writing to the Director, who shall forward it to the Planning Board for review. The Planning Board may approve such a request on determining that:

 - (i)** Due to the availability of transit or unique characteristics of the use or area, the unavailability of the off-street parking spaces for which the fee is made as part of the development will not result in traffic congestion and will be compatible with the character of surrounding properties, and
 - (ii)** Sufficient public parking exists or is budgeted and scheduled within 1,320 feet of the development to satisfy the parking demand it generates.
- (c)** If an applicant requests to pay an in lieu fee for a number of parking spaces exceeding 25 spaces or 50 percent of the minimum number of off-street parking spaces required by this Section, the request shall be accompanied by a traffic study prepared by a licensed professional engineer or traffic consultant showing that the unavailability of the off-street parking spaces as part of the development will not result in traffic congestion or spillover into surrounding properties or neighborhoods.

(6) Reduced Parking Demand Strategies

The minimum number of parking spaces required in Table 10-4.1 may be reduced through implementation of one or more of the following strategies for reducing parking demand.

(a) Transit Accessibility

The Director may authorize up to a 15 percent reduction in the minimum number of off-street parking spaces required by Table 10-4.1 for uses located within 1,000 feet of a bus or rapid transit stop.

(b) Transportation Demand Management

The Director may, through approval of a Transportation Demand Management (TDM) plan, authorize up to a 15 percent reduction in the minimum number of off-street parking spaces required by Table 10-4.1 for nonresidential or mixed-use developments having a floor area of at least 25,000 square feet, in accordance with the standards below.

(i) TDM Plan Requirements

The TDM plan shall include facts and/or projections including the type of development, proximity to transit and/or other multi-modal systems, anticipated number of employees and/or patrons, minimum parking requirements, and indicate the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and ease traffic congestion.

(ii) TDM Activities

The TDM plan shall provide at least three of the following TDM activities:

- A.** Establishment of a development-specific website that provides multi-modal transportation information such as real-time travel/traffic information, bus schedules and maps, and logging of alternative commutes (e.g., bicycle, pedestrian, carpool, and vanpool).
- B.** Written disclosure of transportation information and educational materials to all employees.
- C.** Formation of transportation demand reduction programs such as carpooling, vanpooling, ridesharing, guaranteed ride home, teleworking, and shuttle service programs.
- D.** Creation of a preferential parking management plan that specifically marks spaces for registered carpool and/or vanpool vehicles that are located near building entrances or in other preferential locations.
- E.** Institution of off-peak work schedules that allow employees to arrive and depart at times other than the peak morning commute period, defined as 7:00 a.m. to 9:00 a.m., and peak evening commute period, defined as 5:00 p.m. to 7:00 p.m.
- F.** Establishment of an office staffed by a transportation coordinator that makes transportation and ride-sharing information available to employees, residents, and nonresidents.
- G.** Any other TDM activity as may be approved by the Director as a means of complying with the parking reduction provisions of this subsection.

(iii) TDM Program Coordinator

- A.** The applicant shall appoint a TDM program coordinator to oversee TDM activities.
- B.** The TDM program coordinator shall be a licensed engineer or a traffic consultant that is also a qualified or trained TDM professional.

- C. The TDM program coordinator shall be appointed prior to issuance of a Building Permit or Certificate of Occupancy for the buildings to be served by the TDM program.

(iv) TDM Annual Report

- A. The TDM program coordinator shall submit to the Director an annual report that details implementation of the approved TDM plan. The report may include, but is not limited to, the following:
 - 1. A description of TDM activities undertaken;
 - 2. An analysis of parking demand reductions based on employee and/or resident use of ridership programs or alternative transportation options;
 - 3. Changes to the TDM plan to increase transit ridership and other commuting alternatives; and
 - 4. The results of an employee transportation survey.
- B. A copy of the approved TDM plan shall be recorded with the Broward County Records Division before issuance of a Building Permit or Certificate of Occupancy for the development to be served by the plan.

(v) Amendments

The Director may approve amendments to an approved TDM plan following the same process required for the initial approval.

(vi) Parking Required if TDM Terminated

If the applicant and/or successors in interest in the property covered by the TDM plan stop implementing the plan or fail to submit a TDM annual report to the Director in a timely fashion, the TDM plan shall be considered terminated. Any such termination of the TDM plan shall not negate the parties' obligations to comply with parking requirements and shall constitute a violation of this Code. No use served by the TDM plan may be continued unless another TDM plan is approved or all required off-street parking spaces are provided in full in accordance with this Section.

(c) Other Eligible Alternatives

The Director may authorize up to a ten percent reduction in the minimum number of off-street parking spaces required by Table 10-4.1, in exchange for any other strategy that an applicant demonstrates will effectively reduce parking demand on the site of the subject development. The applicant shall also demonstrate that the proposed development plan will continue to protect surrounding neighborhoods, maintain traffic-circulation patterns, and promote quality urban design as would strict compliance with the otherwise applicable off-street parking standards.

(G) Bicycle Parking Facilities

(1) Bicycle Racks or Lockers Required

All parking areas containing more than ten parking spaces shall provide bicycle racks or lockers sufficient to accommodate the parking of at least four bicycles for each ten parking spaces, or major fraction thereof above 10 spaces. No more than 20 bicycle parking spaces shall be required in any one parking area.

(2) Bicycle Rack and Locker Location

Required bike racks and/or lockers shall be installed on a paved surface and located in visible, well-lit areas conveniently accessible to the primary entrances of a development principal building(s). They shall be located where they do not interfere with pedestrian traffic and are protected from conflicts with vehicular traffic. For residential uses, bicycle parking within a garage or inside a building shall satisfy this requirement.



Figure 10-4.4.3-4: Bicycle Parking Example

(H) Loading Area Requirements

(1) Minimum Number of Off-Street Loading Berths

Except as otherwise provided in this Section, accessory off-street loading areas shall be required when any building or structure is erected, structurally altered increasing the gross floor area by 50 percent or more, or there is a change in use. A sufficient number of off-street loading berths shall be required to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. Table 10-4.4: *Minimum Number of Off-Street Loading Berths* below, sets forth the minimum number of loading berths that presumptively satisfies the loading area needs of the listed principal uses. For proposed uses not listed in Table 10-4.4, the requirement for the use most similar to the proposed use shall apply. The Director may require more loading berths or fewer loading berths upon determining that the characteristics of a particular development warrant such addition or reduction ensuring the general standard is met.

Table 10-4.4: Minimum Number of Off-Street Loading Berths		
Principal Use Category	Net Floor Area	Minimum Number of Loading Berths
Institutional and Commercial Uses		
Public, Institutional, Civic, and Commercial Uses except Office, Business and Professional	At least 20,000 SF but less than 50,000 SF	1
	At least 50,000 SF but less than 75,000 SF	2
	At least 75,000 SF but less than 120,000 SF	3
	At least 120,000 SF but less than 200,000 SF	4
	At least 200,000 SF	4 + 1 per 90,000 SF above 200,000 SF or major fraction thereof
Office, Business and Professional	At least 100,000 SF	1 per 100,000 SF or major fraction thereof
Industrial Uses		
Industrial	At least 50,000 SF but less than 75,000 SF	1
	At least 50,000 SF but less than 75,000 SF	2
	At least 50,000 SF but less than 75,000 SF	3
	At least 50,000 SF but less than 75,000 SF	3 + 1 per 50,000 SF above 60,000 SF or major fraction thereof
NOTES: SF = square feet (net floor area)		

(2) Dimensional Standards for Loading Areas

- (a) Each loading berth shall be sized appropriately to accommodate the vehicles likely to use the loading area.
- (b) The minimum loading berth size shall be at least 12 feet wide and 25 feet long.
- (c) Properties and uses that require semi-truck trailers for loading shall be required to appropriately increase the length of the loading zone to accommodate this type of vehicle.
- (d) The Director may require a larger loading berth or allow a smaller loading berth upon determining that the characteristics of the particular development warrant such increase or reduction ensuring the general standard is met.
- (e) Each loading berth shall have at least 14 feet of overhead clearance.

(3) Location of Loading Areas

- (a) Where possible, loading areas shall be located to the rear of the use they serve.
- (b) The loading areas shall be located adjacent to the building's loading doors, in an area that promotes its practical use.
- (c) The loading area shall be located and designed so vehicles using them can maneuver safely and conveniently to it from a public street or alley and complete loading without obstructing or interfering with any public right-of-way, parking space, dumpster facility, or parking lot aisle.
- (d) Tandem loading zones are not permitted.

(l) Drive-Through Vehicle Stacking Standards

The following standards apply to properties with a drive-through facility designed for access from a vehicle (rather than a walk-up facility).

(1) Uses for which Drive-Through Facilities are Prohibited

Drive-through facilities shall not be allowed for convenience stores, wedding chapels, or other uses not listed in Table 10-4.5, unless authorized by the Director based on the need and/or appropriateness of a drive through facility for such use.

(2) Stacking Space Requirements

Vehicle stacking spaces for drive-through facilities shall be provided to comply with Table 10-4.5: Drive-Through Stacking Space Requirements.

Table 10-4.5: Drive-Through Stacking Space Requirements		
Activity	Minimum Stacking Spaces (per lane)	Measured From
Bank, Financial Institution, or Automated Teller Machine (ATM)	5	ATM or Window
Restaurant	8	4 between the street and the order box; 4 between the order box and the pick-up window
Retail Store (other than convenience)	5	Pick-Up Window
Car Wash	1	Outside of Washing Bay
Gated Residential Property	5	Sum of Resident and Visitor Lanes
Other	Determined by the Director based on anticipated need and avoidance of traffic congestion on adjacent streets.	

(3) Location and Design of Stacking Lanes

- (a) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.
- (b) No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers shall be served in vehicles through service windows or facilities located on the non-corner sides and/or rear of the principal building. The Director may authorize exceptions to this requirement based on anticipated needs and ability to comply with other standards of this code.
- (c) Drive-through stacking lanes shall have a minimum width of ten feet and a minimum length of 20 feet.
- (d) A bypass lane shall be incorporated in all drive-through facilities.

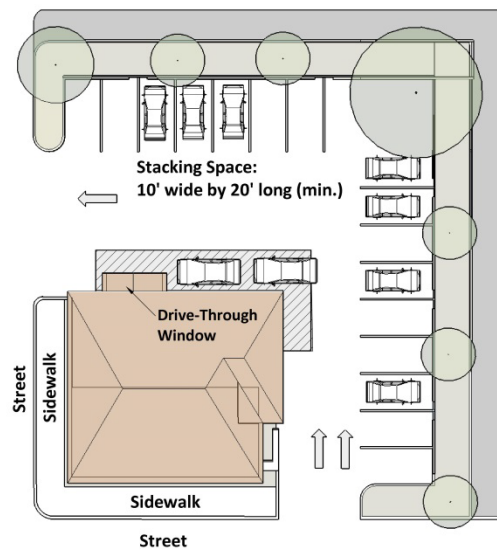


Figure 10-4.4.3-5: Stacking Spaces

- (e) Stacking spaces for drive-through facilities shall be located so that waiting vehicles do not block parking stalls or interfere with the movement of traffic on-site, off-site, or pedestrians and bicyclists.

Landscaping shall be installed to screen drive-through windows and order boxes along building facades facing the principal street.

10-4.4 Landscaping and Tree Preservation

(A) Purpose

This section contains the minimum standards for the development, installation, and maintenance of landscaping and screening and the preservation of trees within the City of Tamarac. The intent of this section is to protect and enhance the environment, property values, and aesthetic qualities in the City, while promoting the general public health, safety, and welfare. These standards ensure landscaping is an integral part of every development that will:

- (1) Conserve existing landscaping and natural vegetation while maintaining, preserving, expanding and enhancing the existing tree canopy in the City, and protecting the natural environment and beauty of the City by regulating the unnecessary destruction, removal, or damaging of desirable trees and plant life;
- (2) Mitigate against erosion and sedimentation by stabilizing the soils through the cultivation and protection of root systems that hold and consolidate soil and other loose earthen materials as well as restore soils and land bared as a result of construction or grading;
- (3) Reduce stormwater runoff and associated impacts by intercepting, dispersing, and absorbing rainfall, slowing down surface flow, filtering pollutants from runoff, and conserving water supplies by allowing more rainfall to stay in the water table, minimizing water used for landscaping maintenance;
- (4) Encourage building and paved surface cooling through shading and the channeling of breezes, thereby helping to offset global warming and lowering ambient temperatures through transpiration;
- (5) Contribute and encourage of air movement, air purification, and oxygen regeneration by removing carbon dioxide and pollutant gases from the air and producing oxygen that helps dilute air pollutant concentrations;
- (6) Stimulate economic development by increasing the City's attractiveness and quality of life for shoppers, visitors, residents, and employers through incorporating human scale into the urban environment by breaking up the visual impact of structures and parking lots while providing a sense of privacy from neighbors and public rights-of-way;
- (7) Maintain the continued vitality of natural habitats for the propagation and protection of wildlife, birds, game, fish, and other aquatic life;
- (8) Buffer excessive or undesirable impacts from street traffic or adjacent land uses and activities by absorbing and deflecting sounds, limiting glare created by exterior lighting, and screening undesirable views; and
- (9) Support the core components of crime prevention through environmental design (CPTED) through natural surveillance, access control, and territoriality.

(B) Landscape Plan Required

- (1) A landscape plan shall be included as part of any application as required for Site Plan Approval (§10-5.4(H)), Improvement Permit (§10-5.4(I)) or Building Permit (§10-5.4(N)), subject to the standards in this section. Landscape plans shall be prepared in accordance with the requirements of the Administrative Manual and shall be approved by the Director, Planning Board, and City Commission, as appropriate.
- (2) Landscape plans shall be prepared and sealed by a landscape architect or other authorized person pursuant to F.S. Ch. 481, as amended from time to time.
- (3) All required landscaping shall be maintained in accordance with the approved landscape plan, including approved specifications for plant size, number, location, and type of landscaping material.
- (4) All plant material shown on an approved landscape plan shall be replaced if it dies, is seriously damaged, or removed.
- (5) No final Certificate of Occupancy shall be issued by the City unless the landscaping requirements are met as evidenced by an approved final landscaping inspection by the City.

(C) General Requirements for All Landscaping

(1) Plant Material

All required plant material shall be Florida Grade #1 or better, in accordance with *Grades and Standards for Nursery Plants* (Florida Division of Plant Industry).

- (a) All plant material shall, to the greatest extent possible:
 - (i) Be based on the plant's adaptability to the landscape area, desired effect, color, texture, and ultimate plant size;
 - (ii) Be frost- and drought-tolerant, and grouped in accordance with their respective water and maintenance needs;
 - (iii) Be appropriate for the ecological and urban setting in which the materials are to be planted, including the shielding of buildings from the sun, from radiating surfaces such as parking areas, and as a screen for noise abatement;
 - (iv) Be commercially available; and
 - (v) Comply with CPTED principles.
- (b) All minimum dimensions of landscaped material refer to dimensions at the time of planting.
- (c) Growth of plant material at maturity shall be considered prior to planting to ensure no future conflicts arise related to views, signs, overhead and underground utilities, security lighting, fire access, drainage easements, pedestrian walkways, and traffic circulation.
- (d) All landscaped areas shall be maintained free of nuisance species, including natural areas within developed property.

(2) Native Vegetation and Diversity

- (a) All landscaped areas shall include placement of native vegetation in substantial conformity with the principles outlined in *The Florida-Friendly Landscaping Guide to Plant Selection & Landscape Design* (University of Florida) and the Administrative Manual.
- (b) The City encourages use of the Xeriscape Landscaping Principles as included in the South Florida Water Management District's publication *Waterwise, South Florida Landscapes, Landscaping to Promote Water Conservation Using the Principles of Xeriscape*, which is hereby incorporated by reference into this section, amended from time to time.
- (c) Existing healthy and well-formed trees and understory vegetation may be preserved and may be used toward meeting the requirements of this section to the extent that they meet the minimum standards.
- (d) Plant species identified as invasive species in *List of Invasive Plant Species* (Florida Exotic Pest Plant Council) are prohibited.
- (e) The eradication of nuisance vegetation is required on all sites including but not limited to abutting rights-of-way and privately owned natural areas, prior to the issuance of a final Certificate of Occupancy or final approval of any structural modification including vehicular use areas.

(3) Installation

All required landscaping and landscape areas shall be installed in accordance with landscaping best management practices, Florida-friendly landscaping principles, American National Standards Institute (ANSI) A-300 standards, and the standards in this subsection.

(a) Topsoil

- (i) Topsoil shall be sandy loam and contain a 25 percent minimum amount of decomposed organic matter. There must be a slight acid reaction to the soil with no excess of calcium carbonate.
- (ii) Topsoil shall have a minimum depth of six inches for groundcover, flowers, shrubs, and hedges and a minimum depth of three inches for turf grasses.
- (iii) Trees shall receive 12 inches of topsoil around and beneath the root ball. No topsoil shall be placed on top of the root ball. The root flare of all newly installed trees shall be visible upon installation.
- (iv) Topsoil shall be clean and reasonably free of clay, stone, roots, construction debris, weeds, rocks, noxious pests, diseases, and other foreign materials.
- (v) Topsoil for all planting areas shall be amended with horticulturally acceptable organic material.
- (vi) All soils used shall be suitable for the intended plant material.

(b) Mulch

- (i) A three-inch minimum thickness of approved organic mulch material shall be applied after initial watering in all areas not covered by buildings, structures, pavement, turf grass, preserved areas, and annual flower beds.
- (ii) Each tree and shrub shall have a ring of organic mulch no less than three feet in diameter around its trunk.

(c) Turf Grass

- (i) Turf grass shall be drought-tolerant and a species of grass that will survive as a permanent lawn in Broward County assuming adequate watering and fertilizing as described in this Section and the Administrative Manual.
- (ii) Turf grass shall be viable, free of weeds, and capable of growth and development.
- (iii) Planted as sod, strips shall be aligned with tightly fitted joints and no overlap of butts or sides. Sod subgrade shall be reasonably free of all stones, sticks, roots, and other matter prior to placement.
- (iv) Turf grass areas may be seeded to meet the requirements of this Code, provided that the area presents a finished appearance and complete coverage before a final Certificate of Occupancy or other approval is issued.
- (v) Use of turf grass shall be limited to being a design unifier, shall not be treated as fill-in material, but as a planned element of the landscape. Turf grass shall be consolidated and placed so it can be irrigated separately from other types of plant material. Turf grass shall be restricted to areas that receive pedestrian traffic, provide for practical or recreational use, or provide soil erosion control (e.g., on slopes or in swales).
- (vi) St. Augustine turf shall be installed within all unpaved areas of all rights-of-way.
- (vii) The Director may authorize large grassed areas not subject to soil erosion, such as playfields, to be grassed by other methods.

(d) Groundcover

- (i) At the time of installations, groundcover shall be planted with a minimum of 75 percent coverage of the intended groundcover area, with 100 percent coverage occurring within three months of planting.
- (ii) For all developed properties, all yards and other portions of land not utilized for structures, parking areas, walkways, driveways, decking, pools, or other amenities shall be covered with turf grass or living groundcover.
- (iii) Nonliving groundcover shall be limited to borders, sidewalks, step stones, and other similar materials, and shall not cover more than 15 percent of the landscaped area. Use of pervious paving materials is strongly encouraged.
- (iv) An applicant may apply for an Administrative Adjustment, as described in §10-5.4(P), *Administrative Adjustment*, of up to 50 percent of the area to be covered with nonliving groundcover for industrial, special utility, and agricultural properties subject to the criteria for Administrative Adjustment approval.

(e) Vines

Vines shall be a minimum of 30 inches in supported height upon installation and may be used in conjunction with fences, visual screens, or walls.

(f) Trees

Fifty percent of the trees required in this section shall be water-conserving native plant material.

(i) Palm Trees

- A.** Palms shall constitute no more than 20 percent of the total trees required. Any palms provided in excess of this amount shall not count towards the tree requirement.
- B.** Palms shall have a minimum height of 12 feet at the time of planting, measured from the base of the palm to the tip of the bud, and shall have substantial gray wood characteristics at the time of maturity shall have a minimum of two feet of gray wood at the time of planting.
- C.** No large palm trees shall be located closer than 25 feet to light poles or overhead utility lines. Refer to Florida Light & Power's "Right Tree, Right Place" guidelines.
- D.** Certain palms, as determined by the Director, may be substituted for shade trees by grouping three or more palms in close proximity together to create the equivalent crown spread. Certain palms, as determined by the Director, may be substituted on a one for one basis in lieu of shade trees. Refer to §10-4.4(J), Approved Palm and Tree Lists.

(ii) Shade Trees

- A.** Shade trees shall constitute 50 percent of the total trees required, unless specifically addressed in this section.
- B.** At the time of installation, shade trees shall have a minimum:
 - 1. Trunk caliper of three inches;
 - 2. Height of 15 feet;
 - 3. Crown spread of six feet; and
 - 4. Four and a half feet of clear trunk.
- C.** No shade tree shall be located closer than 25 feet to light poles or 30 feet to overhead utility lines. Refer to Florida Light & Power's "Right Tree, Right Place" guidelines.

(iii) Small Trees

- A.** Small trees shall have a minimum height of ten feet and the minimum crown characteristics of the species at that height upon installation.
- B.** Trees with a multiple trunk growth characteristic shall have no more than five main trunks.

- C. All small trees shall have a minimum of 30 inches of clear trunk at the time of planting.

(g) Shrubs

Fifty percent of shrubs required shall be installed as native plant material. Shrubs shall have a minimum height of 24 inches with a spread of 18 inches upon installation. Shrubs used as a required continuous hedge shall touch one another upon installation.

(h) Lakes, Canals, and Other Water Bodies

- (i) All lakes, canals, wet retention areas, and other water bodies shall include soil erosion control in the form of turf grass to the edge of the mean high water mark as described in §10-4.4(C)(3)(c), *Turf Grass*.
- (ii) No turf grass that requires mowing shall be allowed on slopes greater than four to one.
- (iii) All dry retention areas shall be landscaped with turf grass or groundcover in accordance with §10-4.4(C)(3)(c), *Turf Grass*, and §10-4.4(C)(3)(d), *Groundcover*.

(i) Berms

- (i) Berms shall be planted with turf grass or groundcover in accordance with §10-4.4(C)(3)(c), *Turf Grass*, and §10-4.4(C)(3)(d), *Groundcover*.
- (ii) The maximum slope for berms shall not exceed one foot in height for every three feet in width.

(j) Fertilizer

- (i) Fertilizers applied to plant material, including turf grass, within the City shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, "Labeling Requirements for Urban Turf Fertilizers."
- (ii) Nitrogen and phosphorus fertilizer shall not be applied to turf grasses or landscape plants except as provided in §10-4.4(C)(3)(j)(i) above unless a soil or tissue deficiency has been verified by an approved test.
- (iii) Fertilizer containing nitrogen and/or phosphorus shall not be applied to turf grasses or landscape plants from June 1 to September 30 unless approved by the Director.

(k) Installation Timing

(i) Prior to Certificate of Occupancy

All required landscaping, including groundcover, shall be installed in accordance with the approved landscape plan or in accordance with any phasing plan and the required planting standards presenting in this Section prior to the issuance of a final Certificate of Occupancy unless otherwise approved by the Director.

(ii) Extensions

- A.** The Director may, for good cause shown, grant extensions to the above time limit, allowing a developer and/or owner to delay the installation of required landscaping.
- B.** Circumstances that may warrant an extension include, but are not limited to, completion of utility work occurring in the proposed landscape area that is incomplete or delayed.
- C.** Any extension of the time limit shall be conditioned on the required landscaping being installed as soon as practicable after the delay-warranting circumstances cease to exist. The provision of a performance guarantee shall be required to ensure installation of the required landscaping is performed within one year as described in Section 10-5.4(l)(3)(c)(i), *Performance Guarantees*.

(4) Protection of Public Infrastructure

All shade and medium trees installed within six feet of public infrastructure shall utilize a root barrier system, as approved by the Director.

(5) Obstructions to Emergency Response Vehicles

- (a)** No landscaping or related obstructions shall be placed within seven and a half feet of any fire hydrant.
- (b)** Landscaping or related obstructions shall not be placed around buildings and structures in a manner that impairs or impedes accessibility for firefighting and rescue operations.

(6) Stabilization

- (a)** Stabilization shall be in accordance with the International Society of Arboriculture standards as amended from time to time.
- (b)** All palm and shade trees planted as trees shall be securely guyed, braced, and/or staked at the time of planting until establishment. The use of nails, wire, rope, or any other method which could damage the tree or palm is prohibited.
- (c)** All stabilization systems shall be clearly marked with flags, paint, or other visible medium to prevent hazards and protect the public. Trees shall be re-staked in the event of failure of the staking and guying.
- (d)** All guys and staking material must be removed when the tree is stable and established, but in no case more than one year after initial planting. Failure to do so will be considered tree abuse and will lead to enforcement action as described in 10-4.4(l)(3), Tree Abuse below.
- (e)** All plants shall be installed so that the top of the root ball remains even with or slightly above the soil grade.
- (f)** All required landscape planting areas and berms shall be stabilized and maintained with turf grass, groundcover, mulch, or other approved materials to prevent soil erosion and allow rainwater infiltration.

(7) Irrigation System Required

- (a) Irrigation systems shall be provided in all landscaped areas and designed to meet the needs of the plant material within the landscape areas, in accordance with *The Florida-Friendly Landscaping Guide to Plant Selection & Landscape Design* (University of Florida) and in compliance with the watering restrictions of the South Florida Water Management District.
- (b) When feasible, irrigation systems shall be designed separately to serve turf grass and non-turf grass areas.
- (c) Irrigation and landscape design, installation, and maintenance shall consider soil, slope, and other site characteristics in order to minimize water waste, including overspray, the watering of impervious surfaces and other non-vegetated areas, and off-site runoff. Furthermore, irrigation systems shall not create a hazard to vehicular use areas.
- (d) In the event of damage or other mechanical failure, irrigation systems shall be designed to minimize free flow conditions.
- (e) Rain-sensing shutoff switch equipment shall be required on automatic irrigation systems installed after May 1, 1991, to avoid irrigation during periods of sufficient soil moisture, in accordance with Florida Law (F.S. 373.62). Such equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred. Such switches and devices shall be located and installed so that building eaves, balconies, and similar overhands do not interfere with effective operation of the device or switch.
- (f) Low-volume, drip, trickle, and emitter irrigation is encouraged, primarily for trees and shrubs, to promote Xeriscape principles.
- (g) Irrigation systems shall only be operated before 10:00 a.m., and after 4:00 p.m., or as amended by the State of Florida, Broward County, the City, and/or South Florida Water Management District regulations. It is strongly recommended that irrigation systems operate primarily in the early morning hours after 4:00 a.m. to reduce the likelihood of any horticultural plant diseases developing. Operation of the irrigation system for maintenance, repair, turf grass installation for new construction, and landscape maintenance activities such as required application of water to apply fertilizer, herbicides, and pesticides shall not be limited to these hours.

(D) Minimum Landscaping Requirements

(1) Minimum Development Site Planting Requirements

- (a) New developments shall provide plantings within pervious areas of the development site in accordance with the standards in Table 10-4.6, below, for the base zoning district in which the development is located and the size of the lot containing the development.

Table 10-4.6: Minimum Planting Requirements		
District	Lot Type and Size	Planting Requirement
RE, R-1, R-2	All lots up to 6,000 SF	5 trees and 20 shrubs [1]
	Lots greater than 6,000 SF	5 trees and 20 shrubs per 3,000 SF or fraction thereof above 6,000 SF [2] [3]
R-3, MUN, MUC, MUG, NC, BP, I-1, I-2	All lots	1 tree and 5 shrubs for every 2,000 SF of pervious area [4]
PF, RC, RR	All lots	1 tree and 5 shrubs for every 1,000 SF of pervious area [4]
NOTES: SF = square feet [1] Two of the five trees shall be shade trees, one being in the front half of the lot and one being in the rear half. A minimum of two trees shall be located in front of the structure. [2] A minimum of two trees shall be located in front of the structure. [3] Corner lots greater than 6,000 sf shall require one additional tree and five additional shrubs. [4] A minimum of 50 percent of the required trees shall be shade trees.		

- (b) The pervious area not covered by buildings, vehicular use areas, waterways, and walkways shall be landscaped including but not limited to turf grass, groundcover, trees, shrubs, and other plant material.
- (c) The area between the street pavement and the property line or swale shall be turf grass or groundcover.
- (d) Existing trees and vegetation that are preserved, replaced, or relocated may be credited towards achieving the minimum landscape requirements of this section, provided they meet all applicable requirements of 10-4.4(C), *General Requirements for All Landscaping*.

(2) Perimeter and Waterway Frontage Landscaping

- (a) Properties in any district, except RE, R-1, and R-2, shall provide three trees (one of which is a shade tree) for every 40 linear feet or major fraction thereof, and a continuous hedge along the property perimeter. This requirement is in addition to the other requirements in this section, except along street frontages that shall only require two trees (one of which is a shade tree) and a continuous hedge in addition to the street tree requirements as described in §10-4.4(F).
- (b) MUN, MUC, MUG, NC, BP, I-1, and I-2 District properties with main public right-of-way frontage involving only one perimeter, shall reduce this requirement to one shade tree in addition to a continuous hedge and the street tree requirements as described in §10-4.4(F). Corner properties or double frontage property without store fronts facing it shall not be eligible for reduction.
- (c) Where abutting properties have the same perimeter landscaping requirement, the perimeter landscaping requirement can be met jointly by the abutting property owners and does not have to be duplicated by each property owner as approved by the Director.

- (d) A landscaped area shall be a minimum of ten feet from the property line to any vehicular use area or permanent structure other than permitted fences, walls, or landscaping unless specifically required elsewhere in this Section.
- (e) Waterway frontage shall be landscaped the same as the perimeter requirements stated above. The continuous hedge requirement may be reduced upon determination by the Director for waterway frontages only.

(3) Buffers

(a) Parking Area Buffers

In all districts except RE, R-1, and R-2, parking areas that abut the public right-of-way shall be required to install a hedge planted a minimum of 24 inches high at time of installation and maintained no higher than 30 inches. Alternatively, a berm 30 inches high shall be installed to screen such parking area from the public right-of-way. Appropriate sight triangles shall be maintained.

(b) Buffer Between Multi-Family and Single/Two-Family Residential

Where multi-family residential property directly abuts single- and two-family residentially zoned property, a buffer area shall be provided on the multi-family property. This buffer shall be a minimum continuous depth of ten feet of landscaped area and shall follow the perimeter and waterway frontage requirements required in §10-4.4(D)(2), *Perimeter and Waterway Frontage Landscaping*.

(c) Properties Abutting or Across from Right-of-way or Water Body

Properties that directly abut or are directly across from any public right-of-way, canal, other water body, or any other separator from any Residential or RC District, or property zoned open space (including golf courses), shall provide a buffer area on the nonresidential plot per the standards below.

- (i) This area shall be a minimum continuous depth of 25 feet of landscaped area.
- (ii) A solid masonry wall, stuccoed and painted, or earthen berm, or combination thereof, of at least six feet in height shall be required within this buffer unless the buffer is within a front yard, along a major arterial, or along a Broward County collector street.
 - A. On the side of the wall or earthen berm that abuts the Residential or RC Districts, or is zoned open spaces (including golf courses), two trees, one tree being a shade tree, shall be installed for every 30 linear feet or major fraction thereof. Additionally, a continuous hedge shall be provided.
 - B. On the side of the wall or earthen berm that is interior to the nonresidential plot, one shade tree shall be spaced every 40 linear feet. Additionally, a continuous hedge shall be provided.
 - C. If a berm is utilized, one continuous hedge shall be installed at the top of the berm only.
 - D. If a wall is utilized, it shall contain a door to permit access necessary for the owners to maintain the required landscaping material. The nonresidential user is responsible for maintenance of both sides of any wall. An optional design or

material of such wall may be considered by the Director as long as such wall is designed to be an architectural enhancement to the overall property other than strictly for separation purposes.

- (iii) Additional buffer width will be required on property where the building height is five stories or higher or when the property abuts or is across a water body from a residential district. In this case, the minimum width of the buffer shall be 35 feet where there is a water body separator and 50 feet where there is no water body separator.

(d) SU District Buffers

- (i) A landscape buffer consisting of hedges, trees, berms, or walls shall be installed to provide a visual screen for all lots in the SU district. Any combination of hedges, berms, and walls shall be at least six feet in height at the time of installation in order to screen all the special utility lot from view from any contiguous Residential, Mixed-Use, and Nonresidential Districts, and recreational uses.
- (ii) When fences and wall are used as the visual screen, hedges of 36 inches in height at the time of planting shall be planted outside of such fence or all.

(4) Pedestrian Zones along Building Façades

Trees and other plantings visually and aesthetically buffer and enhance building façades to reduce air and noise pollution and to conserve energy within the structure.

- (a) There shall be a landscaped pedestrian zone along the entire length of all building walls that are the primary frontage as well as building walls that face a vehicular use area, excluding sections of such façade that are utilized for direct access into the building or the pickup location for the drive-through.
- (b) These provisions shall be applicable to all zoning districts including all covered parking structures or multi-level parking garages except single-family and duplex single-family properties. However, these provisions shall not be applicable when a building wall faces a dedicated alleyway.
- (c) The minimum width of such landscaped zone for all structures shall be measured from the base of the building to the top of a parapet wall, flat roof, or the midpoint of the eave and ridge for a sloped roof as follows:
 - (i) For buildings with heights up to and including 60 feet, the landscape zone width shall equal 50 percent of the building height or ten feet, whichever is greater.
 - (ii) For building with heights greater than 60 feet, the landscape zone width shall equal not less than 30 percent or more than 50 percent of the building height as determined by the Director.
 - (iii) The required width of the landscape pedestrian zone shall exclusive of any two foot car overhang.
- (d) Paved areas in the landscape pedestrian zone may not constitute more than 50 percent of the width of landscape pedestrian zone or seven feet, whichever is less.
- (e) One tree shall be installed in this zone per each 30 lineal feet, or fraction thereof, of façade width.

- (f) Trees must be of a size as required by §10-4.4(C), *General Requirements for All Landscaping*.
- (g) Trees may be grouped, but there must be a minimum of one tree per façade.
- (h) The remainder of the landscape area of the zone shall be treated appropriately with plantings, seating, sidewalks, and other pedestrian accessways.
- (i) Palms may be substituted for trees in landscape zones of limited width. Palms shall be required at the rate of three palms for each tree that would otherwise be required under this section and must be grouped together within the landscape pedestrian zone, unless the Palm species is designated as a one-for-one substitute.
- (j) The Director has the ability to administratively reduce the width of the landscape pedestrian zone and increase sidewalk width. It must be demonstrated that the reduced green space is provided elsewhere onsite and functions to help soften the mass of the structure.

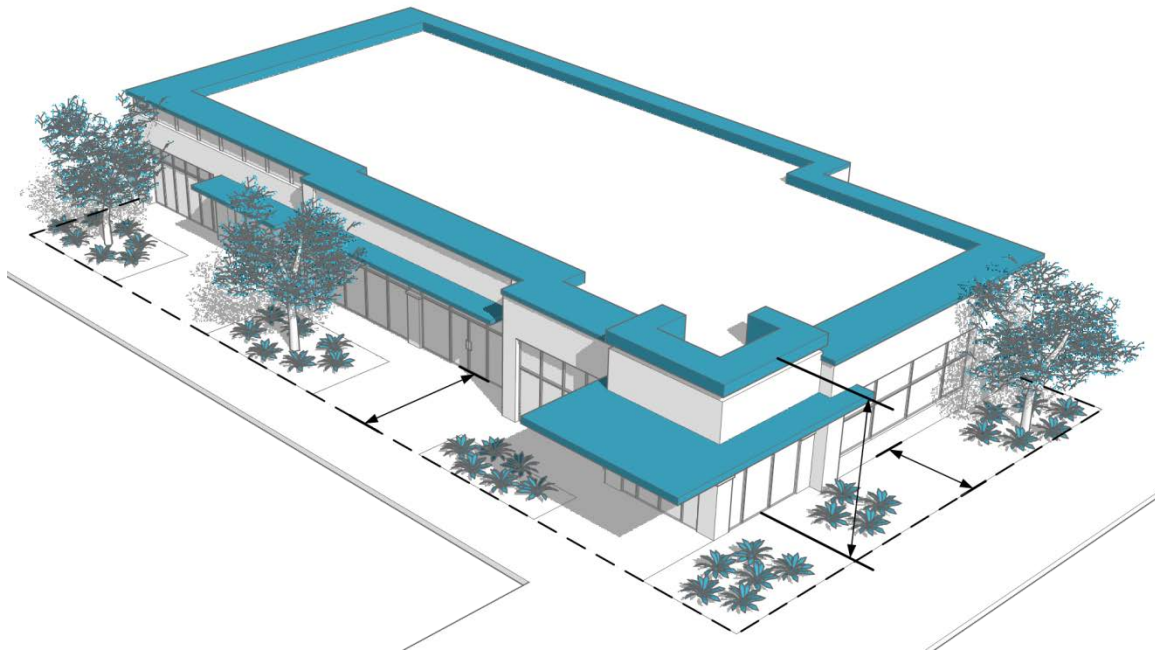


Figure 10- 4.4-1: Pedestrian Zones

(5) Vehicular Use Area Landscaping

Except as otherwise provided by the provisions of this subsection, all vehicular use areas in all districts shall include landscaping around and within the vehicular use areas as a means of mitigating the microclimate and visual aspects as well as providing safe and secure means for pedestrians to navigate these areas.

(a) Adjacent to Public Rights-of-Way or Private Roadways

- (i) On the site of a building or open lot providing an off-street parking area or other vehicular use area, landscaping shall be provided between the area and adjacent right-of-way or private roadway as follows:

- (ii) At least a width of 15 feet of landscaping, measured from the property line to the closest parking stall and a width of 25 feet measured from the property line to the parallel interior drive aisle, excluding egress and ingress drives, shall be provided.

(b) Interior Landscaping

- (i) An area or a combination of areas, equal to 15 percent of the total vehicular use area, shall be devoted to interior landscaping.
- (ii) Any perimeter landscaping provided in excess of that required by this Code may be counted as part of the interior landscaping requirement as long as such landscaping is contiguous to the vehicular use area and fulfills the objective of this subsection.
 - A. Each parking row shall begin and end with a landscaped island unless the parking row terminates into a required perimeter or buffer area.
 - B. For parking rows which provide more than ten parking spaces, one additional landscaped island shall be provided for every ten parking spaces. The Director may approve a greater number of parking spaces between rows based on unique site constraints.
 - C. A pedestrian walkway of any kind shall be added to the overall required width of a landscape parking island to maintain the minimum continuous nine-foot foot permeable area to accommodate a shade tree.

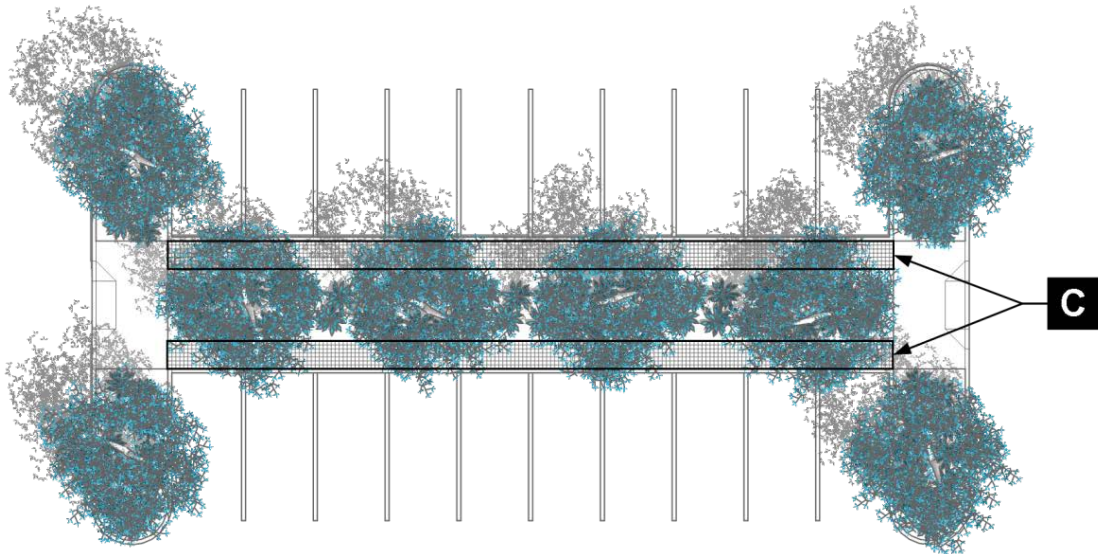


Figure 10- 4.4-2: Pedestrian Walkway in Landscape Parking Island

- D. The location of islands can deviate from the above if the purpose of this is to preserve existing on site trees as approved by the Director.
- E. Landscaped islands shall be at least ten feet in overall width, nine feet inside curb permeable area, by 18 feet in overall length, 16 feet inside curb permeable area and shall have at least one shade tree.
- F. The island shall be covered with turf, mulch, or other living ground cover.

- G.** The soil utilized within parking lot islands must be a minimum of 36 inches in depth of natural soil not consisting of road rock, imported fill, or other miscellaneous debris. Any grassed parking areas shall comply with the parking island requirements above.
- H.** Other suitable solutions or innovative designs to reduce heat and glare from vehicles may be substituted when approved by the Director, providing that no parking stall is further away than 50 feet from a tree, measured in a straight line from the tree trunk. Plans may be submitted showing aggregate clusters of tree planting equivalent to or greater than the total area of all required parking islands. These plans must be reviewed and found acceptable by the Director.
- I.** A landscaped area having a width of at least nine feet inside curb permeable area shall be provided between abutting parallel rows of parking spaces and shall contain one shade tree for every 30 lineal feet of landscaped area. The soil utilized within this area shall be a minimum of 36 inches in depth of natural soil not consisting of road rock, imported fill, or other miscellaneous debris. A pedestrian walkway of any kind shall be added to the overall required width of a landscape area and shall be located on one side in order to maintain the minimum continuous nine-foot permeable area and accommodate the row of shade trees.

(6) Sight Distance

When an accessway intersects a public right-of-way, or when the subject property abuts the intersection of two or more public rights-of-way, a sight visibility triangle shall be provided. The sight visibility triangle shall provide unobstructed cross-visibility for vehicular, pedestrian and bicycle traffic at a level between three feet and six feet measured from grade level. The sight visibility triangles are formed as follows:

- (a)** The areas of property on both sides of an accessway formed by the intersection on each side of the accessway and the public right-of-way line, with two sides of each triangle being 25 feet in length from the point of intersection and

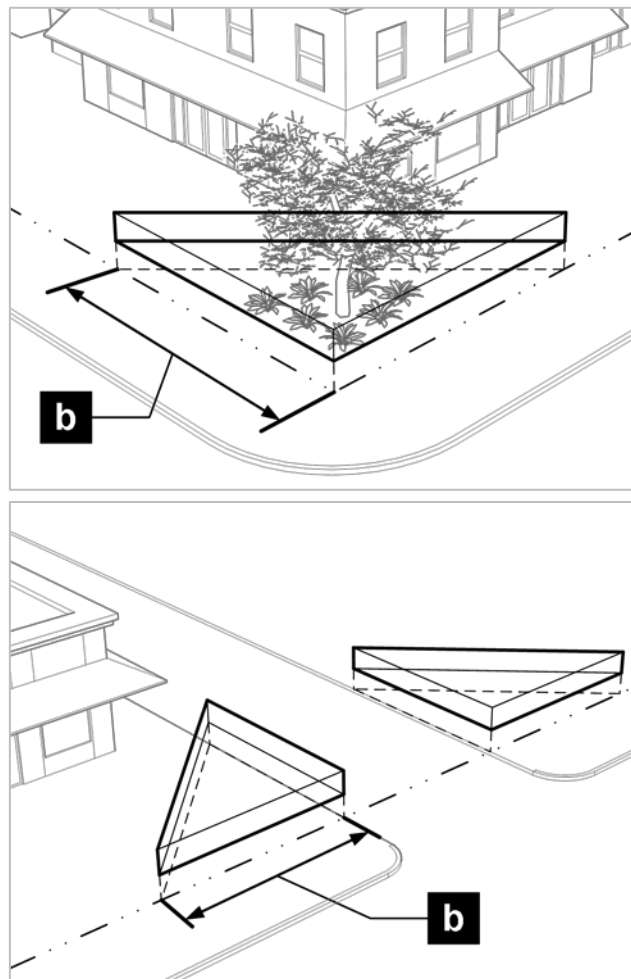


Figure 10- 4.4-3: Sight Visibility Triangle

the third side being a line connecting the ends of the other two sides.

- (b) The area of property located at a corner formed by the intersection of two or more public rights-of-way, with two sides of the triangular area being 30 feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two sides.
- (c) Obstructions to be restricted in the sight visibility triangles are found in the City's Engineering Standards.

(7) Landscape Requirements for Existing Uses

(a) Development Thresholds Requiring Compliance with Landscaping Requirements

Existing properties, including parking lots, that are not in compliance with these regulations shall, upon the occurrence of any one of the following events, be subject to the provisions of this §10-4.4, *Landscaping and Tree Preservation*, if:

- (i) The total square footage of the vehicular use area is increased by more than 20 percent; or
- (ii) There is a structural addition that increases the combined total gross floor area of all existing buildings on the property more than 1000 square feet or by 50 percent, whichever is less; or
- (iii) Building elevation changes, excluding minor cosmetic items such as painting, lighting fixtures, awnings, and signs, involving 50 percent or more of the exterior walls of a roofed structure on the property within a two-year period. A modification to only part of elevation shall constitute a change in the entire elevation of that exterior wall; or
- (iv) Any tenant change for a stand-alone non-residential structure that also involves any change to any building elevation, excluding minor cosmetic items such as painting, lighting fixtures, awnings, and sign painting; or
- (v) Any tenant change for a non-residential structure that is the anchor tenant of a property that also involves any change to any building elevation, excluding minor cosmetic items such as painting, lighting fixtures, awnings, and signs.

In the event an existing property cannot abide by the current provisions of this Section, if the above actions occur, the Director may require a property owner to bring the site to current standards to the greatest extent possible as determined through the Development Review Committee process.

(b) Existing Parking Lot Compliance

- (i) Existing parking lots that do not meet the requirements of this Code with regards to the size of landscaped parking island dimensions must increase the size of such islands to meet Code requirements to such a level that will not substantially reduce actual parking spaces below required parking as required by 10-4.3(D), *Off-Street Parking Requirements*, above. The Director shall make this determination after the Director and property owner have done a complete review of required parking and existing and proposed uses in the property. This process will be initiated by criteria

detailed in subsection (7) above regarding nonconforming properties criteria. The following options may be employed, as an alternative to accomplish this objective:

- A. Smaller size trees may be substituted in parking islands as determined by the Director.
- B. Parking islands may be eliminated and grouped to provide larger parking islands in other areas of the property as described in the above Section.
- C. A combination of the above options may be employed to maximize the amount of larger islands and maintaining required parking spaces for the property.

(E) Screening

(1) Accessory Structures

Generators, air conditioning units, bottled gas tanks, irrigation pumps, swimming pool pumps and heaters, garbage containers at ground level, utility boxes, and similar accessory structures shall be screened with shrubs or an opaque fence on all applicable sides. Shrubs planted for this purpose shall be in addition to the requirements in Table 10-4.6 above. A hedge, berm, wood fence, or wall, maintained at a minimum of six inches above the items to be screened, may be used to satisfy the screening requirements as approved by the Director.



Figure 10-4.4.4-4: Dumpster Enclosure Example

(2) Dumpster Enclosures

A minimum 24-inch high continuous hedge shall be provided around any dumpster enclosure except for the access gate and pedestrian opening. This includes any dumpster used for waste, recycling, or other purposes.

(3) Outdoor Storage Areas

- (a) Outdoor storage areas that are adjacent to a residential zoning district, a lot containing a residential use in a mixed-use zoning district, public open space, public trail, or public street, shall be screened from view by a vegetative screen or by a solid wall or fence.
- (b) The walls or vegetative screen shall be a minimum of six feet in height, but in any event the walls or vegetative screen shall be higher than the screened outdoor storage and 100 percent opaque.
- (c) The fence or wall design shall incorporate at least one of the primary materials and colors of the nearest wall of the primary building (but excluding unfinished CMU block).

(F) Street Trees

The following standards shall be required in addition to other tree requirements in this §10-4.4, *Landscaping and Tree Preservation*.

(1) General

- (a) Non-residential and multifamily property owners may apply for a permit to plant a tree in the swale area of a public or private street abutting the property owned by the applicant. The location and species of the tree or trees shall be approved by the Director.
- (b) The property owner shall maintain the tree or trees. The City reserves the right to disallow trees in the swale that conflict with a public drainage purpose.
- (c) Residents may apply for Minor Site Plan Approval as described in §10-5.4(H)(3)(f) for tree planting approval within the rights-of-way of local streets. Costs of trees and installation may be assessed and be paid for by the respective groups or property owners.

(2) New Development

In conjunction with new construction or development, street trees shall be placed in the landscaped area of public or private streets prior to the issuance of a Certificate of Occupancy.

- (a) One street tree shall be required for every 40 linear feet of separate street frontage and shall be planted no further than 60 feet and no closer than 15 feet apart.
- (b) All street trees are to be placed in the swale area of the public or private street or a location in accordance with the requirements of this Section in order to accommodate location of utilities and/or street widening.
- (c) Street trees shall be approved shade trees species, unless an alternative tree species is approved by the Director.

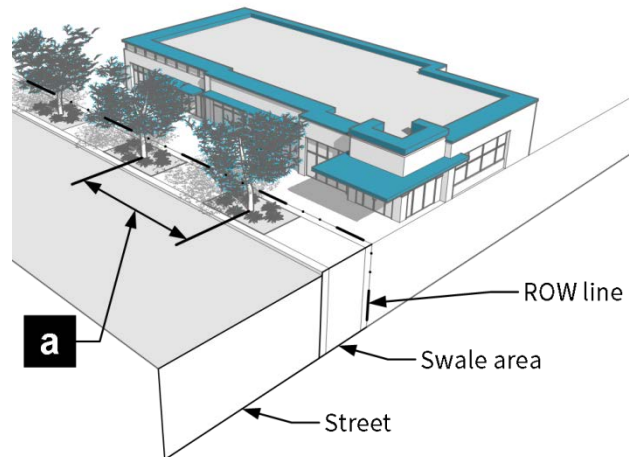


Figure 10- 4.4-5: Street Trees

(3) Nonconforming Properties

Nonconforming landscaping on the site of a remodeled structure, expanded structure, or expanded use area shall comply with the requirements of this Section to the maximum extent practicable.

(G) Historic or Specimen Trees

- (1) The Director may recommend from time to time the designation of certain trees located within the City as specimen or historic trees. The City Manager shall review such recommendation and add thereto their own comments and recommendations, and the matter shall be presented to the City Commission for its determination.
- (2) The City Commission shall consider the report of the Director and the recommendation of the City Manager and shall either accept, modify, or deny the recommendation.

- (3) The City Commission may designate by resolution those trees it deems appropriate as specimen or historic trees.

(H) Landscape Maintenance

All landscaped areas shall be maintained in a live, healthy, and growing condition, properly watered and trimmed according to the standards below.

- (a) All owners of land or their agents shall be responsible for the maintenance of all landscaping.
- (b) All landscaping includes mowing and maintaining abutting rights-of-way, swales, lakes, and canal banks.
- (c) Landscaping shall be maintained to minimize property damage and public safety hazards, including removal of living, dead, or decaying plant material, removal of low hanging branches, and those obstructing street lighting and maintenance of sight distance standards.
- (d) Dead or declining plant material considered to be part of a natural habitat feature located on public property are exempt from these landscape maintenance provisions except where maintenance is necessary to avoid damage to public property or to mitigate safety hazards.
- (e) There shall be no use of mechanical equipment for the purpose of maintaining a preserved ecological community, as identified in a natural resource protection area plan or a development of regional impact, unless specifically authorized in writing by the Director.

(2) Maintenance Standards

Landscaping shall be maintained in accordance with the standards below.

(a) Insects and Disease

Landscaping shall be kept free of visible signs of insect infestation and disease.

(b) Mulching

- (i) Three inches of clean, weed-free, approved organic mulch shall be maintained over all areas originally mulched at all times until landscaped area matures to one hundred percent coverage. Mulch must be kept a minimum of six inches from the trunk of any tree. The use of heat-treated mulch obtained from *Melaleuca*, *eucalyptus*, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining plant communities. For this reason, the use of cypress mulch is strongly discouraged.

- (ii) Mulch shall be maintained in accordance with the standards of §10-4.4(C)(3)(b), *Mulch*.

(c) Mowing and Trimming

- (i) Landscaping shall be weeded, mowed, pruned, and/or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area.

- (ii) Turf grasses shall be mowed by removing no more than one-third of the leaf blade at each cutting.
- (iii) St. Augustine and Bahia turf shall be mowed at a height no less than three inches.
- (iv) All public rights-of-way, curbs, and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas. Line trimmers shall not be used to trim turf abutting trees or other plant material.

(d) Pruning

(i) General

- A. All property owners or their agents must prune trees in accordance with ANSI A-300, as amended from time to time. Any pruning performed without conformance to these standards shall be subject to enforcement by the City.
- B. All tree pruners who provide services in the City shall hold a valid local business license in Broward County as well as a valid Broward County tree trimmer license.
- C. If pruning is deemed tree abuse per §10-4.4(I)(3), *Tree Abuse*, and causes tree removal, a Tree Removal License shall be required from Broward County as described in §10-5.4(M), *Tree Removal License*.
- D. Any landscaping found growing into public rights-of-way shall be pruned at a minimum to the vertical clearances below:
 - 1. Eight and a half feet above sidewalks;
 - 2. 14 feet above local and collector streets; and
 - 3. 18 feet above arterial streets.
- E. Any landscaping found growing into a canal right-of-way shall be pruned to provide a minimum vertical clearance of eight feet above the mean water level or top of seawall.
- F. Topiary pruning of shade and small trees by shearing or trimming into an unnatural shape, such as round like a lollipop, is not prohibited, but strongly discouraged. Trees pruned in this manner will not be counted towards fulfilling the minimum landscape requirements outlined in this Section.

(ii) Exemptions

- A. The removal of diseased or dead portions, such as palm fronds, of one tree that does not result in said tree creating a threat to public safety or adjacent property is allowed.
- B. The removal of an interfering, obstructing, or weak branch of a tree such that it does not result in said tree creating a threat to public safety or adjacent property is allowed.
- C. Pruning to reduce or eliminate interference with or obstruction of street lights, stop signs, or traffic signals is allowed provided tree abuse does not occur per §10-4.4(I)(3), *Tree Abuse*.

- D.** Failure to remove or properly prune a tree damaged by a natural disaster within 30 days shall be a violation of this Code.

(e) Maintenance of Irrigation Systems

- (i)** Irrigation systems shall be maintained and promptly repaired to eliminate water loss due to damaged, missing, or improperly operating sprinkler heads, emitters, pipes, and other parts necessary for a fully functioning irrigation system.
- (ii)** Irrigation systems shall be designed, installed, and maintained to minimize application of water to impervious areas and/or so as not to create a hazard to vehicular use areas.
- (iii)** Low-volume, drip, trickle, and emitter irrigation is encouraged to promote good Xeriscape principles where applicable.
- (iv)** A functioning rain sensor/shutoff device shall be required on all irrigation systems installed after May 1, 1991, as mandated by F.S. § 373.62.
- (v)** In order to reduce the amount of water lost to evaporation, irrigation systems shall be operated between the hours of 4:00 p.m. and 10:00 a.m. only, or as amended by state, county, city and/or South Florida Water Management District regulations. It is furthermore strongly recommended that irrigation systems operate primarily in the early morning hours after 4:00 a.m. to reduce the likelihood of any horticultural plant diseases developing. Operation of the irrigation system for maintenance, repair, sod installation for new construction and landscape maintenance activities (such as required application of water to apply fertilizer, herbicides and pesticides) is not limited to these hours.
- (vi)** The duration that zones are operated should be adjusted to reflect the size of the zone as well as the needs of the plant material in the zone. Unnecessary and excessive watering can promote root rot and other plant diseases.
- (vii)** Under drought conditions, compliance with the watering restrictions of the South Florida Water Management District is required.

(f) Golf Course Landscaping and Maintenance

Any site upon which a golf course is developed shall be landscaped and maintained in a neat and clean, live, healthy, and growing condition, adequately watered and trimmed, free of any structure, refuse, or debris. Golf course design should aim to preserve and support existing natural features, including multiple vegetation types not just turf grass. Utilizing more natural, less resource-intensive non-turf and transitional vegetation can encourage more biodiversity and decrease habitat fragmentation.

(g) Replacement Requirements and Enforcement

- (i)** Improper maintenance shall include, but not be limited to, tree abuse, failure to supply adequate water, failure to replace missing or deficient landscaping, failure to maintain landscaping so as to meet the intent of the landscape code, such as buffering.
- (ii)** Landowners or their agents shall be responsible for ensuring that plant material required by this Section, or installed pursuant to a landscape code previously in

effect, are replaced if such plant material dies, or are abused, following the issuance of a Certificate of Occupancy. The owner shall have 45 days to install the required landscaping.

- (iii) In the case of improper maintenance of any landscaping, the owner or agent shall desist immediately, and shall replace or repair all damaged landscaping, at the discretion of the City.
- (iv) Preserved vegetation which dies following the issuance of a Certificate of Occupancy shall be replaced with the equivalent replacement of plant material.
- (v) Prohibited plant species shall not be replaced in-kind, but shall be replaced with a similar plant species approved by the City.
- (vi) Any planting of turf grasses, shrubs, or trees which become dead or badly damaged shall be replaced with similar sound, healthy plant materials. The diameter of the replacement tree shall be equal to or greater than the diameter of the abused tree. More than one tree may be utilized for replacement if the aggregate sum of the diameters of the replacement trees is equal to or greater than the diameter of the abused tree.
- (vii) Each replacement tree shall be on the approved tree list. The equivalent replacement trees shall be Florida No. 1 quality or better. Each replacement tree shall have the largest diameter commercially available in Dade, Broward, and Palm Beach counties for the tree species selected, provided that no replacement tree shall have a diameter of less than three inches. Diameter measurements shall be made at four and a half feet above the ground.
- (viii) Replacement trees shall be installed onsite. In the event the site cannot accommodate all required replacement trees, the remaining replacement trees shall be installed on public lands if approved by the enforcement agency and the applicable jurisdiction that owns such lands.
- (ix) Remedial actions and replacement required under this Section shall be completed within established time frames through the City's code enforcement procedures. The enforcement agency may require the violator to immediately undertake remedial actions in the event the abused tree is an immediate threat to the public or property.
- (x) Any violations of this subsection shall be referred to the code enforcement division for enforcement. Each individual tree which is missing, removed, or damaged shall be considered a separate violation. In addition, any other missing, removed, or damaged landscaping shall be considered as additional violations. Each day such failure or neglect continues shall be deemed a separate offense. Violator shall mean a person who violates this Article. The owner of property upon which the abused tree is located shall also be deemed a violator if the tree abuse is undertaken by the owner's employee, agent or person under the owner's control.
- (xi) Missing, damaged, or removed irrigation (where required) shall also be considered a separate violation of this Code. Each day such failure or neglect continues shall be deemed a separate offense.

(h) Root Systems

- (i) Complete removal of root systems and stumps is required to the greatest extent possible, as applicable.
- (ii) Root pruning must be done so as to not irreparably damage the tree if it creates a safety hazard.

(i) Emergencies and Utilities

- (i) In emergencies such as floods, hurricanes, or other disasters, or in cases where a fallen tree is interrupting service or is limiting access to utility facilities, the requirements for implementing ANSI A-300 shall not apply to utility companies.
- (ii) Failure to remove or properly prune a tree damaged by a natural disaster within a reasonable period of time corresponding to the severity of the disaster as determined by the Director shall be a violation of this Code.
- (iii) *The Hazard Pruning Standards* and the *Crown Reduction Standards* of the American National Standards Institute apply to utility companies' tree pruning activities.

(I) Tree Preservation

(1) Tree Preservation

The following minimum standards shall apply to all trees designated for preservation from damage during development activities.

- (a) Land designated for conservation by Broward County or the City shall be exempted from this section.
- (b) No impervious surface including but not limited to paving or buildings, shall be located within the dripline of any tree proposed for preservation.
- (c) Retaining walls and dry wells shall be utilized where needed to protect trees from severe grade changes.
- (d) For shallow fills, all fill material shall be gently sloped down to the level of the tree roots leaving the tree in a depression larger than the spread of its crown.
- (e) No parking, vehicle maintenance, storage of construction materials or debris, or cleaning of equipment shall occur within areas marked for preservation, including but not limited to the dripline of any individual tree.
- (f) In areas of unique natural or unusual vegetation, both the understory and the trees shall be preserved. Any alteration or mitigation are subject to the natural resource protection provisions of Section 10-48 of the City Code.
- (g) Trees to be preserved shall be designated as such in either a Tree Removal License approved by Broward County or a tree protection plan approved by the City.
- (h) Prior to any clearing of improved, vacant, or unimproved land, unless specifically exempted from this section, trees to be preserved shall have barriers constructed around them to prevent physical damage from heavy equipment and other activities incidental to development.

(2) Barriers and Barricades

- (a)** Encroachment into any barricade area shall be prohibited with the exception of activities specifically permitted by an approved tree permit including dripline encroachment plan. Required barriers shall be subject to inspection prior to any clearing by the City or Broward County as a condition of permit approval.
- (b)** Barriers or barricades shall be:
 - (i)** Large enough to encompass the entire area inside the dripline of the tree;
 - (ii)** Noticeable and tall enough to be clearly visible to equipment operators;
 - (iii)** Constructed of sturdy four by four scrap wood, or other sturdy material as approved by Broward County or the City. Flags and ribbons are not permitted as the sole barrier but can be utilized to increase visibility of the study material;
 - (iv)** Constructed as a condition of the issuance of any land clearing, building, or development permit;
 - (v)** Constructed prior to any construction or other development activities, and are required to remain in place through the construction period; and
 - (vi)** Completely removed from the site at the end of the construction period immediately prior to the issuance of a Certificate of Occupancy by the City, unless otherwise stipulated in the approved tree removal license.

(c) Underground Utility Lines

- (i)** Underground utility lines shall, to the maximum extent possible, be routed around the outside of the dripline of existing non-prohibited and noninvasive root systems and trees.
- (ii)** A tunnel made by a power-driven soil auger may be used under the tree, as an alternative subject to approval by the City.

(d) Fences and Walls

- (i)** Installation of fences and walls shall not conflict with the root systems of existing trees. Post-holes and trenches close to trees shall be dug by hand and adjusted as necessary to avoid damage to major roots.
- (ii)** Continuous footers for masonry walls shall be ended at the point where major or large roots are encountered and those roots shall be bridged.

(3) Tree Abuse

- (a)** Tree abuse is prohibited in the City.
- (b)** Abused trees shall not be counted toward fulfilling minimum landscape requirements and shall be replaced.
- (c)** The owner of an abused tree may provide the Director with written documentation from an arborist certified by the International Society of Arboriculture, or other qualifying organization, stating that the degree of abuse is not sufficient to warrant the removal of the abused tree.

- (i) The arborist's opinion shall include a description of the proposed remedial pruning including a timeframe in which the work will be performed.
- (ii) Upon review of the arborist's opinion, the Director may agree to allow the tree to remain.
- (iii) If the abused tree is allowed to remain, it is the property owner or their agents' responsibility to follow through with any necessary corrective pruning or maintenance to ensure the tree does not develop into a hazard.

(4) Tree Removal and Replacement

Provided all other applicable subsections of this section are being met by the property owner, owners or their agents may pursue Tree Removal, Tree Relocation, or Tree Replacement Licenses from Broward County per the standards outlined below.

- (a) It shall be unlawful to cut down, destroy, remove, relocate or effectively destroy or damage any tree in the City which has a caliper of four inches or larger without first obtaining a Tree Removal or Tree Relocation License from Broward County.
- (b) Until a natural resource plan has been prepared by a certified biologist and approved by the City pursuant to Section 10-48 of this Code, clearing and grubbing permits shall not be issued by the City for undeveloped properties that are classified as an environmentally sensitive area, local area of particular concern, urban wilderness inventory area, natural resource area, or shows evidence that the property supports plants or animals that are rare, threatened, endangered, or are a species of special concern.
- (c) Tree Removal License shall not be issued for any developed property if removal causes such property to be in violation of this Code or an approved site plan, unless the conditions in this Section are met.
- (d) A Tree Removal License shall be issued when one of the following conditions exist: the tree is diseased, injured, in danger of falling, located so as to endanger an occupied structure, interferes with utility services, creates unsafe vision clearances, or conflicts with other codes, ordinances, or regulations.
- (e) An applicant for a Tree Removal License shall fulfill the following condition:
 - (i) The tree, if destroyed, shall be substituted with an equivalent replacement or replacements, planted on the site or within the project area, or on public lands if there is no suitable onsite location as determined by Broward County's regulations regarding the approved Tree Removal License.
- (f) Failure of an owner to replace a removed tree with an equivalent replacement within 60 days after being notified by the City shall be in violation of this Code.
- (g) If removal or replacement of a tree or trees occurs in conjunction with an Improvement Permit, the application shall be considered part of the site plan development.
- (h) No Improvement Permit shall be issued without an approved Tree Removal License.
- (i) Removal, replacement, or relocation shall take place before a Certificate of Occupancy is granted.

(J) Approved Palm and Tree Lists

The Director may grant special written permission to allow the planting of trees, other than those listed, to meet the minimum landscape requirements. Such request shall be submitted in writing with supporting documentation. Written approval for such deviation shall be obtained prior to the planting of such trees or shrubs.

(1) Palm Trees

Table 10-4.7: Approved Palm Trees	
Common Name	Latin Name
Alexandra Palm	<i>Archontophoenix alexandrae</i>
Bismarck Palm	<i>Bismarckia nobilis</i>
Bottle Palm	<i>Hyophorbe lagenicaulis</i>
Cabbage Palm	<i>Sabal palmetto</i>
Canary Island Date Palm	<i>Phoenix canariensis*</i>
Carpentaria Palm	<i>Carpentaria acuminata</i>
Chinese Fan Palm	<i>Livistona chinensis</i>
Coconut Palm	<i>Cocos nucifera*</i>
Date Palm	<i>Phoenix dactylifera</i>
Florida Silver Palm	<i>Coccothrinax argentata</i>
Florida Thatch Palm	<i>Thrinax radiata</i>
Foxtail Palm	<i>Wodyetia bifurcata</i>
Key Thatch Palm	<i>Thrinax morrisii</i>
Majesty Palm	<i>Ravenea glauca</i>
Medjool or Zehedi Palm	<i>Phoenix dactylifera*</i>
Montgomery Palm	<i>Veitchia montgomeryana</i>
Paurotis Palm	<i>Acoelorrhaphe wrightii*</i>
Pindo Palm	<i>Butia capitata</i>
Queen Palm	<i>Syagrus romanzoffiana</i>
Royal Palm	<i>Roystonea elata*</i>
Screw Pine	<i>Pandanua utilis*</i>
Senegal Date Palm	<i>Phoenix reclinata*</i>
Silver Palm	<i>Coccothrinax argentata</i>
Solitaire Palm	<i>Ptychosperma elegans</i>
Spindle Palm	<i>Hyophorbe verschaffeltii</i>
Sunshine Palm	<i>Veitchia modanielsii</i>
Thatch Palm	<i>Thrinax radiata</i>
Triangle Palm	<i>Dypsis decaryi</i>
Washingtonia Palm	<i>Washingtonia robusta</i>
Windmill Palm	<i>Trachycarpus fortunei</i>
Winin Palm	<i>Veitchia winin</i>
NOTES: Shaded Green = Florida Native Species *May be used on a one for one basis.	

(2) Shade Trees

Table 10-4.8: Approved Shade Trees	
Common Name	Latin Name
Bald Cypress	<i>Taxodium distichum*</i>
Beautyleaf	<i>Calophyllum spp.*</i>
Bridalveil	<i>Caesalpinia granadillo*</i>
Floss Silk Tree	<i>Chorisia speciosa</i>
Golden Rain Tree	<i>Koelreuteria formosana</i>
Golden Shower	<i>Cassia fistula*</i>

Table 10-4.8: Approved Shade Trees	
Common Name	Latin Name
Green Buttonwood	<i>Conocarpus erectus*</i>
Gumbo Limbo	<i>Bursera simaruba*</i>
Indian Tamarind	<i>Tamarindus indica</i>
Jacaranda	<i>Jacaranda mimosifolia</i>
Jamaican Dogwood	<i>Piscidia piscipula*</i>
Kapok Tree	<i>Ceiba pentandra</i>
Laurel Oak	<i>Quercus laurifolia*</i>
Live Oak	<i>Quercus virginiana*</i>
Mahogany	<i>Swietenia mahogany*</i>
Mastic	<i>Sideroxylon foetidissimum</i>
Orchid trees	<i>Bauhinia spp.</i>
Paradise Tree	<i>Simaruba glauca</i>
Pigeon Plum	<i>Coccoloba diversifolia*</i>
Pink Trumpet	<i>Tabebuia heterophylla</i>
Pond Cypress	<i>Taxodium ascendens</i>
Pongam	<i>Pongamia pinnata</i>
Queen's Crape Myrtle	<i>Lagerstroemia speciosa</i>
Red Bay	<i>Persea borbonia</i>
Red Maple	<i>Acer rubrum*</i>
Red Silk Cotton Tree	<i>Bombax ceiba</i>
Royal Poinciana	<i>Delonix regia*</i>
Rusty Fig	<i>Ficus rubiginosa*</i>
Sapodilla	<i>Manilkara zapota*</i>
Sea Grape	<i>Coccoloba uvifera</i>
South Florida Slash Pine	<i>Pinus elliottii var. densa</i>
Shortleaf Fig	<i>Ficus citrifolia</i>
Spanish Cherry	<i>Mimusops elengi*</i>
Strangler Fig	<i>Ficus aurea</i>
Sugarberry	<i>Celtis laevigata</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Sycamore	<i>Platanus occidentalis*</i>
Wild Tamarind	<i>Lysiloma bahamensis*</i>
Willow Busic	<i>Dipholis salicifolia</i>
Yellow Poinciana	<i>Peltophorum spp.*</i>
NOTES:	
Shaded Green = Florida Native Species	
*Only trees allowed for Street Trees per Section (F) above.	

(3) Small Trees

Trees listed in Table 10-4.9: Approved Small Trees, shall be used under power and utility lines.

Table 10-4.9: Approved Small Trees	
Common Name	Latin Name
Allspice	<i>Pimenta dioica</i>
Apple Blossom Shower	<i>Cassia javanica</i>
Black Calabash	<i>Amphitecna latifoli</i>
Black Ironwood	<i>Krugiodendron ferreu</i>
Black Sapote	<i>Diospyros digyna</i>
Blolly	<i>Guapira discolor</i>
Bottlebrush, Upright and Weeping	<i>Callistemon spp.</i>
Brush Cherry	<i>Syzygium paniculata</i>
Buckthorn	<i>Bumelia spp</i>

Table 10-4.9: Approved Small Trees

Common Name	Latin Name
Carambola	<i>Averrhoa carambola</i>
Cassia	<i>Cassia surattensis/beariana</i>
Cattley Guava	<i>Psidium cattleianum</i>
Cherry Laurel	<i>Prunus caroliniana</i>
Citrus Trees	<i>Citrus spp.</i>
Crape Myrtle	<i>Lagerstomia indica</i>
Dwarf Poinciana	<i>Caesalpinia pulcherrima</i>
Dahoon Holly	<i>Ilex cassine</i>
East Palatka Holly	<i>Ilex attenuate "East Palatka"</i>
Fiddlewood	<i>Citharexylum fruticosum</i>
Frangipani	<i>Plumeria spp.</i>
Geiger trees	<i>Cordia spp.</i>
Glossy Privet	<i>Ligustrum lucidum</i>
Guiana Plum	<i>Drypetes lateriflora</i>
Inkwood	<i>Exothea paniculata</i>
Jamaican Caper	<i>Capparis cynophallophora</i>
Japanese Fern Tree	<i>Filicium decipiens</i>
Jatropha	<i>Jatropha spp.</i>
Krug's Holly	<i>Ilex krugiana</i>
Lancewood	<i>Ocotea coriacea</i>
Lignum-Vitae	<i>Guaiacum sanctum</i>
Long Stalked Stopper, Magroveberry	<i>Psidium longipes</i>
Longan	<i>Euphoria longan</i>
Loquat	<i>Eriobotrya japonica</i>
Lychee	<i>Litchi chinensis</i>
Madagascar Olive[1]	<i>Norhonia emarginata</i>
Marlberry	<i>Ardisia escallonoides</i>
Mimusops	<i>Manilkara roxburghiana</i>
Myrsine	<i>Myrsine guianensis</i>
Persimmon	<i>Diospyros virginiana</i>
Pitch Apple	<i>Clusia rosea</i>
Pond Apple	<i>Annona glabra</i>
Powder Puff	<i>Calliandra haematocephala</i>
Red Mulberry	<i>Morus rubra</i>
Sabicu	<i>Lysiloma sabicu</i>
Sand Pine	<i>Pinus clausa</i>
Satin Leaf	<i>Chrysophyllum oliviforme</i>
Silver Buttonwood	<i>Conocarpus erectus</i>
Simpson's Stopper	<i>Myrcianthes fragrans</i>
Snail Seed	<i>Cocculus laurifolius</i>
Soapberry	<i>Sapindus saponaria</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Southern Red Cedar	<i>Juniperus virginiana</i>
Spicewood	<i>Calyptanthus pallens</i>
Stoppers	<i>Eugenia spp.</i>
Sweet Acacia	<i>Acacia farnesiana</i>
Sweet Bay	<i>Magnolia virginiana</i>
Varnish Leaf	<i>Dodonea viscos</i>
Verawood	<i>Bulnesia arborea</i>
Wax Myrtle	<i>Myrica cerifer</i>
Weeping Podocarpus	<i>Podocarpus gracilior</i>
Yaupon Holly	<i>Ilex spp</i>
Yellow Elder	<i>Tecoma stans</i>
Yellow Tabebuia	<i>Tabebuia caraiba</i>

Table 10-4.9: Approved Small Trees

Common Name	Latin Name
NOTES: Shaded Green = Florida Native Species *Only trees allowed for Street Trees per Section (F) above. [1] Olive trees shall not be used in vehicular use areas.	

10-4.5 Environmental Protection and Infrastructure

(A) Purpose

This section ensures that development integrates stormwater and floodplain protection, as well as incorporates safe, reliable, and adequate public facilities. The intent of this section is to protect and enhance the environment, aesthetic qualities, and property values in the City, while promoting the general public health, safety, and welfare. These standards ensure environmental protection and infrastructure are essential parts of every development that will:

- (1) Protect sensitive environmental areas such as pervious areas required for groundwater recharge and riparian areas required for floodplain management;
- (2) Mitigate impacts to development related to storm events, hurricanes, and other natural disasters primarily resulting in increased precipitation;
- (3) Conserve water resources through managing surface and stormwater, ensuring efficient use of water onsite, as well as reducing potential water waste; and
- (4) Provide potable water, wastewater, and solid waste facilities with adequate capacity to meet the current and future needs of development in the City.

(B) General Standards and Criteria

- (1) The requirement for development review findings by the City as a prerequisite to the issuance of an Improvement Permit is found within the implementation section of the County land use plan and the City land use element of its comprehensive plan. The standards and criteria in this section are intended to implement those requirements.
- (2) No application for an Improvement Permit may be approved unless and until it is determined by the Director that the development review requirements set forth in this section are met. However, except to the extent limited in this section, in stages of development prior to Site Plan Approval, an application for an Improvement Permit may be approved (at the option of the City) on the condition that the developer agrees in writing that at the time of Site Plan Approval the requirements of this section are to be met.
- (3) Plats and site plans may be processed simultaneously under the regulations of the City. However, the City Commission realizes and acknowledges that situations exist wherein a developer may choose to plat his property prior to the property being site-planned. In those instances, if development review is conducted (at the option of the City), the maximum impact for each criterion reviewed allowed under the applicable zoning district shall be assumed for the property subject to the plat.
- (4) There shall be no reservation of water or sewer capacity or other service unless all conditions precedent to such reservation such as entry into a water and sewer developer's

agreement, which specifically sets forth a phasing for the payment of fees in accordance with the phasing shown on the approved site plan, and until fees are paid.

- (5) The developer should note that the County, during plat review, may independently review development review criteria contained herein. A finding by the City that such criteria have been satisfied is not to be construed as a guarantee that the County will come to the same conclusion.
- (6) Before an application for an improvement permit may be granted within the City limits, the requirements of this Section below shall be satisfied.

(C) Floodplain Management

The standards to be applied for flood protection of buildings are set forth in Chapter 8 of the City Code as the same may be amended from time to time, and 100-year flood criteria. Certification of Compliance with floodplain regulations shall be made by the City Engineer, who shall have the right to require the developer to submit any documents or material necessary to aid the City engineer in his evaluation.

(D) Drainage

(1) System Generally

- (a) A storm drainage system shall be provided that will drain the entire improvement to positive outlets that can be legally maintained in permanent use or into a public drainage system of adequate capacity which discharges into such positive outlets, including all rights-of-way, easements and necessary construction at no expense to the city. Side ditches along public roads shall not necessarily be considered as such public drainage systems or positive outlets. If a retention basin is to be utilized, it shall be of adequate storage capacity to accommodate a ten-year storm. The pipe shall be sloped and structures channeled to develop sufficient scouring velocity at design flow to minimize sedimentation.
- (b) Data of the drainage system shall be submitted along with the construction plans in a report form prepared by the developer's engineer indicating the method of control of stormwater and groundwater, including the method of drainage, existing water elevations, recurring high-water elevations, proposed design water elevations, drainage structures, canals, ditches and other pertinent information pertaining to the system.
- (c) If the construction of a positive outlet drainage system causes a hardship, an alternate system may be submitted for the review of the city engineer. A detailed design and cost estimate of a positive outlet system shall be submitted with an explanation why such system causes a hardship. The alternate system shall also include a detailed design and cost estimate. The city engineer shall review the submitted data and forward a report to the city commission for its review. The city commission shall then rule if an alternate drainage system can be used.
- (d) If an alternate system is accepted by the city commission, a bond (Evergreen or cash) based on 150 percent of a certified cost estimate for a positive outfall system shall be posted to guarantee that if the alternate system fails to perform satisfactorily, in the city engineer's opinion, then the developer shall install a positive outfall system. This bond

will be reviewed every two years of operation of the alternate system. If inspection at that time shows the system to be operating satisfactorily, the city engineer may recommend continuation of the bond to the city commission. The bond shall not be released until the positive outfall is provided and the system is connected to it.

(2) Design of System

- (a)** The storm drainage system required for land development shall be designed in accordance with the engineering principles accepted by the state department of transportation and in conformance with the following design criteria:
 - (i)** Rational formula ($Q = ciA$) shall be used.
 - (ii)** Coefficient of runoff shall be 0.95 for impervious areas and from 0.5 to 0.9 for grassed areas.
 - (iii)** Storm drainage shall be designed by outlet methods to the effect that a ten-year design storm will produce a headwater no higher than four inches above the lowest catch basin rim in parking lots or two inches below the edge of pavement in subdivisions and a 25-year storm will produce a headwater no higher than one inch below the centerline crown of the roadway or the inside edge of the roadway on roadways with medians. The minimum gutter and pavement gradient shall be 0.003 feet per foot. The minimum grass swale gradient shall be 0.006 feet per foot. The length of roadside swale shall be less than 200 feet unless approved by the City Engineer.
 - (iv)** Manning's "n" shall be 0.013 for reinforced concrete or fully paved or lined corrugated metal pipe, 0.019 for unpaved, helically corrugated aluminum pipe and 0.024 for unpaved, unlined, annularly corrugated pipe.
 - (v)** Design water level of the secondary canals into which the outfall pipes flow shall be +7.00 feet MSL for systems in the C-14 drainage basin and +6.00 feet MSL for those systems discharging into the C-13 basin.
- (b)** The developer's engineer shall submit a copy of his design calculations to the City Engineer for his approval on the standard form available from the City Engineer's office.
- (c)** The City Engineer may permit other design criteria to be used or may require the developer's designer to use criteria other than those given in this section which the city commission may deem necessary for the health, safety and welfare of the public.
- (d)** Inlets, catch basins, manholes, headwalls, and other drainage structures shall be of a design approved by the city engineer.

(3) Minimum Drainage Requirements

(a) Finding of Emergency

The rains of April 1979 underscored the vital and immediate need for additional water storage areas within the city. The city has engaged the University of Florida to study drainage in the city; and after the staff and city commission have reviewed this study, the conclusion has been reached that a minimum standard for on-site retainage must be established throughout the city. Acknowledging the existing hurricane season and proposed development, it is imperative that such development be subject to the minimum standards set forth herein.

(b) Additional Retention

- (i) In addition to existing regulations, site plans and plats, if presented to the city commission prior to its consideration of site plans for the same property, shall show nine thousand one hundred twenty-five (9,125) cubic feet of additional stormwater retainage per acre of development below the elevation of 10.0. This additional retention shall be provided in open lakes and canals directly extending from existing canals and lakes or connected to existing canals and lakes by a culvert designed in accordance with city drainage standards and approved by the city engineer. For the purpose of measurement, each acre of water surface added will be considered as providing one hundred eighty-two thousand five hundred (182,500) cubic feet of additional retention. Such acreage shall be computed at the design water surface elevation. Such elevation is to be considered 6.30 MSL.
- (ii) In cases where there would be an undue hardship to provide open canals or lakes, upon the recommendation of the city engineer, the city commission may accept other methods of providing the required retainage. A party owning property located in the area of the city bounded on the north by the C-14 Canal, on the west by the L-36 borrow canal, on the south by Commercial Boulevard, and on the east by the westerly limits of the City of North Lauderdale less the area of Land 7, Township 49 South, Range 41 East, and seeking plat or site plan approval for that property may, in cases where it would not appear to be feasible to provide the on-site stormwater retainage set forth in this section, pay to the city the value of the equivalent retainage area that would otherwise be required under this section, in cash, at a rate to be determined by resolution of the city commission. This money would be used only for drainage retention or upgrading or augmentation of the systems or for any other related drainage purposes after payments for the first 3.2 acres, which shall be used for park and recreational purposes.
- (iii) All money collected for equivalent drainage retention after payment is received for the first 3.2 acres shall be kept separate and apart from all other city funds until such time as all or a portion of the funds are to be expended.
- (iv) In addition to any other fee, each developer seeking approval of a site plan or plat if presented to the commission prior to its consideration of a site plan for the same property shall pay a fee of one hundred thirty dollars (\$130.00) per acre for drainage improvements or drainage retention or upgrading or augmentation of the systems or any other related drainage purposes, for each acre of land sought to be developed at the time of approval of a site plan. This fee may be prepaid, in which event the city shall not charge the developer an increased fee at the time of site plan or plat approval. All money collected for drainage improvements under this subsection shall be kept separate and apart from all other city funds until such time as all or a portion of the funds are to be expended.
- (v) In situations where the moneys set forth in this subsection have been paid at the time of plat approval (with no accompanying site plan) and development occurs in such a manner that the developer is able to provide all or a portion of the required retention on site within two years of the date of plat approval, then the city shall consider reimbursement to the party making the payment of a pro rata portion of the moneys paid after review of a written request for reimbursement, provided the City Commission approves the area provided for retention.

(4) Construction, Materials

All storm drainage materials and construction shall be in accordance with city standards. All outlets shall be protected by headwalls. Pipes shall be visually clean and straight. The developer shall cause the pipes to be stoppered, pumped nearly dry and illuminated for inspections by the city engineer prior to acceptance of the installation.

(5) Ditches and Swales

Ditches and swales as defined in this article will not be approved except for roadside or yard drainage swales.

(E) Stormwater Management

Adequate provisions shall be made for the management of stormwater, including erosion and sedimentation control, in accordance with the requirements of the city engineer, the city public works department, engineering division, minimum standards of design and construction, the county environmental protection department, the South Florida Water Management District (SFWMD), the Florida Department of Environmental Protection (FDEP) and any other agency that may have jurisdiction over such activities. In case of any conflict, the most stringent requirements shall govern. Contractors or owners shall be liable for the full cost of clean-up or fines or both for spilling or causing to spill any harmful substance, including but not limited to chemicals, oil, tar, asphalt, concrete, debris, soils, etc. that may ultimately flow into a public conveyance system, including but not limited to public right-of-ways, pipes, canals or lakes.

(1) Stormwater Pollution Prevention Plan

A stormwater pollution prevention plan (SWPPP) shall be developed and submitted with all applications for building, utilities, and engineering permits. The SWPPP shall be in substantial compliance with the requirements of Chapter 62.621, Florida Administrative Code (F.A.C.) as amended from time to time. A copy of the SWPPP and notice of intent (NOI) filed with the FDEP shall be considered sufficient for permitting by the city.

(2) Water Quality Standards

All runoff from any construction site flowing into the public right-of-way, public drainage system or any water body controlled by the city, county or state shall be managed so as not to degrade the water quality of the public drainage or conveyance system. The city's standards and requirements for maintaining water quality shall be in substantial compliance with sections 27-195 and 27-196 of the Broward County Code of Ordinances as amended from time to time.

(3) Violations and Penalties

Any person or entity found in violation of this section after notice and opportunity to be heard, shall pay a fine of one hundred dollars (\$100.00) plus costs. Any person or entity which allows said violation to continue beyond 24 hours of initial notification shall pay an additional fine of two hundred fifty dollars (\$250.00). Any person or entity who allows said violation to continue beyond 48 hours shall pay a fine of one thousand dollars (\$1,000.00) and may be issued a stop work order, and for each day of violations thereafter shall also pay a fine of one thousand dollars (\$1,000.00). These fines are in addition to any fines that may be imposed by other agencies having jurisdiction over such activities. Repeat violations may result in fines up to

ten thousand dollars (\$10,000.00) per day including stopping work if the violation is of a serious nature, affecting health, safety and welfare of the residents or environment.

(4) Use of Funds

Funds collected from the fines shall be deposited in the stormwater management utility fund and shall be used to pay for these services as outlined in §22-257 of the City Code as amended from time to time.

(F) Potable Water

(1) Potable Water Required

- (a)** Potable water service shall be available prior to Issuance of a Temporary Certificate of Occupancy or Final Certificate of Occupancy to provide for the needs of the proposed development.
- (b)** All references to the availability of potable water service in this Code include the water supply, treatment, distribution, and transmission system.
- (c)** In situations where plats are not processed with site plans, a finding of availability of water at the time of plat approval shall not be a guarantee by the City that there will be adequate potable water service at the time of site plan consideration.
- (d)** The proposed development shall be designed to provide adequate areas and easements which may be necessary for the installation and maintenance of a potable water service transmission system which will meet all applicable health and environmental regulations.
- (e)** A water distribution system, providing potable water from an approved treatment facility, shall be provided to serve all parcels of the subdivision or principal buildings of the development. The pipes shall be sized to provide fire protection and an adequate supply of domestic water for all reasonably anticipated construction and occupancies.
- (f)** The standards pertaining to potable water systems and other items pertaining to potable water set forth in Chapter 22 of this Code as the same may be amended from time to time shall be required to be complied with.

(2) Approval Without Conditions

The Director may grant an application for an Improvement Permit without conditions as to potable water service upon finding that potable water service is available. A finding that potable water service is available shall be based upon a certification by the City Engineer or the City's consulting engineer for utilities. Said certification shall include findings that the utility providing water service to the proposed site has sufficient capacity to provide for the potable water needs of:

- (a)** The development proposed by application;
- (b)** Other developments in the service area which are occupied;
- (c)** Other developments in the service area available for occupancy;
- (d)** Other developments in the service area for which building permits are in effect; and

- (e) Other developments in the service area for which potable water treatment capacity is reserved.

(3) Approval with Express Conditions

- (a) The Director may grant an application for an Improvement Permit with an express condition as to potable water service upon finding that potable water service is not available but will be made available. A finding that water service will be made available must be based upon a certification by the City Engineer or the City's consulting engineer for utilities that there is an economically and fiscally feasible plan to construct or expand a water treatment facility which will have sufficient capacity to provide for the potable water needs of:
 - (i) The development proposed by application;
 - (ii) Other developments in the service area which are occupied;
 - (iii) Other developments in the service area available for occupancy;
 - (iv) Other developments in the service area for which building permits are in effect; and
 - (v) Other developments in the service area for which potable water treatment capacity is reserved.
- (b) This certification shall state the source of funds or proposed source of funds to make the capacity available and shall state any required improvements to the system that must be made by the applicant or some other party prior to the issuance of either a Building Permit or a Certificate of Occupancy as appropriate.

(4) Denial

The Director shall deny an application for an Improvement Permit upon finding that potable water service is not available and will not be made available. A finding that potable water service will not be made available must be made in the absence of a certification by the City Engineer or by the City's consulting engineer for utilities that there is an economically and fiscally feasible plan to construct or expand a water treatment facility which will have sufficient capacity to provide for the potable water needs of:

- (a) The development proposed by application;
- (b) Other developments in the service area which are occupied;
- (c) Other developments in the service area available for occupancy;
- (d) Other developments in the service area for which building permits are in effect; and
- (e) Other developments in the service area for which potable water treatment capacity is reserved.

(5) Developer's Agreement

- (a) Prior to issuance of an Improvement Permit, a developer shall have entered into a potable water developer's agreement with the entity to provide service for the development.

- (b) The water and sewer developer's agreement sets forth the phasing and timing exhibit for the payment of all fees for water contribution or other charges in accordance with the phasing shown on the approved site plan.
- (c) Fees shall be paid at the time of utilities permit or in accordance with an approved phasing plan. Fee shall be paid in accordance with the fee schedule in effect at the time the utilities permit is applied for and not the fee schedule in effect at the time the water and sewer developer's agreement is approved by the City Manager or their designee.
- (d) There shall be no reservation of capacity or service until fees are paid.

(G) Wastewater Treatment and Disposal

(1) Wastewater Treatment and Disposal Services Required

- (a) Wastewater treatment and disposal services shall be available prior to issuance of a Temporary Certificate of Occupancy or Final Certificate of Occupancy to provide for the needs of the proposed development.
- (b) In situations where a plat is to be processed prior to a site plan, a finding that there is adequate wastewater treatment and disposal services shall not be a guarantee by the City that the services will be available at the time of site plan review.
- (c) The proposed development shall be designed to provide adequate areas and easements which may be necessary for the installation and maintenance of a wastewater disposal system which will meet all applicable health and environmental regulations.
- (d) A system of sanitary sewers, together with all necessary pumping stations and appurtenances, shall be provided to serve all parcels of the subdivision or principal buildings of the development. The system shall be designed to accommodate all reasonably anticipated construction and occupancies. The collection system shall conduct the sewage directly or indirectly through existing sewers or adequate capacity to an approved treatment facility.
- (e) The standards pertaining to wastewater discharge and other items pertaining to wastewater set forth in Chapter 22 of this Code, as the same may be amended from time to time, shall be required to be complied with.

(2) Approval without Conditions

The Director may grant an application for an Improvement Permit without conditions as to wastewater treatment and disposal services upon finding that wastewater treatment, sanitary sewers, and disposal services are available. A finding that wastewater treatment and disposal services are available shall be based upon a certification by the City Engineer or the City's consulting engineer for utilities that an existing wastewater treatment and disposal facility has sufficient capacity to provide for the treatment and disposal needs of:

- (a) The development proposed by the application;
- (b) Other developments within the service area of the utility which are occupied;
- (c) Other developments within the service area of the utility which available for occupancy;
- (d) Other developments within the service area of the utility which for which building permits are in effect; and

- (e) Other developments within the service area of the utility which for which wastewater treatment and disposal capacity has been reserved.

(3) Approval with Express Condition

The Director may grant an application for an Improvement Permit with an express condition as to wastewater treatment and disposal services upon finding that wastewater treatment and disposal services are not available but will be made available. A finding that wastewater treatment and disposal services will be made available must be based upon a certification by the City Engineer or City's consulting engineer that there is an economically and fiscally feasible plan to construct or expand a wastewater treatment and disposal facility which will have sufficient capacity to provide for the treatment and disposal needs of:

- (a) The development proposed by the application;
- (b) Other developments within the service area of the utility which are occupied;
- (c) Other developments within the service area of the utility which available for occupancy;
- (d) Other developments within the service area of the utility which for which building permits are in effect; and
- (e) Other developments within the service area of the utility which for which wastewater treatment and disposal capacity has been reserved.

This certification shall state the source of funds or proposed source of funds to make the capacity available and shall state any required improvements to the system that must be made by the applicant or some other party prior to the issuance of either a Building Permit or a Certificate of Occupancy as appropriate.

(4) Denial

The Director shall deny an application for an Improvement Permit upon finding that wastewater treatment and disposal services are not available and will not be made available. A finding that wastewater treatment and disposal services will not be made available must be made in the absence of a certification by the City Engineer or the City's consulting engineer for utilities that there is an economically and fiscally feasible plan to construct or expend a wastewater treatment and disposal facility which will have sufficient capacity to provide for the treatment and disposal needs of:

- (a) The development proposed by the application;
- (b) Other developments within the service area of the utility which are occupied;
- (c) Other developments within the service area of the utility which available for occupancy;
- (d) Other developments within the service area of the utility which for which building permits are in effect; and
- (e) Other developments within the service area of the utility which for which wastewater treatment and disposal capacity has been reserved.

(5) Developer's Agreement

- (a) Prior to issuance of an Improvement Permit, a developer must have entered into a wastewater developer's agreement with the entity to provide service therefore.

- (b) The water and sewer developer's agreement shall set forth the phasing and the timing exhibit for the payment of all fees for sewer contribution or other charges in accordance with the phasing shown on the approved site plan.
- (c) Fees shall be paid at the time of utilities permit in accordance with the fee schedule in effect at the time the utilities permit is applied for and not the fee schedule in effect at the time the water and sewer developer's agreement is approved by the City Manager or their designee.
- (d) There shall be no reservation of capacity or service until fees are paid.

(H) Solid Waste

(1) Solid Waste Disposal Service Required

Solid waste disposal service shall be available prior to occupancy of any unit—residential, commercial, industrial or other—to provide for the needs of the proposed development.

(2) Approval, Approval with Condition, or Denial

- (a) The Director may grant an application for an Improvement Permit without conditions as to solid waste disposal service upon finding that solid waste disposal service is available.
- (b) The Director may grant an application for an Improvement Permit with an express condition as to solid waste disposal service upon finding that solid waste disposal service is not available but will be made available.
- (c) The Director shall deny an application for an Improvement Permit upon finding that solid waste disposal service is not available and will not be made available.

(3) Standards and Other Considerations for Determination

- (a) The standard to be applied by the Director in determining whether solid waste disposal service shall be available is a comparison of the projected construction period set forth by the developer in a written document to be submitted to the City with its request for final site plan approval or with its request for final plat approval if the plat is to be processed independently with the term of the City's franchise agreement with a company for the removal of solid waste for residential service if the project is residential. If the project is a mixed-use or nonresidential project, the developer shall submit a contract with a franchised garbage company wherein the garbage company agrees that it is bound to remove the solid waste generated by the proposed development for a period of one year subsequent to the issuance of the projected Certificate of Occupancy. If the City's franchise agreement with a collector—residential or nonresidential—expires prior to the proposed issuance date of a Certificate of Occupancy, approval shall be subject to the condition that the City enter into a new franchise agreement for residential or nonresidential solid waste collection, as appropriate.
- (b) The City shall review data submitted by the County or any other entity licensed to operate a disposal site concerning projected capacity at its site; and if projected capacity extends beyond the date that a Certificate of Occupancy is expected for a particular portion of a proposed development, the City shall not deny approval of an improvement permit due to the inadequacy of solid waste disposal sites.

- (c) The City reserves the right during the site development plan review process to require commercial or curbside service for multifamily residential units, herein defined as any building or structure containing three or more attached dwelling units.
- (d) All multifamily residential projects shall provide a site for recycling dumpsters or other containers that may be provided by a vendor or required by the City. The size of the area to be set aside for the dumpsters shall be determined at the time of site plan approval. The specifications for recycling dumpster areas are technology based. Recycling technology is rapidly changing; thus, the specifications will be set forth at the time of site plan approval.
- (e) All mixed-use and nonresidential projects shall provide a site for recycling dumpsters or other containers that may be provided by a vendor or required by the City. The size of the area to be set aside for the dumpsters shall be determined at the time of site plan approval. The specifications for recycling dumpster areas are technology based. Recycling technology is rapidly changing; thus, the specifications will be set forth at the time of site plan approval.
- (f) When required by the City, all multifamily projects shall show a separate dumpster location. A site plan shall indicate which buildings are served with which dumpster for each building, including recreation buildings over 550 square feet in size. Recreation buildings over 500 square feet shall be required to have a dumpster location on a site plan and a contract for sanitation services.

(l) Utility Lines Location

(1) Requirements

- (a) In new development and redevelopment projects, all utility lines, including but not limited to those required for electrical power distribution, telephone communications, cable television, street lighting, electrical distribution system, including service lines to individual properties necessary to serve the development under consideration, shall be installed underground.
- (b) This section shall not apply to wires, conductors, or associated apparatus and supporting structures whose exclusive function is in transmission of electrical energy between generating stations, substations, and transmission lines of other utility systems.
- (c) Telephone and cable television utility lines may be attached to Florida Power and Light (FPL) electrical transmission facilities when such are allowed by the provisions of this section.
- (d) Appurtenances such as transformer boxes, pedestal-mounted terminal boxes and meter cabinets may be placed above ground on a level concrete slab and shall be located in such a manner as to minimize noise effects upon the surrounding residential properties.
- (e) All underground wires shall be buried a minimum of 18 inches below the finished ground line.

(2) Easements

Recorded easements shall be provided for the installation of all underground utilities facilities in conformance with such size and location of easements as may be determined by the City Engineer to be compatible with the requirements of all utility companies involved with respect to a particular utility service.

(3) Furnishing Utility Services

- (a)** The subdivider or developer shall make the necessary financial compensation and other arrangement for such underground installation with each of the franchised utilities that are involved with respect to a particular development.
- (b)** The subdivider or developer shall submit written evidence of a satisfactory arrangement with each of the franchised utilities involved with respect to a particular development before the final site development plan of the project is submitted to the Planning Board for its consideration.

10-4.6 Multi-family Residential Site and Building Design

(A) Purpose

The purpose of these standards is to improve the appearance of design and functionality of multi-family development, recognizing the importance of design in the economic success of urban areas, the need to be more efficient in the use of land, and the need to ensure the adequate protection of the surrounding area. More specifically, these standards are intended to:

- (1)** Provide a distinctive architectural character in new multi-family residential developments that avoids featureless design, large building masses, and repetition of facades within a single development;
 - (2)** Promote sensitive design and planning of multi-family housing units that preserves or improves the characteristics of surrounding development;
 - (3)** Promote building design, placement, and orientation that contributes to a sense of neighborhood and community; and
 - (4)** Improve the quality of life of residents of multi-family residential dwellings.
-

(B) Applicability

- (1)** All development or substantial renovation of multi-family residential structures of four stories or less shall comply with the standards in this section. In the case of mixed-use buildings, these standards and the standards of §10-4.7, *Mixed-Use and Nonresidential Site and Building Design*, below shall both apply.
- (2)** All multi-family residential dwellings that are five stories or greater in height shall comply with the development standards for mixed-use and nonresidential buildings set forth in §10-4.7 below.

(C) Building and Parking Location, Layout, and Orientation

- (1) In multi-building developments, the buildings are encouraged to be arranged to enclose and frame common areas. Common areas and courtyards should be convenient to a majority of units.
- (2) When more than one multi-family structure is constructed:
 - (a) The front wall of a multi-family structure shall be the wall that includes the primary entrance. No front wall of a multi-family structure shall be located within 40 feet of the front wall of any other multi-family structure;
 - (b) No non-front wall of a multi-family structure shall be located within 20 feet of a non-front of any other multi-family structure; and
 - (c) No non-front wall of a multi-family structure shall be located within 30 feet of the front wall of any other multi-family structure.
- (3) For purposes of measurement in this subsection, projections such as decks and bay windows shall not be counted.

(D) Parking

In addition to the parking lot landscaping requirements set forth in § 10-4.4(D)(5), *Vehicular Use Area Landscaping*.

- (1) No more than one double-loaded or two single-loaded rows of parking may be located between any building on the site and an adjacent public street.

(E) Building Mass and Articulation

- (1) Each façade greater than 50 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 10 percent of the length of the façade, and extending at least 20 percent of the length of the façade.
- (2) The facades of all multi-family buildings shall be articulated through the incorporation of at least three or more of the following:
 - (a) Balconies;
 - (b) Bay or box windows;
 - (c) Porches or covered entries;
 - (d) Dormers;
 - (e) Variations in materials;
 - (f) Variations in roof forms;
 - (g) Variation in window sizes and shapes; or
 - (h) Vertical elements that demarcate building modules.
- (3) The height of each multi-family building taller than 35 feet shall be stepped down from its highest roofline at least one full story on any end of the building located within 50 feet of a street-right-of-way or an adjacent area zoned or used for single-family residential.



Figure 10-4.4.6-1: Articulation Examples

(F) Roof Form

- (1) To help provide a variety of roof forms, upper-level residential floors shall be incorporated into the roof form to reduce the apparent height and mass of buildings.
- (2) Multi-family residential buildings shall be designed to avoid any continuous roofline longer than 50 feet. Rooflines longer than 50 feet shall include at least one vertical elevation change of at least two feet.

(G) Façades and Detail Elements

- (1) Highly reflective materials shall not be used in areas where the location of the building will create undue solar, reflective glare on surrounding properties.
- (2) Natural, smooth-face concrete masonry units shall not be used as a primary exterior finish.
- (3) Siding material shall be continued down to finished grade with the following exceptions:
 - (a) If a secondary wainscot finish precludes this condition; or
 - (b) If grade dictates a siding transition. If this occurs then the area in question must not exceed 18 inches above grade and must be screened by approved landscaping.

- (4) In multi-building complexes, individual building elements shall incorporate various architectural details, color palettes, or building materials different from the adjacent buildings.

(H) Colors

- (1) The predominant exterior colors on multi-family buildings shall be earth tones to minimize the visual impact of these buildings.
- (2) Darker accent colors shall be utilized on garage door surfaces to minimize their visual prominence.
- (3) The use of bright, fluorescent, metallic, highly reflective, or other high-intensity colors and finishes shall be limited to accent materials and may be used on no more than 30 percent of any elevation.

(I) Entrances and Porches

Building/development entries shall comply with at least two of the following requirements:

- (1) At least one main building entry shall face the primary adjacent public street;
- (2) Building entrances face a courtyard that has a direct and visible connection to an adjacent public street;
- (3) Building entries are connected to a public sidewalk by walkways that are not routed through a parking lot;
- (4) The pedestrian entry to the site from the public right-of-way is emphasized with landscaping, special paving, gateways, arbors, or similar features; or
- (5) No more than one curb cut per 100 feet of frontage. Shared driveways are encouraged.
- (6) The front entry of any structure shall be emphasized by the use of at least two of the following:
- (a) A porch or landing;
 - (b) Double doors;
 - (c) A roofed structure such as a portico, awning, or marquee;
 - (d) The inclusion of side-lights (glazed openings to the side of the door), and transom-lights (glazed opening above the door) in the entry design;
 - (e) Decorative lighting; or
 - (f) Enhanced landscaping.

(J) Accessory Elements

(I) Storage

A multi-family project that is at least three stories in height with individual dwelling units on each floor shall provide covered, enclosed, and secure storage areas for bicycles and other belongings that typically cannot be accommodated within individual dwelling units. Storage and other accessory buildings shall be designed with materials and/or architectural elements that are related to the principal building(s).

(2) Trash Receptacles/Dumpsters

Dumpsters shall not be allowed in developments or sites with six or fewer dwelling units. Developments or sites with six or fewer units shall provide covered storage for trash receptacles. Such storage shall not be located between any building and the primary adjacent street frontage.

(K) Garages

(1) Attached or Detached Garages

Garage entries and carports shall not be located between a principal multi-family building and a required street frontage, but shall instead be internalized in building groups so that they are not visible from adjacent streets.

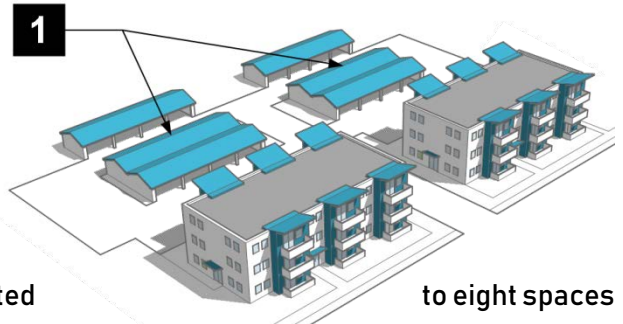


Figure 10- 4.6-2: Multi-Family Garages

(2) Size

Garage and carport structures shall be limited per structure to avoid a continuous row of garages. No more than 12 garage doors may appear on any multi-family building elevation containing front doors, and the plane of each garage door shall be offset at least 18 inches from the plane of the garage door adjacent to it.

(3) Design

- (a) Detached garages and carports shall be integrated in design with the principal building architecture.
- (b) Detached garages and carports shall incorporate similar and compatible forms, scale, materials, color, and details.

(4) Parking Structures

Structured parking, and parking within, above, or beneath the building it serves are all strongly encouraged for multi-family developments.

10-4.7 Mixed-Use and Nonresidential Site and Building Design

(A) Purpose

This section ensures that mixed-use and nonresidential design and development standards foster high-quality, attractive, and sustainable development that is compatible with the City's Comprehensive Plan. These standards are intended to:

- (1) Protect and enhance the character and quality of residential, mixed-use, and nonresidential areas in Tamarac;
- (2) Protect and enhance the long-term market value of property within the City;

- (3) Enhance the human and pedestrian scale of mixed-use and nonresidential developments, ensuring compatibility between residential neighborhoods and adjacent mixed-use and nonresidential uses;
- (4) Mitigate negative visual impacts arising from the scale, bulk, and mass of large buildings and centers;
- (5) Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extending building lifecycles;
- (6) Minimize negative impacts of on-site activities to adjacent uses; and
- (7) Balance the community's economic and aesthetic concerns.

(B) Applicability

All development or substantial renovation of any mixed-use or nonresidential principal structure and any multi-family residential structure of five stories or more shall comply with the standards in this section.

(C) General Site Layout Standards

(1) Purpose

Site design standards address a development's relationship to its surrounding natural features and development patterns. These standards are intended to:

- (a) Ensure development relates to the physical characteristics of the site;
- (b) Ensure building scale, orientation, and design relates to the surrounding uses and streets, and creates a cohesive visual identity and an attractive street scene;
- (c) Ensure site design for efficient pedestrian, bicycle, transit, and vehicular circulation patterns, and create a high-quality pedestrian environment;
- (d) Promote design environments built to human scale;
- (e) Ensure delivery, trash, and loading facilities are located so as not to impede regular vehicular and pedestrian circulation and access routes; and
- (f) Ensure safe and efficient access between buildings and parking areas.

(2) Building Orientation

(a) Primary Entrance

Buildings shall be oriented so that the principal building entrance faces the principal street or the street providing main access to the site. In cases where the principal entrance does not face the principal street, connect the entrance to the street and adjacent parking areas with sidewalks.

(b) Building Locations in Multi-Building Developments

Multi-building developments with three or more buildings shall be arranged and grouped using one or more of the following techniques:

- (i) Frame the corner of an adjacent street intersection or entry point to the development; or

- (ii) On sites of 15 acres or more, frame and enclose a “main street” pedestrian and/or vehicle access corridor within the development; or
- (iii) Frame and enclose parking areas on at least two sides; or
- (iv) Frame and enclose outdoor dining and/or outdoor gathering spaces between buildings.

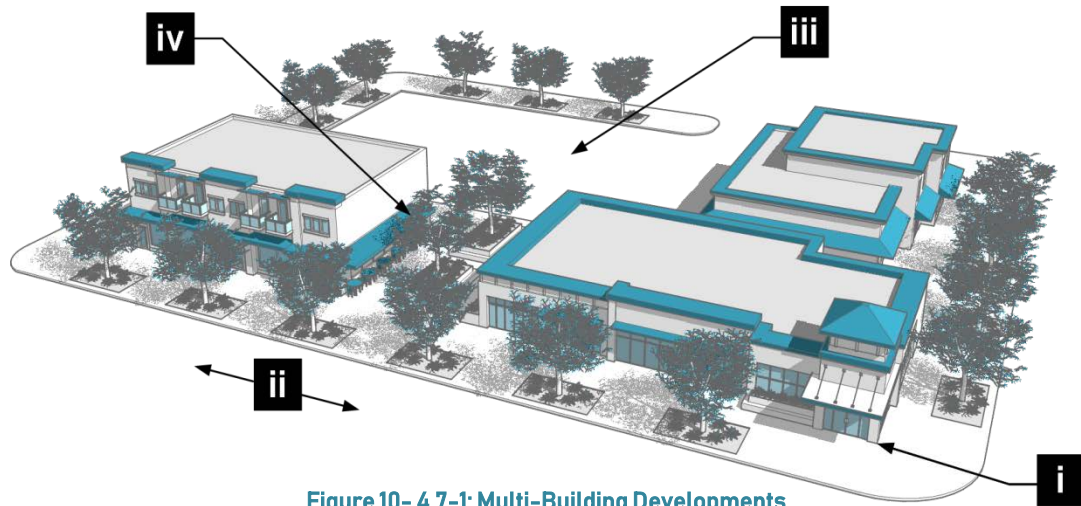


Figure 10- 4.7-1: Multi-Building Developments

(c) Solar Access and Shading

To mitigate the sun’s heat and maximize easterly breezes, buildings shall be sited according to the following standards:

- (i) Buildings shall be oriented and grouped to reduce exposure to midday sun while maximizing northern and southern sun exposure to utilize consistent, glare-free interior daylighting.
- (ii) To maximize building solar access, buildings and blocks shall be oriented with east-west lengths equal to or greater than north-south building lengths, and east-west axis within 15 degrees of geographic east-west.
- (iii) Buildings shall be designed to provide shading for windows, entrances, and outdoor spaces – for example, by locating outdoor gathering spaces on the north and east sides of buildings under shade devices such as awnings, verandahs, or deep balconies.

(3) Outdoor Gathering Spaces

(a) Definition

For purposes of this requirement, an outdoor gathering space is an open or partially open area intended for the benefit of residents, employees, or visitors to a site. The following shall not be counted toward any requirement of this section:

- (i) Private yards;
- (ii) Public or private streets or rights-of-way; and
- (iii) Parking areas and driveways.



Figure 10- 4.7-2: Outdoor Gathering Spaces

(b) Standards

Developments on sites of 10 acres or larger shall devote a minimum of two percent of the net site area to an outdoor gathering place that:

- (i) Is integrated as part of the overall design of the site and located in an area that provides benefit to a large number of users;
- (ii) Helps establish or improve functional relationships and linkages within a site or between adjacent sites. Potential locations include near anchor tenants, transit stops, as a centralized site feature, or as a continuation of an adjacent natural area, trail, canal, or other waterway;
- (iii) Is designed as a single, contiguous space, rather than multiple smaller spaces;
- (iv) Incorporates a minimum of five of the following pedestrian-scaled features:
 - A. Lighted bollards;
 - B. Movable tables and chairs;
 - C. Benches;
 - D. Seat walls and/or raised landscape planters;
 - E. Shade and/or palm trees;
 - F. Pots or hanging baskets filled with seasonal plant material;
 - G. Information kiosks;
 - H. Stage, amphitheater, or other performance space; and
 - I. Sculptures or other public art features;
- (v) Integrates landscaping and/or structures to provide shading for outdoor gathering spaces, particularly those with a southern or western exposure. The shading may be freestanding or integrated with the adjacent building;
- (vi) Provides direct access to sidewalks and pedestrian walkways; and

- (vii) Is maintained by the owners of the development, unless otherwise agreed to as part of the development approval process.

(D) General Building Design Standards

(1) Purpose

Building design directly impacts the character and function of mixed-use and nonresidential development. These standards are intended to:

- (a) Ensure that multi-building or phased mixed-use and/or nonresidential developments use compatible schemes of materials, colors, and architectural vocabulary to ensure consistency;
- (b) Ensure building materials are durable and have low maintenance requirements in the tropical environment;
- (c) Ensure buildings are designed to a human scale;
- (d) Ensure design that is sensitive to the subtropical climate;
- (e) Encourage sustainable development by limiting the amount of resources necessary to construct and operate buildings, and by designing buildings to be adaptable for multiple uses; and
- (f) Require buildings that incorporate standardized formulas or market prototypes to meet a higher level of building design.

(2) Architectural Character

(a) Four-Sided Design

Architectural detailing shall be incorporated on all sides of a building that reflects the front facade. Blank walls void of architectural details or other variation are prohibited.

(b) Exterior Trademarked Design Features

Each building with exterior trademarked architectural design features located 12 feet or more above finished grade, including trademarked roof and parapet design features but not including signs, shall provide a higher level of building design by meeting the following additional requirements:

- (i) Section 10-4.7(D)(4)(a) *Horizontal Articulation*: Meet four or more of the listed standards; and
- (ii) Section 10-4.7(D)(5)(a) *Primary Building Entrance*: Meet four or more of the listed standards.
- (iii) For purposes of this provision, a trademarked design feature is any building design element, including but not limited to specific colors, pattern, or shape, but not including signs, associated with a registered federal trademark or trade dress (i.e., the general visual characteristics of a product or its packaging).

(3) Response to the Subtropical Environment

(a) Shaded Sidewalks

- (i) Shaded sidewalks shall be provided along at least 50 percent of all building facades adjacent to or facing streets, outdoor gathering spaces, or parking areas.
- (ii) Shaded sidewalks shall constitute a minimum of 30 percent of the sidewalks within the site (i.e., not including perimeter sidewalks that are adjacent to a public street right-of-way).
- (iii) For purposes of these requirements, a shaded sidewalk shall be any one of the following:
 - A. A sidewalk at least ten feet wide made of pervious concrete with shade trees at 30-foot intervals or of standard concrete with the trees planted in grates at the same distance.
 - B. A five-foot sidewalk adjacent to a landscape strip at least ten feet wide planted with shade trees at 30-foot intervals.
 - C. A sidewalk at least six feet wide covered with weather-protection materials (such as awnings, an arcade, or other structure).

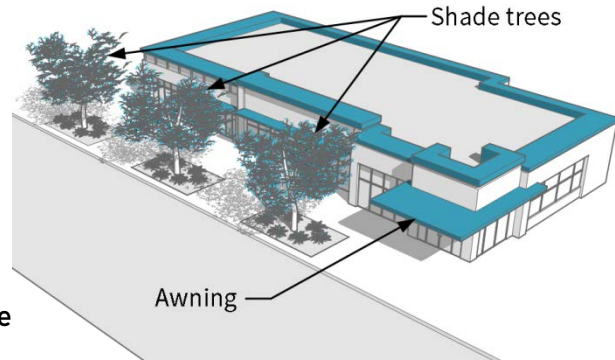


Figure 10- 4.7-3: Shaded Sidewalks

(b) Contextual References

Developments shall include features typical of Tamarac and Broward County's architecture and the subtropical environment in the building design, such as, but not limited to:

- (i) Architectural shade devices or roofs with canopies that extend over the exterior envelope below;
- (ii) Deeply recessed windows;
- (iii) Covered porches or arcades; and
- (iv) Gabled roof forms.

(c) Sustainable Design

To the maximum extent practicable, new buildings shall incorporate two or more of the features below:

- (i) Integration of renewable power in the design of buildings or sites. Renewable power may be derived from solar, wind, geothermal, biomass, or low impact hydro sources;
- (ii) Avoidance of dark colors on exterior walls exposed to the sun;

- (iii) Energy-efficient materials, including recycled materials that meet the standards of §10-4.7(D)(6) *Architectural Details, Materials, and Colors*, in the building design;
- (iv) Fully shaded ground surfaces to reduce glare;
- (v) A sustainable roof or light colored roofing materials; or
- (vi) Skylights, atria, light shelves, clerestory windows, or light tubes to maximize the amount of natural light that enters the building.

(4) Building Mass

(a) Horizontal Articulation

Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller components. No individual component shall have a length of more than 60 feet. Distinguish components from one another through two or more of the following:

- (i) Variations in roof form or variations in roof height of two feet or more;
- (ii) Changes in wall plane depth of 12 inches or more;
- (iii) Variations in the arrangement and recessing of windows;
- (iv) Recognizable changes in texture, material, or surface colors; or
- (v) Engaged columns (i.e., a column embedded in and partially projecting from a wall).

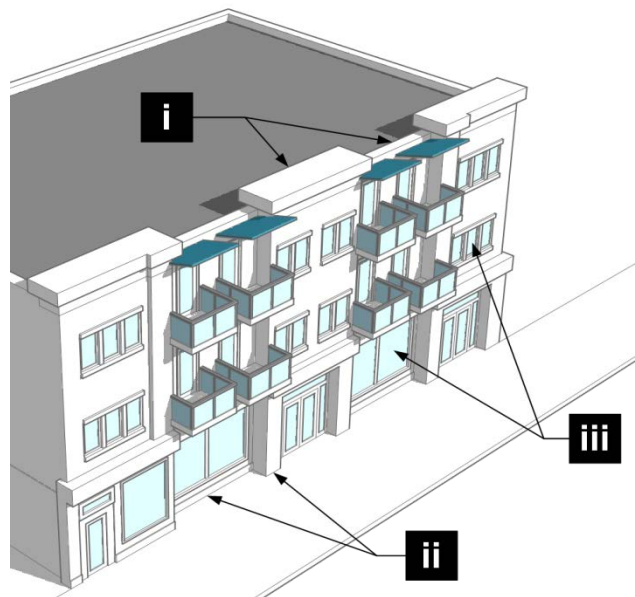


Figure 10- 4.7-4: Outdoor Gathering Spaces

(b) Vertical Articulation

Buildings shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components. The component described as the body must constitute a minimum of 50 percent of the total building height.



Figure 10- 4.7-5: Vertical Articulation

(5) Design for Pedestrians

(a) Primary Building Entrance

Design shall include visually prominent primary building entrances including providing shade for pedestrians. Unless otherwise provided in this Code, a combination of two or more of the following features shall be incorporated:

- (i) Canopy, portico, archway, arcade, or similar projection that provides architectural interest and protection for pedestrians;
- (ii) Prominent tower, dome, or spire;
- (iii) Peaked roof;
- (iv) Projecting or recessed entry;
- (v) Outdoor features, such as seat walls, landscaping with seasonal color, or permanent landscape planters with integrated benches; or
- (vi) Other comparable techniques/features.

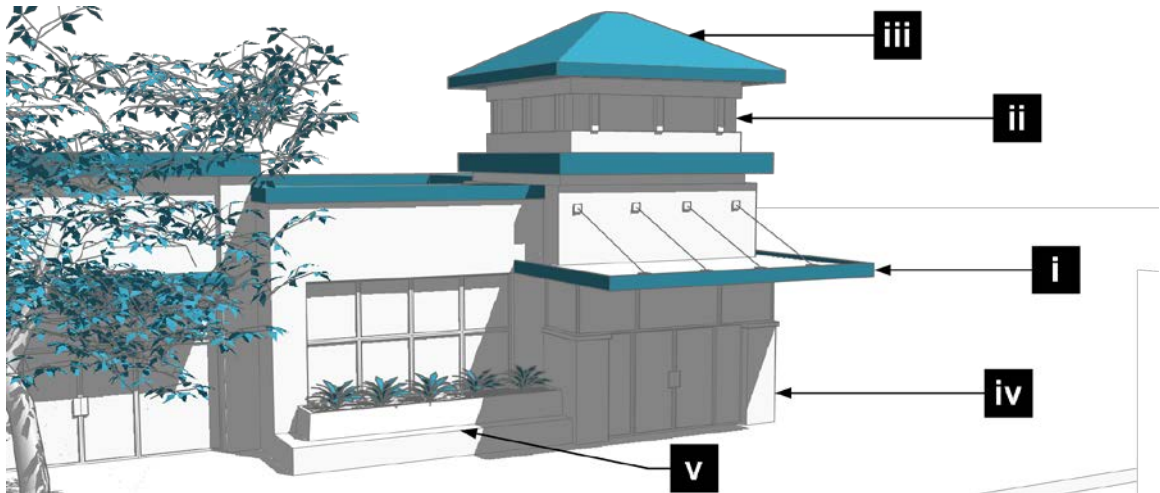


Figure 10- 4.7-6: Primary Building Entrance

(b) Transparency

- (i) Throughout the City, on the façade facing the principal street:
 - A. At least 30 percent of the ground-floor wall area between two and ten feet above grade shall consist of transparent glazing;
 - B. At least 20 percent of each upper-floor wall area shall consist of transparent or nontransparent glazing.
- (ii) Glazing required by this Code should be concentrated in areas of high pedestrian activity and, to maximize energy efficiency, should be used in conjunction with shade features required by §10-4.7(D)(3), including awnings, shaded sidewalks, deeply recessed windows, and covered porches or arcades.

- (iii) Except as otherwise permitted in this section and in §10-4.10, *Signs*, transparent glazing required by this Code shall be maintained without interior or exterior obstructions that substantially limit visibility, including, but not limited to, window signs, interior shelving, tinting, or window coverings (except window blinds) during hours of business operation. This section shall not apply to signage, shelving, displays, or the like, set back at least three feet from the glazing surface.

(c) Pedestrian Amenities

Ground-floor facades that face public streets or other public areas (e.g., outdoor gathering spaces, parks or open space, parking areas with more than five spaces) shall incorporate pedestrian-oriented design features along no less than 60 percent of their horizontal length. Pedestrian-oriented design features may include arcades, display windows, entryways, awnings, or other features. Shaded sidewalks required by §10-4.7(D)(3) that are part of the building design may be credited toward this standard, as well.

(6) Architectural Details, Materials, and Colors

(a) Permitted Wall Materials

The following materials are permitted for use on exterior building walls, individually or in combination:

- (i) Brick;
- (ii) Stone (natural or simulated);
- (iii) Painted, stained, or integrally-colored concrete masonry units (CMU), split face or ground face;
- (iv) Textured tilt-up concrete panels, with or without reveals;
- (v) Stucco;
- (vi) Exterior Insulation and Finish Systems (EIFS);
- (vii) Clear and tinted glass;
- (viii) Tile;
- (ix) Wood; and
- (x) Architectural metal.

Other materials may be used provided they are of comparable quality, durability, and character, as determined by the Director.

(b) Accent Wall Materials

A minimum of 10 percent and a maximum of 25 percent of the exterior building wall facing the principal street (not including windows and doorways) shall consist of an accent material from the list in subsection (a) above that is different than the remainder of the building façade material.

(c) Prohibited Wall Materials

The following materials are prohibited:

- (i) Un-textured tilt-up concrete panels (acceptable for industrial buildings);
- (ii) Pre-fabricated steel panels (acceptable as an accent element);
- (iii) Corrugated metal (Corten or rust finish acceptable as an accent element); and
- (iv) Mirrored or otherwise highly reflective glass.

(d) Roof Materials

Flat roofs, standing seam metal roofs, and concrete and clay tile roofs are permitted. Asphalt shingle roofs are not permitted.

(e) Metal Finishes

- (i) Metal may be painted or left it in a natural state to derive its character from weathering and oxidation.
- (ii) Bright or highly reflective metal finishes are prohibited.

(f) Colors

- (i) The predominant exterior colors on buildings shall be earth tones to minimize the visual impact of these buildings.
- (ii) The use of bright, fluorescent, metallic, highly reflective, or other high-intensity colors and finishes shall be limited to accent materials and may be used on no more than 30 percent of any elevation.

(E) Supplemental Standards: Mixed-Use Districts

(1) Purpose

These standards are intended to preserve and enhance the unique character and identity of Tamarac. They are intended to ensure that future infill and redevelopment will be context-sensitive and have high-quality site layout, architectural detailing, façade articulation, and other features that provide a distinct character and pedestrian scale.

(2) Applicability

Development of any structure that will contain a use categorized in Table 10-3.1, *Allowed Uses*, as a commercial use, or a mix of commercial and other uses, and that is located within the Mixed-Use Corridor or Mixed-Use General districts, shall comply with the general site layout and building design standards of §10-4.7(C) and §10-4.7(D) above, plus the standards of this section.

(3) Site Planning

(a) Parking Location

Surface parking shall be located behind buildings. Surface parking is not permitted between the building and the primary street frontage or to the side of the building where it may be viewed from the primary street frontage.

(b) Ground-Floor Uses

The incorporation of retail shops and/or restaurants is encouraged at the street level to promote a more active environment for pedestrians and to support residential and office uses located within the same building (on upper floors) or nearby. This configuration of uses is particularly encouraged along Commercial Boulevard, McNab Road, State Road 7, NW 57 Street, NW 70 Street, and University Drive, as well as adjacent to major public spaces, including canals and waterways, where a high level of activity and visibility is desirable. If a limited portion of a structure's ground level will be devoted to retail or restaurant space, such space should be located along those facades adjacent to or most visible from primary street frontages or major pedestrian walkways.

(c) Build-To Line

First floors of all buildings shall "build to" the back of the sidewalk or edge of property. Exceptions to the build-to line may be permitted if:

- (i) The space set back from the build-to line is used for an outdoor gathering space, as defined in §10-4.7(C)(3)(a);
- (ii) The space set back from the build-to line is designed as a protected walkway for pedestrians, with the second floor placed at the build-to line; or
- (iii) The space set back from the build-to line is used to provide a mid-block pedestrian connection to an outdoor gathering space provided at the rear of the building or to an adjacent canal or waterway. Mid-block pedestrian connections shall be a minimum of 15-feet in width.

(F) Supplemental Standards: Business Park District

(1) Industrial Activities in Enclosed Buildings

Except as expressly provided otherwise in this Code, all activities associated with any industrial use (as listed in Table 10-3.1: Allowed Uses) shall be conducted within a totally and permanently enclosed building.

(2) Façade Articulation

Each street-facing building facade shall be horizontally and/or vertically articulated to avoid long, blank wall planes, by meeting at least one of the following standards:

(a) Wall Plane Horizontal Articulation

Each facade greater than 100 feet in width shall be articulated with wall offsets (e.g., projections or recesses in the facade plane), changes in facade color or material, or similar features that visually interrupt the wall plane horizontally such that the width of uninterrupted facade does not exceed 100 feet.

(b) Vertical Articulation

Each facade greater than 30 feet in height shall incorporate a change in the wall surface plane or in facade color or material that visually interrupts the wall plane vertically such that the height of uninterrupted facade does not exceed 30 feet.

(c) Roof Line Variation

The facade shall include variations in roof planes and/or in the height of a parapet wall at least every 60 feet of roofline length along the facade.

(3) Entrance

- (a)** Each principal building shall have clearly defined, highly visible primary entrances for occupants and patrons.
- (b)** Street-facing facades of the ground level floor shall not include overhead doors, sliding glass doors, removable panels, or similar type of doors.

(4) Building Façade Materials

The use of vinyl siding aluminum siding, corrugated metal siding, any other metal siding, unfinished or untreated tilt-up concrete panels, or standard single- or double-tee concrete systems as a primary exterior facade material shall be limited to those portions of rear and side building facades that are not visible from the public right-of-way or an adjacent residential, institutional, or commercial use.

(5) Loading and Service Areas

Loading and service areas shall be separated from patron parking, pedestrian areas, and main drive aisles, and shall be located as far as practicable from any abutting single-family residential development.

(6) Off-Street Parking Location

No more than two bays of off-street parking may be located between the front building facade and the street it faces. This may be doubled for buildings of two or more stories.

10-4.8 Fences, Walls, and Hedges

(A) Purpose

This section ensures that fences, walls, and hedges are regulated to ensure the location, height, and appearance of fences, walls, and hedges:

- (1)** Maintain visual harmony within neighborhoods and the City;
 - (2)** Protect adjacent properties from the indiscriminate placement and unsightliness of fences, walls, and hedges; and
 - (3)** Ensure the safety, security, and privacy of properties.
-

(B) General Standards

(1) All Districts

- (a)** Except where specifically noted, all walls and fences shall be constructed of one of the following materials or a combination thereof:
 - (i)** Wood,
 - (ii)** Rock,

- (iii) Stone,
- (iv) Solid masonry with stucco and paint,
- (v) Pierced masonry,
- (vi) Ornamental metal,
- (vii) Vinyl coated chain link, or
- (viii) Plastic Vinyl Coated (PVC).
- (b) No electrified fences are permitted.
- (c) Bare metal chain link fences are not permitted unless utilized for temporary or construction fencing. All chain link fences shall be vinyl coated.
- (d) Bamboo or materials similar in appearance are not permitted.
- (e) Fences and walls shall not be comprised of more than one material unless it is done in a decorative manner at the discretion of the Director.
- (f) The height of all fences, walls, and hedges shall be measured from the finished elevation of the property at the point of installation.
- (g) No fence or wall shall be erected or installed within the City's jurisdiction unless the design and structurally sound materials have been approved by and a permit for same has been issued by the building department of the City.
- (h) At all roadway intersections, fences, walls, or hedges shall not obstruct visibility of traffic as determined by the City Engineer. (See §10-4.4(D)(6), *Sight Distance*.)
- (i) The continued maintenance of any fence, wall, or hedge within the City shall be the responsibility of the owner or other person responsible for the property upon which such fence, wall, or hedge lies.
- (j) Fences, walls, and hedges shall always be maintained in a condition that will ensure safety, functional use, and a proper aesthetic appearance. Such maintenance shall include but not be limited to painting, repairing, or pruning.
- (k) The City Commission shall, in approving site development plans, require that appropriate fence, wall or hedge protection is provided to prevent or minimize hazards to contiguous residential properties from noise, glare, odors, smoke, vibrations, flying objects, or traffic.
- (l) The Director may allow a maximum of two additional feet in height for a decorative rail on top of walls. The rail can exceed the maximum allowable wall height by no more than 2 feet if the applicant can provide safety and/or security reasons for the justification at the discretion of the Director.
- (m) Within the I-1, I-2, BP, PF, and SU zoning districts, fences for utility sites and industrial sites shall be permitted for security reasons with a maximum height of eight feet.
- (n) Where a canal maintenance easement exists, an opening shall be provided for maintenance purposes, which shall be a minimum of eight feet in width. If there is a gate, it shall be hinged or removable for access. A gate also shall be required if the property contains any area that cannot be accessed due to the fence to allow access for maintenance.

(2) Residential Districts**(a) Fences and Walls**

- (i) Fences and walls may be erected to a maximum height of six feet along the rear property line; except, if the rear property line abuts a nonresidential zoned property, then such maximum height permitted shall be eight feet.
- (ii) The maximum height permitted to be installed along the side property line or elsewhere within the required side yard between the required street front setback and the rear property line shall be six feet for fences and walls.
- (iii) Fences and walls are prohibited from extending beyond the front line of the house and no fence or wall shall be allowed within the front setback.
- (iv) No fences or wall shall be installed or be permitted to remain in required front street setback areas of single- and two-family dwellings or public rights-of-way, except those properties containing two street yards may erect a fence or wall on or near the property line adjacent to the secondary street. A secondary street shall be defined as the street front not used as the primary entrance to a residential dwelling.
- (v) Multi-family residential developments may install decorative style fences or walls within the front street setback up to six feet in height. Decorative style fences or walls shall not be chain link, PVC, or wood fences.
- (vi) Fences or walls are permitted within existing planting strip easements.
- (vii) In instances where a double-frontage lot is fenced, walled, or hedged, a gate shall be installed to allow access to utilities and maintenance of the right-of-way. Gates are prohibited from being installed in such a way that access is required from private property.
- (viii) A fence wing shall not extend into a canal area that is not on the subject property without written approval from the entity with jurisdiction for the waterway or easement. The wing wall may not extend more than three feet into such waterway.

(b) Hedges

- (i) All hedges, whether abutting residential, nonresidential, mixed-use, or special purpose districts, or public rights-of-way shall be maintained at a maximum of ten feet along the front setback line, side, and rear property lines.
- (ii) Palm species planted to create a solid buffer, and maintained according to Section 10-4.4 standards shall be exempt from the height restrictions of this Section. Palms may not be used as a solid buffer along waterway property.
- (iii) No hedge shall be installed or be permitted to remain in required front street setback areas or public rights-of-way, except those properties containing two street yards may erect a hedge on or near the property line adjacent to the secondary street. A secondary street shall be defined as the street front not used as the primary entrance to a residential dwelling.
- (iv) Where a canal maintenance easement exists, an opening must be provided for maintenance purposes, which shall be a minimum of eight feet in width.

(3) Mixed-Use and Nonresidential Districts

- (a) Fences, walls, and hedges may be erected to a maximum height of eight feet along the rear and side property lines.
- (b) Developments may install decorative style fences or walls within the front street setback up to six feet in height. Decorative style fences or walls shall not be chain link, PVC, or wood fences.
- (c) Along the street property lines, the maximum height permitted for fences, walls, and hedges shall be six feet and shall be allowed no closer than five feet from such property lines. When the fence, wall, or hedge is set back at least ten feet from such a property line, the maximum height may be increased to eight feet.

(4) Special Purpose Districts

- (a) Along the street property lines, a fence, wall, or hedge may be erected within five feet of street property lines providing that the maximum height does not exceed six feet. The maximum height permitted along the rear and side property lines shall also be six feet except whenever a Special Purpose district abuts a residentially zoned district, in which case no fence, wall, or hedge shall exceed six feet in height.
- (b) The Director may approve additional fence, wall, or hedge height at their discretion for fences, walls, and hedges.
- (c) In industrial districts, barbed-wire fencing is prohibited.

10-4.9 Exterior Lighting

(A) Purpose

The purpose of this section is to regulate exterior lighting to ensure the safety of motorists and pedestrians as well as minimize adverse impacts to adjacent properties. More specifically, this section is intended to:

- (1) Ensure exterior lighting does not adversely impact land uses on adjacent lands by minimizing light trespass, obtrusive light, and glare;
- (2) Ensure the safety of motorists by minimizing light spillage and glare onto adjacent streets;
- (3) Curtail light pollution and preserve the nighttime environment for the enjoyment of residents and visitors;
- (4) Conserve energy and resources to the greatest extent possible; and
- (5) Provide security for people and property.

(B) Applicability

(1) General Applicability

All exterior lighting for any type of residential or nonresidential development shall comply with the standards of this section, unless exempted in subsection (2) below.

(2) Exemptions

The following are exempted from the exterior lighting standards of this §10-4.9:

(a) Emergency Lighting

Lighting used only under emergency conditions.

(b) Seasonal Lighting

Temporary seasonal lighting between Thanksgiving and January 15, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties.

(c) Lighting Required by FAA or FCC

Lighting required by the Federal Aviation Administration or the Federal Communications Commission.

(d) Special Events

Special events that have been issued a temporary use permit shall be allowed temporary lighting for the duration of the event, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties.

(e) Underwater Lighting

Underwater lighting used for the illumination of swimming pools and decorative water fountains shall not be subject to this §10-4.9, though they must conform to all other provisions of this Code.

(f) Lighting Required by Building Code

Any lighting that is required by the building code for life safety purposes such as stairway lighting, walkways, and building entrances, shall not be prohibited by this §10-4.9 but shall be subject to the lighting standards.

(g) Single- and Two-Family Dwellings

Single- and two-family dwellings are exempt from the exterior lighting standards of this Section except:

(i) §10-4.9(C)(1), *Maximum Lighting Height*, and

(ii) §10-4.9(C)(3), *Hours of Illumination and Lighting Controls*.

(3) CPTED Waiver

The Director may waive all or part of the standards in this §10-4.9 if it is demonstrated that the implementation of the standards results in a conflict with the City's adopted CPTED guidelines.

(4) Security Plan

Government maintenance facilities, public safety facilities, parks and public spaces, and other uses where sensitive or dangerous materials are stored may submit to the Director a site security plan proposing exterior lighting that deviates from the standards in this section.

The Director shall approve, or approve with conditions, the site security plan and its proposed deviation from the standards of this section, on finding that:

- (a) The proposed deviation from the standards is necessary for the adequate protection of the public;
- (b) The condition, location, use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land; and
- (c) The proposed deviation from the standards is the minimum required, and will not have a significant adverse effect on neighboring lands.

(5) Lighting Plan Required

Applications for approval of Major or Minor Site Plan shall include a lighting plan, including a photometric plan, that addresses the standards in this section. An outdoor lighting installation shall not be placed in permanent use until a letter of compliance signed and sealed by a registered engineer or architect is provided to the City stating that the lights have been field- tested and meet the standards of this Code.

(C) General Requirements

(1) Maximum Lighting Height

- (a) Except for street lights (addressed in §10-4.9(F)) and outdoor recreational facilities (addressed in §10-4.9(I)), the maximum height of exterior lighting fixtures, whether mounted on poles, walls, or by other means, shall be:
 - (i) 17.5 feet in single-family residential (RE and R-1) zoning districts;
 - (ii) 20 feet in multifamily residential (R-2 and R-3) zoning districts and those parts of nonresidential district within 200 feet of a residential zoning district; and
 - (iii) 30 feet in all other parts of nonresidential districts.
- (b) Wherever possible, illumination of outdoor seating areas, building entrances, and walkways shall be accomplished by use of ground-mounted fixtures not more than four feet in height.

(2) Maximum Illumination Levels

All exterior lighting shall have intensities and a uniformity ratio consistent with the *IESNA Lighting Handbook* (Illuminations Engineering Society of North America) and shall be designed and located so that the illumination measured in foot-candles at finished grade shall comply with the standards in Table 10-4.10: *Minimum and Maximum Illumination Levels*. The illumination shall take into account changes in finished grade, walls, and other existing or proposed building and site conditions.

Table 10-4.10: Minimum and Maximum Illumination Levels

Zoning District	Minimum Illumination in Vehicular Use Areas¹	Maximum Illumination at Property Line²
Single-Family Residential (RE and R-1)	0.5 foot-candle	1.0 foot-candle
Multi-Family Residential (R-2 and R-3)	0.5 foot-candle	2.0 foot-candle
All Other Districts	1.0 foot-candle	3.0 foot-candle
NOTES: ¹ Measured at the edge of a vehicular use area, at ground level. ² Measured at five feet above ground level.		

(3) Hours of Illumination and Lighting Controls

(a) General

All exterior lighting not necessary for security or emergency purposes shall be reduced, activated by motion sensors, or turned off during non-operating hours. For the purposes of this requirement, lighting "necessary for security or emergency purposes" shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas or parking lots. Such lighting may be activated by motion sensor devices.

(b) Controls

To minimize the amount of excess lighting at night, the use of the following types of lighting controls to control the amount and duration of nighttime illumination is encouraged and for some applications may be required.

(i) Motion Sensors

These mechanisms are the preferred method for controlling nighttime illumination since they turn on lights only when activated by motion and will remain on during the activity and for a set period of time (typically up to 30 minutes) following the last detection of motion. Sensors must be triggered by activity within the owner's property lines and should be used with incandescent, compact fluorescent, or halogen lamps.

(ii) Timer/Photocell Combinations

These are also a preferred method for control when used for nighttime control at primary points of entrance (e.g., front entries) and at commercial and industrial properties. These activate the light source at dusk and turn it off at a selected time several hours later, well before dawn.

(iii) Photocells

Use of photocells is appropriate when illumination is required all night for safety, their use is otherwise discouraged. These controls are activated by sunlight, turning lights on at dusk and off at dawn and illuminate an area for the entire night.

(iv) Timers

These mechanisms are prohibited when used alone.

(4) Illumination Direction and Shielding

- (a) Upwardly-directed lighting used to illuminate all or part of a structure or building facade shall use low-wattage architectural or decorative lighting so that direct light emissions are contained by the structure or facade and are not visible above the building roof line.

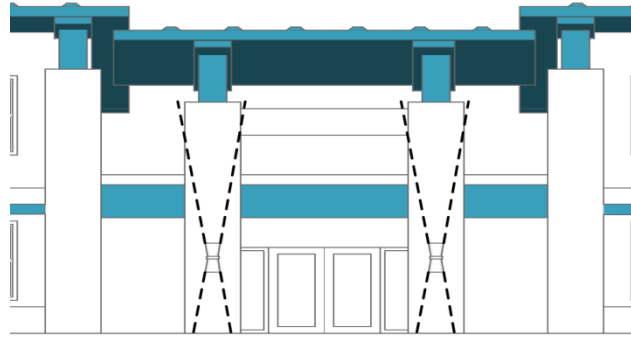


Figure 10- 4.9-1: Upwardly-Directed Lighting

- (b) Light fixtures used to illuminate flags, statutes, or other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that does not extend beyond the illuminated object.
- (c) Any light source forming a lineal pattern shall be recessed within the structure in which it is located.
- (d) Any light source or lamp that emits more than 900 lumens shall be concealed or shielded with a full cut-off style fixture with an angle not exceeding 90 degrees to minimize glare and unnecessary light diffusion onto adjacent properties and streets.

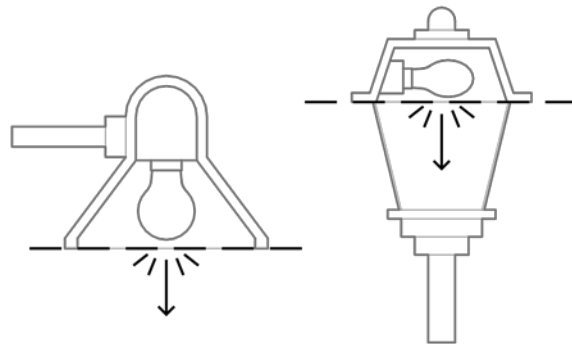


Figure 10- 4.9-2: Full-Cutoff Light Fixture (Section)

(5) Wall Pack Lights

Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully shielded with true cut-off type bulb or light source not visible from off-site, or similar, to direct the light vertically downward and have a light output of 900 lumens or less.

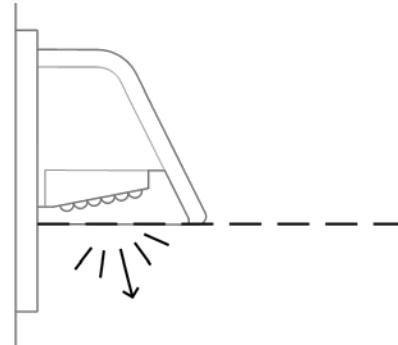


Figure 10- 4.9-3: Wall Pack Light (Section)

(6) Electrical Service

Electrical service shall be placed underground unless the fixtures are mounted directly on utility poles.

(D) Residential Lighting Standards

The following lighting standards shall be applicable in all residential districts:

(1) General Standards**(a) Glare**

All exterior lighting shall be designed so that the point light source or bulb is not directly visible from adjoining properties or public rights of way. Placement of a fixture shall minimize light glare and shall comply with the limits in Table 10-4.10: *Minimum and Maximum Illumination Levels*, at the property line.

(b) Flood Lights

Flood lights shall be restricted as follows:

- (i) The point light source shall not be visible from adjoining lots or streets.
- (ii) Lights shall be focused on the task, fully shielded, down directed, and screened from adjacent properties in a manner that prevents light trespass.
- (iii) Maximum incandescent wattage for a flood is 75 watts per bulb and 150 watts total per fixture.
- (iv) Light level shall not exceed ten foot-candles at grade.
- (v) Incandescent flood lights shall be controlled by a motion sensor for uses after 10:00 p.m.
- (vi) Compact fluorescent floodlights shall not exceed a maximum 2,400 lumens (32 watts) per fixture and can be controlled by photocell/timer.

(2) New Construction

(a) Maximum Wattage

Incandescent light sources including halogen shall not exceed 75 watts per lamp or 150 watts per fixture. Compact fluorescent sources shall not exceed 15 watts per lamp. Outdoor lighting with high-intensity discharge (HID) light sources in excess of 3,400 lumens shall be prohibited.

(b) Fixtures

Fully shielded, down-directed light sources are required. Point sources or bulbs shall not be visible from adjoining properties or adjoining public rights of way. Clear, wavy, or seeded glass shall not be acceptable. Frosted or translucent glass that does not show the light source is acceptable for retrofit applications.

(E) Nonresidential and Mixed-Use Lighting Standards

The lighting standards below shall be applicable in all nonresidential, mixed-use, and special purpose districts.

(1) Reduce Glare from Point Sources

Outdoor lighting used to illuminate parking spaces, loading areas, driveways, maneuvering areas, or buildings shall be designed, arranged, and screened so that the point light source shall not be visible from adjoining lots or streets.

(2) Entrances and Storefront Windows

Maximum light level range including spillage from inside to outside shall be no more than 15 foot-candles (fc). Maximum light level reading shall be no more than 15 fc, measured at ground, between two feet from the building façade and either the edge of the curb or eight feet from the building façade, whichever is closer to the building.

(3) Walkways/Bikeways and Pedestrian Areas

Illumination is encouraged for these areas. If an applicant chooses to illuminate areas the following standards apply:

- (a)** The ground area shall be illuminated to a maximum level of five fc, no more than 0.5 fc average;
- (b)** The vertical illumination level at a height of five feet above grade shall be no more than 0.5 fc; and
- (c)** Lighting shall be directed downward, pedestrian-friendly, and fully shielded or with full cut-off luminaires. Light sources for luminaires mounted 12 feet above grade or lower shall have a maximum of 3,200 lumens. Light sources for luminaires mounted between 12 and 16 feet shall have a maximum of 5,000 lumens.

(4) Lower Light Levels in Mixed-Use Areas

Mixed-use areas that include residential occupancies shall comply with the residential lighting standards in §10-4.9(D) on those floors or areas that are more than 50 percent residential based on square footage of uses.

(5) Wattage Specifications

Maximum bulb wattage shall be 75 watts incandescent or 32 watts fluorescent, with a maximum two bulbs per fixture. HID light sources are limited to 14,000 lumens; 2,800 to 3,200 degree Kelvin lamp is preferred. Standards for HID light sources may be established by the City for new technology consistent with the above restrictions.

(6) Fixture Types

Fixtures shall be fully shielded or full-cutoffs. In certain applications cut-off fixtures with louvers or shields may be used for aesthetic purposes.

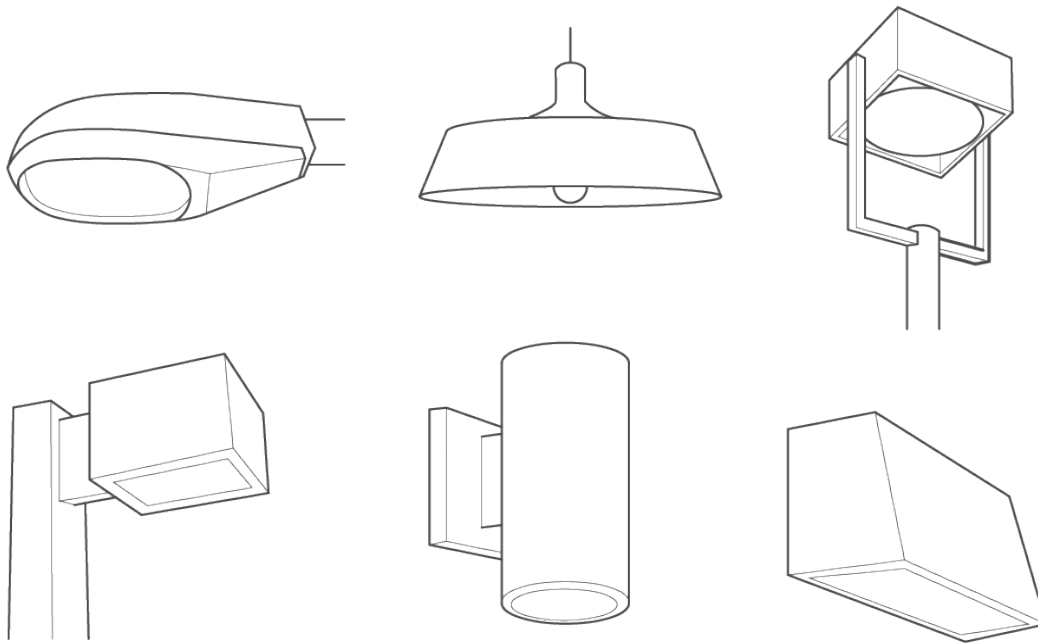


Figure 10- 4.9-4: Example Light Fixtures

(7) Security Lighting

Lighting for entrances, stairways, and loading areas shall not exceed five fc and for parking lots shall not exceed two fc. Other areas of specific security concern may be lit at a level not to exceed 1.5 fc.

(F) Street Lighting**(1) Required**

- (a)** A street lighting system shall be provided in all subdivisions or as part of the improvements in any new land development project. Installation of all underground facilities must be completed before streets are paved.
- (b)** The first 12 months of estimated maintenance and service charges for the street lighting system shall be paid by the developer of the project before the issuance of a building permit. In cases where the estimated completion time of a project exceeds 12 months, the City Commission may require payment of additional maintenance and service charges until such time as the Director releases the public improvement bond.

(2) Design and Construction Standards

All street lighting as required by this subsection shall conform to the following standards of design and construction:

- (a) All designs for lighting shall be approved by the City Engineer and the franchised electric utility, who will follow, as a minimum, the current edition of the IESNA Lighting Handbook, published by the Illuminating Engineers Society of North America.
- (b) Wiring for street lighting shall be underground except in areas where primary distribution conductors are overhead. Subject to the approval of the City engineer, the primary poles may be used for streetlights and associated wiring.
- (c) All luminaries shall be a minimum of 9,500 lumen lights, mounted on concrete poles.

(3) Enforcement

- (a) No building permit shall be issued in any subdivision or new land development project unless the engineering drawings therefor contain adequate provisions for street lighting.
- (b) No Certificate of Occupancy shall be issued to any structure until the street lighting is completed and operable or a commitment acceptable to the City engineer has been provided by the electric utility for that area.
- (c) The design standards of this subsection may be waived by the City Commission where a waiver would not be detrimental to the public health, safety or welfare of the citizens of the City, subject to agreement or covenant providing for installation and maintenance, plans to be approved by City engineer.

(G) Vehicular Use Area Lighting

(1) Illumination Levels

Illumination of vehicular use areas, including parking lots and accessways, shall comply with the limits in Table 10-4.10: *Minimum and Maximum Illumination Levels*.

(2) Fixture Type

All lighting fixtures serving parking lots shall be full cut-off fixtures, maximum of two fixtures per pole.

(3) Height

Lighting poles in vehicular use areas shall not exceed 15 feet in height.

(4) Vehicular Use Area Lighting Design Generally

Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. Up-lighting (including floodlighting) shall not be utilized to illuminate all or any portion of a building façade; down-lighting is acceptable.

(H) Prohibited Lights

This subsection identifies applications of lighting that cause glare, decrease our ability to see in dark, low-level ambient light environments, produce unattractive lighting environments, or excessive light pollution. These types of lighting are prohibited.

(1) Roof Lights

Light sources shall not be affixed to the top of a roof, except where required by building code requirements.

(2) Unshielded Light Sources

Unshielded light sources are prohibited except as listed in residential section.

(3) Building Illumination

Flood illumination of buildings shall be prohibited from the ground, on pole-mounted lights, or by lights mounted on adjoining structures. Buildings with exceptional symbolic (i.e. churches or public buildings) or historical significance may request exemptions to this prohibition.

(4) Nuisance Lights

Lights that flash, move, revolve, blink, flicker, vary in intensity, change color, or use intermittent electrical pulsation are prohibited unless specifically approved as part of the lighting code exemption. Winter holiday lights are exempt.

(5) Other Lamps

Mercury vapor and low-pressure sodium lighting shall be prohibited.

(6) Architectural Lighting

Linear lighting such as: fluorescent awnings, rope light, or neon, except neon signs as permitted in §10-4.10, is prohibited. Façade lighting primarily intended as an architectural highlight to attract attention or used as means of identification or advertisement shall be prohibited.

(7) Neon Lights

Existing neon lights are considered a pre-existing, nonconforming use. New uses are prohibited. These pre-existing, nonconforming lights must be brought into conformance when a major alteration is made to the exterior lighting or which increases the square footage of the building.

(I) Outdoor Recreational Facilities

(1) Condition

Conditions placed on the lighting for the recreational facility may include: limited hours of operation, limits on lighting intensity, specific requirements for fixture design and others.

(2) Light Trespass

Designs should address limiting light trespass to surrounding neighborhoods. Floodlights in this application should not be aimed above 62 degrees from vertical. In order to minimize light pollution and light spillage into the neighborhood, the lights should have louvers and external shields.

(3) Maximum Wattage

Wattage of lamps shall be 250 watts HID or less.

10-4.10 Signs

(A) Purpose

This section sets forth the criteria for the location, installation, configuration, removal, and other standards for signs within the City. It is the intent of this section to authorize the uses of signs that:

- (1) Are compatible with their surroundings, legible in the circumstances in which they are seen, and appropriate to the activity that displays them;
- (2) Are expressive of the identity of individual activities and the community as a whole;
- (3) Promote the creation of an attractive visual environment that integrates signs into the architectural design and promotes an aesthetically pleasing community; and
- (4) Foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations that do not create a nuisance, conflict with traffic control devices, or unreasonably distract motorists.

(B) Sign Permits**(1) General**

A Sign Permit is required pursuant to §10-5.4(L), *Sign Permit*, before the construction, erection, installation, posting, relocation, or alteration of any sign unless it is exempt under 10-4.10(B)(2), *Exemptions*.

(2) Exemptions

A Sign Permit is not required for the following signs, though the signage standards in §10-4.10 do apply to such signs, and all signs within City public easements or rights-of-way and all traffic regulatory or traffic control signs are subject to Improvement Permits:

- (a) Entrance signs installed by the City at or near the city limits, on which may be listed institutional names and points of interest;
- (b) Off-premise signs installed by the City that announce subdivisions and projects currently under development;
- (c) Signs installed by the City that provide for the health, safety, and welfare of the community;
- (d) Signs installed under the direction of federal, State, County, or City agencies, including community service signs, community directional signs, and directional signs;

- (e) Window signs;
- (f) Yard signs for single-family lots;
- (g) Flags of nations, states, counties, municipalities, civic organizations, and corporations;
- (h) Nameplate signs, building address signs, general information signs, "open" signs, and business signs, where such signs do not exceed three square feet in sign area;
- (i) Change of copy in permitted changeable copy signs;
- (j) Individual tenant panels in permitted multiple tenant monument signs; and
- (k) The refurbishing of a sign where copy is not changed, the cost of any repair does not exceed 50 percent of the original cost of the sign, and no electrical work other than for normal maintenance is necessary.

(C) Comprehensive Sign Plan (CSP)

- (1) A multi-tenant commercial and/or mixed-use developments may submit a Comprehensive Sign Plan that establishes a coordinated approach to site signage. Comprehensive Sign Plans shall provide specifications regarding sign:
 - (a) Type;
 - (b) Materials;
 - (c) Illumination;
 - (d) Colors
 - (e) Dimensions; and
 - (f) Location
- (2) Developments utilizing a CSP may propose variations from City signage standards that address sign size and the number of signs allowed. Variations of up to 10 percent from the general requirement may be approved administratively. Variations above 10 percent must be approved by the Planning Board.

(D) General Sign Requirements

Only such permanent signs detailed in this section shall be permitted to be erected or maintained upon any building, lot, or parcel of land. Permits for permanent signs shall be reviewed by applicable city staff and issued by the building department based upon the signage regulations in effect, unless exempted from permit requirements.

(1) Signs Permitted in All Zoning Districts Generally

The signs below are allowed generally in all zoning districts, subject to the listed standards.

- (a) Signs installed under the direction of federal, state, county, or municipal agencies;
- (b) General information signs, each not to exceed three square feet in area; and
- (c) One nameplate sign per residence or business, each attached to a front wall or door and not to exceed three square feet in total area.

(2) Signs Permitted in Residential Districts

The signs below are allowed generally in all residential zoning districts, subject to the listed standards.

(a) Community Directional Signs

The standards below shall be applied to general information, community directional signs, and directional signs.

- (i) The maximum sign area shall be three square feet;
- (ii) The maximum sign height shall not exceed three feet; and
- (iii) In no case shall such signs be located in the public rights-of-way.

(b) Entrance Wall or Monument Signs

- (i) A maximum of two entrance wall or monument signs are permitted per subdivision or multi-family residential development for each vehicular entrance.
- (ii) Entrance wall or monument signs shall be located on the adjacent sides of the vehicular entrance unless placed in the entrance median.
- (iii) In no case shall such signs be located in a public right-of-way.

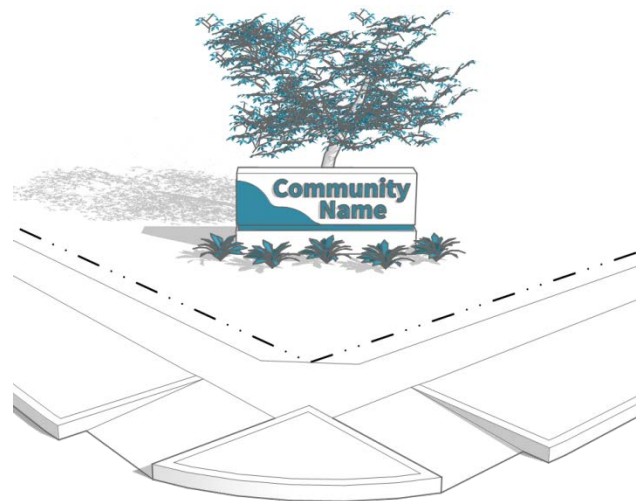


Figure 10- 4.10-1: Entrance Monument Sign

(c) Multi-Family Building Identification Signs

Each building shall include an address sign no smaller than six inches in height. A building identification sign is also permitted at the same height as a building address sign.

(d) Yard Signs in Residential Districts

Yard signs, except for temporary yard signs, are allowed in residential districts without a sign permit pursuant to the following:

- (i) Shall not exceed more than four signs per property at any one time;
- (ii) Shall not exceed four (4) square feet per sign;
- (iii) Shall not exceed 24 square feet total yard signage on any property;
- (iv) Shall not exceed a height of 42 inches;
- (v) Shall not be located in the public right-of-way;
- (vi) Shall be located at least five feet from any property line; and
- (vii) Shall not be displayed for a period of more than 90 days per calendar year.

(3) Signs Permitted in Nonresidential, Mixed-Use, and Special Purpose Districts

The signs below are allowed generally in all nonresidential, mixed-use, and special purpose districts, subject to the listed standards.

(a) Automatic Teller Machines (ATM)

- (i) ATMs are permitted one sign per machine not to exceed eight square feet in sign area.
- (ii) The ATM sign shall be located adjacent to the machine and shall not exceed nine feet in height above grade.
- (iii) ATM signs shall display only the business name and/or business logo offering or maintaining the ATM.

(b) Business Hours and Open Signs

- (i) One business hours sign and one open sign is permitted per building or bay entrance on the primary frontage which advertises the hours of business operation and the availability of the business, respectively.
- (ii) Business hours and open signs shall not exceed three square feet in sign area per sign.
- (iii) Business hours and open signs are only permitted on the window or door of the primary frontage.

(c) Canopy Sign

One canopy sign per store front located directly adjacent to the main entrance of the bay, not to exceed three square feet in area is permitted. The sign must be positioned 90 degrees to façade.



Figure 10- 4.10-2: Canopy Sign

(d) Changeable Copy Signs

- (i) Theatres, playhouses, convention centers, educational, governmental, or religious uses shall be permitted changeable copy signs as part of the monument sign detailed in this section.
- (ii) Theatres and playhouses may also display changeable copy signs in lieu of façade signs permitted in accordance with §10-4.10(E), *Design Criteria*. Changeable copy signs displayed in lieu of the façade signs shall not be larger in height than the maximum character and graphic height permitted by the design criteria.
- (iii) Changeable copy signs shall provide a minimum distance of 250 feet separation as measured directly from changeable copy sign to changeable copy sign on the same property.

(e) Directional Signs

- (i) Directional signs may be permitted where there are two or more buildings on a property, a building on the property contains a drive-through, or a building on the property is not visible from the primary frontage of the development. Such directional signs shall only display address signs, building identification signs, use location, and corresponding directional arrows.
- (ii) Directional signs shall not exceed three square feet in sign area and shall not exceed three feet in height.
- (iii) One directional sign is permitted per each vehicular access from the official rights-of-way plus one directional sign per building on the property.



Figure 10- 4.10-3: Directional Sign

(f) Directory Signs

- (i) One directory sign is permitted where there are three or more buildings in a complex.
- (ii) A directory sign may only identify the complex by name and the location and name of the building or bay tenants.
- (iii) Directory signs may not exceed 12 square feet in sign area.
- (iv) The complex name must be in letters not to exceed six inches in height. The building or tenant name must be in letters not to exceed four inches in height.
- (v) Directory signs shall not exceed six feet in height.
- (vi) Directory signs shall be placed a minimum of 50 feet from all property lines.

(g) Façade Signs

- (i) For single tenant stand-alone buildings, one façade sign per street frontage is allowed. In no instance shall there be more than one façade sign per façade.
- (ii) For multiple tenant buildings with internal access to the individual tenant bays, one façade sign per street frontage identifying the name of the building, business name and/or business logo, or primary use of the anchor tenant only, is allowed. There shall be no more than one façade sign identifying the name of the building, business name and/or business logo, or primary use of the anchor tenant, per façade.
- (iii) For multiple tenant buildings with external access to the individual tenant bays, one façade sign per tenant bay located on the primary frontage of the tenant bay is allowed.
- (iv) For multi-story buildings, façade signs located above the top of the first floor of a two-story building shall not exceed the maximum character and graphic heights of existing façade signs located on the first floor.
- (v) No façade sign shall be located higher than the top of the first floor of a multi-story building excluding two-story buildings with external access to the individual tenant bays. Façade signs which identify the name the building, or business name and/or business logo or the primary use of the single tenant or anchor tenant, located above the top of first floor of a multi-story building shall be placed at the top of the top floor on the uppermost portion of the building. The Director may grant approval, on a case-by-case basis, of an alternate location of façade signs which identify the name of the building, business name and/or business logo, or the primary use of the single tenant or anchor tenant, located above the top of first floor on a multi-story building. The Director's decision may be based on architectural building features and will be considered through a written request from the property owner or their authorized agent.
- (vi) Outparcel buildings of commercial shopping centers or office complexes are allowed one façade sign facing the primary right-of-way the outparcel building directly faces as well as one additional façade sign on one of the remaining façades. In no case shall an outparcel building be permitted more than two façade signs.
- (vii) All façade signs shall comply with §10-4.10(E), *Design Criteria*.

- (viii) Upon the removal of any façade sign, the building façade shall be repaired and repainted to match existing façade in one uniform color.

(h) Monument Signs

- (i) For single-tenant stand-alone buildings, one monument sign per street frontage is allowed. Monument signs for single-tenant stand-alone buildings shall only display the name of the business, business logo, numeric address, and/or the primary use of the occupant.
- (ii) For multiple tenant complexes, one monument sign per street frontage is allowed. Monument signs for multiple tenant complexes shall convey complex center name. Monument signs for multiple tenant complex centers may:
 - A. Display the anchor tenant name and/or anchor tenant logo;
 - B. Incorporate a list of tenants into the sign area identifying the business name and/or logo; or
 - C. Display the primary use of the occupants of the multiple tenant complex center.
- (iii) The name of the multiple tenant complex center must occupy a minimum of 25 percent of the allowable copy area and be placed above any tenant listing or sign copy.
- (iv) For outparcel buildings of commercial shopping centers or office buildings, one monument sign per street frontage is allowed. Monument signs for outparcel buildings of commercial shopping centers or office buildings shall only display the name of the business, business logo, numeric address, and/or the primary use of the occupant.
- (v) The standards below shall be applied to monument signs for gasoline stations and the gasoline station portion of a convenience store including price rate signs.
 - A. Monument signs for gasoline stations and the gasoline station portion of a convenience store shall comply with §10-4.10(E), *Design Criteria*.
 - B. The monument sign area shall include the business name offering or supplying the gasoline and shall not exceed six square feet within the sign area permitted with a maximum character or graphic height of 12 inches.
 - C. One price rate sign advertising the price of gasoline is permitted on gasoline monument signs. The price rate sign shall not exceed 16 square feet within the sign area permitted.
 - D. The price rate sign may have changeable copy.
 - E. Price rate signs placed on gasoline pump unit dispensers are permitted and may include the type of fuel and octane rating; however, such signs may not exceed three square feet in sign area per pump unit dispenser. Price rate signs placed on gasoline pump unit dispensers do not require a permit.

- F.** The adoption of mandatory regulations regarding gasoline pricing signs by the federal, state, or local government shall preempt and govern gasoline pricing signs permitted by this Section.

(vi) All monument signs shall comply with §10-4.10(E), *Design Criteria*.

(i) Portable Signs

In the mixed-use districts, portable signs are allowed pursuant to the following standards:

- (i) One per tenant with street frontage;
- (ii) Eight square feet maximum total sign area;
- (iii) Four feet maximum sign height;
- (iv) Shall maintain five feet sidewalk clearance;
- (v) Shall be located directly in front of tenant space and not off-premises;
- (vi) Shall be separated from other portable signs by 15 feet; and
- (vii) Signs shall not be affixed to street lights, traffic poles, sign posts, or other site or landscape features.

(j) Rear Identification and Building Identification Signs

- (i) One rear identification sign per rear bay door, not to exceed three square feet in area is required. For purposes of this standard, the rear bay door is that portion of the building containing the service or employee entrances.
- (ii) Each building shall include an address sign no smaller than six inches in height. A building identification sign at the same height as the building address sign is also permitted for properties containing multiple buildings.

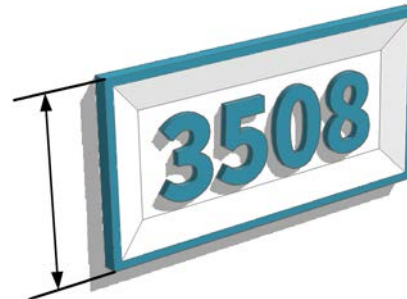


Figure 10- 4.10-4: Address Sign

(k) Window Signs

- (i) Window signs shall not exceed 15 percent of the total window area per building or bay frontage. The total window area is defined as the contiguous window panels separated by dividers or mullions less than six inches in width.
- (ii) Window signs shall be professionally drawn, placed, and/or constructed, and shall include any signs located within two feet of the window.



Figure 10-4.10-5: Window Sign

- (iii) Exposed neon tubing illuminated signs may be displayed on the interior of a window in accordance with these provisions for window signs.
- (iv) Window signs shall meet the standards below.
 - A. Maximum character or graphic height is eight inches.
 - B. Logos may not exceed the maximum character or graphic height for windows signs.
 - C. Window signs must be kept in a condition that will maintain the original aesthetic appearance of the structure and may not be placed across window dividers or mullions, regardless of size.

(l) Yard Signs in Mixed-Use, Nonresidential, and Special Purpose Districts

Yard signs, except for temporary yard signs, are allowed in mixed-use, nonresidential, and special purpose districts without a sign permit pursuant to the following:

- (i) Shall not exceed more than four signs per property at any one time;
- (ii) Shall not exceed 24 square feet total yard signage on any property;
- (iii) Shall not exceed a height of six feet, or 42 inches if placed within a sight distance triangle;
- (iv) Shall not be located in the public right-of-way; and
- (v) Shall not be displayed for a period of more than 90 days per calendar year.

(E) Design Criteria

(l) Monument and Entrance Wall Signs

(a) Standards

The following table shows the sign standards for monument and entrance wall signs:

Table 10-4.11: Monument and Entrance Sign Standards			
Zoning District	Maximum Letter and Graphic Height (in inches)	Maximum Sign Height (in feet)	Maximum Sign Area (in square feet)
Residential	18	6	42
Non-Residential GFA <64,999 SF	18	6	42
Non-Residential GFA >65,000 SF	18	8	72
NOTES: GFA- Gross Floor Area of all buildings on property exclusive of outparcel buildings. SF- Square Feet			

(b) Implementation

- (i) All monument and entrance wall signs shall be landscaped around the base of the sign in a manner which conceals the entire base of the sign on all sides but which does not obscure the message on the sign.
- (ii) Non-residential monument signs may only display the legitimate business name, as listed on a City of Tamarac business tax receipt, incorporation documents or otherwise registered to the company of the business or use requesting the sign.
- (iii) Monument signs shall have a minimum distance of separation of 150 feet as measured directly from sign-to-sign on the same side of the street for non-residential properties.
- (iv) For corner properties along official rights-of-way, the maximum monument sign height and area may be increased up to 25 percent if monument signage is limited to one sign at the corner of the intersection of the official rights-of-way in lieu of one sign per street frontage.
- (v) An address sign shall be prominently displayed on all monument signs with a minimum height of four inches.
- (vi) All monument signs allowed per street frontage must match in design, color, illumination method, and method of construction.

(2) Façade Signs**(a) Standards**

The following table shows the sign standards for façade signs:

Table 10-4.12: Façade Sign Standards	
Right-of-way Width (in feet)	Maximum Character and Graphic Height (in inches)
0-100	18
101-120	24
121-200	28
Over 200	30

(b) Implementation

- (i) All signs shall have an unobstructed sign face border on any background space in which the sign is located with a minimum border height and width of 25 percent of the largest character or graphic height.
- (ii) Allowance for additional character and graphic height:
 - A.** The maximum character and graphic height may be increased one inch for each rounded increment of 50 feet the building to receive a façade sign is from property line of the primary street right-of-way.

- B.** For a building to receive a façade sign in which the building is not equidistant from the primary right-of-way, the allowance for additional character and graphic heights shall be determined by the average of the distance between the portion of the building that is closest to the property line of the street right-of-way in which the property is addressed and the portion of the building that is the farthest from the property line of the street right-of-way in which the property is addressed.
- (iii) The wall or space in which the façade sign is located shall be considered in determining the sign dimensions. Façade sign dimensions may not exceed 70 percent of the width of any wall or space on the building in which the sign is located. For an individual tenant bay in a multiple tenant building, façade sign dimensions may not exceed 70 percent of the width between the tenant's demising partitions which separate adjacent bays.
- (iv) Each separate street frontage shall be considered individually for the purpose of determining maximum character and graphic heights, unless otherwise specified elsewhere in this Section.
- (v) Non-residential façade signs shall only display the business name and/or business logo, or the primary use of the occupant except for façade signs which identify the name of the building.
- (vi) Non-residential façade signs may only display the legitimate business name, as listed on a City of Tamarac business tax receipt, incorporation documents, or otherwise registered to the company of the business or use requesting the sign.
- (vii) All façade signs are limited to two lines of copy.
- (viii) All façade signs allowed per street frontage shall be designed to be in proportion to the architectural façade upon which it is placed, shall be no greater in character or graphic height than the façade sign placed on the primary frontage, and must match the façade sign placed on the primary frontage in design, color, illumination method, and method of construction.

(3) Illuminated Signs

(a) Generally

Signs shall not create glare or unduly illuminate the surrounding area.

(b) Externally Illuminated Signs, the Preferred Method of Illumination

- (i) The average level of illumination on the vertical surface of the sign shall not exceed ten fc.
- (ii) Point source of light or bulbs shall not be visible to a passerby.
- (iii) Lighting fixtures for illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign façade. Down directed lighting for signs is preferred. If ground mounted lighting is used, the light source must be fully shielded by landscaping or other means.

(c) Internally Lit Signs

- (i) Illumination sources shall not exceed a total of 9,600 lumens.
- (ii) Pan channel-lit signs are preferred versus internally-lit signs. White lettering is not permitted.

(F) Construction and Location

Any and all signs shall be constructed, erected, placed, repaired, altered, or maintained in accordance with the standards below.

- (1) Every sign and all components of such sign shall be kept in good structural condition and be in conformance with the applicable building code at the time of permitting, as may be amended from time to time.
- (2) All structural, electrical, and mechanical members utilized in the construction, erection, and operation of signs shall be concealed except for vertical supports of other supporting members which are designed and arranged so as to be an integral part of the aesthetic composition of a sign.
- (3) No visible wires or face jumping to signs shall be permitted.
- (4) Every sign shall be constructed in accordance with the applicable building code, as may be amended from time to time.
- (5) All wood permitted to be used for signs shall be of a type or condition that is resistant to rot and deterioration.
- (6) The height of a permanent sign shall not extend beyond the building height including parapets.
- (7) All signs shall be setback a minimum of ten feet from all property lines to any portion of the sign, and no sign shall be permitted to overhang into the minimum sign setback. The Director may grant a reduction in the minimum sign setback on a case-by-case basis, based on physical site constraints through a written request from the property owner or their authorized designee.
- (8) Signs shall not obstruct sight distance triangles determined by §10-4.4(D)(6), *Sight Distance*.
- (9) All sign copy four inches or larger on permanent signs shall extrude from the sign face a minimum of one-half-inch or intrude into the background by routing the copy out of the sign face background.
- (10) No illuminated signs shall face a residential use in such a way as to be a distraction at night to the persons living in the residential structure.
- (11) Once a sign is erected, no additional signs may be attached to or displayed on any sign on a temporary or permanent basis.
- (12) There shall be a minimum of eight feet vertical height clearance from the bottom of any sign projecting from the underside of a canopy to the surface of a walkway below.
- (13) A sign may be internally illuminated, backlit, or ground-lit. For internally illuminated signs, sign copy shall illuminate and the remainder of the sign must remain permanently opaque, except for individual tenant panels on a multiple tenant monument sign that conveys the complex center name.

- (14) No logo or trademark shall be displayed that is greater than the maximum character or graphic height permitted on the sign.
- (15) No sign shall create a traffic or fire hazard, be dangerous to the general welfare of the citizenry, or interfere with the free use of public rights-of-way.
- (16) No sign shall display intermittent lights or simulated traffic control signs resembling the flashing lights which are customarily associated with danger, customarily used by police, fire, or ambulance vehicles, or for navigational purposes are prohibited.
- (17) No advertising sign shall be displayed which uses the word "stop" or "danger." No advertising sign shall be displayed which presents or implies the need for stopping or the existence of danger, or which is a copy or imitation of an official sign. This provision regarding the word "stop" and "danger" does not apply when the words are part of an attraction title for a motion picture, theater event, opera or concert event, or when they are used in advertising, so long as they are not used to simulate, copy, or imply any official traffic warning either for vehicles or pedestrians.
- (18) No sign shall be displayed so as to provide background of colored lights blending with the traffic signals so as to confuse a motorist.
- (19) No sign shall display any statement, word, character, or illustration of any obscene, indecent, or immoral nature.
- (20) Sign location shall not interfere with public alarms, signals, or signs. No sign or support shall be placed in such position or manner as to obstruct or interfere, either physically or visually, with any fire alarm, police alarm, traffic signal or sign, or any devices maintained by or under public authority.
- (21) All signs must be placed on the property in which they serve unless unique situations exist regarding limited access to the property as determined by the Director. In cases where unique situations exist regarding limited access to the property, the sign owner may request to locate a sign in an adjacent property or right-of-way, provided that the applicant can meet the following criteria:
 - (a) Provide a certified written letter from the property or right-of-way owner to receive the sign that he/she does not object to the location of the sign in the adjacent property or right-of-way.
 - (b) Provide a hold harmless agreement with the property or right-of-way owner to receive the sign recorded in the Public Records of Broward County.
 - (c) Provide a written agreement with the City of Tamarac and property owner that when the property or right-of-way owner to receive the sign requests removal of the sign through certified letter to the sign owner, the sign owner will remove the sign within ten days of notice from the property or right-of-way owner and return said property or right-of-way to a finished condition in accordance with §10-4.4, *Landscaping and Tree Preservation*.

(G) Maintenance

- (1) All components of every sign type, together with its framework and structural supports, shall be well-maintained and aesthetically pleasing in appearance. Signs must also be in a good and safe condition, properly secured, supported, and able to withstand wind pressures as

required by the applicable building code or any other regulatory code or ordinance in effect within municipal limits.

- (2) All letters, lights, and luminous tubes illuminating a sign shall be maintained in good working condition. All replacement bulbs and lenses shall be of the same wattage and color as the light it is replacing unless a change is required to meet applicable lighting code requirements.
- (3) When visible components are replaced, the colors of the replacement parts should match the existing components, taking into consideration fading due to sun and environmental conditions, otherwise all parts of the sign should be refurbished if this is not possible.
- (4) In the event that a wall sign is removed, all anchor holes shall be repaired in such a way that all anchor holes are no longer visible and the wall must be repainted to match the existing color of the building within 30 days of the removal of such sign.
- (5) The required perimeter landscaping for a monument sign must be maintained by the owner in a safe and aesthetically pleasing condition at all times. The owner is responsible for maintaining such required sign landscaping so that the entire sign, exclusive of the base, is visible at all times.
- (6) In the event that a monument or ground sign is removed, the location of the removed monument or ground sign must be returned to a finished condition in accordance with the landscaping provisions of this Code.

(H) Temporary Signs

Only such temporary signs, as prescribed herein shall be permitted to be erected or maintained upon any building, lot, parcel of land, bay, or space.

(I) Temporary Signs, Residential Districts

- (a) Up to four temporary signs may be placed either on the owner's property or offsite for the purpose of directing the public when the property owner is opening the property to the public for a residential or nonprofit activity (e.g. real estate open house, garage/yard sale, estate sale), subject to the following:
 - (i) A maximum of one sign may be located on-site;
 - (ii) A maximum of three signs may be located off-site, with no more than one sign per turning movement; and
 - (iii) Signs may be displayed a maximum of 12 times per year.
- (b) For new construction, a maximum of one sign per project frontage, not exceeding 20 square feet, erected from the date of final site plan approval up to the issuance of the final Certificate of Occupancy.
- (c) Signs shall not exceed three square feet in area and three feet in height.
- (d) Signs shall not be illuminated.
- (e) Signs shall not be placed so as to create a traffic hazard, as determined by city staff. Signs shall not be placed in state right-of-way, traffic medians, public sidewalks, or bicycle paths.

- (f) Signs may be placed in city right-of-way in residential districts, but shall not be attached to any trees, fences, utility poles, light posts, street signs, or any other public facility located within city right-of-way.
- (g) Signs shall have sufficient weight and durability to withstand wind gusts, storms, and other weather elements.
- (h) Signs shall not be made of flimsy or unstable materials such as cardboard boxes, poster board, or paper.
- (i) Signs shall not have attachments, including, but not limited to, balloons, ribbons, loud speakers, etc.
- (j) Signs may be placed on privately owned property within residential districts with the written permission of the property owner.

(2) Temporary Signs: Mixed-Use, Nonresidential, and Special Purpose Districts

Temporary signs are allowed in mixed-use, nonresidential, and special purpose districts subject to the following limitations:

- (a) Temporary signs may be displayed on-site five times per year for a maximum of five consecutive days each time, or for new construction, one sign per project frontage, from the date of final site plan approval up to the issuance of the final Certificate of Occupancy.
- (b) New businesses shall be permitted to display one temporary sign for a maximum of 30 days. This 30-day period shall not start prior to issuance of a Tenant Occupancy permit and shall not extend beyond installation of the permanent sign for the business or 30 days after issuance of a Certificate of Occupancy, whichever is sooner.
- (c) Temporary signs shall not exceed 20 square feet in area.
- (d) Temporary signs shall be attached to the building of the business of which they are advertising or on the fencing enclosing the project site for new projects.
 - (i) Temporary signs may be freestanding if the overall height does not exceed 8 feet.
 - (ii) When attached to the building, temporary signs shall not be mounted higher than the eave line or top of the parapet wall of the building and no portion of the sign shall extend beyond the ends of the wall to which it is attached.
 - (iii) Temporary off-premises signs are prohibited except for temporary wayfinding signs for nonprofit or residential activities which are permitted, subject to the conditions in §10-4.10(H)(1) *Temporary Signs, Residential Districts*, for nonprofit or residential activities occurring adjacent to commercial districts.
- (iv) The following signs may be permitted only through a Temporary Sign Permit:
 - A. Flag-mounted signs;
 - B. Banners;
 - C. Pennants;
 - D. Streamers;
 - E. Balloons;

- F. Inflatable signs;
- G. Costumed characters;
- H. Sandwich board or A-frame signs.

(I) Sign Variances

Variances to this section shall be reviewed and administered in accordance with §10-5.4(Q), *Variance*.

(J) Violations and Penalties

- (1) Any persons, residents, business owners, or property owners violating any of the terms, conditions, regulations, or provisions of this article shall be subject to the enforcement actions prescribed by this section.
- (2) Contractors installing signs without a permit in the City are subject to fines, penalties, or other legal remedies authorized pursuant to state or local law.
- (3) No sign shall be permitted or placed in the City contrary to the provisions of this section.

(K) Enforcement

- (1) The Director is hereby designated and authorized to enforce this section and directed to remove signs which are contrary to the provisions of this section.
- (2) Violations of the provisions of this article shall be subject to enforcement by the City using any duly enacted provisions available. Violation hearings shall be conducted by the special magistrate in accordance with Chapter 162, Florida Statutes and sections 2-71 through 2-76 of the Code of Ordinances of the City.
- (3) Permitted signs shall be subject to all appropriate inspections, including but not limited to electrical, structural, and zoning. All signage on the property receiving the permitted sign shall be in conformance with the provisions of this article to receive consent of inspections.
- (4) Prohibited signs placed in the City shall be subject to enforcement and shall be removed by the City.
- (5) Permanent and temporary signs placed in the City without a permit shall be subject to enforcement. Temporary signs placed within public rights-of-way without a permit shall be removed by the City.
- (6) When determined by the Chief Building Official that a sign causes imminent danger to the public safety and contact cannot be made with the sign or property owner, the City shall correct the danger by removing the sign.
- (7) Signs removed by the City shall become the property of the City of Tamarac and may be disposed of in any manner deemed appropriate by the City. The cost of removal of the sign by the City shall be collected from the owner of the property on which the sign was located pursuant to any authorized legal process. The cost of sign removal shall include any and all incidental expense incurred by the City in connection with removal of the sign.

(L) Prohibited Signs

The following are signs which shall not be installed in the municipal boundaries of the City:

- (1) Animated signs including signs which intermittently illuminate, flash, or change illumination colors;
- (2) Sidewalk, sandwich signs, or A-frame signs, except as allowed as portable signs under §10-4.10(D)(3)(i);
- (3) Snipe signs;
- (4) Exposed neon tubes except for window signs described elsewhere in this article;
- (5) Roof mounted signs;
- (6) Mansard signs, except where there is no other available area to place a sign on the façade of the existing building, as determined by the Director;
- (7) Signs exceeding the height of the façade or parapet wall;
- (8) Billboard signs;
- (9) Internally illuminated ground or monument signs in the form of box or cabinet signs, except where the box or cabinet sign consists of illuminated sign copy that extrudes from or intrudes into the sign face and the remainder of the sign is permanently opaque in accordance with the construction, location, and design standards of this article;
- (10) Façade signs in the form of box or cabinet signs, except where the box or cabinet sign consists of individual characters or an individual logo;
- (11) Vehicle signs with the exception of the following:
 - (a) Vehicles with vehicle signs may be parked on nonresidential property when parked within the confines of a building or in a manner so that the vehicle is screened from view from any public right-of-way;
 - (b) Vehicles with vehicle signs shall not be parked overnight in a front yard in a residential zoning district with the exception of vehicles displaying removable magnetic signs or that are covered. Other vehicles with signage and/or utility trailers shall be in an enclosed garage or parked in a side yard;
- (12) Cantilever or projecting signs in excess of 18 inches from the structure upon which it is constructed;
- (13) Painted signs except window signs;
- (14) Mobile billboards;
- (15) Inflatable or wind-blown signs, including cold or hot air balloons with advertising;
- (16) A sign which covers or interrupts architectural features of building;
- (17) Signs, pennants, and banners attached to poles, trees, or other vegetative or landscaping material, or stuck in the ground in a manner not approved as a ground, monument, or temporary sign;
- (18) Electronic sign displays excluding changeable copy signs permitted elsewhere in this article;
- (19) Electronic message centers and electronic time/temperature displays;
- (20) Pole or pylon signs except for traffic regulatory and traffic control signs.
- (21) Façade signs on parapet walls, unless no other façade is available to erect a façade sign;

- (22) Signs erected on public property other than signs erected by a public authority for a public purpose;
- (23) Human signs;
- (24) Skylights, gas flood lights, or search lights;
- (25) Exposed bare bulb lighting of any type that is utilized on a building exterior or interior specifically to attract attention to such building for advertising purposes and not used as an architectural feature;
- (26) Window signs located above the top of the first floor of a multi-story building excluding two-story buildings with external access to the individual tenant bays; and
- (27) Façade signs which are raceway mounted or otherwise attached with supports except where existing structural conditions warrant this type of attachment as determined by the Chief Building Official.

(M) Nonconforming Signs

- (1) An existing nonconforming sign may be maintained and/or repaired, including the changing of individual tenant panels in multiple tenant monument signs as allowed by this section, but shall not be structurally or mechanically extended to further the nonconformity.
- (2) Any sign that had been granted a waiver or variance that existed and was maintained on the effective date of this section or any amendment thereto may continue although the sign does not conform to all the provisions contained in this section.
- (3) A nonconforming sign that is destroyed or damaged to the extent of 50 percent or more of its replacement value shall not be repaired or rebuilt.
- (4) Where a nonconforming sign exists, such sign shall be brought into conformance with this Code or be removed when the name of the enterprise, business advertised, or the copy on the sign is changed. This shall be done prior to the issuance of a local business license for any new business or enterprise.

(N) Dilapidated and Abandoned Signs

- (1) Any sign permitted in accordance with the terms, conditions, regulations, and provisions of this section which is no longer in full compliance with the provisions of this Section or any sign which has become dilapidated shall be repaired, corrected, returned to full compliance with the provisions of this section, or removed.
- (2) Any sign permitted in accordance with the terms, conditions, regulations, and provisions of this section which has become abandoned shall be removed.
- (3) The owner of any property on which a dilapidated or abandoned sign is located shall be subject to fines, penalties, or other legal remedies available to the City pursuant to state or local law enforcement.

10-4.11 Subdivision Design and Development Standards

(A) Purpose

This section ensures that subdivisions are designed and developed to assure the orderly and efficient development of the City.

(B) General Standards

(1) Blocks

(a) Length, Width, and Shape

Block length shall not exceed 1,320 feet, nor be less than 500 feet, unless found unavoidable by the Director. The length, width, and shape of blocks shall be determined with due regard to:

- (i) Provision of building sites adequate for the contemplated use;
- (ii) Zoning district requirements;
- (iii) Need for convenient and safe access, circulation, and control of pedestrian and vehicular traffic;
- (iv) Limitations and opportunities of topographic features.

(b) Pedestrian Crosswalks

Pedestrian crosswalks not less than ten feet in width shall be required in blocks over 1,000 feet in length to provide safe and convenient access to schools, playgrounds, shopping centers, transportation, transit stops, or other community facilities.

(2) Lots

(a) General Arrangement and Design

- (i) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of the surrounding development.
- (ii) Lot dimensions and areas shall not be less than specified by applicable provisions of the City zoning regulations.
- (iii) Every lot shall abut upon and have permanent access to a public street.
- (iv) Residential lots shall have a street frontage of not less than 20 feet.
- (v) Side lot lines shall be substantially at right angles or radial to street lines.

(b) Corner Lots

Corner lots shall be a minimum of five feet wider than the minimum width required by the City dimensional standards for interior lots.

(c) Double- and Reverse-Frontage Lots for Residential Use

Double- and reverse-frontage lots for residential use shall be avoided except where essential to provide separation of residential development from trafficways or to overcome specific handicaps of topography and orientation. A non-vehicular access line, across which there shall be no right of vehicular movement or use, shall be provided along the property line of lots abutting such trafficway or other disadvantageous situation.

(C) Streets and Alleys

(1) Conformity to Official Trafficways Plan and Existing Streets

- (a)** The location, direction, and width of all highways shall conform to the official Broward County trafficways plan.
- (b)** Streets in new subdivisions shall make provisions for proper extension of existing dedicated streets in existing subdivisions, where such extension is appropriate.
- (c)** Where a residential subdivision or residential property abuts on an existing or proposed trafficway, the Director may require:
 - (i)** Marginal-access streets;
 - (ii)** Reverse frontage with screen planting contained in a non-access strip along the rear property line; or
 - (iii)** Deep lots with or without rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to minimize conflict of through and local traffic.

(2) Circulation and Access

- (a)** The circulation pattern of new development and the design and installation of all streets and sidewalks shall comply with §10-4.2, *Transportation and Connectivity*.
- (b)** Streets in new subdivisions shall be arranged to provide for local circulation, convenient access to neighborhood facilities, pedestrian and bicycle access, and access to transit stops.
- (c)** Residential streets shall not connect with industrial areas, unless no other routing is possible as determined by the Director.
- (d)** The vehicular access and circulation for a development shall incorporate the continuation and connection of public streets and associated rights-of-way that have been extended or connected to the boundary of the development site from existing or approved abutting developments.
- (e)** Minor and collector residential streets shall be laid out and arranged so as to discourage their use by through traffic. Residential streets shall not connect with industrial areas, unless unavoidable.

(3) Plats Adjacent to or Containing Rights-of-Way

Where a subdivision borders on or contains a right-of-way for a railroad, expressway, drainage canal, or waterway, the City Engineer may require a street approximately parallel to

and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades for future grade separations.

(4) Adjoining Unplatted Areas

The arrangement of streets in new subdivisions shall facilitate and coordinate with the desirable future platting of adjoining unplatted property of a similar character.

(5) Reserve Strips

Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed under conditions approved by the City Engineer.

(6) Private Streets

Private streets shall be allowed within the City only at the absolute discretion of the Director of Public Services or their designee in individual circumstances and subject to the following terms and conditions in addition to any other terms and conditions deemed necessary by the Director of Public Services or their designee to protect the health, safety and welfare of the citizens of the City.

- (a)** There shall be no waiver from any of the requirements of this Section.
- (b)** All private streets must be constructed to standards applicable for publicly dedicated streets within the City as such requirements exist when a permit to construct a private street is obtained. If a permit lapses, the standards that will apply are those in effect when the next permit is obtained.
- (c)** All private streets must be self-contained, that is, they must be interior residential streets and not through streets or streets connecting directly onto through streets.
- (d)** There must be a covenant placed upon the public records requiring future owners of property surrounding the private street to maintain the street for as long as it remains a private street.
- (e)** All private streets shall be open to all City vehicles, all emergency vehicles, and all City personnel at all times. City police shall be authorized to have complete access at all times to enforce all existing laws, ordinances, and motor vehicle regulations on all private streets.
- (f)** All private streets must be completely constructed with the first three-fourths-inch layer of asphalt surface, and approved by the City Engineer, prior to the issuance of any building permits for homes to be located thereon. Upon completion of all building on the street, the last three-fourths-inch or greater layer of asphalt surface shall be constructed and approved by the City Engineer. It is not intended that this subsection modify or reduce any applicable municipal construction standards, and any stricter standards will control in the event of a conflict.
- (g)** The party developing a private street shall be required to post with the City a cash bond, irrevocable letter of credit, negotiable certificate of deposit, or surety bond executed by a company authorized to do business in the state, in the full amount of the cost of the streets and drainage therefor guaranteeing completion of the work within 18 months of commencement of construction to City's standards. If the work is not completed within 18

months, the City shall be given the right to complete the work. Any extra costs would be chargeable to the developer. This bond would be in addition to all other bonds required by City regulations.

- (h) Private streets shall only be permitted in RE and R-1 zoning districts or in other residential districts when building is to be at a density of seven dwelling units per acre or less.
- (i) Prior to approval by the Director of Public Services or their designee, there must be recorded a covenant relieving the City, County and any other entity of any liability for any injuries which may occur as a result of the street being a private street. The covenant shall also hold the City and County harmless for all attorneys' fees incurred.
- (j) A private street will be allowed only if all utilities are authorized to go thereon for any improvements or utility work needed on, near, or about the road and if all utility easements required by the utilities prior to construction are provided.
- (k) Streetlights shall be erected in accordance with City standards, unless alternative designs are approved by the Director of Public Services. The homeowners within the area served by private streets shall be responsible for payment of the streetlights, electricity, and maintenance therefor.
- (l) As a prerequisite to acceptance of ownership of a private street at the request of those obligated to maintain it by the City, the physical condition of that street must meet then-existing City standards and be so certified by the City Engineer or by an engineer licensed in the state whose certification is concurred with by the City Engineer and City Commission.

(7) Half or Partial Streets

- (a) New half or partial streets shall not be permitted except where essential to allow the subdivision of a tract in conformance with this section or where satisfactory assurance for dedication of the remaining part of the street is provided.
- (b) Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract.

(8) Future Subdivision Right-of-Way

If lots resulting from original subdivision are large enough to permit or require resubdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to permit future subdivision shall be provided as necessary.

(9) Dead-End Streets

Dead-end streets shall be prohibited except where appropriate as stubs to permit future street extension into adjoining unsubdivided tracts or when designed as cul-de-sacs.

(10) Minimum Widths of Rights-of-Way

Unless otherwise indicated or required by the trafficways plan or specifically excepted by the Director of Public Services or their designee, street rights-of-way shall not be less than the following widths:

Table 10-4.13: Minimum Rights-of-Way Widths	
Street Type	Minimum Right-of-Way (in feet)
To be determined by City engineer	106 or greater
Principal Collector	80
Principal Collector	60
Secondary Collector	60
Local Service	50
Limited Service*	30
Cul-De-Sac (Commercial)	120 (diameter)
Cul-De-Sac (Residential)	100 (diameter)

(a) *A limited service street:

- (i) Serves 25 dwelling units or less.
- (ii) Connects to another street besides a limited service street at each end.
- (iii) Shall be properly signed to prohibit parking within the right-of-way.
- (iv) Will only be allowed where required by court order.

(11) Excessive Street Width

No street shall be platted to a width of more than 200 percent of the minimum width specified in this chapter for the type of street involved. No street shall be platted for center island development, except where such center islands may be desirable or necessary for traffic separation and safety, as determined by the Director of Public Services or their designee.

(12) Alleys

Alleys should be provided to serve multiple dwelling, business, commercial, and industrial areas. The Director of Public Services or their designee may waive this requirement where other definite and assured provision is made for service access, off-street loading, unloading, and parking, consistent with and adequate for the uses permissible on the property involved. Alleys shall be provided per the standards detailed below.

- (a) The width of an alley shall be at least 20 feet.
- (b) Changes in alignment or intersections of alleys shall be made on a centerline radius of not less than 35 feet.
- (c) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities for service trucks at the dead end, with a minimum external diameter of 94 feet, or as determined to be adequate by the City Engineer.
- (d) Block corners adjacent to alleys shall have a minimum radius of 15 feet in residential areas and 25 feet in business, commercial, and industrial areas.

(13) Easements

- (a) Easements across lots or centered on rear or side lot lines shall be provided for public utilities where necessary and shall be at least 12 feet in total width.
- (b) Where a subdivision is traversed by a watercourse, drainage way, canal, or stream, there shall be provided a drainage easement or right-of-way, conforming substantially with the lines of such watercourses. Parallel streets or maintenance easements may be required where necessary for service or maintenance.
- (c) Easements may be required for drainage purposes, of such size and location as may be determined by the City Engineer, or by a drainage district if the plat lies within its jurisdiction. Such easements shall be required if necessary to tie into the City drainage plan or any drainage district plan as certified to by the City Engineer or the drainage district engineer.

(14) Curvilinear Streets

- (a) Curvilinear streets are recommended for residential minor and collector streets, in order to discourage excessive vehicular speeds and to provide attractive vistas.
- (b) Whenever a street changes direction, or connecting street lines deflect from each other by more than ten degrees, there may be a horizontal curve.
- (c) To ensure adequate right distance, should curvilinear streets be designed, minimum centerline radii for horizontal curves shall be as follows:

Table 10-4.14: Minimum Centerline Radii for Horizontal Curves		
Right-of-Way Width (in feet)	Design Purpose	Minimum Radius of Curve (in feet)
106 of greater	To be determined by City engineer	750
80	Principal Collector	500
60	Principal Collector	300
60	Secondary Collector	150
50	Local Service	100
30	Limited Service*	55
120 (diameter)	Cul-De-Sac (Commercial)	-----
100 (diameter)	Cul-De-Sac (Residential)	-----

- (i) *A limited service street:
 - A. Serves 25 dwelling units or less.
 - B. Connects to another street besides a limited service street at each end.
 - C. Shall be properly signed to prohibit parking within the right-of-way.
 - D. Will only be allowed where required by court order.
- (d) A tangent of at least 100 feet shall be inserted between horizontal curves in opposite directions on collector streets. On secondary thoroughfares this tangent shall be 150

feet. Such tangent distances on major thoroughfares will be evaluated considering the overall plat layout, intersections, etc.

(15) Intersections

- (a)** Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 60 degrees, except as a Y intersection of two minor streets.
- (b)** Multiple intersections involving the junction of more than two streets shall be prohibited, except where found to be unavoidable by the City Engineer.
- (c)** As far as possible, intersections with trafficways other than secondary thoroughfares shall be located not less than 660 feet apart, measured from centerline to centerline, unless otherwise approved by the City Engineer.
- (d)** Street intersections shall be a minimum of 125 feet apart, except where both centerlines are continuous through the intersection.
- (e)** Property line corners at intersections shall have minimum radii of 25 feet. Where the angle of intersection is less than 60 degrees, a greater radius may be required by the City Engineer.

(D) Waterways

(1) Canals and Water Areas

(a) Right-of-Way

- (i)** Future canals are to be dedicated to the public and shall have a minimum right-of-way width of 80 feet.
- (ii)** Lakes shall be dedicated to the public and shall be a minimum of 150 feet in width.

(b) Maintenance Easements

A maintenance easement 20 feet in width shall be provided adjacent to the entire boundary of a lake or canal.

ARTICLE 5. ADMINISTRATION

10-5.1 Purpose and Organization

This Article describes the procedures for review of all applications for land use and development activity in Tamarac.

- (A) §10-5.2, *Summary Table of Development Review Procedures*, lists the land use and development procedures in this Code.
- (B) §10-5.3, *Common Review Procedures*, describes standard procedures that generally apply to most types of development applications.
- (C) §10-5.4, *Application-Specific Review Procedures*, supplements the common review procedures with additions and variations specific to each type of development application, such as review standards and special submittal or voting requirements.
- (D) §10-5.5, *Enforcement*, identifies what constitutes a violation of this Code and sets forth procedures for enforcement, including remedies and penalties.
- (E) §10-5.6, *Review Authorities*, describes the powers and duties, composition, and rules for each of the City boards or other entities that have advisory and/or decision-making roles and responsibilities under this Code.

10-5.2 Summary Table of Development Review Procedures

The following table lists the types of development applications authorized by this Code. For each type of application, the table indicates whether a pre-application staff conference or neighborhood meeting is required, what role City review authorities play in its review, when a public hearing is required, and what type of public hearing (standard or quasi-judicial) is involved.

Table 10-5.1: Summary of Development Review Procedures							
C Review and Comment R Review and Recommend D = Review and Decide [] Standard Public Hearing <> Quasi Judicial Public Hearing							
Application Type		Pre Application Staff Conference	Pre Application Neighborhood Meeting	Review Authorities			
				Development Review Committee	Director	Planning Board	City Commission
Amendments							
Comprehensive Plan Amendment §10 5.4(B)	General	Required			R	[R]	[D]
	Site Specific	Required	Required		R	<R>	<D>
Establishment of Use §10 5.4(C)		Required			R	[R]	[D]
Amendment to Text of Development Code §10 5.4(D)		Required			R	[R]	[D]
Planned Development Plan/Agreement §10 5.4(E)		Required	Required		R	[R]	[D]
Rezoning §10 5.4(F)	General	Required			R	[R]	[D]
	Site Specific	Required	Required		R	<R>	<D>
Permits and Development Approvals							
Special Exception §10 5.4(G)					R	<D>	
Site Plan Approval §10 5.4(H)	Major	Required	Required	C	R	[D]	
	Minor	Optional			D		
Improvement Permit §10 5.4(I)		Optional			D		
Plat §10 5.4(J)		Required		C	R	<R>	<D>
Temporary Use/Structure Permit §10 5.4(K)		Optional			D		
Sign Permit §10 5.4(L)		Optional			D		
Tree Removal License §10 5.4(M)		See Broward County Tree Preservation and Abuse Ordinance					
Building Permit §10 5.4(N)		Optional			D		
Certificate of Occupancy §10 5.4(O)		Optional			D		
Vacation of Easement		Optional					<D>
Relief Procedures							
Administrative Adjustment §10 5.4(P)		Required			D		
Variance §10 5.4(Q)		Required			R	<D>	
Administrative Appeal §10 5.4(R)		N/A				<D>	
Other Procedures							
Flex and Redevelopment Units and Acreage §10 5.4(S)		Required			R	[R]	[D]
Newsrack Certificate of Compliance §10 5.4(T)		Optional			D		
Zoning in Progress Determination §10 5.4(U)		Optional			R		D

10-5.3 Common Review Procedures

(A) Purpose

This section describes the common procedural steps and other rules that generally apply to development applications reviewed under this Code, unless otherwise expressly exempted or alternative procedures are specified in §10-5.4, *Application-Specific Review Procedures*.

(B) Pre-Application Staff Conference

(1) Purpose

The purpose of a pre-application conference is to provide an opportunity for an applicant and City staff to review applicable submittal requirements, procedures, and schedules; discuss the scope, features, and potential impacts of the proposed development as they relate to the standards in this Code; and identify primary contacts for the applicant and City staff.

(2) When Required

A pre-application conference between the applicant and City staff is mandatory for certain particular application types as shown in Table 10-5.1: Summary of Development Review Procedures. A pre-application conference is optional for all other application types as shown in Table 10-5.1: Summary of Development Review Procedures.

(3) Procedure

If a pre-application conference is held, whether it is mandatory or optional, it shall be scheduled and conducted in accordance with the following procedural provisions.

(a) Request

An applicant shall submit a request for a pre-application conference to the Director.

(b) Scheduling

On receiving a request for a pre-application conference, the Director shall schedule the pre-application conference with appropriate City staff members and notify the applicant of the time and place of the conference.

(c) Required Information Submitted Prior to Conference

For those types of development required to hold a pre-application conference per Table 10-5.1: Summary of Development Review Procedures, the following information shall be submitted prior to the conference:

(i) Amendments

At least two business days before a scheduled pre-application conference for an Amendment to Text of Development Code or Rezoning application, the applicant shall submit to the Director a written description of the nature and purpose of the amendment or rezoning and its consistency with the Comprehensive Plan.

(ii) Permits and Development Approvals, Relief Procedures, and Other Procedures

At least two business days before a scheduled pre-application conference for any other development application, the applicant shall submit to the Director conceptual plan drawings showing and describing the location, general layout, and main elements of the proposed development.

(d) Conference Determinations

City staff attending the pre-application conference shall verbally identify concerns, problems, or other factors the applicant should consider about the application and the scope, features, and potential impacts of the proposed development as they relate to compliance with this Code, including the need for other approvals and the opportunity or need for approval of deviations from Code standards through an Administrative Adjustment or Variance.

(4) Effect

The pre-application conference is intended as a means of facilitating the review process. Discussions held in accordance with this Section are not binding on the City or the applicant. Processing times for review of development applications do not begin until a formal application is submitted and accepted for review.

(C) Pre-Application Neighborhood Meeting

(1) Purpose

The purpose of the neighborhood meeting is to educate owners and occupants of nearby lands about an application that is being reviewed under this Code and to provide the applicant an opportunity to hear comments and concerns about the development proposal and resolve conflicts and outstanding issues where possible.

(2) Applicability

A neighborhood meeting is required for a particular application type as shown in Table 10-5.1: Summary of Development Review Procedures. A neighborhood meeting is optional for all other application types.

(3) Procedure

If a neighborhood meeting is held by the applicant, whether it is mandatory or voluntary, it shall comply with the following procedures:

(a) Time and Place

- (i)** The meeting shall be held after 5:00 P.M. on a weekday, on a date after the pre-application staff conference, and at least 21 days before the public hearing for the application.
- (ii)** The meeting shall be held at a place within the City that is convenient and accessible to neighbors residing in close proximity to the land subject to the application in a facility that can support all interested parties.

(b) Notification

(i) Mailed Notice

- A.** The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to City staff, the owner of land subject to the application (if different from the applicant), and any organization or person who has registered to receive notice of development application public hearings, and the owners of real property within:
1. 400 feet of the land subject to the application, for applications for a General Zoning District Map Amendment, Site-Specific Zoning District Map Amendment, Comprehensive Plan Amendment, Planned Development, or Special Use Permit; or
 2. 150 feet of the land subject to the application, for all other applications.
- B.** Where neighboring lands are part of a townhouse, condominium, or timeshare development, the notice may be mailed to the president or manager of the development's property owners' association instead of individual unit owners.

(ii) Posted Notice

The applicant shall post notice of the neighborhood meeting on the land subject to an application for a development permit, and in the clubhouse or offices of the adjacent homeowners association(s) as applicable, at least ten days before the date fixed for the meeting, in a form established by City staff.

(iii) Notice Content

The notice shall state the time and place of the meeting, the general nature of the development proposal, and that the meeting is being hosted by the applicant.

(c) Conduct of Meeting

At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns, and propose ways to resolve conflicts and concerns.

(d) Staff Attendance

At the applicant's expense, City staff, at their own discretion, may attend the meeting for the purpose of advising attendees about applicable provisions of this Code and the Comprehensive Plan, but shall not serve as facilitators or become involved in discussions about the development proposal.

(e) Written Summary of Neighborhood Meeting

The applicant shall submit a written summary of the meeting to City staff at least 21 days before the application is reviewed by an advisory board or a decision-making board (if no advisory board review is involved). The summary shall include a list of meeting attendees, a summary of attendee comments, discussed issues related to the development proposal, note of the opportunity to submit a written response to the summary, and any other information the applicant deems appropriate. The meeting

summary shall be included with the application materials and be made available to the public for inspection.

(D) Application Submittal, Acceptance, Revisions, and Withdrawal

(1) Authority to Submit Applications

- (a)** Unless expressly stated otherwise in this Code, applications reviewed under this Code shall be submitted by:
 - (i)** The owner, contract purchaser, or any other person having a recognized property interest in the land on which an application is proposed; or
 - (ii)** A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a notarized letter or document signed by the owner, contract purchaser, or other person.
- (b)** If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or provide a letter or document consenting to the application in accordance with subsection (a)(ii) above.

(2) Application Content

Applications shall be submitted to the Director on forms for the particular application type. Such requirements shall be established by the Director as necessary to ensure effective and efficient review, and shall be placed in the Administrative Manual. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with all applicable standards.

(3) Application Fees

- (a)** Applications shall be accompanied by payment of the application fee required for the particular application type at the time of submission. The amount of application fees shall be established by resolution of the City Commission as sufficient to cover all costs typically associated with review of the type of application—including, but not be limited to, the costs of providing thorough professional review of the application and the costs of providing required public notice.
- (b)** Where initial application fees are based on the estimated costs of review of the application by an outside consultant (e.g., review of an application's traffic impacts by a traffic consultant), and the Director determines that additional funds are needed to complete the consultant's review, the Director may impose additional application fees to recover the City's actual costs in completing review.

(4) Submittal and Review Schedule

The Director shall establish a submittal and review schedule for the development applications included in the Administrative Manual. The Director may amend and update the schedule as necessary.

(5) Determination of Application Completeness

(a) Completeness Review

On receiving a development application, the Director shall determine whether the application is complete. A complete application is one that:

- (i) Contains all information and materials required by the Administrative Manual and this Code for submittal of the particular development application, and in sufficient detail and readability to evaluate the application for compliance with applicable review standards of this Code;
- (ii) Is in the form required by the Administrative Manual for submittal of the particular development application; and
- (iii) Is accompanied by the fee established for the particular development application.

(b) Application Incomplete

- (i) On determining that the development application is incomplete, the Director shall notify the applicant of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a completeness determination until the Director determines the application is complete.
- (ii) If the applicant fails to resubmit an application within 45 calendar days after being notified of submittal deficiencies, the application submittal shall be considered abandoned and any processing fees that have not been expended may be refunded.
- (iii) No development application shall be accepted for review until it is determined to be complete.

(c) Application Complete

On determining that the application is complete, the Director shall accept the application for review in accordance with the procedures and standards of this Code.

(6) Application Revisions

(a) Revisions to Correct Compliance Deficiencies

An applicant may revise a development application after receiving notice of compliance deficiencies following staff review (see §10-5.3(E)(2)).

(i) Minor Revisions

The review process shall continue so long as the revisions directly respond to specific staff comments and constitute, at the discretion of the Director, only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application.

(ii) Major Revisions

If the Director determines that revisions to correct compliance deficiencies do not constitute minor revisions as described above, the revised application shall be submitted to the Director and reviewed as if it were a new application. The revised

application submittal may be subject to additional fees required by the Administrative Manual.

(b) Other Revisions

An applicant may revise a development application at any time upon requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application. If the revisions are determined by the Director to be major, the revised application submittal shall be reviewed as if it were a new application and may be subject to additional fees required by the Administrative Manual.

(c) Change in Applicant

Any change in applicant or person authorized to submit the application shall provide written notification in the form of a notarized letter or document signed by the owner, contract purchaser, or other person to the City before the application may advance to the next stage in the process.

(7) Application Withdrawal

- (a)** After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a written letter of withdrawal to the City Engineer.
- (b)** If an application is withdrawn after required notice of any public hearing scheduled for the application, the application shall be subject to limitations on the subsequent submittal of similar applications (See §10-5.3(J)(5), *Limitation on Subsequent Similar Applications*).
- (c)** Application fees shall not be refunded for withdrawn applications.

(E) Staff Review and Action

(1) Referral of Application to Development Review Committee, Staff, and Review Agencies

If a development application is subject to review and comment by the Development Review Committee (see Table 10-5.1: Summary of Development Review Procedures), the Director shall refer the application to the Committee for review.

- (a)** In all other cases, the Director shall refer the application to the appropriate Development Review Committee members and other agencies deemed appropriate for review of the application.

(2) Staff Review and Opportunity for Application Revision

- (a)** Prior to preparing a staff memorandum or making a decision on a development application, the Director shall review the application, relevant support material, and any comments from the Development Review Committee and other agencies to which the application was referred.
- (b)** If deficiencies in complying with the applicable requirements are identified, the Director shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them. The Director may also offer the applicant recommendations regarding possible

improvements to the proposed development that are not required by this Code, provided the notice distinguishes such recommendations from any identified compliance deficiencies.

- (c) The applicant shall respond to the notice by either requesting that the application be processed as submitted or submitting a revised application identifying changes after being notified of compliance deficiencies. If the applicant fails to so respond to the notice within this time period granted by the Director, the application shall be considered withdrawn.
- (d) If the applicant submits a revised application, the Director shall refer the application to the appropriate City staff members and review agencies for review and shall review any such comments received. At the discretion of the Director, the applicant may be provided the opportunity to revise the application further to address remaining compliance deficiencies.

(3) Applications Subject to Staff Recommendation

(a) Staff Memorandum

If a development application is subject to staff review and a staff recommendation to the Planning Board or City Commission (see Table 10-5.1: Summary of Development Review Procedures), the Director shall prepare a written staff memorandum. The staff memorandum shall conclude whether the application complies with all applicable standards of this Code and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in §10-5.4, *Application-Specific Review Procedures*. The staff memorandum may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development proposal might be mitigated.

(b) Distribution and Availability of Application and Staff Memorandum

Within a reasonable time period before the meeting at which a development application is scheduled for review by an advisory or decision-making body, the Director shall:

- (i) Schedule and verify any required public notice of the meeting in accordance with §10-5.3(F), *Scheduling and Notice of Public Hearings*.
- (ii) Transmit the development application, related materials, and the staff memorandum to the appropriate advisory or decision-making body;
- (iii) Transmit a copy of the staff memorandum to the applicant; and
- (iv) Make the application, related materials, and the staff memorandum available for examination by the public during normal business hours, and make copies of such materials available at a reasonable cost.

(4) Applications Subject to Staff Decision

(a) Decision

If a development application is subject to staff review and a final decision by the Director (see Table 10-5.1: Summary of Development Review Procedures), the Director shall make a decision authorized for the particular type of application based on the review

standards applicable to the application type, as set forth in §10-5.4, *Application-Specific Review Procedures*. The decision shall be in writing and shall clearly state reasoning for a denial or for conditions of approval.

(b) Conditions of Approval

Any conditions of approval shall be expressly set forth in the approval, shall be limited to conditions deemed necessary to ensure compliance with the requirements and particular standards of this Code, and shall relate in both type and scope to the anticipated impacts of the proposed development.

(F) Scheduling and Notice of Public Hearings

(1) Scheduling

- (a)** If a development application is subject to a public hearing (see Table 10-5.1: Summary of Development Review Procedures), the Director shall ensure that the public hearing is scheduled for either a regular meeting of the body conducting the hearing or a meeting specially called for that purpose by such body.
- (b)** The public hearing shall be scheduled for a meeting that allows sufficient time for preparation of a staff memorandum and provision of the required public notice.

(2) General Notice Requirements

The Director shall provide notice of the public hearing on a development application in accordance with the requirements shown in Table 10-5.2: General Notice Requirements, for the type of application and the type of notice. The table depicts only those development applications for which a public hearing is required.

Table 10-5.2: General Notice Requirements			
Application Type	Notice Timing Requirement		
	Published Notices	Mailed Notices	Posted Notices
Comprehensive Plan Amendment: Small Scale Development	Notice of City Commission public hearing at least 5 days before hearing date		
Comprehensive Plan Amendment: Other than Small Scale Development	• Notice of first City Commission public hearing at least 7 days before hearing date • Notice of second City Commission public hearing at least 5 days before hearing date		
Establishment of Use	• Notice of first City Commission public hearing at least 7 days before hearing date • Notice of second City Commission public hearing at least 5 days before hearing date		

Table 10-5.2: General Notice Requirements

Application Type	Notice Timing Requirement		
	Published Notices	Mailed Notices	Posted Notices
Amendment to Text of Development Code to revise text other than the use tables in Article 3: Use Regulations	Notice of City Commission public hearing at least 10 days before hearing date		
Amendment to Text of Development Code to revise use tables in Article 3: Use Regulations	• Notice of first City Commission public hearing at least 7 days before hearing date • Notice of second City Commission public hearing at least 5 days before hearing date		
Planned Development Plan/Agreement	• Notice of Planning Board public hearing at least 15 days before hearing date • Notice of City Commission public hearing at least 15 days before hearing date	• The Director shall mail notice of the Planning Board public hearing at least 10 days before the hearing date to owners of property subject to the proposed PD rezoning • The Director shall mail notice of the City Commission public hearing at least 30 days before the hearing date to owners of property subject to the proposed PD rezoning	• The Director shall post notice of the Planning Board public hearing on the site at least 15 days before the hearing date • The Director shall post notice of the City Commission public hearing on the site at least 15 days before the hearing date
City initiated General or Site Specific Rezoning to reclassify 10 or more contiguous acres	• Notice of Planning Board public hearing at least 15 days before hearing date • Notice of first City Commission public hearing at least 7 days before hearing date • Notice of second City Commission public hearing at least 5 days before hearing date	• Mail notice of Planning Board public hearing at least 10 days before hearing date to owners of property subject to the proposed rezoning • Mail notice of City Commission public hearing at least 10 days before hearing date to owners of property subject to the proposed rezoning	• Post notice of Planning Board public hearing on site at least 15 days before hearing date • Post notice of first City Commission public hearing on site at least 15 calendar days before hearing date
City initiated General or Site Specific Rezoning to reclassify parcel(s) involving less than 10 contiguous acres	• Notice of Planning Board public hearing at least 15 days before hearing date • Notice of City Commission public hearing at least 15 days before hearing date	• The Director shall mail notice of the Planning Board public hearing at least 10 days before the hearing date to owners of property subject to the proposed rezoning • The Director shall mail notice of the City Commission public hearing at least 30 days before the hearing date to owners of property subject to the proposed rezoning	• The Director shall post notice of the Planning Board public hearing on the site at least 15 days before the hearing date • The Director shall post notice of the City Commission public hearing on the site at least 15 days before the hearing date
General or Site Specific Rezoning initiated by any person other than the City	• Notice of Planning Board public hearing at least 15 days before hearing date • Notice of first City Commission public hearing at least 7 days before hearing date • Notice of second City Commission public hearing at least 5 days before hearing date	The applicant shall mail notice of the Planning Board and City Commission public hearings at least 15 days before the hearing dates to the owners of the application site and all properties within 400 feet of the application site	• The applicant shall post notice of the Planning Board public hearing on the site at least 15 days before the hearing date • The applicant shall post notice of the City Commission public hearing on the site at least 15 days before the hearing date
Special Exception	Notice of Planning Board public hearing at least 15 days before hearing date	The applicant shall mail notice of the Planning Board public hearing at least 15 days before the hearing date to the owners of the application site and all properties within 400 feet of the application site	The applicant shall post notice of the Planning Board public hearing on the site at least 15 days before the hearing date

Table 10-5.2: General Notice Requirements

Application Type	Notice Timing Requirement		
	Published Notices	Mailed Notices	Posted Notices
Site Plan Approval, Major	Notice of Planning Board public hearing at least 15 days before hearing date	The applicant shall mail notice of the Planning Board public hearing at least 15 days before the hearing date to the owners of the application site and all properties within 400 feet of the application site	The applicant shall post notice of the Planning Board public hearing on the site at least 15 days before the hearing date
Plat Approval	• Notice of Planning Board public hearing at least 7 days before hearing date • Notice of City Commission public hearing at least 5 days before hearing date		
Vacation of Public Easement	• Notice of City Commission public hearing at least 15 days before hearing date		
Variance or Appeal	Notice of Planning Board public hearing at least 15 days before the hearing date	For applications for a variance or an appeal that pertains to a particular site, the applicant shall mail notice of the Planning Board public hearing on the site at least 15 days before the hearing date to the owners of the application site and all properties within 400 feet of the application site	For applications for a variance or an appeal that pertains to a particular site, the applicant shall post notice of the Planning Board public hearing on the site at least 15 days before the hearing date
Flex and Redevelopment Units	• Notice of first City Commission public hearing at least 7 days before hearing date • Notice of second City Commission public hearing at least 5 days before hearing date		

(3) Notice Format and Content

(a) Published and Mailed Notices

- (i) The Director shall determine the format and content of notices to be published and mailed.
- (ii) Required published and mail notices shall, at a minimum:
 - A.** Identify the application type;
 - B.** Describe the nature and scope of the proposed development or action;
 - C.** Identify the location of land subject to the application;
 - D.** Identify the date, time, and location of the hearing being noticed;
 - E.** Identify where and when the application may be inspected by the public;
 - F.** Advise that interested parties may appear at the hearing; and
 - G.** Comply with any other notice content requirements established by State law.

- (iii) Published notices shall be published in a newspaper having general circulation in the city, and shall comply with the size and format requirements in F.S. §166.041.
- (iv) Mailed notices shall be mailed via first class mail to those persons identified in Table 10-5.2:: General Notice Requirements as the required recipients for the particular type of application, including apartment units. Unless evidence to the contrary exists, property owner names and addresses used shall be those shown on the current records of the Broward County tax appraiser. Distances defining the properties whose owners must be mailed a notice shall be measured from the boundary of the lot or parcel that is the subject of the application.

(b) Posted Notices

- (i) The Director shall determine the size, format, and content of notices to be posted. Such notices shall be posted on along each of the application site's right-of-way frontages, in a location clearly visible to traffic along the right-of-way. The person required to post the notice shall ensure that the notice is maintained in place until after a final City decision on the subject application is rendered, and shall remove the posted notice within 14 days after the final City decision on the application.
- (ii) Required posted notices shall, at a minimum:
 - A. Identify the application type;
 - B. Identify the date, time, and location of the meeting being noticed;
 - C. Identify a telephone number from which more information may be obtained; and
 - D. Comply with any other notice content requirements established by State law.

(c) Additional Content for Quasi-Judicial Hearing Notices

If the hearing is a quasi-judicial hearing (see Table 10-5.1: Summary of Development Review Procedures), the published and mailed notice shall also state that all affected persons are allowed to present evidence at the hearing, bring forth witnesses, and cross examine witnesses—provided they comply with the requirements in §10-5.3(l)(2)(a), *Notice of Intent to Testify or Present Evidence*.

(d) Affidavit of Notice

The person or persons required to provide notice shall sign an affidavit that proper notice has been provided in fact. Such certificate shall be deemed conclusive in the absence of fraud.

(4) Requests to Defer Scheduled and Noticed Hearings

An applicant may request that review of a development application scheduled for a hearing before the Planning Board or City Commission be deferred in accordance with the following provisions.

- (a) Before any mailed notices of the hearing are mailed and final arrangements for any published notice of the hearing are made, a written request for deferral that states the reasons for deferral may be submitted to the Director, who may grant the request for good cause shown.

- (b) Any subsequent request for deferral shall be in writing, state the reasons for deferral, and be submitted directly to the body scheduled to review the application. The Planning Board or City Commission, as appropriate, shall consider such a request and may either grant the request for good cause shown or deny the request and proceed to hear public comments, review, and take action on the application. If the Board or Commission grants the request for deferral, it shall concurrently identify the date and time of a subsequent meeting at which the application shall be scheduled for public comments and review. The application may be subject to additional application fees to defray additional costs of processing the application.

(5) Registering to Receive Notice

Any organization or person wishing to receive notice of development application public hearings shall register with the City Clerk. Registration may take up to 15 business days to process.

(6) Registering to Testify or Present Evidence

At least seven days prior to the public hearing date(s), any affected party (e.g. the applicant or other affected persons) intending to testify or present evidence at the hearing may register with the City Clerk per the notice requirements within subsection 10-5.3(l)(2)(a) below.

(G) Planning Board Review and Action

(l) Hearing, Review, and Action

If a development application is subject to a recommendation or a final decision by the Planning Board (see Table 10-5.1: Summary of Development Review Procedures), the Planning Board shall review and act on the application in accordance with the following procedures.

- (a) If the application is subject to a public hearing, the Planning Board shall hold a public hearing on the application in accordance with §10-5.3(l), *Public Hearing Procedures*.
- (b) The Planning Board shall then consider the application, relevant support materials, staff memorandum, and any public comments made at the public hearing and take one of the following actions:
 - (i) If the application is subject to a recommendation by the Planning Board, the Board shall recommend a decision authorized for the type of development application, based on the review standards applicable to the application type set forth in §10-5.4, *Application-Specific Review Procedures*.
 - (ii) If the application is subject to a final decision by the Planning Board, the Board shall render a decision authorized for the type of development application, based on the review standards applicable to the application type set forth in §10-5.4, *Application-Specific Review Procedures*.
- (c) The Board shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.
- (d) If the review involves a quasi-judicial hearing, the Board's recommendation or decision shall be based only on the record of the public hearing and shall be in writing; include findings of fact based on competent, material, and substantial evidence presented at the

hearing; reflect the determination of contested facts; and state how the findings support compliance with applicable review standards.

- (e) The Board shall take action as promptly as possible in consideration of the interests of the applicant, affected parties, and citizens of the City. The Board will grant either a Board Order or a Resolution depending on the nature and type of development application.
- (f) The City Attorney shall prepare a final Board Order or Resolution that includes findings of facts, the final decision, and whether the Order or Resolution will be recorded, at the applicant's cost, by the Broward County Clerk and Recorder.

(2) Revision of Application

- (a) After the Planning Board has reviewed an application but has not yet taken action on it, the applicant may request an opportunity to revise the application. The Board may grant such a request on condition that revisions shall be limited changes that directly respond to specific requests or suggestions made by the staff or the Planning Board and shall constitute only minor additions, deletions, or corrections, and not significant substantive changes, to the development proposed by the application.
- (b) Any other revisions to the application may be submitted, but the revised application shall be submitted to the Director and reviewed as if it were a new application. The revised application is subject to additional application fees to defray the additional processing costs as identified in the Administrative Manual.

(H) City Commission Review and Decision

(1) Hearing, Review, and Decision

If a development application is subject to a final decision by the City Commission (see Table 10-5.1: Summary of Development Review Procedures), the City Commission shall review and act on the application in accordance with the following procedures.

- (a) If the application is subject to a public hearing, the City Commission shall hold a public hearing on the application in accordance with §10-5.3(l), *Public Hearing Procedures*.
- (b) The City Commission shall then consider the application, relevant support materials, staff memorandum, the recommendation from the Planning Board (where applicable), and any comments made at a public hearing, and shall render a decision authorized for the type of development application, based on the review standards applicable to the application type, as set forth in §10-5.4, *Application-Specific Review Procedures*.
- (c) The Commission shall clearly state the factors considered in making its decision, as well as the basis or rationale for the decision.
- (d) If the review involves a quasi-judicial hearing, the decision shall be based only on the record of the public hearing and shall be in written form, include findings of fact based on competent, material, and substantial evidence presented at the hearing(s), reflect the determination of contested facts, and state how the findings support compliance with applicable review standards.
- (e) The Commission shall take action as promptly as possible in consideration of the interests of the applicant, affected parties, and citizens of the City.

(2) Conditions of Approval

Any conditions of approval shall be expressly set forth in the approval, shall be limited to conditions deemed necessary to ensure compliance with the requirements and particular standards of this Ordinance, and shall relate in both type and scope to the anticipated impacts of the proposed development.

(3) ExParte Communications Allowed

If the development application being heard requires a quasi-judicial hearing (see Table 10-5.1: Summary of Development Review Procedures), a person may not be precluded from communicating directly with a member of the decision-making body about the application. However, the member of the decision-making body is required to disclose such communication, and any nondisclosure shall be presumed prejudicial to the decision-making body's decision on the application. All decisions must be supported by substantial, competent, and material evidence in the public hearing record, irrespective of such communications.

(4) Revision of Application

- (a)** After the City Commission has reviewed an application but has not yet taken action on it, the applicant may request an opportunity to revise the application. The Commission may grant such a request on condition that revisions shall be limited changes that directly respond to specific requests or suggestions made by the staff or Commission, as appropriate, and shall constitute only minor additions, deletions, or corrections, and not significant substantive changes, to the development proposed by the application.
- (b)** Any other revisions to the application may be submitted, but the revised application shall be submitted to the Director and reviewed as if it were a new application. The revised application is subject to additional application fees identified in the Administrative Manual.

(I) Public Hearing Procedures

(1) General

If the application is subject to a public hearing (see Table 10-5.1: Summary of Development Review Procedures), the Planning Board or City Commission, as appropriate, shall hold a hearing on the application in accordance with the following procedures:

- (a)** On being properly recognized by the person chairing the hearing, any person may appear at the public hearing, either individually or as a representative of an organization, and submit documents, materials, and other written or oral testimony in support of or in opposition to the application.
- (b)** Before start of the meeting, persons intending to speak at the public comment session shall register to speak, providing their name, home or business address, and if appearing on behalf of an organization, the name and mailing address of the organization. Persons actually speaking at the session shall begin by identifying themselves.
- (c)** The person chairing the hearing may place reasonable and equitable time restrictions on the presentation of testimony and the submittal of documents and other materials.

- (d) The Board or Commission may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time, and place, for good cause.
- (e) The proceedings of the hearing shall be recorded by any appropriate means. If a sound recording is made, any person shall be entitled to listen to the recording or make copies, at that person's expense, in the Department of Community Development (for hearings conducted by the Planning Board) or in the offices of the City Clerk (for hearings conducted by the City Commission).

(2) Quasi-Judicial Hearings

If the application being heard requires a quasi-judicial hearing (see Table 10-5.1: Summary of Development Review Procedures), the hearing shall be subject to the following additional procedures.

(a) Notice of Intent to Testify or Present Evidence

At least seven days before the hearing date, any affected party (not including the applicant and City staff) intending to testify or present evidence at the hearing may complete and submit to the City Clerk forms containing the following information, which shall serve as notice of the affected party's intent to appear at the hearing to testify, present evidence, bring forth witnesses, or cross-examine witnesses:

- (i) The affected party's name, address, and telephone number;
- (ii) An indication of how the affected party qualifies as an affected party;
- (iii) An indication of whether the affected party is for or against the application;
- (iv) The name, address, and telephone number of all witnesses expected to testify on behalf the affected party at the hearing; and
- (v) Copies of all documents, correspondence, memoranda, or other evidence the affected party intends to present at the hearing.

(b) Order of Proceedings

To the extent possible, the following shall be the order of the proceedings:

(i) Opening of Hearing

The person chairing the body conducting the hearing shall open the public hearing and announce the matter to be heard and the rules concerning the admissibility of evidence.

(ii) Swearing In or Affirmation of Witnesses

All persons who will testify at the hearing shall be sworn in or affirmed.

(iii) Staff Presentation

City staff shall provide a brief introductory narrative or graphic description of the application and present the staff memorandum (see §10-5.3(E)(3)(a)) and any prior Planning Board findings and recommendations (see §10-5.3(G)), including supporting exhibits or testimony of witnesses. After each witness's presentation, the witness may be asked questions by members of the body conducting the hearing, then by the applicant and other affected persons.

(iv) Applicant Presentation

The applicant (or the applicant's representatives) shall present any information the applicant deems appropriate, including any supporting exhibits or testimony of witnesses. After each witness's presentation, the witness may be asked questions by members of the body conducting the hearing, then by City staff and affected persons.

(v) Affected Persons' Presentations

Affected persons may present any information the affected person deems appropriate, including any supporting exhibits or testimony of witnesses. After each witness's presentation, the witness may be asked questions by members of the body conducting the hearing, then by City staff and the applicant.

(vi) Public Comments

Any person other the applicant or affected persons may be allowed to speak in support of or in opposition to the application.

(vii) Response to Presentations

- A.** The applicant may respond to any testimony, documents, or materials presented by City staff, affected persons, or the public.
- B.** Affected parties may respond to any testimony, documents, or materials presented by City staff, the applicant, or the public.
- C.** City staff may respond to any testimony, documents, or materials presented by the applicant, affected persons, or the public.

(viii) Conclusions

Affected persons, the applicant, and City staff may present brief conclusionary statements.

(ix) Close of Hearing

The person chairing the body conducting the hearing shall close the public hearing. No further testimony shall be taken and no further questions may be asked of witnesses.

(c) Evidence

- (i)** The body conducting the hearing may admit and consider all testimony and evidence it deems competent and material to the application, and may refuse to hear or exclude testimony or evidence it determines to be irrelevant, unreliable, or unduly repetitious.
- (ii)** Hearsay evidence may be used to supplement or explain other evidence, but shall not be sufficient by itself to support a finding.
- (iii)** Documentary evidence may be presented in the form of a copy or the original, if available. On request, parties shall be given an opportunity to compare the copy with the original.

- (iv) Statements of counsel shall only be considered as argument and not be considered as testimony.
- (v) The City Attorney shall represent the Planning Board or City Commission. Any questions as to the propriety and admissibility of evidence shall be presented to the City Attorney in a timely fashion.
- (vi) The applicant bears the burden of demonstrating that the application complies with applicable standards of this Code, which shall be demonstrated by competent, material, and substantial evidence. The burden is not on the City or other parties to show that the standards have not been met by the applicant.

(d) Cross-Examination

Persons questioning a witness may not make statements, and may only ask questions directly related to the testimony or evidence presented. Counsel for parties shall not be subject to cross-examination.

(e) Public Hearing Record

The public hearing record shall include the application, staff memorandum, this Code, all testimony offered at the hearing, and all written materials concerning the application presented or entered into the record at the hearing.

(J) Post-Decision Actions and Limitations

(1) Notice of Decision

- (a) Within ten calendar days after a final decision on a development application, the Director shall provide a written copy of the decision via personal delivery, electronic mail, or first-class mail to the applicant and make a copy of the decision available to the public in the Department of Community Development during normal business hours. In the case of site plan approval, the written copy of decision may advise that the site plan needs minor modification through staff review for ultimate approval.
- (b) If the review involves a quasi-judicial hearing, the Director shall, within ten days after a final decision on the application, also provide a written copy of the decision via personal delivery, electronic mail, or first-class mail to the owner(s) of application site, to any affected party who submitted a notice of intent to testify or present evidence under §10-5.3(l)(2)(a), *Notice of Intent to Testify or Present Evidence*, and any other person has submitted a written request for a copy of the decision before its effective date. The Director shall also certify that the copy of the decision has been provided.

(2) Appeal

- (a) A party aggrieved or adversely affected by any decision of the Planning Board or City Commission for which no further administrative review is provided by this Code may seek review of the decision in the courts in accordance with applicable State law, provided that the appeal shall be filed with the clerk of the circuit court in accordance with State law within 30 days.
- (b) A party aggrieved by final administrative decisions may appeal the decision in accordance with the procedures and standards in §10-5.4(R), *Administrative Appeal*.

(3) Effect of Approval

(a) Authorized Activity

- (i) Approval of any development application in accordance with this Code authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application.
- (ii) If one development permit or approval is a prerequisite to another permit or approval (e.g., variance approval prior to a site plan approval), development may not take place until all required permits and approvals are obtained. Approval of one application does not necessarily guarantee approval of any subsequent application.

(b) Expiration of Approval

(i) General

- A. A development application approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in §10-5.4, *Application-Specific Review Procedures*, for the particular type of application.
- B. A change in ownership of the land shall not affect the established expiration time period of an approval.

(ii) Extension of Expiration Time Period

Except as otherwise provided in 10-5.4, *Application-Specific Review Procedures*, for the particular type of application, the City Engineer may grant extensions of the expiration time period for the lesser of the original time period or one year, on receiving a written request for extension before the expiration date and on a showing of good cause. Any further extensions shall be subject to approval by the authority that approved the development application, on submittal of a written request to the Director before the current expiration date and a showing of good cause.

(4) Modification or Amendment of Approval

Unless otherwise provided in §10-5.4, *Application-Specific Review Procedures*, for the particular type of application, any modifications of approved plans or conditions of approval shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of application.

(5) Limitation on Subsequent Similar Applications

(a) Prior Application Withdrawal

If an application requiring a public hearing is withdrawn after provision of or final arrangement for required notice of the public hearing (see §10-5.3(D)(7), *Application Withdrawal*), no application proposing the same or similar development on all or part of the same land shall be submitted within six months after the date of the withdrawal.

(b) Prior Application Denial

- (i) If an application requiring a public hearing is denied, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of the denial unless the decision-making body waives this time limit in accordance with provision (ii) below.
- (ii) The owner of land subject to the time limit provided in provision (i) above, or the owner's authorized agent, may submit a written request for waiver of the time limit, along with a fee to defray the cost of processing the request, to the Director, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only if two-thirds of its membership finds that the owner or agent has demonstrated that:
 - A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or
 - B. New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or
 - C. The new application proposed to be submitted is materially different from the prior application; or
 - D. The final decision on the prior application was based on a material mistake of fact.

10-5.4 Application-Specific Review Procedures

(A) General

This section sets forth supplemental procedures, standards, and related information for each development application reviewed under this Code, as listed in Table 10-5.1: Summary of Development Review Procedures. Each procedure is described by referencing the common review procedures in §10-5.3, *Common Review Procedures*, including any variations of or additions to the common procedures.

(B) Comprehensive Plan Amendment

(1) Applicability

- (a) The procedures and standards in this subsection apply to the review of any proposal to revise the text of the Comprehensive Plan or for a general or site-specific amendment of the land use classification applicable to land.
- (b) As described in F.S. §163.3187, site-specific Comprehensive Plan Amendments are considered small-scale when the proposed amendment involves a use of ten acres or fewer and does not involve a text change to the goals, policies, and objectives of the City's Comprehensive Plan. Text changes that relate directly to, and are adopted

simultaneously with, a site-specific, small-scale future land use map amendment shall be permissible.

(2) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Comprehensive Plan Amendment applications and note any specific variations of, or additions to, those review steps.

(a) Pre-Application Staff Conference

The applicant shall hold a pre-application conference with City staff in accordance with §10-5.3(B).

(b) Pre-Application Neighborhood Meeting

If the application is for a site-specific Comprehensive Plan Amendment, the applicant shall hold a pre-application neighborhood meeting in accordance with §10-5.3(C).

(c) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D), except that:

- (i) An application for a general Comprehensive Plan Amendment may be initiated only by the Director (upon referral from City staff, the Planning Board, or the City Commission); and
- (ii) An application for a site-specific Comprehensive Plan amendment may be initiated by the Director (upon referral from City staff, the Planning Board, or the City Commission), the applicant for a concurrent site-specific Rezoning application for the same land, or any other person who may submit applications under §10-5.3(D)(1), *Authority to Submit Applications*.

(d) Staff Review and Action

The Director shall review the application and prepare a staff memorandum and recommendation in accordance with §10-5.3(E).

(e) Scheduling and Public Notice of Meetings

The application shall be scheduled, and required public notices provided, for Planning Board and City Commission hearings in accordance with §10-5.3(F).

(f) Planning Board Review and Action

- (i) The Planning Board shall review the application, hold a public hearing, and make a recommendation in accordance with §10-5.3(G).
- (ii) If the application is for a site-specific Comprehensive Plan Amendment, the hearing shall be a quasi-judicial hearing.

(g) City Commission Review and Decision

- (i) If the application is for a small-scale amendment, the City Commission shall review the application, hold a public hearing in accordance with §10-5.3(I), and decide the

application in accordance with §10-5.3(H). Small-scale development amendments require only one public hearing.

- (ii) If the application is for a Comprehensive Plan Amendment not classified as a small-scale amendment, the City Commission shall review the application, hold an initial public hearing in accordance with §10-5.3(I), and preliminarily approve or deny the application in accordance with §10-5.3(H). In accordance with F.S. §163.3184, an approval shall be preliminary, pending review and comment on the proposed amendment by reviewing agencies and the public and a report by the State land planning agency. After receiving the State land planning agency's report, the City Commission shall hold a second public hearing on the application and decide the application in accordance with §10-5.3(H). If the application is for a site-specific Comprehensive Plan Amendment, the hearing(s) shall be quasi-judicial hearing(s).
- (iii) The decision shall be one of the following:
 - A.** Adopt the amendment as proposed;
 - B.** Adopt a revised amendment that reduces the area proposed to be reclassified;
 - C.** Adopt a revised amendment that reclassifies the area proposed to be reclassified to a more restrictive classification;
 - D.** Adopt a revised amendment other than as included in provisions B or C above (this may require a new public hearing);
 - E.** Deny the amendment;
 - F.** Remand the application back to the Director and Planning Board for further consideration. (This may require further public hearing notices and additional review fees.)
- (iv) In accordance with State law, an adopted Comprehensive Plan Amendment is subject to a final review by the State land planning agency and its acceptance of the amendment as compliant with State law.

(h) Post-Decision Actions and Limitations

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Appeal

The compliance of an adopted Comprehensive Plan Amendment with State law may be challenged by any affected person or the State land planning agency in accordance with F.S. §163.3184 and 3187.

(ii) Effect of Approval

Approval of a Comprehensive Plan Amendment and acceptance by the State land planning agency authorizes the approved revisions to the Comprehensive Plan and development of any proposed LDC amendments necessary to implement the Comprehensive Plan as amended. Such approval does not itself authorize specific development activity. All development in the city occurring subsequent to the

effective date of an amendment shall be consistent with the Comprehensive Plan as amended.

(iii) Expiration of Approval

A Comprehensive Plan Amendment does not expire, but shall remain valid unless and until the revised Comprehensive Plan is subsequently amended in accordance with this subsection's Comprehensive Plan Amendment procedure.

(3) Review Standards

Amending the Comprehensive Plan is a matter committed to the legislative discretion of the City Commission. In deciding the application, the City Commission shall consider and weigh the relevance of and consider whether and the extent to which the proposed amendment is necessary in order to address conditions including, but not limited to, the following:

- (a)** A change in projections or assumptions from those on which the Comprehensive Plan is based: Are public facilities and services available for the proposed use.
- (b)** Is the plan amendment suitable for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources of the site;
- (c)** Is the plan amendment the minimum amount of land needed to achieve the goals and requirements of the Comprehensive Plan;
- (d)** A change in the policies, objectives, principles, or standards governing the physical development of the City or any other geographic areas addressed by the Comprehensive Plan; or
- (e)** Identification of errors or omissions in the Comprehensive Plan.

(C) Establishment of Use

(1) Applicability

This subsection applies to the establishment of uses not currently listed or addressed within this Code.

(2) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Code Text Amendment applications and note any specific variations of, or additions to, those review steps.

(a) Pre-Application Staff Conference

The applicant shall hold a pre-application conference with City staff in accordance with §10-5.3(B).

(b) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D) except that:

- (i) An application may be initiated only by the Director upon referral from City staff, the Planning Board, or the City Commission.
- (ii) This Code may also be amended by initiative and referendum in accordance with Article VI (Initiative and Referendum) of Chapter 2 (Administration) of the Tamarac City Code.

(c) Staff Review and Action

The Director shall review the application and prepare a staff memorandum and recommendation in accordance with §10-5.3(E). When considering an unlisted use in any zoning district as part of an interpretation, the Director shall also determine whether additional use-specific standards are necessary.

(d) Scheduling and Public Notice of Meetings

The application shall be scheduled, and required public notices provided, for Planning Board and City Commission hearings in accordance with §10-5.3(F).

(e) Planning Board Review and Action

The Planning Board shall review the application, hold a public hearing, and make a recommendation in accordance with §10-5.3(G).

(f) City Commission Review and Decision

- (i) The City Commission shall review the application, hold a standard public hearing, and decide the application in accordance with §10-5.3(H).
- (ii) Any determination shall be made available to the public and shall be binding on future decisions of the City until the City Commission makes a different interpretation or this Code is amended to treat the use differently.
- (iii) The decision shall be one of the following:
 - A.** Adopt the use as proposed;
 - B.** Adopt a revised use (which may require a new public hearing);
 - C.** Deny the establishment of use; or
 - D.** Remand the application back to the Director or Planning Board for further consideration. (This may require further public hearing notices and additional review fees.)

(g) Post-Decision Actions and Limitations

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Effect of Approval

Approval of an Establishment of Use authorizes the approved revisions to the text of this Code. Such approval does not itself authorize specific development activity.

(ii) Expiration of Approval

An Establishment of Use determination does not expire, but shall remain valid unless and until the revised text of this Code is subsequently amended in accordance with this Article's Amendment to Text of Development Code procedure.

(iii) Amendment to Text of Development Code

On interpreting an unlisted use or structure as allowed in a zoning district, and finding that the use or structure is likely to be common or would lead to confusion if it remains unlisted, the Director may initiate an application for a text amendment to this Code in accordance with §10-5.4(D), *Amendment to Text of Development Code*, to list the use or structure in Table 10-3.1 Allowed Uses, as a permitted use or special exception use, as appropriate. Until final action is taken on the amendment application, the interpretation of the City Commission shall be binding.

(3) Review Standards

In making an Establishment of Use interpretation, the City Commission shall consider its potential impacts, including but not limited to:

- (a)** The nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage;
- (b)** Anticipated employment;
- (c)** Transportation requirements;
- (d)** The amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and
- (e)** The general requirements for public utilities such as water and sanitary sewer.

(D) Amendment to Text of Development Code

(1) Applicability

The procedures and standards in this subsection apply to the review of any proposal to revise the text of this Code.

(2) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Code Text Amendment applications and note any specific variations of, or additions to, those review steps.

(a) Pre-Application Staff Conference

The applicant shall hold a pre-application conference with City staff in accordance with §10-5.3(B).

(b) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D) except that:

- (i) An application may be initiated only by the Director upon referral from City staff, the Planning Board, or the City Commission.
- (ii) This Code may also be amended by initiative and referendum in accordance with Article VI (Initiative and Referendum) of Chapter 2 (Administration) of the Tamarac City Code.

(c) Staff Review and Action

The Director shall review the application and prepare a staff memorandum and recommendation in accordance with §10-5.3(E).

(d) Scheduling and Public Notice of Meetings

The application shall be scheduled, and required public notices provided, for Planning Board and City Commission hearings in accordance with §10-5.3(F).

(e) Planning Board Review and Action

The Planning Board shall review the application, hold a public hearing, and make a recommendation in accordance with §10-5.3(G).

(f) City Commission Review and Decision

- (i) The City Commission shall review the application, hold a standard public hearing, and decide the application in accordance with §10-5.3(H), except that the City Commission shall hold two standard public hearings if the amendment proposes to revise the use tables in Article 10-4: *Use Regulations*.
- (ii) The decision shall be one of the following:
 - A.** Adopt the amendment as proposed;
 - B.** Adopt a revised amendment (which may require a new public hearing);
 - C.** Deny the amendment; or
 - D.** Remand the application back to the Director or Planning Board for further consideration. (This may require further public hearing notices and additional review fees.)

(g) Post-Decision Actions and Limitations

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Effect of Approval

Approval of an Amendment to Text of Development Code authorizes the approved revisions to the text of this Code. Such approval does not itself authorize specific development activity.

(ii) Expiration of Approval

An Amendment to Text of Development Code does not expire, but shall remain valid unless and until the revised text of this Code is subsequently amended in accordance with this subsection.

(3) Review Standards

Amending the text of this Code is a matter committed to the legislative discretion of the City Commission. In deciding the application, the City Commission shall consider and weigh the relevance of and consider whether and the extent to which the proposed amendment:

- (a) Is consistent with the Comprehensive Plan;
- (b) Conflicts with any other provisions of this Code or the Tamarac City Code;
- (c) Is required by changed conditions;
- (d) Addresses a demonstrated community need;
- (e) Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City;
- (f) Would result in a logical and orderly development pattern; and
- (g) Would avoid significantly adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

(E) Rezoning to Planned Development District

(1) Applicability

- (a) Planned developments are planned and developed under unified control and in accordance with flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher-quality development, as well as community benefits and amenities, than could be achieved through base zoning district regulations.
- (b) The purpose of this subsection is to provide a uniform means for amending the Official Zoning Map to reclassify land to the Planned Development (PD) zoning district established in Article 2.

(c) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Planned Development (PD) District Rezoning applications and note any specific variations of, or additions to, those review steps.

(d) Pre-Application Staff Conference

The applicant shall hold a pre-application conference with City staff in accordance with §10-5.3(B).

(e) Pre-Application Neighborhood Meeting

For all PD District Rezoning applications, the applicant shall hold a pre-application neighborhood meeting in accordance with §10-5.3(C).

(f) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D), except that applications may be initiated only by the owner(s) of all property included in the proposed PD District to ensure unified control and shall include the following:

- (i) A PD Plan that depicts the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing;
- (ii) A PD Agreement that specifies terms and conditions defining development parameters, provides for environmental mitigation, outlines how public facilities will be provided to serve the planned development, and provides for management and maintenance of development; and
- (iii) A copy of the title to all land that is part of the proposed PD district to ensure unified control.

(g) Staff Review and Action

The Director shall review the application and prepare a staff memorandum and recommendation in accordance with §10-5.3(E).

(h) Scheduling and Public Notice of Meetings

The application shall be scheduled, and required public notices provided, for Planning Board and City Commission hearings in accordance with §10-5.3(F).

(i) Planning Board Review and Action

- (i) The Planning Board shall review the application, hold a public hearing, and make a recommendation in accordance with §10-5.3(G).
- (ii) If the application is for a Site-Specific Rezoning, the hearing shall be a quasi-judicial hearing.

(j) City Commission Review and Decision

- (i) The City Commission shall review the application, hold a public hearing in accordance with §10-5.3(I), and decide the application in accordance with §10-5.3(H), except that the City Commission shall hold two public hearings if the application is initiated by the Director and proposes to rezone ten or more contiguous acres.
- (ii) If the application is for a site-specific Rezoning, the hearing(s) shall be quasi-judicial hearing(s).
- (iii) The decision shall be one of the following:
 - A.** Adopt the amendment as proposed;
 - B.** Adopt a revised amendment that reduces the area proposed to be designated;
 - C.** Deny the amendment; or

- D.** Remand the application back to the Director and Planning Board for further consideration. (This may require further public hearing notices and additional review fees.)

(k) Post-Decision Actions and Limitations

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Effect of Approval

- A.** Approval of a Planned Development authorizes the approved revisions to the Zoning Map. Lands rezoned to a PD district shall be subject to the approved PD Plan/Agreement. The PD Plan/Agreement is binding on the land as an amendment to the Official Zoning Map.
- B.** The PD Plan/Agreement shall be binding on the landowners, their successors, and assigns, and shall constitute the development regulations for the land.
- C.** Development of the land shall be limited to the uses, intensity and density, configuration, and all other elements and conditions set forth in the PD Plan/Agreement.
- D.** The applicant may apply for and obtain subsequent improvement permits necessary to implement the PD Plan/Agreement in accordance with the appropriate procedures and standards set forth in this Code. Any development permits shall be in substantial compliance with the PD Plan/Agreement.

(ii) Expiration of Approval

The PD Plan/Agreement shall automatically expire if an application for Site Plan Approval (§10-5.4(H)) for any part of the development shown on the approved PD Plan or covered under the PD Agreement is not submitted within one year after approval of the Planned Development, or an extension of this time period is authorized by the Director. Extension requests shall be provided to the Director in writing no later than 60 days prior to the one year expiration date.

(iii) Recordation

The Director shall record the adopting ordinance and the PD Plan/Agreement with the Broward County Records Department at the expense of the applicant.

(2) Review Standards

Amending the Zoning Map (PD District Rezoning) is a matter committed to the legislative discretion of the City Commission. In deciding the application, the City Commission shall consider and weigh the relevance of and consider whether and the extent to which the proposed amendment:

- (a)** Is consistent with the Comprehensive Plan;
- (b)** Is consistent with any provisions of this Code or the Tamarac City Code;
- (c)** Addresses a demonstrated community need;

- (d) Is required by changed conditions;
- (e) Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
- (f) Would result in a logical and orderly development pattern;
- (g) Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
- (h) Would avoid significantly adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
- (i) Would be consistent with the public interest and the purposes and intent of this Code.

(F) Rezoning

(1) Applicability

- (a) The procedures and standards in this subsection apply to the review of any proposal for a general or site-specific amendment of the Zoning Map to change the zoning district classification applicable to land.
- (b) An application for Rezoning may be submitted and reviewed concurrently with an application for Flex/Redevelopment Unit Assignment.

(2) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Rezoning applications and note any specific variations of, or additions to, those review steps.

(a) Pre-Application Staff Conference

The applicant shall hold a pre-application conference with City staff in accordance with §10-5.3(B).

(b) Pre-Application Neighborhood Meeting

If the application is for a site-specific Rezoning, the applicant shall hold a pre-application neighborhood meeting in accordance with §10-5.3(C).

(c) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D), except that:

- (i) A general Rezoning application may be initiated only by the Director (upon referral from City staff, the Planning Board, or the City Commission); and
- (ii) A site-specific Rezoning application may be initiated by the Director (upon referral from City staff, the Planning Board, or the City Commission) or the owners of over 50 percent of the land area involved in the proposed rezoning (which must be contiguous), as well as any person who may submit applications under §10-5.3(D)(1), *Authority to Submit Applications*.

- (iii) This Code may also be amended by initiative and referendum in accordance with Article VI (Initiative and Referendum) of Chapter 2 (Administration) of the Tamarac City Code.

(d) Staff Review and Action

The Director shall review the application and prepare a staff memorandum and recommendation in accordance with §10-5.3(E).

(e) Scheduling and Public Notice of Meetings

The application shall be scheduled, and required public notices provided, for Planning Board and City Commission hearings in accordance with §10-5.3(F).

(f) Planning Board Review and Action

- (i) The Planning Board shall review the application, hold a public hearing, and make a recommendation in accordance with §10-5.3(G).
- (ii) If the application is for a Site-Specific Rezoning, the hearing shall be a quasi-judicial hearing.

(g) City Commission Review and Decision

- (i) The City Commission shall review the application, hold a public hearing in accordance with §10-5.3(I), and decide the application in accordance with §10-5.3(H), except that the City Commission shall hold two public hearings if the application is initiated by the Director and proposes to rezone ten or more contiguous acres.
- (ii) If the application is for a site-specific Rezoning, the hearing(s) shall be quasi-judicial hearing(s).
- (iii) The decision shall be one of the following:
 - A.** Adopt the amendment as proposed;
 - B.** Adopt a revised amendment that reduces the area proposed to be reclassified;
 - C.** Adopt a revised amendment other than as included in provisions B or C above (this may require a new public hearing);
 - D.** Deny the amendment;
 - E.** Remand the application back to the Director and Planning Board for further consideration. (This may require further public hearing notices and additional review fees.)

(h) Post-Decision Actions and Limitations

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Effect of Approval

Approval of a Rezoning authorizes the approved revisions to the Zoning Map. Such approval does not itself authorize specific development activity.

(ii) Expiration of Approval

A Rezoning does not expire, but shall remain valid unless and until the revised Zoning Map is subsequently amended in accordance with this subsection.

(3) Review Standards

Amending the Zoning Map (Rezoning) is a matter committed to the legislative discretion of the City Commission. In deciding the application, the City Commission shall consider and weigh the relevance of and consider whether and the extent to which the proposed amendment:

- (a) Is consistent with the Comprehensive Plan;
- (b) Is consistent with any provisions of this Code or the Tamarac City Code;
- (c) Addresses a demonstrated community need;
- (d) Is required by changed conditions;
- (e) Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
- (f) Would result in a logical and orderly development pattern;
- (g) Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
- (h) Would avoid significantly adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
- (i) Would be consistent with the public interest and the purposes and intent of this Code.

(G) Special Exception

(1) Purpose

The purpose of the Special Exception is to provide for individualized review of certain uses that—due to their nature, relationship to the Comprehensive Plan, and potential adverse impacts on surrounding areas—require special consideration of their location, design, and methods of operation, as well as the imposition of conditions to mitigate concerns, before they can be deemed appropriate in a zoning district and compatible with their surroundings.

(2) Applicability

- (a) A Special Exception is required for any proposed development involving a Special Exception use as designated in the use tables in Article 10-4: *Use Regulations*, or for proposed development for which a Special Exception is required by any other provision of this Code.
- (b) An application for a Special Exception may be submitted and reviewed concurrently with an application for Site Plan Approval (and any other application submitted and reviewed concurrently with the Site Plan Approval application, including an application for an Administrative Adjustment).

(3) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Special Exception applications and note any specific variations of, or additions to, those review steps.

(a) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D), except that the application shall include a site plan if it is not submitted and reviewed concurrently with an application for Site Plan Approval. In addition to the materials required by the administrative manual, the following studies may be required at the Director's discretion: a natural resources survey or resource management plan, a traffic study, conceptual engineering plans, parking study, architectural review and consultant fee, feasibility analysis, a phasing plan, and any other study the Director's deems appropriate.

(b) Staff Review and Action

The Director shall review the application and prepare a staff memorandum and recommendation in accordance with §10-5.3(E).

(c) Scheduling and Public Notice of Meetings

The application shall be scheduled, and required public notices provided, for Planning Board and City Commission hearings in accordance with §10-5.3(F).

(d) Planning Board Review and Action

- (i) The Planning Board shall review the application, hold a quasi-judicial public hearing, and decide the application in accordance with §10-5.3(H).
- (ii) The decision shall be one of the following:
 - A. Approve the application as submitted;
 - B. Approve the application subject to conditions;
 - C. Deny the application;
 - D. Remand the application back to the Director for further consideration (This may require further public hearing notice and additional review fees.); or
 - E. Forward the application to the City Commission for further consideration.

(e) City Commission Request for Review

- (i) If an application for special exception is approved or denied through the Planning Board, the City Commission may adopt a motion to set a hearing to review the application if it is found that the new project is in an area that, due to characteristics of the project and the surrounding area, requires additional review in order to ensure that development standards and criteria have been met and to ensure that the area surrounding the development is protected from the impacts of the development. The process for request for Commission review may be initiated by a statement of intent filed by any member of the City Commission with the city clerk with a copy to the department. Except as provided herein, the motion shall be

considered within 15 days of the decision by the lower body. If no City Commission meeting is to be held within the timeframes provided herein, the motion shall be considered at the next regularly scheduled City Commission meeting.

- (ii) The motion approving a Commission request for review shall set a date for consideration of the application no later than 60 days from the date the motion is adopted. Notice of the hearing shall be given to the public as directed in §10-5.3(F), *Scheduling and Notice of Public Hearings*. Review by the City Commission shall be by de novo hearing supplemented by the record below and the same standards and criteria applicable to the special exception shall be applied. At the conclusion of the hearing, the City Commission shall take action either approving, approving with conditions, or denying the application.
- (iii) The timeframes for setting a hearing provided herein may be extended by written request of the applicant.

(f) Post-Decision Actions and Limitations

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Effect of Approval

Approval and recordation of a Special Exception Board Order allows approval of a concurrently-reviewed site plan application for the same development, and authorizes submittal of other development applications that may be required before construction or use of the development authorized by the approved Special Exception.

(ii) Expiration of Approval

Approval of a Special Exception shall automatically expire if the authorized use or construction is not substantially underway within one year after the date of the Special Exception approval, or an extension of this time period under §10-5.3(J)(3)(b)(ii), *Extension of Expiration Time Period*.

(iii) Minor Modifications Allowed

A. Subsequent development applications for development authorized by a Special Exception approval may incorporate minor changes from the approved plans and conditions without the need to amend the Special Exception in accordance with §10-5.3(J)(4), *Modification or Amendment of Approval*—provided, however, that the Director determines that such changes:

1. Continue to comply with this Code;
2. Are necessary to comply with conditions of approval; or
3. Are consistent with the Special Exception approval—i.e., the changes would not significantly alter the development's general function, form, intensity, character, demand on public facilities, impact on adjacent properties, or other characteristic from that indicated by the Special Exception approval.

- B.** In any case, the following changes from the Special Exception approval shall constitute a major change requiring amendment of the Special Exception in accordance with §10-5.3(J)(4), *Modification or Amendment of Approval*:

 - 1. A change in a condition of approval;
 - 2. An increase greater than 20 percent in residential density;
 - 3. An increase greater than 20 percent in total nonresidential floor area;
 - 4. An increase greater than ten percent in the amount of land devoted to nonresidential uses;
 - 5. A change greater than ten percent in the ratio of gross floor area devoted to residential uses to that devoted to nonresidential floor area; and
 - 6. A decrease greater than 20 percent in the ratio of single-family dwelling units to other residential building types.
- C.** Before determining whether a change is a minor change or a major change, the Director shall review the record of the proceedings on the Special Exception application and consider whether any proposed modification would require evidentiary support in addition to that on which approval of the Special Exception application was based.

(4) Review Standards

A Special Exception application shall be approved only if the Planning Board makes the following findings, based on competent substantial evidence in the record:

- (a)** The proposed development will be consistent with the Comprehensive Plan;
- (b)** The proposed development will comply with applicable zoning district, use, and development standards of this Code;
- (c)** The proposed development will be compatible with the existing natural environment and community character of the properties within the immediate neighborhood;
- (d)** The proposed development will be desirable for public convenience, and not injurious or otherwise detrimental to the public health, safety, comfort, and welfare;
- (e)** The proposed development will minimize adverse effects, including noise, light, dust, or other potential nuisances, on adjacent properties to the greatest extent practicable;
- (f)** The proposed development will include adequate provisions for safe and convenient vehicular and pedestrian traffic movement to, from, and through the site that minimizes traffic congestion in the public streets;
- (g)** The site area is sufficient, appropriate, and adequate for the use and any reasonably anticipated expansion of the use;
- (h)** The Special Exception shall only remain valid during the period of which the certificate of occupancy and business license remains active;
- (i)** The Special Exception is transferable administratively pursuant to compliance with City Codes, submitting documentation and payment of fees only after the previous condition has been met; and

- (j) Any pre-existing code violations shall be satisfied before a certificate of occupancy is issued for the proposed use.

(H) Site Plan Approval

(1) Purpose

The Site Plan Approval procedures and standards of this section are intended to ensure that layout and general design of proposed development comply with all applicable standards in this Code.

(2) Applicability

(a) General

- (i) Site plan approval, either Major or Minor, is required for construction of any new structure, modification of an existing structure, and the occupancy of an existing structure, unless exempted under subsection (b) below.
- (ii) Site plan approval is required prior to submittal of an application for an Improvement Permit or Plat, unless the applicant elects to submit applications for both Site Plan Approval and an Improvement Permit or Plat for concurrent review.

(b) Exemptions

The following development is exempt from the requirements of this subsection:

- (i) A change in use that does not involve or require other development (such as new or expanded structures, additional parking, etc.);
- (ii) Internal construction that does not increase gross floor area or building height, increase the density or intensity of use, or affect parking or landscaping requirements; and
- (iii) Construction of or addition to a single-family detached dwelling or a duplex dwelling, or a structure accessory to such a dwelling.

(c) Major Site Plan Approval

Major Site Plan Approval is required for any of the following development, unless such development is exempted from Site Plan Approval under subsection (b) above:

- (i) New development or the expansion of existing development that proposes 15 or more new or added dwelling units;
- (ii) New development or the expansion of existing development that proposes 10,000 or more square feet of new or added gross floor area devoted to nonresidential use.
- (iii) New development that proposes 30 or more new or added vehicle parking spaces;
or
- (iv) New development or the expansion of existing development that proposes 15,000 or more square feet of new or added cleared land.

(d) Minor Site Plan Approval

Minor Site Plan Approval is required for any development other than that for which Major Plan Approval is required under subsection (c) above, unless exempted from Site Plan Approval under subsection (b) above.

(e) Concurrent Review

- (i) An application for Site Plan Approval may be submitted and reviewed concurrently with an application for a Special Exception or an Administrative Adjustment. In such a case, the Director shall not decide the Site Plan Approval application until after the Special Exception application or Administrative Adjustment is approved.
- (ii) An application for Site Plan Approval may be submitted and reviewed concurrently with an application for an Improvement Permit or Plat. In such a case, the City Engineer shall not decide the Site Plan Approval application until after the Improvement Permit application is approved.

(3) Major Site Plan Approval Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Major Site Plan Approval applications and note any specific variations of, or additions to, those review steps.

(a) Pre-Application Staff Conference

The applicant shall hold a pre-application conference with City staff in accordance with §10-5.3(B).

(b) Pre-Application Neighborhood Meeting

The applicant shall hold a pre-application neighborhood meeting in accordance with §10-5.3(C).

(c) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D), except that the application shall include a site plan. In addition to the materials required by the administrative manual, the following studies may be required at the Director's discretion: a natural resources survey or resource management plan, a traffic study, conceptual engineering plans, parking study, architectural review and consultant fee, feasibility analysis, a phasing plan, and any other study the Director's deems appropriate.

(d) Staff Review and Action

The Director shall review the application and prepare a staff memorandum and recommendation in accordance with §10-5.3(E).

(e) Planning Board Review and Action

- (i) The Planning Board shall review the application, hold a quasi-judicial public hearing, and decide the application in accordance with §10-5.3(H).
- (ii) The decision shall be one of the following:

- A.** Approve the application as submitted;
 - B.** Approve the application subject to conditions;
 - C.** Deny the application;
 - D.** Remand the application back to the Director for further consideration. (This may require further public hearing notice and additional review fees.); or
 - E.** Forward the application to the City Commission for further consideration.
- (iii) The Planning Board shall, at its discretion, review and recommend that a Major Site Plan Approval be heard by the City Commission.

(f) City Commission Request for Review

- (i) If an application for major site plan is approved or denied through the Planning Board, the City Commission may adopt a motion to set a hearing to review the application if it is found that the new project is in an area that, due to characteristics of the project and the surrounding area, requires additional review in order to ensure that development standards and criteria have been met and to ensure that the area surrounding the development is protected from the impacts of the development. The process for request for Commission review may be initiated by a statement of intent filed by any member of the City Commission with the city clerk with a copy to the department. Except as provided herein, the motion shall be considered within 15 days of the decision by the lower body. If no City Commission meeting is to be held within the timeframes provided herein, the motion shall be considered at the next regularly scheduled City Commission meeting.
- (ii) The motion approving a Commission request for review shall set a date for consideration of the application no later than 60 days from the date the motion is adopted. Notice of the hearing shall be given to the public as directed in §10-5.3(F), *Scheduling and Notice of Public Hearings*. Review by the City Commission shall be by de novo hearing supplemented by the record below and the same standards and criteria applicable to the special exception shall be applied. At the conclusion of the hearing, the City Commission shall take action either approving, approving with conditions, or denying the application.
- (iii) The timeframes for setting a hearing provided herein may be extended by written request of the applicant.

(4) Minor Site Plan Approval Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Minor Site Plan approval applications and note any specific variations of, or additions to, those review steps.

(a) Pre-Application Staff Conference

The applicant shall hold an optional pre-application conference with City staff, as determined by staff, in accordance with §10-5.3(B).

(b) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D) except that the application shall include a site plan and may be required to include a landscape plan, a natural resources survey or resource management plan, a traffic study, conceptual engineering plans, parking study, architectural review and consultant fee, or a phasing plan.

(c) Staff Review and Action

The Director shall review the application, allow revisions of the application, and decide the application in accordance with §10-5.3(E). The decision shall be one of the following:

- (i) Approve the application as submitted;
- (ii) Approve the application subject to conditions; or
- (iii) Deny the application.

(5) Post-Decision Actions

The post-decision actions and limitations in §10-5.3(J) shall apply to both Major and Minor Site Plans, except as follows:

(a) Effect of Approval

Site Plan Approval allows the approval of any concurrently-reviewed applications for the same development. It also authorizes submittal of any other development applications that may be required before construction or use of the development authorized by the Site Plan Approval.

(b) Expiration of Approval

Approval of a Site Plan shall automatically expire if the authorized development is not substantially underway within one year after the date of the Site Plan. This time period may be extended under §10-5.3(J)(3)(b)(ii), *Extension of Expiration Time Period*.

- (i) For purposes of this requirement, construction shall be deemed to be "substantially underway" if the right of way has been cleared, the roadways, internal streets, and/or parking areas have been rough graded, the drainage system and/or stormwater management facilities have been rough-graded and erosion and sediment control measures are in place and being actively maintained.
- (ii) In a case where no new construction is required to implement the approved use, the use shall be deemed "substantially underway" if the activity permitted by the approved conditional use is actively underway.

(c) Minor Changes Allowed

- (i) Subsequent development applications for development authorized by a Site Plan Approval may incorporate minor changes from the approved plans and conditions without the need to amend the Site Plan in accordance with §10-5.3(J)(4), *Modification or Amendment of Approval*—provided, however, that the Director determines that such changes:

- A. Continue to comply with this Code;

- B.** Are necessary to comply with conditions of approval; or
 - C.** Are consistent with the Site Plan approval—i.e., the changes would not significantly alter the development's general function, form, intensity, character, demand on public facilities, impact on adjacent properties, or other characteristic from that indicated by the Site Plan.
 - (ii)** In any case, the following changes from the approved Site Plan shall constitute a major change requiring amendment of the Site Plan in accordance with §10-5.3(J)(4), *Modification or Amendment of Approval*:
 - A.** A change in a condition of approval;
 - B.** An increase greater than 20 percent in residential density;
 - C.** An increase greater than 20 percent in total nonresidential floor area;
 - D.** An increase greater than ten percent in the amount of land devoted to nonresidential uses;
 - E.** A change greater than ten percent in the ratio of gross floor area devoted to residential uses to that devoted to nonresidential floor area; and
 - F.** A decrease greater than 20 percent in the ratio of single-family dwelling units to other residential building types.

(6) Site Plan Approval Standards

An application for Major Site Plan Approval or Minor Site Plan Approval shall be approved only if the Planning Board or Director, as appropriate, determines that the proposed development:

- (a)** Will be consistent with the Comprehensive Plan;
- (b)** Will comply with applicable district, use, and development standards in this Code; and
- (c)** Will comply with all requirements and conditions of approval.

(7) Phase Development

- (a)** For the purpose of this subsection, "phase developments" means that, as to any recorded plat or approved final site plan, a developer may choose to construct, bond, pay inspection fees and complete the improvements provided for in the plat or site plan, as the case may be, in whatever phases as have been delineated on the approved overall site plan submitted by the developer, provided that:
 - (i)** The developer shall not be obligated to submit individual site plans for any of the phases, provided there is no deviation from the phases as delineated upon the approved overall site plan.
 - (ii)** The phases, with respect to utilities, drainage and parking, shall meet appropriate criteria independently of subsequent phases, but may be dependent upon preceding completed phases.
 - (iii)** The phases when completed shall not unreasonably interfere with or eliminate the legal access to any remaining phase within the recorded plat.

- (iv) The city engineer shall have approved the engineering plans and specifications for the phase being constructed.
 - (v) No phase shall contain less than 25 dwelling units as described in the approved overall site plan.
 - (vi) If the county requires bonding in a manner not consistent with the manner set forth above, bonding shall be consistent with county regulations and the bonds shall be held by the city.
- (b) Furthermore, in connection with phase developments:
 - (i) Not more than one year may elapse between city commission approval of an overall site plan and the issuance of a development or building permit for the first phase to be constructed.
 - (ii) Not more than two years may elapse between issuance of the first building permit and the issuance of the first certificate of occupancy in a phase, provided that the issuance of same is not unreasonably withheld.
 - (iii) Not more than two years may elapse between the issuance of certificates of occupancy for the first unit and the last unit to be constructed in a phase.
 - (iv) Not more than one year may elapse between the issuance of the certificates of occupancy for all of the units in a phase and developer's application for the first development permit for a subsequent phase.
- (c) In any of such events, unless an extension is granted by the city commission, the site plan shall automatically become invalid; and all claims of vested rights or equitable estoppel to continue to build in accordance with previously approved site plan shall be extinguished; and the developer or its successors shall thereafter be required to submit a new site plan consistent with city regulations then in effect and pay a new site plan application fee and any increases in fees and charges.
- (d) Approved site plans shall show all proposed phases; and, subject to and in accordance with the provisions in the preceding sentences, so long as each phase is completed in accordance with the plan, no subsequent revisions to or changes in development regulations of the city shall apply to the property included in the site plan unless mandated by a governmental agency other than the city.

(l) Improvement Permit

(1) Purpose

The Improvement Permit procedures and standards of this section are intended to ensure that final detailed engineering plans for a proposed development comply with all applicable standards in this Code and city engineering standards and details, as determined by the City Engineer.

(2) Applicability

(a) General

An Improvement Permit is required for any:

- (i) Clearing or grubbing;
- (ii) Construction, installation, or modification of public or private paving and drainage improvements—including, but not limited to, streets (including subgrade preparation, base, and surface), alleys, sidewalks, walkways, driveways, bridges, medians and median crossings, guardrails, street name signs, curb and gutter, storm sewers or drains, swales, culverts, headwalls, endwalls, detention/retention structures, canal or lake excavation, dredging, bulkheads, grading, and earthwork (cut or fill);
- (iii) Construction, installation, or modification of public or private water or wastewater improvements—including, but not limited to, water mains, sanitary sewers, and other water distribution or sewage collection facilities;
- (iv) Construction, installation, or modification of public or private irrigation improvements within public easements, right-of-way, or City-owned property—including, but not limited to, irrigation lines, valves, heads, and other appurtenances; and
- (v) All improvements located within City of Tamarac public easements or right-of-way.

(b) Concurrent Review

An application for an Improvement Permit shall be submitted and reviewed as part of Site Plan Approval, if required. In such a case, the Director shall not decide the Improvement Permit application until after the Site Plan Approval.

(3) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Improvement Permit applications and note any specific variations of, or additions to, those review steps.

(a) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D).

(b) Staff Review and Action

The City Engineer shall review the application, allow revisions of the application, and decide the application in accordance with §10-5.3(E). The decision shall be one of the following:

- (i) Approve the application as submitted;
- (ii) Approve the application subject to conditions; or
- (iii) Deny the application.

(c) Post-Decision Actions

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Performance Guarantees

Before issuance of an approved Improvement Permit for development other than just clearing and grubbing, the applicant shall submit to the City Engineer a performance guarantee ensuring payment of fees required by the City and completion of required improvements, in accordance with §10-156.

(ii) Effect of Approval

An Improvement Permit authorizes clearing and grubbing or the construction, installation, or modification of approved improvements in accordance with the terms and conditions of the permit.

(iii) Expiration of Approval

Approval of an Improvement Permit shall automatically expire if the authorized development is not substantially underway within six months after the date of issuance of the Improvement Permit, or is suspended or abandoned for a period of 90 days from the date of the most recent inspection. These time periods may be extended under §10-5.3(J)(3)(b)(ii), *Extension of Expiration Time Period*.

- (iv)** For purposes of this requirement, construction shall be deemed to be "substantially underway" if the right of way has been cleared, the roadways, internal streets, and/or parking areas have been rough graded, the drainage system and/or stormwater management facilities have been rough-graded and erosion and sediment control measures are in place and being actively maintained.
- (v)** In a case where no new construction is required to implement the approved use, the use shall be deemed "substantially underway" if the activity permitted by the approved conditional use is actively underway.

(4) Review Standards

An application for an Improvement Permit shall be approved only if the City Engineer determines that the proposed development:

- (a)** Will be consistent with the Comprehensive Plan;
- (b)** Will comply with applicable district, use, and development standards in this Code;
- (c)** Will comply with all requirements and conditions of approval of any prior development permits or approvals;
- (d)** Will be consistent with §10-154; and
- (e)** Will comply with all local, state, and federal regulations and codes.

(J) Plat Approval

(1) Purpose

The purpose of this section is to provide a review procedure that:

- (a)** Conforms to the Broward County Land Use Plan's mandate that local governments require platting wherever the County Land Use Plan requires platting;

- (b) Ensures that subdivisions of land comply with applicable provisions of this Code and otherwise provide for the orderly and efficient development of the city; and
- (c) Assure consistent and equitable treatment for engineers, surveyors, and subdividers in the review and processing of applications for plat approval.

(2) Applicability

(a) General

Unless exempted under subsection (b) below, Plat Approval in accordance with this subsection is required:

- (i) Before any Building Permit may be issued for a principal building on a lot;
- (ii) Before any plat of a subdivision of land may be recorded or any development associated with the subdivision may occur; and
- (iii) Before any Improvement Permit may be issued, unless the Improvement Permit is for clearing and grubbing only.

(b) Exemptions

- (i) Plat Approval is not required where expressly exempted from platting by Article 7 of the Broward County Administrative Rules as amended from time to time.
- (ii) Plat Approval is not required under provision (a)(ii) above for:
 - A. The combination or recombination of lots or portions of previously subdivided and recorded lots where:
 - 1. The total number of lots is not increased;
 - 2. Each resulting lot complies with applicable lot standards of this Code; and
 - 3. No nonconformities are created.
 - B. The division of a lot resulting from the public acquisition of land for the purpose of establishing, opening, widening, or expanding streets, parks, or greenways.
 - C. A revision of a previously approved and recorded plat that incorporates only minor changes to nonvehicular access easements or openings or to plat notes.
- (iii) The Director shall determine whether these exemptions apply in response to a written request for such a determination. The requestor shall pay the application fee established for such reviews by the City Commission under §10-5.3(D)(3), *Application Fees*.

(c) Alternatives to Plat Approval

Generally, development may not cross platted property lines. However, Plat Approval shall not be required in the following instances:

(i) Unity of Title

The Director may approve a Unity of Title application as set forth in the administrative manual, which shall demonstrate common ownership of the subject

properties. The Unity of Title shall be approved and recorded prior to issuance of building permit.

(ii) Declaration of Unity of Control

The Director may approve a Declaration of Unity of Control that authorizes subdivision of portions of an overall site that were previously approved as a unified site. This allows the previous development regulations to remain applicable to the overall property and individual subparcels, regardless of ownership, and not individually required to meet property development regulations in accordance with the Declaration of Unity of Control.

(d) Concurrent Review

- (i)** An application for Plat Approval may be submitted and reviewed concurrently with an application for Site Plan Approval or an Administrative Adjustment. In such a case, the Director shall not decide the Plat Approval application until after the Site Plan Approval or Administrative Adjustment application is approved.
- (ii)** An application for Plat Approval may be submitted and reviewed concurrently with an application for an Improvement Permit or a Building Permit. In such a case, the Director and the Chief Building Official shall not approve the Improvement Permit or Building Permit application until after the Plat Approval application is approved by the City.

(3) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Plat Approval applications and note any specific variations of, or additions to, those review steps.

(a) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D).

(b) Staff Review and Action

The Director and the Chief Building Official shall review the application and prepare a staff memorandum and recommendation in accordance with §10-5.3(E).

(c) Scheduling and Public Notice of Meetings

The application shall be scheduled, and required public notices provided, for Planning Board and City Commission hearings in accordance with §10-5.3(F).

(d) Planning Board Review and Action

The Planning Board shall review the application, hold a public hearing, and make a recommendation in accordance with §10-5.3(G). The hearing shall be a quasi-judicial hearing.

(e) City Commission Review and Decision

- (i) The City Commission shall review the application, hold a public hearing in accordance with §10-5.3(I), and decide the application in accordance with §10-5.3(H). The hearing shall be a quasi-judicial hearing.
- (ii) The decision shall be one of the following:
 - A. Adopt the plat as proposed;
 - B. Deny the plat;
 - C. Remand the application back to the Director and Planning Board for further consideration. (This may require further public hearing notices and additional review fees.)

(f) Post-Decision Actions

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Effect of Approval

- A. Plat Approval by the City allows submittal and review of an application for approval of the same plat by the Broward County Commission in accordance with the Broward County Land Development Code.
- B. On obtaining Broward County approval of the plat and recording the plat in accordance with Broward County platting requirements, the landowner is authorized to convey any newly created lot by reference to the record plat and to submit applications for an Improvement Permit, Building Permit, or other development approval required to develop the lot(s).

(ii) Expiration of Approval

Plat Approval shall automatically expire if an application for approval of the same plat is not approved by the Broward County Commission within two years after the date of Plat Approval by the City. This time period may be extended under § 10-5.3(J)(3)(b)(ii), *Extension of Expiration Time Period*.

(iii) Minor Changes Allowed

Minor changes from the plat (including conditions and notes) approved as part of Plat Approval may be incorporated into the application for Broward County approval of the City-approved plat, or onto the plat approved under Broward County platting requirements, or in subsequent applications for development authorized by the Plat Approval—without the need to amend the Plat Approval in accordance with § 10-5.3(J)(4), *Modification or Amendment of Approval*—provided, however, that the Director determines that such changes:

- A. Continue to comply with this Code;
- B. Are necessary to comply with conditions of approval; or
- C. Are consistent with the Plat Approval—i.e., the changes would not significantly alter the development's general function, form, intensity, character, demand

on public facilities, impact on adjacent properties, or other characteristic from that indicated by the Plat Approval.

(4) Review Standards

An application for Plat Approval shall be approved only if the Director determines that the proposed development:

- (a) Will be consistent with the Comprehensive Plan;
- (b) Will comply with applicable district, use, and development standards in this Code; and
- (c) Will comply with all requirements and conditions of approval of any prior development permits or approvals.

(K) Temporary Use/Structure Permit

(1) Purpose

The purpose of this subsection is to provide a uniform mechanism for reviewing applications for Temporary Use/Structure Permits to ensure temporary uses and structures comply with the applicable standards in §10-3.5, *Temporary Uses and Structures*.

(2) Applicability

A Temporary Use/Structure Permit is required before the establishment, construction, or installation of any temporary use or structure designated in the temporary use/structure tables in 10-3.5, *Temporary Uses and Structures*, as requiring a Temporary Use/Structure Permit.

(3) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Temporary Use/Structure Permit applications and note any specific variations of, or additions to, those review steps.

(a) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D).

(b) Staff Review and Action

The Director and the Chief Building Official shall review the application, allow revisions of the application, and decide the application in accordance with §10-5.3(E). The decision shall be one of the following:

- (i) Approve the application as submitted;
- (ii) Approve the application subject to conditions; or
- (iii) Deny the application.

(c) Post-Decision Actions

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Effect of Approval

A Temporary Use/Structure Permit authorizes establishment or construction or installation of the approved temporary use or structure in accordance with the terms and conditions of the permit, including the specified time period.

(ii) Expiration of Approval

A Temporary Use/Structure Permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit. In no case shall a Temporary Use/Structure Permit be valid for more than one year after its approval. This expiration period may not be extended.

(4) Review Standards

An application for a Temporary Use/Structure Permit shall be approved only if the Director and the Chief Building Official determine that the proposed development:

- (a)** Will be consistent with the Comprehensive Plan;
- (b)** Will comply with applicable temporary use standards, as well as all other applicable standards in this Code; and
- (c)** Will comply with all requirements and conditions of approval of any prior development permits or approvals.

(L) Sign Permit

(1) Purpose

The purpose of this subsection is to provide a uniform mechanism for reviewing applications for Sign Permits to ensure signs comply with the applicable standards in §10-4.10.

(2) Applicability

A Sign Permit is required before the construction, erection, installation, posting, relocation, or alteration of any sign unless it is exempt under §10-4.10(B)(2)Exemptions.

(3) Procedure

Table 10-5.1: *Summary of Development Review Procedures*, and the following subsections identify those steps in the common review procedures (see §10-5.3) applicable to the review of Sign Permit applications and note any specific variations of, or additions to, those review steps.

(a) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D).

(b) Staff Review and Action

The Director and the Chief Building Official shall review the application, allow revisions of the application, and decide the application in accordance with §10-5.3(E). The decision shall be one of the following:

- (i)** Approve the application as submitted;
- (ii)** Approve the application subject to conditions; or

- (iii) Deny the application.

(c) Post-Decision Actions

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Effect of Approval

A Sign Permit authorizes the construction, erection, installation, posting, relocation, or alteration of the approved signage in accordance with the terms and conditions of the permit.

(ii) Expiration of Approval

Approval of a Sign Permit shall automatically expire if the authorized development is not substantially underway within three months after the date of issuance of the permit. This time period may be extended under §10-5.3(J)(3)(b)(ii), *Extension of Expiration Time Period*.

(4) Review Standards

An application for a Sign Permit shall be approved only if the Director and the Chief Building Official determine that the proposed development:

- (a) Will be consistent with the Comprehensive Plan;
- (b) Will comply with applicable signs standards, as well as all other applicable standards in this Code; and
- (c) Will comply with all requirements and conditions of approval of any prior development permits or approvals.

(M) Tree Removal License

(1) General

Tree Removal Licenses are approved and issued by Broward County in accordance with review procedures and standards in the Broward County Tree Preservation and Abuse Ordinance. A Tree Removal License is required before relocation or removal of any tree (except as exempted by the Ordinance). The license certifies that such relocation or removal, or mitigation thereof, complies with the tree protection standards in the Broward County Tree Preservation and Abuse Ordinance.

(2) Relationship to this Code

- (a) If the relocation or removal of a tree would occur in conjunction with development proposed in a Site Plan Approval application, any approval of the Site Plan Approval application shall be contingent on Broward County approval of a Tree Removal License for the tree relocation or removal, and the relocation, removal, and required replacement shall occur before a Certificate of Occupancy for the development is issued.
- (b) Failure of a landowner to replace a removed tree in accordance with the Broward County Tree Preservation and Abuse Ordinance shall also constitute a violation of this Code.

(N) Building Permit

(1) General

Building Permits are approved and issued by the Chief Building Official in accordance with review procedures and construction standards in the Florida Building Code, as adopted and modified in accordance with Chapter 5 (Building and Building Regulations) of the Tamarac City Code. A Building Permit is required before construction, erection, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, or demolition of any building or structure. The permit certifies that such work complies with the construction standards in the Building Code and Chapter 5.

(2) Relationship to this Code

No Building Permit shall be issued for a structure unless and until the structure is completed in full compliance with any other approvals required under this Code for development that includes the structure, including any applicable Site Plan Approval.

(O) Certificate of Occupancy

(1) General

- (a)** Certificates of Occupancy are approved and issued by the Chief Building Official in accordance with review procedures and standards in the Florida Building Code, as adopted and modified in accordance with Chapter 5 (Building and Building Regulations) of the Tamarac City Code.
- (b)** A Certificate of Occupancy is required before a structure may be used or occupied, or the existing use of any part of a structure is changed to a use in a different use and occupancy classification as established in the Building Code. It certifies that work on the structure is completed in compliance with the Building Code and the terms and conditions of the Building Permit, but also in compliance with all other applicable City regulations, including those in this Code. A Certificate of Occupancy serves as a final check on a structure's compliance with the requirements of this Code.
- (c)** A Business Tax Receipt shall be obtained for a new or transferring business prior to the issuance of a Certificate of Occupancy.

(2) Relationship to this Code

No Certificate of Occupancy shall be issued for a development unless and until the development is completed in full compliance with approvals under this Code for the development. Issuance of a Certificate of Occupancy does not preclude requirements for licenses and other approvals.

(P) Administrative Adjustment

(1) Purpose

An administrative adjustment is intended to allow minor deviations, or adjustments, to certain dimensional or numerical standards in this Ordinance based on specific criteria. The intent is to provide relief where application of a standard creates practical difficulties in

allowing development that otherwise advances the purposes served by the standards of this Ordinance and the Comprehensive Plan, and is compatible with surrounding development.

(2) Applicability

(a) Concurrent Application Required

An application for an Administrative Adjustment may only be submitted and reviewed concurrently with applications for a Special Exception, Site Plan Approval, Improvement Permit, Plat Approval, or Sign Permit. Where the application is subject to review and approval by the Planning Board and/or City Commission, the Director shall review and decide the Administrative Adjustment application before distributing the application to the Board and/or Commission.

(b) Table of Allowable Administrative Adjustments

The procedure and standards in this subsection apply to the review of applications for an Administrative Adjustment, which may be submitted and granted for the standards identified in Table 10-5.3: Allowable Administrative Adjustments, up to the limits set forth in the table.

Table 10-5.3: Allowable Administrative Adjustments	
Standard	Maximum Allowable Administrative Adjustment
Lot Standards	
Net lot area	10 %
Lot width	10 %
Lot or pervious coverage	10 %
Setbacks	
Front setback	5 %
Corner side setback	15 %
Side setback	15 %
Building separation	30 %
Rear setback	15 %
Building Standards	
Structure height	10 %
Site Development and Design Standards	
Block length	10 %
Block length	10 %
Perimeter buffer width	10 %
Perimeter buffer planting rate	10 %
Driveway spacing	10 %
Street intersection spacing	10 %
Number of vehicle parking spaces	10 %
Number of bicycle parking spaces	10 %
Stacking lane distance for parking area entrance drives,	10 %
Walking distance between shared, off-site, or on-street vehicle parking spaces and primary pedestrian entrance of uses served	10 %
Vegetation size at time of planting	10 %
Vehicle use area planting island area and dimensions	10 %
Street tree planting rate	10 %
Fence or wall height	1 ft
Outdoor Lighting Standards	
Average light level to minimum light level uniformity ratio	15 %
Lighting height	10 %
Sign Standards	
Projection fascia sign	10 %
Sign face area or dimensions	10 %

Table 10-5.3: Allowable Administrative Adjustments	
Standard	Maximum Allowable Administrative Adjustment
Sign height	10 %
Sign wall coverage	10 %
Encroachment into required yards	15 %

(c) Reasonable Accommodations Under the FFHA

- (i) In response to a written application identifying the type of housing being provided and the portions of the Federal Fair Housing Act that require that reasonable accommodations be made for such housing, the Director is authorized to take any of the following actions in order to provide reasonable accommodations without the need for a rezoning or variance:
 - A. Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than ten percent; or
 - B. Reduce any off-street parking requirement by no more than one space.
- (ii) The Director may approve a type of reasonable accommodation different from that requested by the applicant if the Director concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on adjacent areas. The decision of the Director shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved. Requests for types of accommodation that are not listed above may only be approved through a variance or rezoning process.

(d) Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)

The Director may grant Administrative Adjustments in order to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended. In no circumstance shall the Director approve an adjustment that allows a religious assembly use, or any uses, structures, or activities accessory to it, in a zoning district where this Code prohibits such use or accessory use, structure, or activity.

(3) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedures (see §10-5.3) applicable to the review of an Administrative Adjustment application and note any specific variations of, or additions to, those review steps.

(a) Pre-Application Staff Conference

The applicant shall hold a pre-application conference with City staff in accordance with §10-5.3(B).

(b) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D).

(c) Staff Review and Action

The Director shall review the application, allow revisions of the application, and decide the application in accordance with §10-5.3(E). The decision shall be one of the following:

- (i) Approve the application as submitted;
- (ii) Approve the application subject to conditions; or
- (iii) Deny the application.

(d) Post-Decision Actions

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Effect of Approval

Approval of an Administrative Adjustment authorizes only the particular adjustment of standards approved, as applied only to the development authorized by the approved development application with which it is associated.

(ii) Expiration of Approval

Approval of an Administrative Adjustment shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise becomes invalid.

(4) Review Standards

An application for an Administrative Adjustment shall be approved only if the Director determines that the adjustment falls within the limitations in Table 10-5.3: Allowable Administrative Adjustments, and that:

- (a)** The Administrative Adjustment is consistent with the character of development in the surrounding area, and will not result in incompatible development.
- (b)** Any adverse impacts resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.
- (c)** The Administrative Adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either:
 - (i)** Required to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally;
 - (ii)** Proposed to protect sensitive natural resources or save healthy existing trees; or
 - (iii)** Required to eliminate a minor inadvertent failure to fully comply with a standard.
- (d)** The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.
- (e)** The Administrative Adjustment is consistent with the purpose of the zoning district where located and with the Comprehensive Plan.

(Q) Variance

(1) Purpose

The purpose of a Variance is to allow certain deviations from standards of this Code when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control, the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. Variances are to be sparingly exercised and only in rare instances and under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or increases in maximum allowable development intensity may be authorized by a Variance.

(2) Applicability

The Variance procedure may be used to seek and obtain hardship relief from the standards in this Code, provided that no Variance may be sought or granted that would permit a use not allowed by use standards applicable in a zoning district or increase development intensity (e.g., dwelling units per acre or floor area ratio) beyond that allowed by intensity standards applicable in a zoning district.

(3) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Variance applications and note any specific variations of, or additions to, those review steps.

(a) Pre-Application Staff Conference

The applicant shall hold a pre-application conference with City staff in accordance with §10-5.3(B).

(b) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D).

(c) Staff Review and Action

The Director shall review the application and prepare a staff memorandum and recommendation in accordance with §10-5.3(E).

(d) Scheduling and Public Notice of Meetings

The application shall be scheduled, and required public notices provided, for the Planning Board hearing in accordance with §10-5.3(F).

(e) Planning Board Review and Action

- (i)** The Planning Board shall review the application, hold a quasi-judicial public hearing, and decide the application in accordance with §10-5.3(H).
- (ii)** The decision shall be one of the following:
 - A.** Approve the application as submitted;

- B.** Approve the application subject to conditions;
- C.** Deny the application; or
- D.** Remand the application back to the Director for further consideration. (This may require further public hearing notice and additional review fees.)

(f) Post-Decision Actions and Limitations

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Effect of Approval

- A.** Approval of a Variance authorizes only the particular regulatory relief approved as part of the Variance, as applied only to the land for which the Variance is approved, and only in accordance with any approved plans and documents, and conditions of approval. It does not exempt the applicant from the responsibility to obtain all other development permits and approvals required by this Code and any other applicable laws, and does not indicate that the development for which the Variance is granted should receive approval of other applications for a development permit required under this Code unless the relevant and applicable portions of this Code or any other applicable laws are met.
- B.** Unless it expires in accordance with provision (ii) below, an approved Variance—including any approved plans and documents and conditions of approval—shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership. All decisions, determinations, and interpretation by City staff shall be consistent with the approved Board Order granting the Variance.

(ii) Expiration of Approval

A Variance shall automatically expire if development allowed by the Variance is not commenced or other relief provided by the Variance does not take place within one year after the date the Variance is approved. This time period may be extended under §10-5.3(J)(3)(b)(ii), *Extension of Expiration Time Period*.

(4) Review Standards

(a) General Variance Review Standards

A Variance application shall be approved only if the Planning Board reaches each of the following conclusions, based on findings of fact supported by competent, substantial, and material evidence presented at the hearing:

- (i)** There are special conditions and circumstances (such as topographic conditions or the narrowness, shallowness, or shape of the lot) pertaining to the particular property for which the Variance is sought, that do not generally apply to other property subject to the standard from which the Variance is sought;
- (ii)** The special conditions and circumstances referred to above are not the result of the actions of the landowner;

- (iii) Because of the special conditions and circumstances referred to above, the literal application of this Code to development of the property for which the Variance is sought would effectively deprive the landowner of rights commonly enjoyed by other properties subject to the standard from which the Variance is sought, and would result in unnecessary and undue hardship on the landowner;
- (iv) The Variance would not confer any special privilege on the landowner that is denied by law to other similarly situated properties subject to the standard from which the Variance is sought;
- (v) The extent of the Variance is the minimum necessary to allow a reasonable use of the property;
- (vi) The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
- (vii) The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
- (viii) The Variance is consistent with the Comprehensive Plan.

(b) Insufficient Grounds for Approving Variances

- (i) The following factors shall not constitute sufficient grounds for approval of any Variance:
 - A.** A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
 - B.** Hardships resulting from factors other than application of requirements of this Code;
 - C.** The fact that property may be utilized more profitably or be more marketable with a Variance; or
 - D.** The citing of nonconformities in the same or other zoning districts.
- (ii) Should an applicant wish to appeal a decision by the Planning Board, they shall follow the provisions of §10-5.4(R), *Administrative Appeal*.

(R) Administrative Appeal

(1) Purpose

The purpose of this section is to establish an administrative remedy whereby persons claiming to having been aggrieved by a decision of the Director or other administrative official in administering this Code may appeal that decision administratively.

(2) Right to Appeal

Any party aggrieved by a decision, interpretation, or order made by the Director or other administrative official in administering or enforcing the provisions of this Code may appeal the decision, interpretation, or order to the Planning Board by submitting an Administrative Appeal application to the Director within 30 days after the decision, interpretation, or order being appealed.

(3) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Administrative Appeal applications and note any specific variations of, or additions to, those review steps.

(a) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D), subject to the following:

(i) The application shall:

- A.** Identify the decision, interpretation, order being appealed;
- B.** State facts demonstrating that the applicant is a party aggrieved by the decision, interpretation, or order being appealed;
- C.** Describe the alleged error in the decision, interpretation, or order being appealed and the grounds on which the applicant contends that an error was made;
- D.** Set forth facts and materials in support of the appeal; and
- E.** Set forth the relief the applicant seeks.

- (ii)** Except for appeals of the amount of an imposed civil penalty, submittal and acceptance of an Administrative Appeal application stays all work on the premises (if the appeal pertains to a particular development site) and stays all City actions in furtherance of the decision, interpretation, or order being appealed unless the Director certifies to the Planning Board that, because of facts stated in the certification, a stay would cause imminent peril to life or property. In that case, City actions may not be stayed except by a restraining order granted by the Planning Board or by a court of record on petition, after notice to the Director, and for due cause shown.

(b) Staff Transmittal of Materials to Planning Board

The Director shall:

- (i) Refer the application to the administrative official whose decision, interpretation, or order is being appealed;
- (ii) Collect and compile all documents and other materials relevant to the decision, interpretation, or order being appealed; and
- (iii) Transmit the application and relevant documents and other materials to the Planning Board in accordance with §10-5.3(E)(3)(b).

(c) Scheduling and Public Notice of Hearing

The application shall be scheduled, and required public notices provided, for the Planning Board hearing in accordance with §10-5.3(F). If the appeal is of a decision, notice of the hearing shall also be sent to the applicant for the decision, if different from the applicant for the appeal.

(d) Planning Board Review and Decision

- (i) The Planning Board shall review the application, hold a quasi-judicial public hearing, and decide the application in accordance with §10-5.3(H).
- (ii) The decision shall be one of the following:
 - A.** Affirmation of the decision, interpretation, or order being appealed (in whole or in part);
 - B.** Modification of the decision, interpretation, or order being appealed (in whole or in part); or
 - C.** Reversal of the decision, interpretation, or order being appealed (in whole or in part).
- (iii) In deciding the application, the Planning Board shall make any order, requirement, decision, or determination that in its opinion ought to be made in the circumstances, and shall have all the powers of the official from whom the appeal is taken.

(e) Post-Decision Actions

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Effect of Approval

To the extent a decision on an Administrative Appeal application pertains to application of a particular provision of this Code in a particular circumstance, the appeal decision shall be binding on subsequent decisions by the Director or other administrative official in applying the same provision of this Code in the same circumstance.

(ii) Expiration of Approval

The decision on an Administrative Appeal application does not expire, but shall remain valid except to the extent this Code is subsequently amended to reflect any reversal or modification of the decision, interpretation, or order that was appealed.

(4) Review Standards

- (a)** The Planning Board shall review the Administrative Appeal application in accordance with the standards of this Code applicable to the decision, interpretation, or order being appealed, and shall base its decision solely on the record established below for the decision, interpretation, or order being appealed. The record shall consist of the all documents, hearing records, and other materials related to the decision, interpretation, or order.
- (b)** The Planning Board may modify or reverse a decision, interpretation, or order (in whole or in part) only if it finds that there is competent substantial evidence in the record of a clear and demonstrable error in the administrative official's application of the relevant standards or provisions of this Code.

(5) Appeal of Planning Board Decisions

Appeal of any Planning Board decisions under this subsection shall be made to the City Commission. Notice of such appeal shall be provided to the Director within 30 days of the Planning Board decision.

(6) Appeal of City Commission Decisions

Appeal of any City Commission decision made under this Code shall be to the courts.

(S) Flex and Redevelopment Units and Acreage

(1) Purpose

The Broward County Land Use Plan establish flexibility in order to facilitate the arrangement of densities and intensities, and allow local governments and the private sector to respond to changing condition. The City's certified land use plan may rearrange the residential densities shown on the Broward County Land Use Plan Map utilizing "flexibility units" and/or "redevelopment units" in accordance with the rules established within the "Administrative Rules Document: Broward Land Use Plan." The purpose of this subsection is to provide a uniform mechanism for reviewing applications for assignment of flex/redevelopment units to a particular site.

(2) Applicability

- (a)** The procedures and standards in this subsection apply to the review of any proposal to assign flex/redevelopment units to a particular site.
- (b)** An application for flex/redevelopment units may be submitted and reviewed concurrently with an application for Rezoning and Land Use Map Amendment where applicable.
- (c)** The City may approve a different arrangement of commercial and residential acreage than shown on the Broward County Land Use Plan if consistent with all of the provisions in §3.5 of the Broward County Administrative Rules Document: BrowardNext.

(3) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedures (see §10-5.3) applicable to the review of flex/redevelopment units applications and note any specific variations of, or additions to, those review steps.

(a) Pre-Application Staff Conference

The applicant shall hold a pre-application conference with City staff in accordance with §10-5.3(B).

(b) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D). The application shall include information required in the Administrative Manual, which at minimum shall include:

- (i) A statement and appropriate documentation of the applicant's interest in the property for which the application is filed;
- (ii) The legal description of the property, accompanied by a map or survey which depicts the location of the property in relation to major streets and landmarks;
- (iii) A recorded plat or a survey of the property that has been performed within one year preceding the date of application;
- (iv) A statement of the reasons for the requested increase in density and how the application adheres to the goals and objectives of the comprehensive master plan and the purpose of the flex/redevelopment units concepts as stated in the plan;
- (v) A statement of the number of flex/redevelopment units requested and the overall number of dwelling units and the gross density with respect to the project which will result from the approval of the application and a statement as to the gross density which would apply if the application were disapproved;
- (vi) An executed agreement providing that there shall be no application for any development permit as defined in the land use plan, unless and until the City Commission has found that all development review requirements have been met, or proof that all development review requirements have been satisfied;
- (vii) Such other information as shall be deemed by the Director to be necessary in order to evaluate the application; and
- (viii) A statement of land proposed to be dedicated, or payment in lieu of dedication for recreational, drainage or other municipal purposes per unit to be granted.

(c) Staff Review and Action

The Director shall review the application and prepare a staff memorandum and recommendation in accordance with §10-5.3(E).

(d) Scheduling and Public Notice of Hearings

The application shall be scheduled, and required public notices provided, for Planning Board and City Commission hearings in accordance with §10-5.3(F).

(e) Planning Board Review and Action

The Planning Board shall review the application, hold a quasi-judicial public hearing, and make a recommendation in accordance with §10-5.3(G).

(f) City Commission Review and Decision

- (i) The City Commission shall review the application, hold a quasi-judicial public hearing in accordance with §10-5.3(I), and decide the application in accordance with §10-5.3(H).
- (ii) The decision shall be one of the following:
 - A.** Approve the application with the number of flex/redevelopment units proposed;
 - B.** Approve the application with a reduced number of flex/redevelopment units;
 - C.** Deny the application;
 - D.** Remand the application back to the Director and Planning Board for further consideration. (This may require further public hearing notices and additional review fees.)

(g) Post-Decision Actions and Limitations

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Agreement

If the application is approved, the applicant and the City shall prepare and execute an agreement that shows the terms and conditions for the approved assignment of flex/redevelopment units. The applicant or the City may elect to record the agreement in the public records.

(ii) Payment or Dedication of Consideration

The consideration for the flex/redevelopment units (land to be dedicated or the payment in lieu of dedication for recreational, drainage or other municipal purposes) shall be paid or dedicated at the time of approval of an application for flex/redevelopment units or in accordance with such other schedule or payment established by resolution of the Commission. This consideration is in addition to other fees and charges applicable to the development of property required by this Code.

(iii) Effect of Approval

Approval of a flex/redevelopment units application authorizes assignment of the approved flex/redevelopment units to the subject property and reduces the number of flex/reserve units available for use elsewhere by a corresponding number. Such approval does not itself authorize specific development activity.

(iv) Expiration of Approval

A flex/redevelopment unit assignment does not expire, but shall remain valid unless and until the revised Comprehensive Plan is subsequently amended in accordance with this subsection's Comprehensive Plan Amendment procedure.

(4) Review Standards

Assigning flex/redevelopment units is a matter committed to the legislative discretion of the City Commission. In deciding the application, the City Commission shall consider the characteristics of the development proposed to use the assigned flex/redevelopment units and whether it:

- (a)** Would be consistent with the Comprehensive Plan;
- (b)** Would address a community need;
- (c)** Would be compatible with the surrounding area;
- (d)** Could be adequately served by City and Broward County facilities and services; and
- (e)** Would provide sufficient dedication of land for municipal purposes, or payment in lieu of such dedication.

(T) Newsrack Certificate of Compliance

(1) Purpose

The purpose of this subsection is to provide a uniform mechanism for reviewing applications for Newsrack Certificates of Compliance to ensure the placement of newsracks complies with standards in Chapter 20, Article V of this City Code.

(2) Applicability

A Newsrack Certificate of Compliance is required before the placement of any newsrack. An Improvement Permit is required for a newsrack located within a public easement of right-of-way.

(3) Procedure

Table 10-5.1: and the following subsections identify those steps in the common review procedure (see §10-5.3) applicable to the review of Newsrack Certificate of Compliance applications and note any specific variations of, or additions to, those review steps.

(a) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be withdrawn, in accordance with §10-5.3(D) except that applications may also be submitted by the publisher or distributor of publications to be displayed in the proposed newsrack(s).

(b) Staff Review and Action

The Director shall review the application, allow revisions of the application, and decide the application in accordance with §10-5.3(E). The decision shall be one of the following:

- (i)** Approve the application as submitted;
- (ii)** Approve the application subject to conditions; or

- (iii) Deny the application.

(c) Post-Decision Actions

The post-decision actions and limitations in §10-5.3(J) shall apply to the application except as follows:

(i) Certificate of Insurance and Indemnification Agreement

Before issuance of an approved Newsrack Certificate of Compliance, the publisher or distributor of publications to be displayed in the approved newsrack(s) shall furnish the City the certificate of insurance and execute any indemnification agreement required by Chapter 20, Article V, of the City Code.

(ii) Effect of Approval

A Newsrack Certificate of Compliance authorizes placement of the approved newsrack(s) in accordance with the terms and conditions of the certificate.

(iii) Expiration of Approval

A Newsrack Certificate of Compliance does not expire.

(4) Review Standards

An application for a Newsrack Certificate of Compliance shall be approved only if the Director determines that the proposed newsrack will comply with applicable standards for newsracks, as well as all other applicable standards in this Code.

(U) Zoning in Progress Determination

(1) Purpose

The purpose of this subsection is to provide an administrative and legislative procedure whereby the City can place a temporary hold on development permits and approvals if there are pending active efforts underway to amend this Code in a way that would preclude such permits and approvals should the pending amendment be adopted.

(2) Applicability

(a) From the time the Director determines that:

- (i) the City is actively developing and processing a proposal to amend this Code in a way that would preclude permits and approvals of certain uses and development, and
- (ii) authorization or approval of such uses and development before the proposed amendment is decided would be detrimental to the public interest,

the City shall not grant any development permit or approval, or accept any application for a development permit or approval, that authorizes or proposes development that would not be allowed under the proposed amendment to this Code.

- (b) The determination of when a proposal to amend this Code is being actively developed and processed may be based on when the City Commission or Planning Board first directed or requested the Director to prepare the amendment in sufficiently specific terms to understand the proposed amendment's impact on certain uses or forms of development,**

or when the Director first recommended the amendment to the Planning Board or City Commission in sufficiently specific terms to understand the proposed amendment's impact on certain uses or forms of development.

(3) Procedure

(a) Director's Determination and Administrative Order

- (i) On making a zoning in progress determination in accordance with §10-5.4(U)(2), the Director shall immediately issue an administrative order that delineates a specific area(s) affected by the proposed amendment (e.g., involving a rezoning) and that:
 - A.** Prohibits the issuance of any development permits or granting of development approvals that would be precluded by the proposed amendment;
 - B.** Revokes any already issued development permits or granted development approvals that would be precluded by the proposed amendment where no construction or substantial land development has started for the authorized development; and
 - C.** Prohibits the acceptance of any applications for development permits and approvals that would be precluded by the proposed amendment.
- (ii) The administrative order shall also revoke any development permit or approval subject
- (iii) All City personnel shall comply with any such administrative order, which shall be effective until reversed or modified by resolution of the City Commission or until the adoption of a Text Amendment or Rezoning implementing the proposed amendment.
- (iv) Notwithstanding the administrative order, the Chief Building Official may authorize the issuance of Building Permits for non-deleterious items—including, but not limited to, fences, repairs, utilities, maintenance, and like matters that are not directly affected by the proposed amendment.
- (v) On issuing the administrative order, the Director shall schedule consideration of a resolution confirming the administrative order for the next available City Commission meeting.

(b) City Commission Confirmation of Director's Determination

- (i) The City Commission shall review the Director's zoning in progress determination and decide whether to confirm or reject it.
- (ii) If the City Commission decides to confirm the Director's zoning in progress determination, it shall adopt a resolution affirming the administrative order and prohibiting the issuance of any development permits or granting of development approvals that would be precluded by the proposed amendment, as well as the acceptance of any applications for such development permits and approvals. If the proposed amendment would be limited to a defined area (e.g., a Rezoning), the Commission's resolution shall also identify the area to which the prohibition applies.
- (iii) The City Commission's resolution may fix a time within which the Director shall report back to the Commission with specific recommendations relating to the proposed amendment. The said time limitation shall be the minimum reasonable

time based on the time needed for a comprehensive analysis of the need for and impacts of the proposed amendment. If the Director is unable to complete the recommendations and report back to the City Commission within the prescribed time period, the City Commission may adopt a resolution reasonably extending the time period.

(c) Scheduling and Public Notice of Hearing

When prepared to submit recommendations relating to the proposed amendment to the City Commission, the Director shall schedule and provide required public notices for a City Commission hearing on the recommendations in accordance with §10-5.3(F).

(d) City Commission Review and Action

- (i)** The City Commission shall review the Director's recommendations, hold a public hearing, and decide whether to refer the proposed amendment to the Director to initiate a Text Amendment application under §10-5.4(C) or a Rezoning application under §10-5.4(E).
- (ii)** In making its decision, the City Commission shall consider the propriety of the Director's recommendations, the reasonable necessity for the amendment, and the proposed amendment's potential impact on affected area(s) and the probability of detriment to the character of those areas by the continued application of the existing regulations. The Commission's consideration shall be based on criteria that include, but are not limited to, the following:
 - A.** Promotion of redevelopment and elimination of the causes of physical and economic blight;
 - B.** Enrichment of the visual and functional quality of the streetscape for all user groups;
 - C.** Creation of housing/affordable housing opportunities and choices by presenting innovative mixed land-use proposals;
 - D.** Creation of an environment which fosters economic development through commercial redevelopment/revitalization, investment and job creation;
 - E.** Creation of opportunities and incentives that facilitate redevelopment of private property;
 - F.** Improvement of circulation for pedestrians, bicyclists and motorists;
 - G.** Maintenance of Tamarac's strong demographic make-up and enhancement of the community's competitive position within Broward County;
 - H.** Improper land use distribution; or
 - I.** Any other factor that has a deleterious effect on the quality of life of the residents of affected areas, economic viability, and overall environment.

(e) Termination of Zoning in Progress Determination and Orders

The zoning in progress determination and resulting prohibitions in a confirmed administrative order (see §10-5.4(U)(3)(a)(i)) shall continue until adoption of the

Amendment to Text of Development Code or Rezoning implementing the proposed amendment.

10-5.5 Enforcement

(A) General

(1) Purpose

This section establishes and references procedures through which the City seeks to ensure compliance with the provisions of this Code and obtain corrections for Code violations. It also sets forth the remedies and penalties that apply to violations of this Code. The provisions of this section are intended to encourage the voluntary correction of violations, where possible. This section is intended to complement the code enforcement system established in Division 2 (Code Compliance) of Chapter 2 (Administration) of the Tamarac City Code and used by the City for enforcement of City regulations.

(2) Compliance Required

Compliance with all the procedures, standards, and other provisions of this Code is required by all persons owning, developing, managing, using, or occupying land or structures in the City.

(B) Violations and Responsible Persons

(1) Violations Generally

(a) Failure to Comply With Code or Term or Condition of Approval Constitutes Code Violation

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Code, or the terms or conditions of any development permit or development order or authorization granted in accordance with this Code shall constitute a violation of this Code punishable as provided in this section.

(b) Development Permits or Approvals Only Authorize Development Approved

Development permits or approvals issued under this Code authorize only the specific use, arrangement, location, design, density or intensity, and development set forth in such development permit or approval.

(2) Specific Violations

It shall be a violation of this Code to undertake any activity contrary to the provisions of this Code, including but not limited to any of the following:

- (a) Develop land or a structure without first obtaining all appropriate development permits and approvals, and complying with their terms and conditions.
- (b) Occupy or use land or a structure without first obtaining all appropriate development permits and approvals, and complying with their terms and conditions.
- (c) Subdivide land without first obtaining all appropriate development permits and approvals required to engage in subdivision, and complying with their terms and conditions.

- (d) Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining all appropriate development permits and approvals, and complying with their terms and conditions.
- (e) Remove existing trees from a site or parcel of land without first obtaining appropriate development permits and approvals, and complying with their terms and conditions.
- (f) Disturb any landscaped area or vegetation required by this Code.
- (g) Install, create, erect, alter, or maintain any sign without first obtaining the appropriate building permits and approvals, and complying with their terms and conditions.
- (h) Fail to remove any sign installed, created, erected, or maintained in violation of this Code, or for which the relevant development permit or approval has expired.
- (i) Create, expand, replace, or change any nonconformity except in compliance with this Code.
- (j) Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Code.
- (k) Increase the intensity or density of development, except in accordance with the standards of this Code.
- (l) Utilize or operate a business out of a structure without obtaining and maintaining a valid Business Tax Receipt.
- (m) Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Code.

(3) Responsible Persons

The owner, tenant, or occupant of any land or structure, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Code may be held responsible for the violation and subject to the remedies and penalties set forth in this article.

(C) Enforcement Responsibility and Procedures

(1) Responsibility for Enforcement

The Code Inspectors, Code Prosecutor, and Special Magistrate established and provided code enforcement authority under Division 2 (Code Enforcement) of Chapter 2 (Administration) of the Tamarac City Code shall have primary responsibility for enforcing the provisions of this Code in accordance with Chapter 2 and this section. All other officers and employees of the City shall have the duty to assist in enforcing this Code by reporting apparent violations of this Code to a Code Inspector authorized by Chapter 2.

(2) Complaints Regarding Violations

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a complaint with a Code Inspector authorized by Division 2 (Code Enforcement) of Chapter 2 (Administration) of the Tamarac City Code. The complaint shall state fully the cause and basis for the alleged violation.

(3) Inspections

On presenting proper credentials, a Code Inspector may enter on land or inspect any structure to ensure compliance with the provisions of this Code. These inspections shall be carried out during normal business hours unless the Code Inspector determines there is an emergency necessitating inspections at another time.

(4) Enforcement Procedure

The provisions of this Code shall be enforced in accordance with the procedures in Division 2 (Code Enforcement) of Chapter 2 (Administration) of the Tamarac City Code.

(D) Remedies and Penalties

(1) General

The Director may use any combination of the following remedies and enforcement powers to administer and enforce this Code, in addition to remedies and enforcement powers authorized by Division 2 (Code Enforcement) of Chapter 2 (Administration) of the Tamarac City Code.

(2) Civil Remedies

(a) Issuance of Stop Work Order

Whenever construction, demolition, renovation, alteration, or repair of a structure—or work involving landscaping or trees—is being conducted in violation of any applicable provision of this Code, the Chief Building Official may issue a Stop Work Order. The Stop Work Order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.

(b) Revocation of Permit or Approval

The City Manager may revoke any development permit or approval by written notice to the holder when false statements or misrepresentations were made in securing the development permit or approval, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Code, or a development permit or approval has been mistakenly granted in violation of this Code.

(c) Denial or Withholding of Related Permits

The City Manager may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation related to such land, use, or development is corrected and any associated civil penalty is paid.

(d) Citations and Civil Penalties

The City may issue citations and impose civil penalties in accordance with the procedures and standards in Division 2 (Code Enforcement) of Chapter 2 (Administration) of the Tamarac City Code.

(e) Injunction

In accordance with Division 2 (Code Enforcement) of Chapter 2 (Administration) of the Tamarac City Code, the City may seek injunctive relief where the Special Magistrate believes a violation presents a serious threat to the public health, safety, and welfare.

(f) Order of Abatement

(i) In addition to an injunction, the City may apply for and the court may enter an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- A. That buildings or other structures on the land be closed, demolished, or removed;
- B. That fixtures, furniture, or other moveable property be moved or removed entirely;
- C. That improvements, alterations, modifications, or repairs be made;
- D. That removed trees be replaced; or
- E. That any other action be taken as necessary to bring the land into compliance with this Code

(ii) The City may execute an Order of Abatement.

(g) Equitable Remedy

The City may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Code. The fact that other remedies are provided under general law or this Code shall not be used by a violator as a defense to the City's application for equitable relief.

(3) Criminal Penalties

Any person violating any of the provisions of this Code or who fails to abide by or obey all orders and resolutions promulgated as herein provided, shall be guilty of a misdemeanor of the second degree, and shall be subject to all criminal penalties authorized by the State of Florida for such violation. Fines and liens may be imposed by the Special Magistrate in accordance with Division 2 (Code Enforcement) of Chapter 2 (Administration) of the Tamarac City Code.

(4) Cumulative Remedies and Penalties

The remedies and penalties provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy or penalty provided by law, and may be exercised in any order.

10-5.6 Review Authorities

This section identifies the roles and responsibilities of City staff and City boards involved in the review of development applications.

(A) City Staff

(1) Community Development Director

(a) General

The Community Development Director (Director) is the City official responsible for administering provisions of this Code. The Director may delegate any review or decision-making authority to any management staff in the Community Development Department and may delegate clerical authority to any staff in the Community Development Department.

(b) Powers and Duties

(i) Review of Development Applications

The Director shall have the review, recommendation, and decision-making authority and responsibilities shown in Table 10-5.1: Summary of Development Review Procedures.

(ii) Other Powers and Duties

The Director shall have the following additional powers and duties under this Code:

- A.** To conduct pre-application conferences (§ 10-5.3(B));
- B.** To serve as Chair of the Development Review Committee and participate in the review of development applications as a member of the Committee;
- C.** To establish requirements for the contents and format of development applications reviewed under this Code, and a schedule for the submittal and review of such applications;
- D.** To develop, adopt, and amend an administrative manual that may specify detailed submittal and procedural requirements for various development applications (e.g., application forms, checklists for plans and other documents to be submitted with applications, the content and scale/format of such plans and documents, schedules and timelines for application review steps), identify application fees (as established by the City Commission), summarize development review procedures and standards to facilitate the use and understanding of them, and include detailed specifications and illustrations identifying how this Code's standards for landscaping, public infrastructure, and other aspects of development may be met;
- E.** To monitor the impact of existing and committed development on public facilities subject to levels of service standards (concurrency monitoring);
- F.** To maintain the official Zoning Map and related materials;
- G.** To serve as professional staff to the Planning Board and City Commission;
- H.** To assist in enforcing this Code in accordance with §10-5.5, *Enforcement*;
- I.** To interpret the provisions of this Code in accordance with the standards in Article 6, *Rules of Construction and Definitions*;

- J.** To provide expertise and technical assistance to the City's review and decision-making bodies on request;
- K.** To maintain on file a record of all development applications reviewed under this Code and make copies available on request through the City's Public Record request process;
- L.** To assist the Planning Board in preparing and maintaining the Comprehensive Plan; and
- M.** To perform such other functions specified in Division 2 (Community Development), Article IV (Departments) of Chapter 2 (Administration) of the Municipal Code.

(2) Chief Building Official

(a) General

The Chief Building Official is the City official responsible for reviewing building plans for compliance with the Building Code, including review and deciding applications for a Building Permit (§10-5.4(N)) and a Certificate of Occupancy (§10-5.4(O)). The Chief Building Official may delegate any review or decision-making authority to any professional-level staff in the Building Department and may delegate clerical authority to any staff in the Building Department.

(b) Powers and Duties

In addition to the powers authorized by the Building Code, the Chief Building Official shall have the following powers and duties under this Code.

(i) Review of Development Applications

The Chief Building Official shall have the review, recommendation, and decision-making authority and responsibilities shown in Table 10-5.1: Summary of Development Review Procedures.

(ii) Other Powers and Duties

The Chief Building Official shall have the following additional powers and duties under this Code:

- A.** To participate in the review of development applications as a member of the Development Review Committee;
- B.** To assist the Director in establishing requirements for the contents of development applications reviewed under this Code, on request;
- C.** To assist the Director in developing and maintaining an administrative manual, on request;
- D.** To assist in enforcing this Code in accordance with §10-5.5; and
- E.** To provide expertise and technical assistance to the City's review and decision-making bodies on request.

(3) Development Review Committee

(a) General

The Development Review Committee (DRC) is an advisory group of City staff members and outside agencies (as necessary) who meet to review and comment on major development applications and discuss other matters related to the City's review and management of development.

(b) Powers and Duties

(i) Review of Development Applications

The Development Review Committee shall have the review authority and responsibilities shown in Table 10-5.1: Summary of Development Review Procedures.

(ii) Other Powers and Duties

The Development Review Committee shall have the following additional powers and duties under this Code:

- A.** Provide expertise and technical assistance to the City's review and decision-making bodies on request; and
- B.** Review and comment on proposed amendments.

(iii) Membership

- A.** The Development Review Committee shall consist of the Director and the City Engineer, plus representatives from each of the following City or County departments and divisions typically involved with review of development, as designated by the head of the department or division:
 - 1. Community Development Department, Planning and Zoning Division;
 - 2. Public Services Department;
 - 3. Building Department;
 - 4. Fire Rescue Department; and
 - 5. Broward County Sheriff's Office, at the Director's discretion.
- B.** On request by the Director, representatives from other City departments or divisions (e.g., Code Enforcement Division, Parks and Recreation Department) and from outside regulatory agencies, service providers, and organizations generally involved with development review or commonly affected by development in Tamarac may participate in committee meetings.

(iv) Chair and Vice-Chair

The Director or designee shall serve as Chair of the Development Review Committee, and shall schedule meetings, coordinate committee activities, preside over committee meetings, prepare committee reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of

conflicts. The City Engineer or designee shall serve as Vice-Chair, and shall preside over board meetings in the absence of the Chair.

(v) Meetings

- A.** The Development Review Committee shall establish a regular meeting schedule and meet frequently enough to act as expeditiously as practicable on matters before it. The Chair may adjourn a regular meeting on determining that there are no agenda items for consideration, and may call a special or emergency meeting.
- B.** The Chairperson of the Development Review Committee may invite applicants to attend Development Review Committee meetings as necessary to answer questions from, or provide clarifications requested by, Development Review Committee members.
- C.** Development Review Committee meetings are open to the public.

(4) City Attorney

(a) General

The City Attorney is appointed by the City Commission and serves as its legal advisor.

(b) Powers and Duties

In addition to the authority and duties conferred by general law and the City Commission, the City Attorney shall have the following powers and duties under this Code:

- (i)** To review and approve as to form all written findings of fact, conclusions of law, development permits, ordinances, and other documents drafted by the City Commission, Planning Board, Development Review Committee, Director, and City departments in connection with any requirement of this Code;
- (ii)** To review as to form all agreements, easements, declarations of covenants, performance or maintenance guarantees, or other such documentation in connection with any requirement of this Code;
- (iii)** To assist the Director in interpreting the provisions of this Code;
- (iv)** To assist in enforcing this Code and in prosecuting actions against violators in accordance with §10-5.5; and
- (v)** To counsel the City Commission, Planning Board, Director, and City departments in the review of development applications and the general implementation of this Code.

(5) Special Magistrate

In accordance with Division 2 (Code Enforcement Board) of Chapter 2 (Administration) of the Municipal Code, the Special Magistrate is established to provide an equitable, expeditious, effective, and inexpensive method of enforcing all City building codes and ordinances, including this Code. The Special Magistrate is appointed by the City Commission and is authorized to hold administrative hearings on alleged violations of City building codes and

ordinances referred to it by inspectors and other City staff, and to assess fines against the violators.

(B) Planning Board

(1) Establishment and Designation as Local Planning Agency

The Planning Board is hereby established in accordance with State law and designated the local planning agency as provided for by the Community Planning Act.

(2) Powers and Duties

To exercise the authority granted it by State law and the City Charter, the Planning Board shall have the following powers and duties under this Code.

(a) Review of Development Applications

The Planning Board shall have the review and recommendation authority and responsibilities shown in Table 10-5.1: Summary of Development Review Procedures.

(b) Other Powers and Duties

(i) LDC Amendment, Implementation, and Enforcement

The Planning Board shall advise and make recommendations to the City Commission concerning proposed revisions to, or issues concerning the implementation and enforcement of, the provisions of this Code.

(ii) Comprehensive Plan

The Planning Board shall:

- A.** Prepare a Comprehensive Plan in accordance with the Community Planning Act, and make recommendations to the City Commission regarding adoption of the Plan; and
- B.** Monitor and oversee the effectiveness and status of the Comprehensive Plan and submit periodic reports on the Plan to the City Commission as required by Florida Statutes.

(iii) Other

The Planning Board shall:

- A.** Have all other powers and duties of a planning board as provided by the Community Planning Act.
- B.** Have any other powers and duties delegated to it by the City Commission, consistent with State law.

(c) Membership, Appointment, and Terms of Office

(i) Membership and Appointment

- A.** The Planning Board shall consist of:

1. Five regular voting members appointed by the City Commission in accordance with subsection 2-56 *et seq.* of the Municipal Code;
 2. Two alternate members appointed by a majority vote of the Mayor and Commissioners; and
 3. One *ex officio*, non-voting member designated by the Broward County School Board in accordance with F.S. §163.3174.
- B.** Each member of the Planning Board shall be a resident of the city.
- C.** The Chair of the Planning Board shall assign alternate members, generally on a rotating basis, to serve as substitutes for regular members who are temporarily absent or disqualified. When substituting for a regular member, an alternate member shall have the same powers and duties as the replaced regular member.
- D.** The member designated by the School Board may participate in all matters related to land use and zoning matters which, if approved, would increase residential density.
- E.** Any interested citizen may be appointed to the Planning Board, but those with experience or interest in the following areas shall receive special consideration:
1. Architecture;
 2. Law;
 3. Land development;
 4. Real estate development or sales;
 5. Environmental science;
 6. Urban planning;
 7. Engineering; or
 8. Activism in a neighborhood, condominium, or homeowners' association.

(ii) Terms

- A.** Regular members of the Planning Board shall be appointed for four-year terms that are staggered to concur with the election of Commissioners for odd-numbered districts and Commissioners for even-numbered districts and the Mayor. Such terms shall coincide with the term of the nominating Commissioner and expire when that term expires or is vacated, or until a successor is appointed.
- B.** Alternate members of the Planning Board shall be appointed for four-year terms that concur with the election of the Mayor. Such terms shall coincide with the term of the Mayor and expire when that term expires, or until a successor is appointed.

(iii) Attendance

A Planning Board member may be removed and replaced for absenteeism from regular Board meetings in accordance with §2-31 of the Municipal Code.

(iv) Removal of Board Members

Notwithstanding anything in this subsection to the contrary, any member of the Planning Board may be removed in the manner prescribed by F.S. §163.180(2) or by four-fifths vote of the City Commission if no written notice or public hearing is granted to the member.

(d) Staff

The Director or designee shall serve as the professional staff for the Planning Board and as the Board's secretary, providing it administrative support, notifying members of board meetings, and keeping the minutes of meetings.

(e) Officers

- (i)** The Planning Board shall elect a Chair and Vice-Chair from among its members in accordance with §2-31 of the Municipal Code.
- (ii)** The Chair shall preside over all Board meetings. The Vice-Chair shall preside over Board meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Board shall vote to determine who shall serve as acting Chair for the meeting.

(f) Meetings

(i) Meeting Schedule

The Planning Board shall establish a schedule of regular meetings, including the date, time, and location of meetings. The Chair may adjourn a regular meeting on determining that there are no agenda items for consideration, and may call a special or emergency meeting in accordance with State law.

(ii) Meeting Notice

Notice of all Planning Board meetings shall be provided in accordance with State law and the requirements in §10-5.3(F), *Scheduling and Notice of Public Hearings*.

(iii) Open Meetings

All Planning Board meetings shall be open to the public in accordance with State law.

(iv) Meeting Procedure

In conducting its meetings, the Planning Board shall follow Robert's Rules of Order, Newly Revised, consistent with the procedural requirements of this Code and State law.

(v) Meeting Record

The Planning Board shall keep full and accurate minutes of its meetings in accordance with State law, including its findings and decisions and the votes thereon. Meeting minutes shall be a public record in accordance with State law.

(vi) Quorum and Vote

A. Quorum

A majority of the Planning Board's regular membership shall constitute a quorum. No official business of the Board shall be conducted without a quorum present.

B. Voting

The concurring vote of a majority of Planning Board members present and constituting a quorum shall be required for all decisions of the Board, other than to adjourn a meeting for lack of a quorum.

(g) Conflict of Interest and Code of Ethics

Planning Board members are subject to the Tamarac Conflict of Interest Ordinance and the City of Tamarac Code of Ethics for Public Officers (Article V (Conflicts of Interest) and XI (Code of Ethics) of Chapter 2 (Administration) of the Municipal Code.

(C) City Commission

(1) General

The City Commission is the governing or legislative body of the City and has sole authority to adopt or amend provisions in this Code and the Zoning Map.

(2) Powers and Duties

To exercise the authority granted it by State law and the City Charter, the City Commission shall have the following powers and duties under this Code.

(a) Review of Development Applications

The City Commission shall have the review and decision-making authority and responsibilities shown in Table 10-5.1: Summary of Development Review Procedures.

(b) Adopt Schedule of Development-Related Fees

The City Commission is authorized to adopt, by resolution, a schedule of fees governing the review of development applications and plans, inspections, and other matters involving the administration and enforcement of this Code.

(c) Adopt Schedule of Civil Penalties

The City Commission is authorized to adopt, by resolution, a schedule of civil penalties for violations of this Code.

(d) Other Actions

The City Commission is authorized to take any other action not assigned or delegated to the Director, Planning Board, or other advisory or decision-making authority as the City Commission deems desirable and necessary to implement provisions of this Code, and as authorized by State law.

(D) City Engineer

(1) General

The City Engineer is the City official responsible for reviewing engineering plans for compliance with the Standard Details minimum engineering standards and City Code, including review and deciding applications for Improvement Permits. City Engineer may delegate any review or decision-making authority to any professional-level staff in the Public Service Department and may delegate clerical authority to any staff in the Public Service Department.

(2) Powers and Duties

In addition to the powers authorized by this Code, the City Engineer shall have the following powers and duties under this Code.

(a) Review of Development Applications

The City Engineer shall have the review, recommendation, and decision-making authority and responsibilities shown in Table 10-5.3: Summary of Development Review Procedures.

(b) Other Powers and Duties

The City Engineer shall have the following additional powers and duties under this Code:

- (i)** To participate in the review of development applications as a member of the Development Review Committee;
- (ii)** To assist the City Manager in establishing requirements for the contents and format of development applications reviewed under this Code, on request;
- (iii)** To assist the City Manager in developing and maintaining an administrative manual, on request;
- (iv)** To assist in enforcing this Code in accordance with Sec. 10-5.6.; and
- (v)** To provide expertise and technical assistance to the City's review and decision-making bodies on request.

ARTICLE 6. RULES OF CONSTRUCTION AND DEFINITIONS

10-6.1 Rules of Construction

(A) Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the general purposes set forth in §10-1.4, *Purpose*, and the specific purpose statements set forth throughout this Code. When, in a specific section of this Code, a different meaning is given for a term defined for general purposes in this Article 6, the specific section's meaning and application of the term shall control.

(B) Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

(C) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(D) Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

(E) References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

(F) Delegation of Authority

Any act authorized by this Code to be carried out by a specific official of the City may be carried out by a designee of such official.

(G) Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(H) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Tamarac, Florida, unless otherwise indicated.

(I) Mandatory and Discretionary Terms

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

(J) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) “And” indicates that all connected items, conditions, provisions or events apply; and
- (2) “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

(K) Tenses, Plurals, and Gender

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

10-6.2 Use Categories and Use Types Defined

(A) Residential Uses

(1) Household Living

Uses characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. (Lodging where tenancy may be arranged for a period of less than 30 days is classified under the “lodging facilities” category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants’ vehicles. Specific use types include:

(a) Dwelling, Live/Work

An integrated housing unit and working space, occupied and used by a single household in either a single-family dwelling or multifamily dwelling in a mixed use or non-residential zone district, that has been designed or structurally modified to accommodate joint residential occupancy and work activity.

(b) Dwelling, Manufactured Home

A factory-built structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include travel trailers or recreation vehicles.

(c) Dwelling, Multi-family

A building or portion of a building used for occupancy by three or more dwelling units. For purposes of this ordinance, a condominium structure containing three or more individual dwelling units shall be defined as a multiple family dwelling unit.

(d) Dwelling, Single-family

A detached building designed for or occupied exclusively by one family.

(e) Dwelling, Two-family

A detached dwelling, on a single lot, divided horizontally or vertically, and designed to contain two dwelling units occupied by two families living independently of each other.

(2) Group Living

Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of “household living.” Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include:

(a) Assisted Living Facility or Nursing Home or Convalescent Facility

Residential care facilities that provide housing, meals, personal care, and supportive services to older persons and disabled adults who are unable to live independently. Any building(s) or part(s) of a building or residential facility, including licensed facilities, that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. Personal services includes direct physical assistance with or supervision of the activities of daily living (e.g., eating, bathing, dressing, toileting, transferring, continence) and the self-administration of medication and other similar services—but does not include the provision of medical, nursing, dental, or mental health services. Accessory uses may include dining rooms and recreation rooms for facility residents, and offices and storage facilities for supervisory staff.

(b) Community Residential Home, Type I

A community residential home with six or fewer residents is a state-licensed dwelling unit providing a family living environment and care for a group of six or fewer unrelated persons who meet statutory requirements of F.S. §419.001(2), as amended. A community residential home with six or fewer residents may include such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

(c) Community Residential Home, Type II

A community residential home with seven to 14 residents is a state-licensed dwelling unit to provide a family living environment and care for seven to 14 unrelated persons who meet statutory requirements of F.S. § 419.001(1)(a), as amended. A community residential home with seven to 14 residents may include such supervision and care by

supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

(d) Continuing Care Retirement Community

A continuing care retirement facility is an integrated development that offers senior citizens a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with personal care in assisted living facilities, to long-term skilled nursing care in a nursing home facility.

(B) Public, Institutional, and Civic Uses

(1) Community and Cultural Facilities

Uses including buildings, structures, or facilities owned, operated, or occupied by a governmental entity or nonprofit organization to provide a service to the public. Specific use types include:

(a) Club or Lodge, Private

Nonresidential organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues, regular meetings, minutes, and/or board members. This definition includes uses such as fraternal lodge; and singing society. This definition shall not include residential facilities or social membership clubs.

(b) Country Club

An establishment associated with a golf course that is intended as a place of social and recreational gatherings for members of a club which may include accessory uses such as restaurants, bar, hotel, and retail uses related to the golfing industry.

(c) Hall for Hire

A facility or hall available for lease by private parties to accommodate private functions, and is not open to the general public. The hall may or may not include kitchen facilities for the preparation of food. Private functions can include, but are not limited to, banquets, weddings, anniversaries, and other similar celebrations.

(d) Library, Art Gallery, or Museum

Facilities containing collections of books, manuscripts, and similar materials for study and reading, or exhibiting works of art or objects in one or more of the arts and sciences.

(e) Municipal Facilities

Municipal Facility uses include buildings, structures, or facilities owned, operated, or occupied by a governmental agency to provide a service to the public.

(f) Religious Assembly

A structure or group of structures that is intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities and associated accessory uses. Accessory uses may include Sunday School and caretaker's quarters.

(g) Stadium or Arena

Facilities containing stands that draw large numbers of people to specific events primarily of a sporting variety, or shows. Activities are generally of a spectator nature, although participatory events can also be classified as stadium uses. Accessory uses may include concessions, restaurants, retail, and offices.

(2) Day Care Facilities

Establishments that provide care for individuals on a regular basis away from their primary residence. Accessory uses include offices, recreation areas, and parking. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises.

(a) Adult Day Care Center

An adult day care center is any building(s) or part(s) of a building that provides basic non-medical services for part of a day to three or more persons who require such services, are 18 years of age or older, and are unrelated by blood or marriage to the owner or operator. Basic services include providing a protective setting that is as noninstitutional as practicable, therapeutic programs of social and health activities and services, leisure activities, self-care training, rest, nutritional services, and respite care. Accessory uses include recreational facilities, food preparation and eating areas, and offices.

(b) Child Care Facility

A child care facility is a place or child care arrangement, other than an occupied residence, that is licensed by Broward County's Child Care Licensing and Enforcement Section per the Broward County Child Care Ordinance (Chapter 7), as amended, that provides care for more than five children unrelated to the operator and that receives a payment, fee, grant, or some other form of compensation for any of the children in child care, whether or not operated for profit. A child care facility can include a before and/or after care school program. A child care facility includes public school programs referenced in Section 402.3025(1)(b), Florida Statutes as amended. A child care facility does not include arrangements exempted from licensure. Arrangements exempt from licensure include the following:

- (i) Public school programs referenced in Section 402.3025(1)(a), Florida Statutes;
- (ii) Summer camps having children in full-time residence;
- (iii) Bible or other religious schools normally conducted during vacation periods and sponsored and supervised by a recognized religious group or institution;
- (iv) Summer day camps for school age children;
- (v) Operators of transient public lodging establishments, as defined in Chapter 509, Florida Statutes, that provide child care services solely for the guests of their establishment (Such child care is subject to the personnel screening requirements of the Broward County Child Care Ordinance.);
- (vi) Drop-in child care (as defined in this section); and

- (vii) All programs that provide child care exclusively for children grades six and above, regardless of location.

Accessory uses include recreational facilities, food preparation and eating areas, and offices. This use does not include family child care homes or large family child care homes, which are accessory uses to a dwelling.

(3) Educational Facilities

Public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, dormitories, and before- or after-school day care. Specific use types include:

(a) Business, Trade, or Vocational School, Heavy

A specialized instructional establishment that provides more intense and impactful on-site training of business or commercial skills, or a trade school that prepares students for jobs in a trade (e.g., HVAC). Examples include, but are not limited to, automotive mechanic, heavy equipment operation, and welding school.

(b) Business, Trade, or Vocational School, Light

A specialized instructional establishment that provides on-site training of business, artistic, or commercial skills, or a trade school that prepares students for jobs in a trade (e.g., carpentry). Examples include, but are not limited to, fine arts schools, cosmetology, computer instructional services, and driving schools.

(c) College or University

A degree-granting institution, other than a business, trade, or vocational school, that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, athletic facilities, and dormitories.

(d) Parochial School, Incidental

An accredited institution of learning under the sponsorship of a religious agency, having a curriculum generally equivalent to public elementary or secondary schools, not including commercial institutions of learning, and that is allowed as an accessory use under this Code, incidental to a religious assembly use on the same premises.

(e) School

An accredited institution of learning under the sponsorship of a public, private, or religious agency, having a curriculum generally equivalent to public elementary or secondary schools, not including commercial schools.

(4) Health Care Facilities

Uses characterized by activities focusing on medical services, that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

(a) Clinic, Medical, Urgent Care, or Dental

A public or private facility primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, medical imaging, or other services to individuals, including the offices of chiropractors, physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care and outpatient care facilities. Also includes an outpatient health care facility designed to evaluate and treat conditions that generally are not severe enough to require treatment in a hospital emergency room but still require immediate treatment usually beyond normal physician office hours or before a physician appointment is available. Overnight care is prohibited. This use does not include detoxification facilities.

(b) Detoxification Facility

A facility that provides subacute care on an inpatient or an outpatient basis to assist individuals to withdraw from the physiological and psychological effects of substance abuse and who meet the applicable placement criteria for this type of clinical treatment under state law.

(c) Hospital, Public or Private

An institution consisting of a single or multiple buildings or campus that provides health services, primarily for in-patients and medical or surgical care of the sick or injured, including related facilities such as laboratories, out-patient facilities, training facilities, central service facilities, and staff offices. This use does not include detoxification facilities.

(5) Parks and Open Space

Uses with a focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include playgrounds, maintenance facilities, concessions, and parking. Specific use types include:

(a) Botanical Garden

A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants without the sale of such plants. Permitted accessory uses include gift shops, cafes, snack bars, and parking.

(b) Community Garden

A facility on private or public property for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family that is open to the public.

(c) Golf Course

A tract of land with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. Accessory uses of a golf course may include a country club, shelters, a driving range, putting green, maintenance facilities, and an irrigation system.

(d) Park and Playground

A property used for recreational purposes whether active or passive in nature. Uses include a neighborhood park, an urban park, a community-wide park, and/or a natural area with buildings and facilities supporting the park or playground.

(C) Commercial Uses

(1) Agriculture and Animal-Related Services

Agricultural services involve farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal husbandry. Animal-related services include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include:

(a) Agriculture, General

The raising of food and feed crops and products, and including tree and vine products, animal husbandry including beekeeping, dairying, poultry, and pasturage. This use includes the ordinary accessory uses and structures for preparing, treating, and storing agricultural products, equipment and machinery, but does not include fat rendering, meatpacking, or tanning, cutting curing, cleaning or storing of green hides or skins, slaughtering or meatpacking of animals, or poultry dressing of animals.

(b) Animal Boarding Kennel

Any establishment where animals are lodged and cared for, exclusive of veterinary care. Only the grooming of lodged animals is permitted.

(c) Pet Care Daily

Business primarily engaged in providing pet care services (except veterinary), such as grooming (including pet clipping and pedicure services), pet day care services, training pets, and incidental retail sales of pet care products. No overnight stay is allowed.

(d) Stable

A facility to house horses and provide riding classes or equestrian activities to the public. This definition includes but is not limited to horse barns and horse boarding and riding facilities.

(e) Veterinary Office/Clinic

A place where animals are given medical care and the boarding of animals limited to short-term care incidental to the hospital use.

(2) Food and Beverage Services

Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas and storage areas, and offices. Specific use types include:

(a) Bar, Lounge, or Tavern

A structure or part of a structure used primarily for the sale or dispensing and on-site consumption of alcoholic beverages or liquor by the drink, which may or may not serve

food. Any facility providing both food and alcoholic beverages or liquor by the drink for on-site consumption that does not meet the definition of a restaurant shall be considered a bar, lounge, or tavern. Any establishment that meets the definition of “adult cabaret” or “adult nightclub” is not included under this definition.

(b) Bottle Club

Commercial establishment operated for a profit wherein patrons consume alcoholic beverages which are brought onto the premises and not sold by the establishment.

(c) Brewery

An establishment primarily engaged in the brewing ale, beer, malt liquors, and nonalcoholic beer that is licensed to do so in accordance with applicable state regulations, with a capacity less than 15,000 barrels per year, and with 75 percent or more of its ale, beer, and malt liquors sold off-site. Accessory uses include a restaurant, a public tasting room, and the retail sales of ale or beer, or related products.

(d) Nightclub

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainments are permitted. Nightclubs shall not be permitted within 250 feet of a residential zone district or an existing residential use, excluding residential uses located in a non-residential zone district.

(e) Restaurant

An establishment where meals or prepared food, including beverages and confections, are served to customers. Accessory uses may include bars, banquet rooms, catering services, pick-up facilities for take-out orders, windows for walk-up service, and outdoor seating. Drive-through or drive-in service may be approved as an accessory use however this shall not include alcohol or convenience item sales. An establishment that sells both alcoholic beverages and food is classified as a bar or lounge if it dedicates less than 50 percent of its gross floor area to the sale of food and nonalcoholic beverages consumed on the premises.

(f) Restaurant, Fast Casual

An establishment that dispenses food for consumption on or off the premises, with no table service, and that advertises food that is healthier and with fewer frozen or processed ingredients than a fast food restaurant.

(g) Restaurant, Fast Food

Any establishment that dispenses food for consumption on or off the premises, and that has the following characteristics: a limited menu, items prepared in advance or prepared or heated quickly, no table orders, and food served in disposable wrapping or containers.

(a) Restaurant, with Microbrewery

A restaurant with a component of brewing ale, beer, malt liquors, and nonalcoholic beer that is licensed to do so in accordance with applicable state regulations, with a capacity less than 15,000 barrels per year, and where more than 25 percent of produced ale, beer,

and malt liquors are sold onsite. Accessory uses a public tasting room and the retail sales of ale or beer, or related products.

(3) Funeral and Interment Services

Establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human dead other than in cemeteries or religious assembly uses. This use includes mortuaries, which are facilities in which dead bodies are prepared for burial or cremation, crematoriums, columbariums, and funeral homes.

(a) Cemetery or Mausoleum

An area of land and related facilities used for the interment of the dead. This definition includes columbaria and mausoleums.

(b) Crematorium

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

(c) Funeral Home

An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performance of autopsies, or other surgical procedures.

(4) Lodging

For-profit facilities providing lodging units or rooms for short-term stays of typically less than 30 days for rent, lease, or interval occupancy. This use category does not include rooming houses, which are generally occupied for tenancies of a month or longer, and thus categorized as group living uses. Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial activities, meeting facilities, and offices. Specific use types include:

(a) Bed and Breakfast

One building containing no more than eight sleeping rooms that are occupied or intended or designed to be occupied as the temporary abiding place of persons who are lodged with or without meals, for compensation, but not including a trailer court or camp, hospital, asylum, orphanage, or building where persons are housed under restraint. The building is occupied by either the owner or a resident manager.

(b) Hotel

A building or group of buildings used, kept, maintained, advertised as, or held out to the public as a place where at least nine or more guest rooms are offered for rental for occupancy by transient or permanent guests or tenants, on an overnight basis, and with generally indoor covered access (not outdoor) provided to each room. Such uses may include kitchenettes, microwaves, and refrigerators for each guest unit. Accessory use may include restaurants, bars or lounges, conference and meeting rooms, business centers, newsstands, gift shops, exercise or fitness facilities, swimming pools, etc. This use does not include a motel, which is a building or a group of buildings in which sleeping accommodations are offered to the public and has direct outside access to each room.

(5) Offices, Business, and Professional Services

Uses that provide executive, management, administrative, or professional services, but do not involve the sale of merchandise except as incidental to a permitted use. Prohibited uses include daily employment waiting services. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Other specific use types include:

(a) Bank/Financial Institution

An establishment that provides banking services, lending, or similar financial services to individuals and businesses. This definition includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. A drive-through facility may be included as an accessory use.

(b) Office, Professional and Business

An establishment that provides executive, management, administrative, or professional services, but not involving the sale of merchandise except as incidental to a permitted use, and not including a medical office or clinic. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, broadcasting, and similar offices. Temporary employment offices are prohibited.

(c) Telephone Call Center

An establishment primarily engaged in answering telephone calls and relaying messages to clients or in initiating or receiving communications for telemarketing purpose, such as promoting clients' products or services, taking orders for clients, or soliciting contributions or providing information for clients.

(6) Personal Services

Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Specific use types include:

(a) Coin Laundry and Dry Cleaning (no chemical processing onsite)

An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers and that also includes on-site laundry and/or cleaning activities, including related operation of equipment and machinery without the use of chemical. Establishments that do not include on-site cleaning activities are classified as "personal service establishments."

(b) Day Spa

An establishment that offers a variety of health, beauty, and relaxation services and treatments or other services related to hygiene or body care, or similar services, but does not include a massage establishment.

(c) Dry Cleaning (chemical processing onsite)

An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers and that also includes on-site laundry and/or cleaning activities, including related operation of equipment and machinery including the use of chemicals. Establishments that do not include on-site cleaning activities are classified as “personal service establishments.”

(d) Massage Establishment

A site or premises, or portion thereof, wherein a licensed Massage therapist practices massage, and which meets the requirements of chapter 480.043, Florida Statutes, as may be amended from time to time, and Chapter 64B7-26, F.A.C. et. Seq., as may be amended from time to time, and Section 10-3.3(D)(9), *Massage*. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, physical therapist, chiropractor or osteopath duly licensed by this state.

(e) Stylist/Salon

A business primarily engaged in the provision of hair care and/or cosmetology, including barber and beauty shops, hair stylists, cosmeticians, toning or tanning salons, and nail care salons. The use does not include an adult establishment or a tattoo or body-piercing establishment.

(f) Tailor/Shoe Repair

A business primarily engaged in the construction, modification, and repair of shoes and/or clothing.

(g) Tattoo or Body-Piercing Establishment

An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) making indelible marks or designs on or visible through the skin of a human by puncturing or pricking the skin with a needle or other instrument and inserting ink or other pigments; or (2) creating an opening in any part of the human body, other than the outer perimeter or lobe of the ear, for the purpose of inserting jewelry or other decorative object for a non-medical purpose.

(7) Recreation and Entertainment

Uses that provide recreation or entertainment activities. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include:

(a) Adult Entertainment

Any body rub or bathhouse establishment, adult bookstore, adult motion-picture theater, adult mini-motion-picture theater, adult cabaret or theater, escort service, body painting studio, encounter parlor, sex consultation business, nude photography studio, nude modeling business, nude dancing studio, dating service or any other similar adult entertainment business.

(b) Amusement Arcade

An establishment providing multiple machines or devices (mechanical or electronic) that, upon insertion of a coin or similar object or payment of a consideration, may be operated by the general public as a game, entertainment, or amusement. Such machines and devices include video games, pinball machines, mechanical grab machines, pool tables, foosball tables, and other games of skill or scoring. This use does not include any machines or devices regulated under state gambling laws. The use term does not include vending machines that do not incorporate game or amusement features, nor does the use include any coin-operated musical devices or rides.

(c) Fitness or Recreational Center

A facility primarily featuring equipment for exercise and other active physical fitness and/or recreational sports activities, such as swimming, racquet sports, aerobic dance, gymnasium facilities, yoga, and other kinds of fitness facilities.

(d) Indoor Recreation, General Commercial

An establishment offering entertainment, game playing, rides, or similar amusements to the public within an enclosed building. This shall include bowling alleys, laser tag parlors, skating, batting cages, indoor soccer and indoor shooting ranges. This use does not include bingo games or activities that meet the definition of “amusement arcades.”

(e) Movie Theater, Indoor

A facility with fixed seats for the viewing of movies.

(f) Outdoor Recreation, General Commercial

Intensely developed recreational uses for commercial use, lighted or unlighted, such as amusement parks, miniature golf courses, commercial tennis courts, batting cages, skateboard or skate parks or courses, bicycle motocross courses, commercial pools, courses for paramilitary games, and archery facilities. This use does not include bingo games or activities that meet the definition of “amusement arcades.”

(g) Shooting Range

An area or facility to be used for firearm target practice, competitions, or similar uses, including but not limited to archery, skeet, trap, paintball, and similar shooting activities, and including both indoor and outdoor facilities.

(8) Retail Sales

Uses involving the sale of a product directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale.

(a) Bulk Pool Chemical Sales

A commercial establishment primarily engaged in the retail sale of bulk swimming pool chemicals including but not limited to sodium hypochlorite and muriatic acid.

(b) Equipment Sales and Repair, Heavy

A commercial establishment primarily engaged in the retail sale and repair of intensive and/or heavy equipment such as welding supplies, but not including pool and cleaning supplies.

(c) Farmer's Market, Outdoor

A public market held open area, where farmers sell produce and other farm products they have grown, gathered, or raised directly to consumers. A farmers' market occurring regularly for all or most of the year, or a temporary use, occurring only occasionally or periodically for only a limited time period during the year.

(d) Nursery

The use of land, buildings or structures for the production of flowers, shrubs, and plants and their retail sales.

(e) Pawn Shop

A business that advances funds to a person on the security of pledged tangible personal property on condition that the pledged property is left in the possession of the pawnbroker until redeemed by the pledger within an established default time period, after which title in unredeemed property vests in the pawnbroker, who may then sell the property.

(f) Personal and Household Goods Repair

An establishment primarily engaged in the provision of repair services for TVs, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment—including tailor, and locksmith.

(g) Print Shop

A retail establishment that includes a quick print shop or the operation of offset printing and other related equipment including reproduction machines, paper cutters, collating machines, multi-colored press equipment, plate burners, binding, and photographic developing equipment.

(h) Retail Sales, General

A commercial enterprise that provides goods directly to the consumer for immediate purchase and removal from the premises by the consumer. Examples include, but are not limited to: apparel shops, appliance sales, auto parts store, bait shop, bakeries, bookstores, convenience stores without gas pumps, department stores, factory outlet stores, precious metals dealer, and florists.

(i) Thrift, Consignment, and Used Merchandise

A retail establishment that purchases and offers for sale used clothing, furniture, household goods, and similar items.

(9) Vehicle and Equipment

Uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices. Specific use types include:

(a) Boat and Marine Sales

An establishment primarily engaged in the display, sale, or lease of boats and other marine vehicles.

(b) Vehicle Fuel Sales

Buildings and premises where gasoline and similar fuels for automotive use are supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities).

(c) Vehicle Rental

An establishment engaged in the rental of new or used motor vehicles. Vehicles included, but are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles, motorcycles, personal watercraft other than boats, utility trailers, all-terrain vehicles, and mobile homes. Minor vehicle repair is allowed as an accessory use.

(d) Vehicle Sales, New

An establishment engaged in the display, sale, or leasing of new motor vehicles. Vehicles included, but are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles, motorcycles, personal watercraft other than boats, utility trailers, all-terrain vehicles, and mobile homes. Vehicle repair is allowed as an accessory use.

(e) Vehicle Sales, Used

An establishment engaged in the retail sale of more than five used motor vehicles a year, or the display of two more used motor vehicles for sale in any month. Vehicle repair is allowed as an accessory use.

(f) Vehicle Service and Repair, Major

An establishment engaged in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, or mobile homes. Services include engine, transmission, or differential repair or replacement; body, fender, or upholstery work; and painting.

(g) Vehicle Service and Repair, Minor

An establishment engaged in light maintenance activities such as engine tune-ups; oil change or lubrication; carburetor cleaning; muffler replacement; brake repair; and tire shops. Vehicle parts are sold and are ordinarily installed on the premises.

(D) Industrial Uses

(1) Communications

Telecommunications facilities transmit analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar structures. Supporting equipment includes buildings, shelters, cabinets, towers, electrical equipment, parking areas, and other accessory development. Specific use types include, but are not limited to:

(a) Broadcast Studio

A building or portion of a building used as a place for radio or television broadcasting or recording but without a transmission tower.

(b) Communication Facility

A facility for the offices and supporting equipment of a communications company such as telephone or internet service provider.

(c) Motion Picture Studio

A facility for the production and/or broadcasting of motion pictures, videos, television programs, or sound recordings. The use may also include facilities for the rehearsal of dance, music, or other performing arts.

(2) Industrial Services

Uses are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage, as permitted under the Broward County Land Use Plan. Specific use types include, but are not limited to:

(a) Building Material Sales, Indoor Retail

An establishment for the sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, and where most display and sale of materials occurs inside the primary structure.

(b) Building Material Sales, Outdoor or Wholesale

Outdoor sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures.

(c) Industrial Service, General

Establishments engaged in the storage, repair, or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Examples include: construction materials storage; welding shops, machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; repair, storage, salvage, or wrecking of heavy machinery; heavy truck servicing and repair; aircraft servicing and repair; swimming pool equipment sales and storage; tire retreading or recapping; and gas and liquid fuel distributors.

(d) Laboratory, Research

A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

(3) Manufacturing and Production

This use category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters as permitted under the Broward County Land Use Plan. Specific use types include, but are not limited to:

(a) Assembly, Light

An establishment engaged only in the on-site assembly of goods. No manufacturing of parts occurs. Goods are shipped to the establishment, assembled, packaged, and reshipped. Assembly and packaging involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts.

(b) Food Processing

The sorting, treatment, or preparation of food products for sale such as bakeries, or as inputs to further processing, but not including the slaughtering of small or large livestock or confined animal feeding operations.

(c) Manufacturing, Artisan

An establishment primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment, such as jewelry manufacture and ceramic studios. Activities do not involve the creation of noxious by-products.

(d) Manufacturing, Heavy

An establishment engaged in the manufacture or compounding process of raw materials. Such activities may include the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants; sawmills; and manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products.

(e) Manufacturing, Light

An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Examples of allowable uses include, but are not limited to: airplane, automobile, or truck assembly, remodeling, or repair; bottling works; boat building, machine or blacksmith shops; metalworking or welding shops; and paint shops.

(4) Utilities

All lines, buildings, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services at a local level.

(a) Utility Facility, Major

A service that is necessary to support regional development that typically has employees on the site on an ongoing basis. Examples include, but are not limited to: wastewater treatment plans, water works, reservoirs, power or heating plants, and steam generating plants.

(b) Utility Facility, Minor

A service that is necessary to support development within the immediate vicinity and that involves only minor structures. The structure or facility by itself is a relatively minor component of an infrastructure system providing community- or region-wide services and that needs to be located in or near the neighborhood or use type where the service is provided. Employees typically are not located at the site on an ongoing basis. Examples include, but are not limited to: electric lines and transformer stations; gas transmission lines and regulator stations; telephone lines and exchange buildings; stormwater and retention/detention facilities; well, water, and sewer lines and pumping stations; water storage tanks; and water pressure regulating stations.

(c) Wind Energy Conversion Systems

The equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, turbine, vane, wind tower, wire, or other component used in the system. In the case of multiple wind energy conversion systems, this shall also include the collection, transmission lines, and any related accessory use, building, or structure.

(5) Warehouse, Wholesale, and Freight Movement

Uses that are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include:

(a) Contractor's Storage Yard and Supply

Contractor activities and incidental storage on lots other than construction sites. Also includes landscape contractors and landscape maintenance businesses.

(b) Distribution Center

The intake of goods and merchandise, individually or in bulk, the short-term holding or storage of those goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" shall also include a transshipment facility for the temporary holding, storage, and shipment of goods or vehicles.

(c) Food and Other Products, Wholesale

A structure containing an area available for the purpose of storing food products for wholesale sales. The use may include incidental sales.

(d) Parcel Delivery Service

An establishment primarily engaged in the delivery of individually addressed letters, parcels, and packages.

(e) Personal Hobby Activity

An establishment engaged in the repair or creation of items for personal use only, such as making a guitar, surf boards, or rebuilding cars.

(f) Self-service Storage, Indoor

A building or group of buildings with controlled access that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares, and in which only indoor access is provided to storage units.

(g) Self-service Storage, Outdoor

A building or group of buildings with controlled access that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares, and which allows outdoor access to storage units.

(h) Storage Buildings

A structure containing an area available for the purpose of storing raw materials, goods, or property. Such storage may include heavy equipment and machinery.

(i) Wholesale Establishment

An establishment primarily engaged in the bulk sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers, and limited retail uses when directly associated with the wholesale use. This term shall not include retail sales to the general public, heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations.

(6) Waste and Salvage

Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include, but are not limited to:

(a) Auto Towing

The removing of an automobile by towing, carrying, hauling, or pushing from public or private property when such vehicle has been ordered to be impounded to a public or private impound lot. This shall not include an "automobile servicing" use that has a tow truck and repair vehicles onsite.

(b) Auto Wrecking and Salvage Yard

Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale.

(c) Recycling Center

A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production, and in which some of the operations or storage take place outside or inside of an enclosed building. This facility is not a junkyard or salvage yard.

(7) Wireless Communication Facilities

See §10-3.3(F).

(E) Accessory Uses

(a) Accessory Dwelling Unit (ADU)

An additional dwelling unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An accessory dwelling unit is intended to be subordinate to a primary single family residential structure.

(b) Assembly Hall

A public or private building or structure, or group of buildings or structures, owned or operated by a public entity, intended primarily for the conducting of organized assembly. Accessory uses may include meeting rooms, kitchen facilities for preparation of food to be consumed on the premises, parking, and childcare provided for persons while they are attending assembly functions. Schools associated with assembly uses are not an accessory use.

(c) Bingo Game

The activity, commonly known as “bingo,” in which participants pay a sum of money for the use of one or more bingo cards. When the game commences, numbers are drawn by chance, one by one, and announced. The players cover or mark those numbers on the bingo cards which they have purchased until a player receives a given order of numbers in sequence that has been preannounced for that particular game. This player calls out “bingo” and is declared the winner of a predetermined prize. More than one game may be played upon a bingo card, and numbers called for one game may be used for a succeeding game or games.

(d) Building-mounted or Rooftop Antenna

Any antenna directly attached or affixed to a building, tank, tower, building-mounted mast, or structure, excluding satellite dish antennas. (Antenna with supports resting directly on the ground are defined as “antenna, ground-mounted.”)

(e) Car Wash and Auto Detailing, Automatic

A facility (coin-operated or otherwise automatic) for the cleaning of automobiles.

(f) Car Wash and Auto Detailing, Non-automatic

A facility (coin-operated or hand wash) for the cleaning of automobiles, providing either self-serve facilities or employees to perform washing and detailing operations.

(g) Drive-through Service Facility

Establishments offering goods and services directly to customers waiting in motor vehicles such as but not limited to banks, financial institutions, restaurants, drug stores, dry cleaners, and pharmacies, excluding alcohol sales and convenience stores.

(h) Dormitory or Residence Hall

A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institution. The dormitory or residence shall be accessory to a principal use.

(i) Dwelling, Caretaker

A permanent structure used as a dwelling on the same site as a building, operation, plant or recreation facility that is occupied by an employee of those premises.

(j) Garage or Carport

An accessory building or part of a principal building used primarily for the storage of passenger vehicles as an accessory use.

(k) Home Occupation

An activity conducted for gain entirely within a residential unit, or an accessory unit thereto, that is incidental and secondary to the use of such unit for dwelling purposes and that does not change the essential residential character of such unit.

(l) Outdoor Courts, Fields, Playgrounds, and Pools

Public or private land that is developed and maintained for active or passive recreational use including courts, fields, playgrounds and pools.

(m) Outdoor Seating, Commercial (Accessory to Eating and Drinking)

Picnic tables, benches, counters and any similar facilities, or area, provided in conjunction with a restaurant for the serving and/or consumption of food out-of-doors, not contained within a building.

(n) Outdoor Storage Non-sales, Accessory

Storage of materials, merchandise, products, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or personal property of any nature that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. This use shall be permitted as an accessory to General Retail Sales $\geq 10,000$ sq. ft. and shall be secured by a wall on at least one side.

(o) Outdoor Vehicle Storage, Accessory

The holding or storage of a commercial vehicle including but not limited to automobiles, trucks, buses, boats, mobile homes, trailers, recreational vehicles, farm machinery, or construction machinery or equipment.

(p) Satellite Dish

A round or parabolic antenna and its supporting structure for the purposes of sending or receiving radio or electromagnetic signals.

(q) Small Wind Energy System

A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than 100 kilowatts (kW) and that is intended primarily to reduce on-site consumption of utility power.

(r) Solar Energy Collection System, Accessory Use

A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

(s) Utility Shed

An outbuilding or other structure that is accessory to a principal use on the same lot. Storage shipping containers shall be allowed only in I-1 and I-2 zoning districts.

(F) Temporary Uses

(a) Construction-related Structure or Facility

A temporary building or structure used for a project located on the same site during its construction.

(b) Food Truck

Mobile food vendor housed within a self-driven vehicle associated with a temporary event.

(c) Garage or Yard Sale

A sale of personal property including used general household items to the general public on any portion of a residential property, excluding properties in nonresidential zoning districts that are used for residential purposes. The temporary use shall not limit the sale of arts and crafts, baked goods, or other food products.

(d) Mobile Classroom, Temporary

A manufactured structure not permanently attached to the ground, used on a temporary basis in conjunction with a permanent structure to provide educational services.

(e) Model Home

A dwelling unit temporarily used for display purposes as an example of a dwelling unit to be available for sale or rental in a particular residential development and located within that development.

(f) Office Space/Equipment Storage, Temporary

A space or structure used as a temporary office or storage facility. Outside storage and trailers are prohibited.

(g) Outdoor Sales, Seasonal

Temporary display and sales of merchandise sold seasonally (i.e. fireworks, Christmas trees, etc.).

(h) Portable Storage Unit, Temporary

A container designed and rented or leased for the temporary storage of household goods, and does not contain a foundation or wheels for movement. This definition includes facilities such as piggyback containers that can be transported by mounting on a chassis, and "POD" type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

(i) Real Estate Sales Office, Temporary

A temporary trailer or similar temporary office space associated with real estate sales.

(j) Special Event

A temporary commercial or festive activity or promotion at a specific location, which does not exceed four consecutive days and takes place no more than four times per year including, but not limited to, carnivals, circuses, and festivals. City Commission approval shall be required for associated outside alcohol consumption.

10-6.3 Other Terms Defined

Abutting

The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

Accent Lighting

Any luminary that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.

Accent Material

Building materials used to integrate with the primary building materials of a wall elevation.

Accessory Building

A subordinate building, the use of which is incidental to that of the primary building and located on the same lot.

Accessory Structure

A structure that is detached from a principal structure on the same lot and is incidental and subordinate in use and size to the principal structure and the principal use of the lot.

Accessory Use

A use of land or of a building or portion thereof customarily used with, and clearly incidental and subordinate to, the principal use of the land or building and ordinarily located on the same lot with such principal use.

Accessway

A private vehicular roadway or driveway intersecting a public right-of-way.

Acre

A measure of land area (43,560 square feet).

Area, Gross

A measure of land area that includes the net area plus the area of half of the right-of-way that is contiguous to the property.

Area, Net

The gross area of land excluding the half of the right-of-way area contiguous to the property.

Adjacent

The condition of being near to or close to, but not necessarily sharing a common dividing line (e.g. two properties that are separated only by a street or alley shall be considered as adjacent to one another).

Administrative Adjustment

A development approval authorizing limited deviations from certain of this Code's dimensional or development standards and that is reviewed and decided under §10-5.4(P).

Administrative Appeal

An appeal of an administrative decision-maker's interpretation or decision on certain applications and other matters, and that is reviewed and decided under §10-5.4(R).

Administrative Manual

A manual containing details on the mechanics of the development review process, information for potential applicants, and development review forms.

Adult Bookstore

An establishment having as a significant portion of its stock in trade books, magazines, periodicals, still or motion pictures, sexual prosthetic devices, or other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas; or an establishment with a segment or section devoted to the sale or display of such material; or an establishment which advertises or otherwise indicates that such materials, or a segment or section devoted to such materials, are open to and available for examination or purchase only by persons over the age of 18 years.

Adult Cabaret or Theater

An establishment, whether licensed for sale of alcoholic beverages consumed on the premises or not, presenting performances or other live activity having as a dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Adult Entertainment

Without limitation, any place of business which advertises or conducts activities for compensation that is designed or intended to establish a sexual or social communication, engagement or relationship, whether on or off the premises, between its clients and its employees.

Adult Mini-Motion-Picture Theater

An enclosed building or portion thereof with a seating capacity for less than 50 persons, used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities for observation by patrons therein.

Adult Motion Picture Theater

An enclosed building or portion thereof with a seating capacity of 50 or more persons, or an open-air drive-in facility of any size or capacity, used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Advertising Circular

Any publication that contains only advertising and no news reports.

Aggrieved or Adversely Affected Party

Any person or local government that will suffer an adverse effect to an interest protected or furthered by this Code and the City's decision on the application for a development permit or approval being considered, including interests related to: health and safety; law enforcement and fire protection service systems; densities or intensities of development; transportation facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse impact may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer, or applicant for a development permit or approval.

Amendment to Text of Development Code

A change to the text of this Code, decided by the City Commission under §10-5.4(D).

Antique Shop

An establishment that sells items such as furniture, household wares, and decorations, and related articles, which have value and significance because of factors such as age, rarity, historical significance, design, and sentiment. This use falls within the "Thrift, Consignment, and Used Merchandise" land use category. This use does not include pawn shops.

Applicant

A person who submits a development application requesting a development permit or approval authorized by this Code.

Application Acceptance

The formal acceptance of a development application for review following determination that the application, as submitted, complies with all applicable submittal requirements, in accordance with Section 10-5.3(D).

Arcade

A ground level semi-enclosed walkway contiguous to a street or building that is accessible to the public at all times. Arcades include a series of arches on one (1) or both sides, while colonnades consist of a row of columns supporting a beam or entablature.

Architectural Feature

Ornamental or decorative embellishments attached to or protruding from an exterior wall of a building.

Assembly Area

Part of a building used for the gathering together of persons primarily for the purposes of group meetings, deliberation or entertainment.

Assisted Living Facility

State-licensed building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

Awning

A roof-like cover designed and intended for protection from weather or as a decorative embellishment that projects from a wall of a building over a walk, window, door or the like.

Bench Mark

A securely set concrete or stone monument into which a brass marker has been secured on which its elevation above mean sea level has been stamped or engraved and bearing the registration number of its surveyor or engineer.

Berm

A natural or constructed earthen mound used in landscape design to provide a barrier to visual views and noise and to provide a feature of interest or decoration or to provide other buffering functions.

Bike Path

That portion of a right-of-way improved, designed or ordinarily used for bicycle traffic.

Boat

Any watercraft used or capable of being used as a means of transportation on water.

Body Rub or Bathhouse Establishment

Any establishment having a fixed place of business, other than a massage establishment licensed and regulated under F.S. chapter 480, which advertises or administers, as a substantial or significant portion of its business activity, without limitation, baths, showers, sauna baths, steam baths or similar devices.

Broward County Land Use Plan

The future land use plan element for all of Broward County, Florida adopted by the Broward County Commission in conformance with the requirements of the Broward County Charter and the Community Planning Act.

Buffer

A continuous area of land along the perimeter of a plot, lot, parcel or tract to provide a transition between one type of land use and another or one intensity or density of use to another.

Building

A structure having one or more stories and roof, designed primarily for the shelter, support, or closure of persons, animals or property of any kind.

Building Area

The building footprint and any other areas in which structures or roofed impervious areas are placed on a lot, plot, or parcel.

Building Height

The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the top of a parapet or to the top of a flat roof, or to the mid-height of an angular roof, whichever is the tallest. Elevator housing and stairwells may extend up to ten feet above the height of a building. All references to a height of a specified number of stories or a specified number of feet shall mean a maximum of that number of stories and within that number of stories the number of feet enumerated may not be exceeded. For example, a maximum height of three stories or 40 feet means that the maximum number of stories shall be three and that the maximum height of the building, including any walls necessary to hide air-conditioning equipment and all other equipment except elevator housing and stairwells shall be 40 feet.

Build-to Line

An alignment established a certain distance from the property line and parallel to the curb line where a building wall must be located for the purpose of reinforcing the spatial definition and visual character of the street as illustrated below.

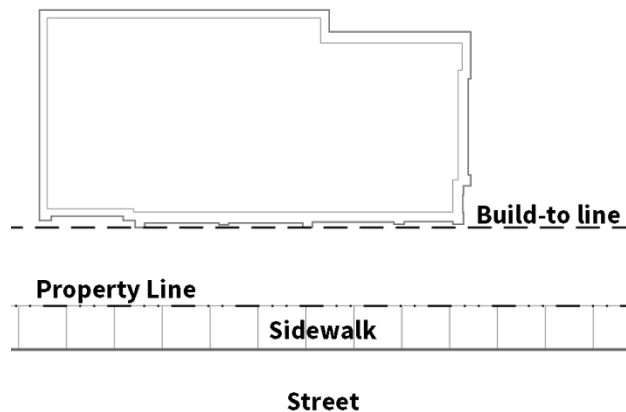


Figure 10- 6-1: Build-to Line3.

Building Code

The Florida Building Code, as adopted and modified pursuant to Chapter 5 (Buildings and Building Regulations) of the Tamarac City Code.

Building Permit

An official document or certification that is issued by the Chief Building Official pursuant to the Building Code and authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure as being in compliance with Building Code standards.

Caliper

See "diameter at breast height (dbh)."

Canopy

Any roof-like cover projecting over a walk, driveway, entry or similar area, for the purpose of sheltering pedestrians or inanimate objects from environmental elements, which may be wholly supported by a building or wholly or partially supported by columns, poles or braces extending from the ground.

Certificate of Compliance

For purposes of the newsrack regulations of this Code, the certificate that authorizes the construction for and placement of a newsrack in an approved location, prior to the placement of vended material.

Certificate of Occupancy

A document issued by the Chief Building Official pursuant to the Building Code that allows the occupancy and use of building(s) and structure(s) and certifying that said building(s) and structure(s) and use(s) have been constructed and will be used in compliance with all applicable municipal codes.

Change in Use

See §10-1.9(B)(3), *Change in Use*.

Chief Building Official

The Chief Building Official of the City of Tamarac, or a designee.

City

The City of Tamarac, Florida.

City Attorney

The City Attorney of the City of Tamarac, or a designee.

City Code

The Tamarac City Code.

City Commission

The elected legislative governing body of the City of Tamarac.

City Manager

The City Manager of the City of Tamarac, or a designee.

Clear Trunk

The point above the root ball along the vertical trunk or trunks of a tree at which lateral branching or fronds begin.

Code Enforcement Officer/Inspector

Any authorized agent or employee of the city whose duty it is to assure Code compliance.

Collector Street

A street which, in addition to giving access to abutting properties, carries traffic from minor streets to the major system of arterial streets and highways, including the principal entrance street of a residential development, as defined by the Comprehensive Plan.

Colonnade

See "arcade."

Commercial Vehicle

Any vehicle which is not used solely for personal nonbusiness activities. The following types of vehicles shall be considered commercial: truck cab; trailer; semitrailer; tractor crane; power shovel; well driller; bus; taxi, limousine, and other vehicles for hire; ambulance; wrecker (tow truck); hearse; vehicles with more than two axles; vehicles which exceed 20 feet in length and eight feet in height; vehicles with visible outside lettering, licensure information, decals, logos, vehicle wraps, or other commercial information; and/or vehicles with visible ladder, bucket, aerial device, refrigerated box, or having any equipment for the purpose of performing any work of a commercial nature or carrying goods other than for personal effects of passengers.

Completed Application

An application packet that contains all required information and documentation.

Comprehensive Plan

The Comprehensive Plan of the City of Tamarac, including the elements or portions thereof, as adopted and amended by ordinance of the City Commission.

Comprehensive Plan Amendment

A change to the text of the Comprehensive Plan, or to its land use classifications of land, reviewed and decided by the City Commission under §10-5.4(B).

Comprehensive Plan Amendment, General

A Comprehensive Plan Amendment that changes the Plan's land use classification of a relatively large number of properties.

Comprehensive Plan Amendment, Site-Specific

A Comprehensive Plan Amendment that changes the Plan's land use classification of a single or limited number of properties for small-scale development activities.

Conceptual Plan

An instrument for discussing the feasibility of a proposed project, with minimum drawings required.

Condominium

A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Conforming Use

Any lawful use of a building, structure, or parcel of land that complies with the provisions of this Code.

Consignment

The act of delegating the custody of personal effects to a merchandiser with an agreement to transfer earnings from the sale of such personal effects to the original owner after they are sold.

Consignment Shop

A retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where all such goods and merchandise are sold on consignment. This use does not include thrift shops or antique shops or pawn shops.

Consistent

As applied to the relationship between this code and the Comprehensive Plan, "consistent" means compatible with—i.e., not in conflict with— and furthers—i.e., takes action in the direction of realizing the Plan's goals and policies.

Contractor

Any person who accepts orders or is engaged in the business of accepting orders or contracts on a cost plus, fixed fee, stated sum or percentage basis, or any combination thereof, or for compensation other than wages for doing work on or in any building or structure requiring the use of paint, stone, brick, mortar, cement, wood, structural steel or iron, sheet iron, metallic piping, tin, lead or any other building material; or to do any paving or curbing on sidewalks or streets, on public or private property, using asphalt, brick, stone, cement or wood or any combination thereof; or to excavate for foundations or any other purpose; or to construct bridges, seawalls and bulkheads of any and all descriptions; and who is engaged in the business of building, remodeling, repairing, razing or moving, whether by contract, fixed fee or sublet, percentage, or any combination thereof, or for compensation other than wages.

Construction

Any improvement, development, or change of the land from its present state, or building, repairing, relocating, or demolishing a structure. A permit shall be obtained before any of the above actions or uses are begun.

Cornice

An ornamental, structural or nonstructural horizontal molding that projects from the exterior wall and spans the top of a building's structural beam. A cornice is typically a decorative architectural feature that frames or crowns a building.

County

Broward County, Florida.

Crown Spread

The outermost branches of a tree in all directions.

Density

The allowable number of residential dwelling units per gross area.

Developer

Any person, including a governmental agency, undertaking development.

Development

The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels, including all acts and activities included in the definition of "development" set forth in F.S. §380.04, or its successor provision.

Development Application

The completed form or forms and all accompanying plans, documents, exhibits, and fees required to be submitted, and submitted, as part of the review of a request for a development permit or approval.

Development Order

An order issued by the city commission authorizing the granting, denying, or granting with conditions of an application for a development permit.

Development Permit or Approval

Any engineering permit, building permit, zoning permit, subdivision or plan approval, site plan approval, rezoning, special exception, variance or other official action of a unit of local government having the effect of permitting the development of land, but does not include any variance or other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the Florida Building Code, Broward County Amendments, and other regulatory codes of the State of Florida.

Diameter at Breast Height (DBH)

The measurement of a tree's trunk diameter in inches at breast height (four and one-half feet) above ground level). For trees with less than four and one-half feet of clear trunk, diameter shall be of the largest leader measured four and one-half feet above ground level. For multi-trunk trees it shall be the sum of the diameter of the individual trunks measured four and one-half feet above ground level.

Director

The Director of the Department of Community Development, or such other person as designated in writing by the City Manager.

Distributor

For purposes of the newsrack regulations of this Code, the person responsible for placing and maintaining a newsrack, the owner of the newsrack or the publisher of the newspaper vended therein.

Dormer

A window set vertically in a structure projecting through a sloping roof; also, the roofed structure containing that window.

Double Frontage Lot

A lot having frontage on two separate parallel or approximately parallel dedicated streets. (Also known as a "through lot.")

Dripline

A vertical line extending from the outermost branches of a tree to the ground however, that the same shall not be less than a circle with a five-foot radius measured from the center of the tree.

Dripline Encroachment

Any activity that has the effect of causing soil compaction, injury to lower limbs, grade change, contamination of soil, or damage to the root system. Specifically, this definition shall include acts such as parking of vehicles, use of heavy earth moving or grading equipment, placement of construction materials, excavation and filling, trenching, and the exposure of paints, oils, or chemicals within a tree's dripline. Specifically excluded from this definition are routine maintenance activities such as mowing or walking within the tree's dripline.

Drive Aisle

Any lane in a parking lot devoted to the passage of vehicles, as opposed to the parking spaces/stalls. The term drive aisle does not include lanes used for drive-in customer service.

Driveway

Every entrance or exit used by vehicles to enter or exit from properties connected to a public or private roadway and intended to provide vehicular access into that property in a manner that will not cause the blocking of any sidewalk, border area, or street roadway.

Drop-In Child Care

An occasional child care arrangement within a shopping mall or business establishment, the sole purpose of which is to provide babysitting for no more than a four-hour period while the parent remains on the premises. (Drop-in child care is subject to the licensing requirements of the Broward County Child Care Ordinance (Chapter 7 of the Broward County Code of Ordinances), as amended.)

Dwelling

A building, part of a building, or combination of buildings, located on a lot, used as living quarters. Not included are group living uses, nursing home facilities, shelters or halfway houses.

Easement

An interest in land granted by the property owner to another party (including the City, other government entities, utility providers, or other persons) that entitles the holder to a specific usage of the land for specified purposes.

Emergency

Any occurrence or circumstances involving actual or imminent physical injury to persons or damage to property, which demands immediate action. It shall be the burden of the alleged violator to prove the emergency.

Emergency Vehicle

A motor vehicle used in response to a public emergency or to protect persons or property from imminent danger.

Emergency Work

Work necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from an imminent exposure to danger.

Employee

Any person directly connected with the business, owner or operator.

Engineering Drawings, Final

Drawings, specifications, and calculations prepared and sealed by an engineer registered in the state which specifically describes parameters required for construction of all on-site and off-site improvements necessary for the ultimate development of land for the project.

Engineering Drawings, Schematic

Diagram of wastewater collection and transmission, water distribution, storm drainage systems, designating direction of flow and connections with existing facilities, ground floor elevations, fire hydrants and street and parking area paving.

Entrance, Primary

The means of ingress and egress to a building that pedestrians are expected to use.

Entryways

Open areas, adjoining entry doors to a defined space, which may or may not be roofed.

Equivalent Newsrack

Any newsrack that is of the same size, dimensions, and style of the specified newsrack.

Equivalent Replacement

For purposes of the landscaping provisions of this Code, the replacement of a removed or damaged tree to compensate for that tree's removal is determined through Broward County's Tree Removal and Replacement Permit procedures.

Equivalent Value

For purposes of the landscaping provisions of this Code, an amount of money which reflects the estimated cost of equivalent tree replacement, as determined by Broward County.

Façade

The exterior walls of any side of a building.

Façade, Primary

The façade of a building oriented toward the primary street frontage.

Family

1 or more persons related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling. The following persons shall be considered related for the purpose this chapter:

1. Not more than 5 persons under 19 years of age, residing a foster home licensed or approved by the state;
2. Any person who is living with a family at the direction of a court.

A number of persons, but not exceeding 3, living as a single housekeeping unit, though not related by blood, marriage or an adoption, shall be deemed to constitute a family for the purpose of this chapter.

Family Child Care Home

A licensed residence in which child care is regularly provided for compensation (e.g., payment, fee, or grant)—whether or not operated for profit—for children that come from at least two unrelated families.

Family Child Care Home, Large

A licensed residence in which child care is regularly provided for compensation (e.g., payment, fee, or grant), —whether or not operated for profit—for children that come from at least two unrelated families.

Fence

An artificially constructed barrier which is erected to enclose, screen, buffer, enhance or separate areas.

Fenestration

The windows, doors, and other openings that form a part of a building facade.

Fire Protection Water Supply, Private

Water used as part of the fire protection system which is not a part of the potable water supply, but which requires positive pressure from such sources as canals, deep wells or lakes.

Floor Area Ratio (FAR)

The total gross floor area of the building or buildings on a building site divided by the net area of the site. The total floor area shall include the gross horizontal area of the several stories of any building or buildings on the site, as measured from the exterior facing of exterior walls.

Fountain

An amenity that pours, jets, drips, or sprays water into a basin or into the air for a decorative or aesthetic effect.

Full Circulation Parking Lot

A parking lot design, which permits a car entering a parking lot to circulate in front of all parking stalls and restart the same movement again without using the public right-of-way.

Glazing

The portion of an exterior building surface occupied by glass or windows.

Grasses

See “turf.”

Gross Floor Area

The floor area inside of the exterior walls of a building.

Ground Cover

Plant material that normally reaches a maximum height of not more than 18 inches.

Hat Racking

Flat-cutting the top or sides of a tree, severing the leader or leaders, or pruning a tree by stubbing of mature wood.

Hedge

An evenly spaced planting of shrubs to form a compact, dense, visually opaque living barrier or screen.

Horizontal Articulation

The way in which a building wall surface is broken down into horizontal modules, sub-parts, or major elements, which are distinguished by changes in materials, texture, plane, or other architectural elements.

Impervious Area

Land surfaces that do not allow, or minimally allow, the penetration of water. Examples include building roofs, normal concrete and asphalt pavements, and some fine-grained soils such as clays.

Improvements, Private

Development of land in private ownership for any use—including, but not limited to, the construction of a golf course, waterway, lake, rockpit, canal, filling, grading, dredging, building, and landscaping.

Improvements, Public

Installations in the public right-of-way or easements, including but not limited to canals, bulkheads, curb cuts, driveways, aprons, street pavement, curb, gutters, sidewalks, public parking areas, alley pavement, water mains, sanitary sewers, storm drains, street name signs, landscaping, medians, median openings and sprinkling systems

Infill

Land development that occurs within designated areas based on local land use or adopted plan where the surrounding area is generally developed, and where the site or area is either vacant or has been previously used for another purpose.

Intermittent Parking

The periodic parking of licensed vehicles of employees, occupants, owners, tenants or customers utilizing a commercial building during business hours (not to exceed a period of 24 hours).

Irrigation

The supply and application of water other than natural rainfall.

Land

The earth, water, and air, above, below, or on the surface, and including any improvements or structures customarily regarded as land.

Landscaping

Living plant material such as grass, sod, turf, ground cover, shrubs, vines, trees and palms; grading of land area; irrigation; and nonliving durable materials commonly used in landscape design such as, but not limited to, rocks, crushed stone, mulch, sand, walls, paved blocks, fences and water features which are used separately or in combination with each other or with living plant materials to meet the requirements of this chapter. Nonliving material usage must meet the intent of the landscape code and be approved by the city during the approval process. Decorative rocks, pebbles, stone, etc., should only be used to accent organic landscape material.

Lawn/Turf

See "Turf."

Limited Service Street

See §10-4.11(C)(10), *Minimum Widths of Rights-of-Way*.

Liner Building

A building specifically designed to mask a parking lot or a parking garage from a frontage.

Local Street

A street used primarily for access to abutting property.

Lot

A parcel or tract of land.

Lot of Record

A parcel or tract of land which is or may be occupied by a building, and including open spaces required under this chapter, which parcel or tract of land is described by a plat recorded among the public records of the county.

Lot, Corner

A lot abutting on two intersecting streets.

Lot Depth

The distance measured from the midpoint of the street lot line to the midpoint of the opposite rear lot line. In the case of a corner lot, the depth shall be the longer of the two possibilities.

Lot, Double-Frontage (also "Through Lot")

A lot extending between, having frontage on and vehicular access from two streets.

Lot Line

The lines bounding a lot.

Lot Width

The average horizontal distance between side lot lines. For lots with irregularly shaped front building lines, the lot shall be as determined by the Director.

Management

Anyone who conducts, directs the affairs of a business, either for his own interest or that of an owner and includes those responsible for operation and supervision.

Manufactured Home

A transportable, factory-built structure that is designed to be used as a single dwelling unit, that was manufactured after 1976 or otherwise complies with the construction standards in the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401).

Massage Apprentice

For purposes of the Massage Establishment regulations of this Code in Section 10-3.3(D)(9): A person approved by the State Board of Massage therapy (meeting the qualifications stated in Chapter 64B7-20.002, F.A.C.) to study massage under the control, and instruction of a massage therapist.

Massage Services

For purposes of the Massage Establishment regulations of §10-3.3(D)(9): The manipulation of the soft tissue of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.

Maximum Extent Practicable

Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance.

Mixed Occupancy

Occupancy of a building for more than one use.

Merchandise

Any goods, wares, or commodities bought or sold in the usual course of trade or business.

Mixed-use Development

A development site that includes any combination of residential and non-residential uses, such as but not limited to retail, office, commercial, institutional, civic, restaurant, or entertainment, mixed vertically (e.g. housing above commercial uses) or horizontally (e.g. housing next to and integrated with commercial uses) in one or more buildings.

Mixed-use Structure, Traditional

A single building which contains dwelling units located above the ground floor of a retail, office, commercial, institutional, civic, restaurant, or entertainment use.

Motorboat

Any vehicle which is primarily operated on water or which does operate on water, such as boats, barges, amphibious craft, or hover craft, and which is propelled by mechanical power.

Muffler

Any apparatus consisting of baffles, chambers, or acoustical absorbing material whose primary purpose is to transmit liquids or gases while causing a reduction in sound emission at one (1) end.

Mobile Home

A structure, transportable in one or more sections, that is at least 8 feet wide and 35 feet long (with the hitch), is built on an integral chassis, includes plumbing, heating, air-conditioning, and electrical systems, and is designed to be used as a single dwelling unit when connected to required utilities.

Mulch

An organic material such as wood chips, or bark placed on the soil to reduce evaporation, prevent erosion, control weeds, enrich the soil, and lower soil temperature.

Multi-Use Path

A trail or path, either within a public right-of-way or an easement on private property, which is physically separated from vehicular traffic by an open space or barrier.

Native Tree

A tree of a species identified as native to this area by the Association of Florida Native Nurseries as may be amended from time to time.

Net Floor Area

The net floor area of each floor or story of the total net lot area inside of the exterior walls of a building excluding elevators, stair wells, trash rooms, meter rooms and power equipment rooms.

Newsrack

Any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display, sale, or distribution of newspapers or other news periodicals or advertising circulars.

Noise

Any sound which is plainly audible from a distance of twenty-five (25) feet, or from the property of another.

Noise-sensitive Area

Includes, but is not limited to, real property normally used for sleeping, or normally used as a school, church, hospital or public library.

Non-Business Community Facilities

Facilities that include library, art gallery, museum, municipal facility, religious assembly, or educational facility uses.

Nonconforming Site Feature

Any driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting that lawfully existed before adoption of this Code, or subsequent amendment thereto, but does not comply with the driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting standards of this Code, or the subsequent amendment.

Nonconforming Structure

A structure that was lawfully established before the effective date of this Code, or a subsequent amendment thereto, but no longer complies with this Code.

Nonconforming Use

A use of land, buildings, and/or structures that was lawfully established before the effective date of this Code, or a subsequent amendment thereto, but does not comply with the use standards applied by this Code, or the subsequent amendment.

Nonconformity

A use, sign, structure, or site feature that does not meet the requirements of this Code.

Nuisance Vegetation

Certain non-native trees and landscaping, as listed by the Florida Exotic Pest Plant Council Invasive Plant List as amended from time to time.

Off-street Loading Area

An area provided off the public right-of-way for the temporary parking of trucks being loaded or unloaded.

Open Space

An at-grade, non-impervious, non-water outdoor or unenclosed area that is permanently set aside for active or passive recreational use and is accessible to the public all or most of the time. Such space must be unoccupied by any vehicular use area or by any structure, except structures such as fountains, open gazebos, trellises and similar open accessory structures which enhance the use of the open space.

Outdoor Dining/Café

A dining area with seats and/or tables located outdoors which is accessory to a licensed and operating restaurant where food and beverage are served and consumed for pay. Outdoor dining shall not include the preparation of food or beverages, cooking, storage or placement of equipment of any kind, except the temporary placement of implements associated with the service of food.

Overlifting

The removal of the majority of the inner lateral branches and foliage thereby displacing weight and mass to the ends of the branches. The alteration of the tree's live crown ration may be considered as evidence of overlifting.

Owner

The person or persons reflected as the property owner in the most current deed.

Parcel of Land (or "Tract")

Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Parking Space/Stall

A permanently maintained space improved and used for the parking of one motor vehicle.

Parking Aisle

The driving lane area immediately adjacent to the car parking spaces which permits maneuvering of the cars entering and leaving a parking space.

Partial Circulation Parking Lot

A parking lot design which permits a car entering a parking lot to circulate in front of all parking stalls without using the public right-of-way.

Party

The applicant, City, and any affected person who has requested to be heard at a hearing on an application.

Patios

A paved area abutting a structure that is open to the sky.

Pawn Shop

A pawn shop is a business that advances funds to a person on the security of pledged tangible personal property on condition that the pledged property is left in the possession of the pawnbroker until redeemed by the pledgor within an established default time period, after which title in unredeemed property vests in the pawnbroker, who may then sell the property. This does not include antique shops or consignment shops or thrift shops.

Person

Any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in §10-5.5 (*Enforcement*) for violating this Code shall include: an architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Code; or an owner, any tenant or occupant, or any other person who has control over, or responsibility for, the use or development of the land on which the violation occurs.

Person in Charge

The person in the place of business at any time who is charged with the duty of supervising, operating or managing such business at such time.

Personal Wireless Services

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, and shall include "wireless service" as defined in F.S. §365.172, as well as "personal wireless services" defined in 47 USC § 332(c)(7)(C)(i), as they may be amended.

Pervious Area

Land surface that allows the penetration of water.

Plainly Audible

Any sound that can be detected by a reasonable person of ordinary sensitivities using his or her unaided hearing faculties.

Plat

A complete and exact drawing, submitted for official recording as required by statute, to identify and define property rights, dedications and public improvements, and incorporating all corrections required by the city.

Plaza

A public space that allows for the congregation of persons for special events, outdoor seating, and similar pedestrian activity.

Plot

See "Parcel of Land."

Plot Plan

See "Site Plan."

Porch

A roofed space attached to the exterior wall of a building, open on one or more sides.

Power Generation Plant

The source of electric energy produced by hydroelectric, thermal, nuclear or other types of generating plants.

Property Owner

See "Owner."

Powered Model Vehicles

Any powered vehicle, either airborne, waterborne or land borne, which are designed not to carry persons or property, such as, but not limited to, model airplanes, boats, cars, rockets, and which are being propelled by mechanical means.

Protected Tree

Any existing tree that is required to be protected by barricades to prevent damage during construction.

Prune

The removal of dead, dying, diseased, weak, or objectionable branches in a manner consistent with the American National Standards Institute (ANSI A-300) standards as incorporated herein and as may be amended from time to time.

Public Amenity

An aesthetic or other character of a development that increases its desirability to a community or its marketability to the public. Such public amenities will be placed in publicly accessible areas or areas visible from the sidewalk or right-of-way.

Public Hearing, Quasi-judicial

A hearing held by a board or the city commission to adjudicate private rights of a particular person after a hearing which comports with due process requirements, and makes findings of fact and conclusions of law on the issue.

Public Hearing, Standard

A public hearing that focuses on providing members of the public the opportunity to present information and comments related to certain types of application, with such information and comments available for consideration as subsequent recommendations and decisions are made.

Public Need

For purposes of the newsrack regulations of this Code, the process to establish a need for and approval of additional newsracks at a specified location based on demonstrated need as described in section 20-149, demonstration of public need.

Public Right-of-way

Any street, avenue, boulevard, highway, alley, or public space, which is dedicated to, owned or controlled by a public governmental entity.

Public Space

Any real property or structures thereon normally accessible to the public.

Quorum

The minimum number of board members that must be present at a meeting for the board to conduct official business or take official actions.

Reconstruction

Any construction that alters the existing pervious area of a plot.

Recreational Vehicle

A vehicle that is built on a single chassis, is designed to be self-propelled or permanently towable by an automobile or light truck, and is designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment

The conversion, relocation, reconstruction, structural alteration, enlargement of any development where more than 25 percent of the gross floor area of the original structure will be removed, replaced or renovated.

Relocation

The transplanting of plant material from one location to another location that is acceptable by the city landscape architect or designee following proper horticultural and arboricultural procedures which includes but is not limited to root pruning for a period of at least six weeks, providing adequate irrigation from the act of root pruning to relocation and providing care and irrigation for a period of one year or until the plant material is established.

Retail Merchant

Any merchant who sells to the consumer or for any purpose other than resale.

Rezoning

A change in the zoning district classification applied to land by the Zoning Map, reviewed and decided by the City Commission under §10-5.4(F). (Also known as a Zoning Map Amendment.)

Rezoning, General

A rezoning that is not a site-specific rezoning—i.e., one that has an impact on a relatively large number of properties or applicant, where the decision is contingent on and can be functionally viewed as the setting of policy rather than the application of policy.

Rezoning, Site-specific

A rezoning that has an impact on a single or limited number of properties or applicants, where the decision is contingent on a fact or facts arrived at from distinct alternatives considered at a public hearing on the

application, and where the decision can be functionally viewed as policy application rather than policy setting.

Right-of-way

Land reserved, used or to be used for a street, alley, walkway, drainage, or other public purpose and owned by the city, county, state, water management district or any other agency.

Roadway

That portion of a right-of-way improved, designed or ordinarily used for vehicular travel.

Roof Line

The top edge of the roof which forms the top line of the building silhouette or, for flat roofs with or without a parapet, the top of the roof.

Rooftop Photovoltaic Solar System

A system which uses one or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface- or rack-mounted on a flat roof, to convert sunlight into electricity.

Root Ball

The earthen ball encompassing the root system of a tree or plant.

Sale

The transfer of ownership, title or possession, whether conditional or otherwise, for a consideration.

Setback

The minimum street front, side, or rear yard open space as measured between a building and the boundary lines of the lot on which the building is located.

Setback, Front

The setback extending across the full width of the lot between the front lot line and the closest projection of a building or structure along a line at right angles to the lot line, exclusive of steps, platforms, open terraces, and walls not exceeding five feet in height.

Setback, Rear

A setback extending across the full width of the lot between the rear lot line and the closest projection of a building or structure along a line at right angles to the lot line, exclusive of steps, platforms, open terraces and walls not exceeding five feet in height.

Setback, Side

A setback extending from the front setback area to the rear setback area between the side lot line and the closest projection of a building or structure along a line at right angles to the side lot line, exclusive of steps, platforms, open terraces and walls not exceeding five feet in height.

Sexual or Genital Parts

For purposes of the Massage Establishment regulations of this Code in Section 10-3.3(D)(9): The genitals, pubic area, anus, perineum of any person, and/or the vulva of a female.

Sexual Activity

For purposes of the Massage Establishment regulations of this Code in §10-3.3(D)(9): Any direct or indirect physical contact by any person or between persons which is intended to erotically stimulate either person or both, or which is likely to cause such stimulation and includes sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse. For purposes of this definition, masturbation means the manipulation of any body tissue with the intent to cause sexual arousal. As used herein, sexual activity can involve the use of any device or object, and is not dependent on whether penetration, orgasm, or ejaculation has occurred. Nothing herein shall be interpreted to prohibit a licensed Massage Therapist, duly qualified under Rule 64B7-31.00, from practicing colonic irrigation.

Shaping

The regular and frequent shearing of outer branches, making pruning cuts of one inch in diameter or less, for the purpose of controlling the size and shape of the tree canopy.

Shared Parking

A joint use of a parking area by more than one development or use.

Shrub

A multistemmed woody plant with several permanent stems instead of a single trunk and usually not over 10 feet in height.

Sidewalk

A paved pedestrian walkway within the public road right-of-way, easement, or on private property.

Sight Visibility Triangle

See §10-4.4(D)(6), *Sight Distance*.

Site Area, Gross

The total area of a development, including the width to the center line of the abutting public rights-of-way. Maximum residential densities are based on this area in relation to permitted density in the city land use element.

Site Area, Net

The area of the parcel.

Site Plan

A complete technical submission reviewed by the planning board and approved by the City Commission prior to filing for any development permit except as may be excluded in §10-5.4(H).

Special Exception

A use, designated as a Special Exception in the principal use tables, that may be appropriate in a particular zoning district, but because of its nature, extent, and external effects, requires special use-specific standards and special consideration of its location, design, and methods of operation before it is allowed in the district; also, an application for a development permit allowing such use that is reviewed and decided by the Planning Board under §10-5.4(G).

Special Magistrate

The city special magistrate appointed by the city commission to hear code enforcement violation cases, civil traffic infractions as authorized by law, and any and all other matters authorized by law.

Specified Anatomical Areas

Less than completely and opaquely covered:

1. Human genitalia, pubic regions;
2. Buttock; and
3. Female breast below a point immediately above the top of the areola;
4. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities

1. Human genitalia in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitalia, pubic region, buttock or female breast.

Specimen Tree

A tree that has a diameter breast height (DBH) of 18 inches or greater with the exception of the following:

1. Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including but not limited to mangos, avocados, or citrus.
2. Nuisance vegetation.
3. All multi-trunk palms.
4. Trees that are in poor condition or form as determined by the city based on the Guide to Judging Plant Condition, International Society of Arboriculture (ISA), as amended from time to time.

Staff

Employees of the City of Tamarac.

State

The State of Florida.

Stealth Facility

Any telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, poles in the rights-of-way that are designed to look like light poles, and telecommunications towers designed to look like light poles, power poles or trees.

Stop Work Order

An order issued by a Code Inspector or other authorized City staff that directs the person responsible for a activity in violation of this Code to cease and desist such activity.

Storefront

The room or set of rooms facing the street on the ground floor of a commercial building, typically used as a retail store, and the location of the primary customer entrance.

Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, or if there is no floor above, then the space between the floor and the ceiling or roof above the floor.

Street

A public or private way affording principal means of access to abutting property.

Street Frontage

The distance that a lot line adjoins a public or private street from one lot line intersecting the street to the furthest lot line intersecting the same street.

Street Frontage, Primary

Street frontage to which the primary building on the site is oriented, generally the street containing the primary pedestrian entrance to the building and/or the numbered street address of the building.

Street Tree

Any tree placed in the right-of-way; trees adjacent to pavement in cases where the streets are private.

Structure

Anything constructed or erected with a fixed location on the ground, except hedges, shrubs, and trees.

Subdivision

The division of land into two or more lots or parcels for the purpose of transfer of ownership or development, or if a new right-of-way is involved, and division of a parcel of land.

Swale

The area within the public right-of-way between the sidewalk and the edge of the pavement of the roadway, and where there is no sidewalk, the area within the public right-of-way between the edge of pavement of any roadway and the private property line.

Swimming Pool

A body of water in an artificial or semiartificial receptacle or other container, whether located indoors or outdoors, and used or intended to be used for public, or private swimming by adults or children.

Temporary Use Permit

A document authorizing the establishment, construction, or installation of a temporary use or structure designated as requiring such a permit in §10-3.2, reviewed and decided under §10-5.4(K).

Text Amendment

A change to the text of this Code, reviewed and decided by the City Commission under §10-5.4(D).

Topiary Pruning

The practice of pruning a tree into an ornamental shape by pruning branches one inch in diameter or less.

Topsoil

Fertile, friable natural surface soil with an acidity range of pH 5.0 to pH 7.0 containing not less than five percent organic matter.

Townhouse

A residential dwelling unit attached to 2 or more other dwelling units where each individual single family unit is owned in fee simple. Units are joined to one another side-to-side by a common party wall or garage, and/or with connecting permanent and architecturally unified structures such as breezeways.

Trafficway

A public right-of-way, with the primary purpose of facilitating through movement of vehicles in substantial volume, as delineated on the county trafficways plan or the city's transportation element as may be amended.

Traveling Dealers

All traveling dealers who bargain to sell any goods, wares or merchandise from house to house, for cash or otherwise, by sample or in any other manner, for present or future delivery. They shall be deemed peddlers, hawkers or itinerant vendors within the meaning of this chapter, except those persons doing business in interstate commerce as otherwise provided in this chapter, or unless such license tax is prohibited by section 8 of article 1 of the United States Constitution.

Tree

A self-supporting woody perennial plant, usually with one vertical stem or main trunk, which naturally develops a more or less distinct and elevated crown and provides, at maturity, characteristics of the species.

Tree Abuse

1. Pruning that reduces the height or spread of a tree that has not attained a height or spread of 30 feet, by altering the dominant stem(s) within the tree crown to such a degree as to remove the natural canopy of the tree; or
2. Pruning that leaves stubs or results in a flush cut; or splitting of limb ends; or
3. Peeling or stripping of bark; or the removal of bark to the extent that, if a line is drawn at any height around the circumference of the tree, over one-third of the length of the line falls on portions of the tree where bark no longer remains; or
4. Using climbing spikes, nails or hooks, except for purposes of total tree removal; or
5. Destroying the natural habitat of growth which causes irreparable damage and permanent disfigurement to a tree such that, even with regrowth, the tree will never regain the original characteristics of its tree species, and is a danger to the public or property; or pruning defined herein as tree abuse that results in the tree's death; or

6. Hat racking, which is flat-cutting the top or sides of a tree, to sever the leader or leaders or to prune a tree by stubbing of mature wood, except where removal of a branch is necessary to protect public safety; or
7. Pruning of live palm fronds which initiate above the horizontal plane unless this reflects the natural growth habit of the species in question (i.e. *Phoenix dactylifera*); or
8. Overlifting a tree as defined in this chapter; or
9. Girdling of trees by guying, staking, supports, string trimmers, nonremoval of planting materials from root balls and trunks, or
10. Removing landscaping required by this Code or required on an approved landscape plan; or
11. Exception: The removal of diseased or dead portions of a tree (such as palm frond), the removal of an interfering, obstructing, or weak branch shall not constitute tree abuse under this section.

Interference with or obstruction of street lights, stop signs or traffic signals is an example of pruning which, if accomplished by the American National Standards Institute (ANSI A-300) standards, as amended from time to time, is not a violation of this section.

Tree Canopy

The upper portion of a tree consisting of limbs, branches, and leaves.

Tree, Ornamental

A tree that, by habit of growth, form, foliage, flower, or color display, makes it unique to its location.

Tree, Palm

A monocotyledonous tree (of tropical or subtropical species) having fronds with parallel vegetation and no true woody bark.

Tree Removal License

A document authorizing the relocation or removal of trees subject to the Broward County Tree Preservation and Abuse Ordinance.

Tree, Shade

A self-supporting woody perennial plant, usually with one vertical stem or main trunk which naturally develops a more or less distinct and elevated crown and which provides a minimum shade of 30 feet in diameter at maturity.

Tree, Small

Any self-supporting wood perennial plant which at maturity normally attains an overall height less than 20 feet at maturity.

Thrift Shop

A thrift shop is a retail establishment primarily engaged in selling used household goods and merchandise (e.g., clothing, furniture, books, shoes, small appliances), where such goods and merchandise are not sold on consignment. This use does not include consignment shops or antique shops or pawn shops.

Trim

To reduce, shorten or diminish gradually a plant or parts of a plant without altering the natural shape.

Turf

The upper layer of soil matted with roots of grass and covered by viable grass blades.

Understory

Plant material developed as an undergrowth associated in the habitat with trees.

Unlawful Noise

Any sound that (a) endangers the safety or health of any person, (b) disturbs a reasonable person of normal sensitivities, or (c) endangers personal or real property.

Use, Principal

The predominant or primary use or activity taking place on a lot. The principal use does not include any accessory uses occurring on the same lot.

Variance

A development application authorizing a deviation from the standards of this Code where strict application of the standard creates a hardship due to circumstances particular to a lot, and that is reviewed and decided by the Planning Board under §10-5.4(Q).

Vehicular Use Area

Any area (except public thoroughfares) used by motor vehicles for parking, displaying, storage or traversing.

Vertical Articulation

The way in which a building wall surface is broken down into vertical modules, sub-parts, or major elements, which are distinguished by changes in materials, texture, plane, or other architectural elements.

Vine(s)

A plant with a long, slender stem that trails or creeps on the ground or climbs by winding itself about a support or holding fast with tendrils.

Violator

The person responsible for the ordinance or code violation which, in the appropriate circumstances, shall be the perpetrator of the violation, the owner of the real property or personal property, or person legally responsible for the property upon which the violation occurred, or all.

Visual Screen

An obstruction used to separate two areas or uses for the purpose of buffering a building or activity from neighboring areas or from a street or private street, which is at least 75 percent opaque. Visual screens may include, but are not limited to, masonry walls, fences, hedges, informal plantings, or berms.

Wholesale Merchant

Any merchant who sells to another merchant for the purpose of resale.

Xeriscape

A type of landscaping utilizing native plants and ground cover that needs little maintenance, which is detailed in the South Florida Water Management District publication Waterwise, South Florida Landscapes, Landscaping to Promote Water Conservation Using the Principles of Xeriscape, incorporated herein by reference, amended from time to time.

Yard

An open space or area unobstructed from the ground upward by any structure.

Zoning Map

The Official Zoning Map on which the boundaries of the various zoning districts are drawn and that is an integral part of this code.

(A) Sign Definitions

Abandoned Sign

Any sign that remains in place after an area, community, subdivision, development, entity, enterprise, club, institution, or business has changed names, is no longer licensed, no longer has a certificate of occupancy, is no longer doing business, is closed, or which no longer serves the intended purpose of the sign.

Address Sign

A sign indicating the street address of a building, bay, space, or property and, the numerical prefix of the street address. In certain cases the bay, suite, or unit number must also be included.

Advertising

Any form of public announcement intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity or entertainment.

Anchor Tenant

A tenant in a multiple tenant complex or building whose space has the largest square footage.

Animated Sign

A sign which utilizes motion of any part by any means, or displays flashing, oscillating or intermittent lights.

Announcing Sign

A temporary sign that reveals a project under construction, or an intended use for the premises in the immediate future.

Banner Sign

A temporary sign having the characters, letters or illustrations applied to cloth, paper, fabric, plastic or vinyl of any kind, whether or not attached to any staffs, post, poles, cords, structures with only such material for backing.

Bay

A discrete owned or leased area shown on a floor plan.

Billboard Sign

A large freestanding outdoor structure found in places with high traffic utilized for advertising an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which sign is located.

Box or Cabinet Sign

Any type of sign which is enclosed, bordered, or contained within a box-like structure, frame or other device.

Building Identification Sign

A sign indicating the letter or number designation used to identify a building.

Canopy

A covered structure that projects from or extends beyond the main building and provides protection for pedestrians.

Canopy Sign

A sign hung from a canopy.

Cantilever or Projecting Sign

A sign that extends perpendicularly above grade from a building or structure.

Changeable Copy Sign

A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face of the surface of the sign.

Community

A residential area within distinct geographic boundaries defined by plat or site plan.

Community Directional Sign

A sign that is used to direct traffic to a residential community, subdivision, section, or complex.

Community Identification Sign

A sign that displays and is used to identify the name of a residential community, subdivision, section, or complex.

Community Service Sign

A sign that solely advertises a function of a nonprofit organization or corporation as defined by IRS Code.

Contractor Sign

A temporary sign used to identify the name of the general contractor and/or subcontractors who are building, improving, remodeling or renovating a new or existing structure.

Development Sign

See “community identification sign.”

Dilapidated Sign

Any sign that is in need of painting or maintenance, overgrown by landscaping, has been defaced, has defective parts, is missing some or all illumination or characters, is structurally unsound, has fallen into disrepair, fails to be in the same form as constructed, or no longer conveys the approved message on the sign.

Directional Sign

- a. A sign permanently erected and maintained by the city, the county, the state, the United States government, or any agency thereof, which is used to denote the name of any thoroughfare the route to any city, educational institution, public building, park, recreational facility or hospital; to direct and regulate traffic; or to denote any transportation or other agency for the direction or safety of the public.
- b. A sign, notice or symbol used to inform the public as to locations, directions, lands and conditions affecting the safety of aircraft and aviation.
- c. A sign located on and relating to an activity on the premises upon which the sign is located, used to provide information to pedestrians and vehicular traffic, such as providing directions to buildings within a complex; includes general information signs.
- d. A sign within a development or at the entrance(s) thereto, used to show the name(s), directions to the location(s) and addresses of the subdivisions or communities comprising the development.

Directory Sign

A sign consisting of the index of the names of tenants of an office building, shopping center or other multiple tenant business complex.

Electronic Message Center

A changeable copy, lighted sign that moves and/or flashes to create an illusion of movement for the purposes of advertising, promotion or attention-getting with or without copy.

Electronic Time/Temperature Display

A changeable copy, lighted sign that changes to display the current time, current temperature and/or current date for information only.

Electronic Sign Display

An illuminant advertising media which utilizes electronic components to convert electric signals into a visual image (i.e. OLED, LCD, LED technologies).

Entrance Wall Sign

A sign attached to an upright structure of masonry, wood, plaster, or other building material which defines the access to a residential community.

Façade

The exterior surface of a building or structure including awnings.

Façade Sign

A sign on the façade of any building or structure.

Fire Sale

Any offer to sell to the public or a sale to the public of new retail goods, wares, or merchandise at low or discounted prices.

Flag

A shaped piece of cloth, paper, fabric, plastic or vinyl of any kind attached to a singular staff, post, pole or cord.

General Information Sign

A sign providing information or a warning, such as, "Entrance," "Exit," "Caution," "No Trespassing," "Beware of Dog," "Wet Paint" or "Parking in Rear."

Grand Opening

The first opening of a business not previously conducted in the city by the same person(s), group, corporation, or enterprise at the particular location.

Gross Floor Area

The sum of the horizontal areas of the stories of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls which separate buildings. Included within such sum shall be the areas of all stories and attic spaces providing structural head room of at least five and one-half (5½) feet; interior balconies or mezzanines; and any other space reasonably usable for any purpose except parking garage structure, but does not include all other interior spaces including those which are not heated or air conditioned.

Ground Sign

The type of sign that is self-supported, not attached to or affixed in any way to a building or other structure.

Height of Sign

Unless otherwise specified in this article, sign height shall be measured from the predominant finished grade of the entire property in which the sign is located to the top of the sign's highest element.

Holiday

A day of observance set aside by law or statute, identified on a legal United States Gregorian calendar, used to celebrate or commemorate something that happened on or near that date.

Human Sign

A sign held or attached to a person for advertising, or a worker costumed for the purpose of advertising or drawing attention to a business, commodity, service or product.

Illuminated Sign

Any sign having or using characters, letters, designs, logos or outlines illuminated by electric lights or luminous tubes, whether or not such lights or tubes are physically attached to the sign.

Internal Illumination

A light source concealed or/contained within the sign which becomes visible.

Leasing Sign

A temporary sign indicating the availability of property for lease or rent.

Logo

A symbol, emblem, trademark, design, graphic or combination thereof used to identify a business, organization or corporation to identify corporate property or products.

Mansard

A sloping section of an exterior wall extending to the roof line of a building at an angle with the exterior wall from which it extends. It may be covered with roofing material to simulate a roof, but services an aesthetic rather than functional purpose.

Mansard Sign

A sign erected on a mansard.

Master Residential Area

The umbrella designation of a large master planned residential subdivision which may contain two or more residential developments (i.e. Woodmont or The Woodlands).

Mobile Billboard

An advertising display that is attached to a mobile, non-motorized vehicle (such as a trailer), device or bicycle that carries, pulls or transports a sign or billboard and is for the primary purpose of advertising. Also a motorized vehicle with changeable copy for the purpose of advertising.

Model Sign

A temporary sign which designates a new residential unit design which is exhibited to depict other new units of a similar design that are for sale or lease.

Model Sales Office Sign

A temporary sign used to identify a new residential housing project model sales office.

Monument Sign

A freestanding self-supported sign mounted on a solid base from the ground upward, embellished to conceal all structural or support members, where the supporting structure of the sign face is architecturally and aesthetically integrated into the overall design of the sign.

Multi-family residential development

A residential development consisting of four units or more. This definition is for the purposes of this chapter only.

Multiple Tenant

A building or complex which contains more than one bay.

Nameplate Sign

A sign, other than a director sign, indicating the name, profession or business address of the person or entity occupying the premises indicated by this sign.

Nonconforming Sign

A sign existing within the city on the effective date of this article or a sign existing in an area annexed to the city, after the effective date of this article, which, by its design, height, type, content, square footage, surface area, location, use, structural support, or other characteristics does not conform to the current requirements of this article.

Off-premise Project Directional Sign

A sign, not within the boundaries of a project that contains directional information for such project.

Outparcel Building

A building constructed on a parcel of land, adjacent to a larger tract of land in which the parcel was originally an integral part of, which shares common ingress/egress or parking facilities with the adjacent tract of land and is detached from other structures in the center.

Painted Sign

A sign painted directly onto the façade of a building or structure.

Parapet Wall

That portion of an exterior wall or façade that extends above the roof line.

Personal Gain Sign

A temporary sign used for the purpose of advertising the sale of household personal items known as a garage, yard or patio sale.

Pole or Pylon Sign

A sign erected upon one or more poles or posts and which is wholly independent of any building and/or structure for support.

Political Sign

A sign used to indicate the name, cause or affiliation of anyone seeking public office or which indicates any issue for which a public election is scheduled to be held.

Portable Sign

Any sign not permanently attached to the ground or a building, not including signs attached to vehicles, except vehicles parked specifically for the purpose of signage.

Price Rate Sign

A sign used to indicate prices of products or services.

Primary Frontage

For the purpose of the sign regulations of this Code, the primary frontage shall be considered the portion of any frontage containing the primary public entrance to the building or building unit.

Project

An improvement which has received approval of a new or major revised site plan from the city commission.

Promotions

A particular activity that is intended to stimulate the business, service, or enterprise.

Real Estate Sign

A temporary sign, indicating property which is for sale.

Roof Sign

A sign that is fastened to and supported by or on the roof of a building, or which extends over the roof of a building or projects more than 36 inches over or above the roofline, or parapet wall of a building.

Sidewalk, Sandwich, or A-frame Sign

A sign that is movable and is not secured or permanently attached to the ground. It may have more than one (1) face and is usually hinged at the top.

Sign

Any structure and all parts composing the sign, together with the frame, background or support thereof, or any material bearing lettered word(s) or message(s) which is used for advertising or display purposes or any statuary, sculpture, molding or casting used for advertising or display, or any flags, bunting, banners or materials used for display or advertising purposes, or for the purpose of bring the subject matter thereof to the attention of another.

Sign Area

The square footage of the area enclosed by the perimeter of the sign face except for monument signs, ground signs, or entrance wall signs which the area is determined by measuring the overall height and width of the entire sign structure including all components above grade. When a sign is composed of individual characters and/or graphics only, the sign area is the area of rectangles enclosing all characters and graphics excluding spaces between lines of copy or graphics.

Sign Face

The part of the sign that is or can be used for communication purposes, including decorative border(s).

Snipe sign

A sign of any size, made of any material, including paper, cardboard, wood or metal, when such sign is tacked, nailed, pasted, glued, staked, or otherwise attached to trees, poles, stacks, fences or to other objects.

Special Occasion Banner

A temporary sign in the form of a banner announcing a specified activity, function or occasion for a business, enterprise, group or entity for a specified period of time.

Structure

Anything constructed or erected which requires location on the ground or which is attached to an object having a location on the ground.

Temporary Sign

A temporary sign is any sign not permanently affixed or attached to the ground or a structure, which can be removed without special handling.

Traffic-control Sign

Any sign used to control traffic on public or private property, such as "One Way," "Do Not Enter," etc. (see also Directional sign).

Vehicle Sign

A sign affixed to a transportation vehicle or vessel, including automobiles, trucks, boats, trailers or campers, for the purpose of identification of the use of that vehicle or vessel only. Vehicle signs must not inhibit the safe operation of the vehicle or vessel upon which they appear.

Wall Sign

See Façade sign.

Window Sign

A sign located on or adjacent to either inside or outside of a window.

Yard Sign

A temporary sign placed upon or supported by the ground independently of any other structure.